

107th Congress }
1st Session }

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2000

VOLUME II

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND THE

COMMITTEE ON INTERNATIONAL
RELATIONS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

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



SEPTEMBER 2001

Printed for the use of the Committees on Foreign Relations of the U.S.
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FOREWORD

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

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

JESSE HELMS,

Chairman, Committee on Foreign Relations.

HENRY J. HYDE

Chairman, Committee on International Relations.

LETTER OF TRANSMITTAL

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

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

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

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

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

Enclosure.

PREFACE

HUMAN RIGHTS REPORTS

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

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

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

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

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

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

COLIN L. POWELL,
Secretary of State.

OVERVIEW AND ACKNOWLEDGMENTS

HUMAN RIGHTS REPORTS

Why The Reports Are Prepared

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

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

How The Reports are Prepared

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

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

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

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

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

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

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

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

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

I. THE 25TH EDITION OF THE COUNTRY REPORTS

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

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

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

II. THE YEAR IN REVIEW

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

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

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

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

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

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

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

III. DEVELOPMENTS IN HUMAN RIGHTS, DEMOCRACY, AND LABOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. HISTORY OF THE HUMAN RIGHTS REPORTS

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

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

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

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

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

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

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

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

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

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

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

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EUROPE

ALBANIA

Albania is a republic with a multiparty parliament, a Prime Minister, Ilir Meta, and a President, Rexhep Meidani, elected by the Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. The Socialist Party (SP) and its allies won 121 of 155 parliamentary seats in 1997 general elections held after a 5-month period of chaos and anarchy due to the collapse of pyramid schemes. Observers deemed the elections to be acceptable and satisfactory under the circumstances. Local elections were held in October and, despite some procedural shortcomings and some irregularities, were conducted in a tense but generally peaceful atmosphere and were judged by the Organization for Security and Cooperation in Europe (OSCE) to have showed "significant progress" toward meeting international standards. The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, inexperienced and untrained personnel, and widespread corruption weaken the judiciary's ability to function independently and efficiently.

Local police units that report to the Minister of Public Order are responsible principally for internal security. One of the most serious problems involving public order and internal security is the fact that the police officers largely are untrained and often unreliable. The international community continued to provide training, advice, and equipment to improve the quality of the police forces; however, unprofessional behavior and corruption remained a major impediment to the development of an effective, civilian police force. The Ministry also has a small force of well-trained and effective police officers organized into special forces units to combat organized crime. The Government further consolidated public order throughout the country during the year, building on the progress that had been made in the previous year; however, serious problems remain in the area of policing. The police are affected by, and are sometimes part of, the country's widespread corruption. The National Intelligence Service (SHIK) is responsible for both internal and external intelligence gathering and counterintelligence. The military has a special 120-man "commando" unit, which operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit; this was done as a precautionary measure during the October local elections. The police committed human rights abuses.

Albania is a poor country in transition from central economic planning to a free market system, and many questions related to privatization, property ownership claims, and the appropriate regulation of business remain unresolved. More than 20 percent of the rural population lives under the official poverty line; in urban areas the figure is 11 percent. Overall, 17 percent of the country's population lives below the official poverty line. The country continued to experience slow but stable economic progress. Inflation was negligible during the year. The gross domestic product (GDP) grew by about 7 percent to an estimated \$3.8 billion (532 billion lek). The official unemployment rate was 17.5 percent, a slight decrease from the 18 percent of the previous year. With two-thirds of all workers employed in agriculture—mostly at the subsistence level—remittances from citizens working abroad are extremely important, as is foreign assistance. The GDP may be underestimated because considerable income is thought to be derived from various organized and semiorganized criminal activities. A variety of other unreported, noncriminal gray and black market activities, such as unlicensed small businesses, along with the Government's inability to collect fully accurate statistics, also contribute to the GDP's underestimation.

The Government generally respected the human rights of its citizens in some areas; however, numerous, serious problems remained. The opposition Democratic Party (DP) alleged that the Government was responsible for the killing of one of its

members during the year. Police killed a DP demonstrator when a crowd of DP members attacked the police station and other public buildings in Tropoja. The police beat and otherwise abused suspects and prisoners. The DP often credibly complained about incidents of police harassment of its members and of the dismissal of some of its members from official positions for political reasons. The police at times arbitrarily arrested and detained persons, and prolonged pretrial detention is a problem. The judiciary is inefficient, and subject to corruption. Executive pressure on the judiciary remains, but decreased slightly. There were complaints of unqualified and unprofessional judges and credible accounts of judges who were intimidated or bribed by powerful criminals. The Government occasionally infringed on citizens' privacy rights. Government respect for freedom of speech and of the press improved slightly; however, police at times beat and detained journalists, and academic freedom was constrained. Violence and discrimination against women and child abuse were serious problems. The Government took some steps to improve the treatment of ethnic minorities; however, societal discrimination against religious and ethnic minorities, particularly against Roma, persisted. Child labor was a problem. Vigilante action, mostly related to traditional blood feuds, resulted in many killings. Trafficking in women and children was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed cases of political killings by the Government, despite repeated claims by the DP that its members were harassed, beaten, and sometimes killed by government agents.

In May a DP activist in Vlore was killed by unidentified persons immediately following a party rally. The DP claimed that government agents were responsible; however, the Government claimed it was a revenge killing by criminals. The Albanian Helsinki Committee expressed concern over the killing and appealed to government authorities to make all efforts to solve the case. There were no reports concerning a governmental response in this case.

In November police killed a DP demonstrator when a crowd of DP members attacked the police station, courthouse, and other public buildings in Tropoja.

The public prosecutor in Gjokastra investigated the cases of Kastriot Brega and Bardhyul Balliu, who died while in police custody and found insufficient evidence to justify prosecuting the officers involved. In 1999 the DP claimed that over 21 members, supporters, local government officials, and former national party officials were killed during 1997-99. The DP claimed that at least three of its members were killed during 1998: The chairman of the local branch of the Democratic Party of Kish-Arra village of Shkoder, the deputy chairman of the polling station in the Gjinar commune of the Elbasan district, and the chairman of the DP branch of Boric village in Malesia e Madhe. The DP accused the Government of failing to investigate these crimes, noting that no suspects were tried for the murders. The Democrats asked for the creation of an independent investigatory group that would oversee the investigation of these crimes (which the DP considers to be political). The Government did not create such a group but an investigation was continuing at year's end.

The Council of Europe continued to express concern over the Government's lack of progress in investigating the 1998 assassination of senior DP Member Azem Hajdari. A police investigation was launched in December 1999 and some progress was reported, but the case had not been resolved as of year's end.

The country continued to experience high levels of violent crime. Many killings occurred throughout the country as the result of individual or clan vigilante actions sometimes connected to traditional "blood feuds," or in conflicts involving various criminal gangs.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution stipulates that "no one can be subject to torture, or cruel and brutal treatment;" however, the police often beat suspects in the process of arresting them, and the Albanian Helsinki Committee reported that the police beat or otherwise mistreated prisoners. The Penal Code makes the use of torture a crime punishable by up to 10 years' imprisonment. According to the Albanian Helsinki Committee, major police stations were the sites of the worst abuses of detainees, and all stations were overcrowded.

There were a number of reports of police violence. Four DP activists from the Lezhe region were pulled over and beaten by masked special police forces on a road north of Tirana in March. In April the daily *Gazeta Shqiptare* reported a number

of police abuse cases in Elbasan, Lushnja, and Fieri, where more than 20 persons were taken into custody and subjected to beatings and maltreatment. In May the daily *Albania* reported the serious maltreatment of a number of persons arrested on charges of theft of public property. While police generally handled the DP demonstrations following the October elections in a restrained manner, there were instances where police beat and mistreated DP supporters (see Section 2.b.).

In November Amnesty International (AI) reported that police arrested DP supporter Besnik Papa and held him at a police station in Tirana, where allegedly he was beaten so severely that he required hospital treatment.

Several credible sources cited the police station at Elbasan as a source of a number of physical abuse cases. There are at least five cases of abuse pending against police officers; however, none of these cases had been prosecuted successfully by year's end.

Police at times beat journalists (see Section 2.a.).

There were no reports of investigation nor action taken against police who beat multiple persons in the towns of Spotalte and Cerrick in 1999.

There were no reports of investigation nor action taken in the December 1998 case in which Besnik Jak, the leader of the Tirana University student hunger strike, was beaten while in police custody, nor in the 1999 case of Besim Biberaj, who suffered multiple broken bones as a result of beatings while in custody at a Tirana police station.

Police receive some training and equipment, but there is a continuing need for further training and for improving investigative skills. Foreign governments continued police training programs that aimed at improving technical expertise, operational procedures, and respect for human rights, but the overall performance of law enforcement remained weak. In preparation for the October local elections, training was provided to police on how to deal with election security and how to respond to the needs of election observers. According to the Ministry of Public Order, more than 1,300 policemen received some training during the year, and 116 policemen received training abroad.

Police corruption remains widespread. Sources in the Ministry of Public Order stated that more than 190 police officers were fired from their jobs during the year because of incompetence, lack of discipline, or violations of the law.

Prison conditions remained poor and most prisons are overcrowded; however, efforts were made to improve the situation during the year. While the Government financed most improvements, it also has received international assistance. During the year, construction began on a new prison in Peqin, financed by the Italian government, which will house 250 to 300 inmates.

Overcrowding in prisons resulted in poor living conditions. In addition, because of overcrowding, prisoners are also held in prisons in Greece and Italy. According to Greek Ministry of Justice sources, more than 3,500 Albanians are in pre-detention centers and more than 1,500 are serving sentences in Greece, 120 of whom are juveniles. Over 1,500 prisoners are serving sentences in Italian prisons. Juveniles sometimes share cells with adults as a result of the shortage of cell space. Women are held separately from men.

The country has no juvenile justice system. Children's cases go before judges who have not received any education in juvenile justice, and juveniles live in detention facilities with adults. Over 100 children are serving sentences in adult prisons. In September an 8-year school for juveniles who are serving prison terms was opened. This is the first school of its kind in the country. Family visitation is allowed in prisons.

The Government cooperated with the International Committee of the Red Cross and with other nongovernmental organizations (NGO's). There were no reports of refusal to permit access for prison inspections by either domestic or international groups.

d. Arbitrary Arrest, Detention, or Exile.—Article 27 paragraph 1 of the Constitution forbids arbitrary arrest and detention. However, police at times arbitrarily arrested and detained persons. The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after a suspect is detained by the police. Within 48 hours of the arrest or detention a court must decide, in the presence of the prosecutor, the suspect, and the suspect's lawyer the type of detention to be imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not known widely and police often fail to inform suspects of it. As a result of a lack of resources, access to legal information remains difficult for citizens, including legal professionals and, sometimes, judges.

There have been numerous cases in which persons have been unlawfully detained longer than the Penal Code's 48 hour limit. For example, two persons, Hysen and Valbona Ymeri, were detained in Lushnja, but their paperwork was not sent to the prosecutor's office until 6 days later.

International organizations claim that prostitutes and trafficked women have been kept in detention for more than 2 days without charges being brought against them (see Section 6.f.).

In September 1999, a DP newspaper alleged that three persons from the northern city of Kukes were held in police custody for more than 16 months without trial. No further information on this case was available at year's end.

Bail in the form of money or property may be required if the judge believes that the accused otherwise may not appear for trial. Alternatively a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe that the accused may leave the country or is a danger to society.

The Penal Procedures Code requires completion of pretrial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. In practice lengthy pretrial detention is a problem. Delayed investigations also are a serious problem, and many persons are detained for periods that exceed the time limits set by law.

There were no clear cases of detainees being held for strictly political reasons. However, the DP continued to claim that the Chairman of the Legality Party (the Monarchists), Ekrem Spahia, and 12 supporters were being tried unfairly for participation in the events of September 14, 1998, which followed the assassination of the DP parliamentarian, Azem Hajdari, by unknown persons (see Section 1.a.). Spahia and the others were released during the year; however, their trials still were pending at year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption weaken the judiciary's ability to function independently and efficiently. Corruption remains a serious and widespread problem, especially with the growth of organized crime, and judges are subjected to both bribery attempts and intimidation. In May the High Council of Justice removed two judges from Tirana for disciplinary violations. International legal experts commented that the judges' removal was characterized by greater respect for due process and legal procedures than past similar instances.

Many court buildings were destroyed in the civil unrest in 1997, and although all have reopened, important records and legal materials were lost permanently. Long case backlogs are typical. The removal of court budgets from the control of the Ministry of Justice to a separate, independent body, the Judicial Budget Office, and the establishment of a school for magistrates in 1999 were useful steps towards strengthening the independence of the judiciary. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office. All other board members are judges.

The judicial system is composed of district courts of the first instance, military courts, six courts of appeal, and the Supreme Court. There also is a separate and independent Constitutional Court. The Supreme Court hears appeals from the Courts of Appeal, while the Constitutional Court reviews those cases requiring constitutional interpretation.

The President heads the High Council of Justice, which has authority to appoint, discipline, and dismiss judges of the courts of first instance and of the courts of appeal. Judges who are dismissed have the right to appeal to the Supreme Court. In addition to the President, the Council consists of the Minister of Justice, the head of the Supreme Court, six judges (chosen by sitting judges), two prosecutors (selected by the prosecutors), and four independent lawyers named by the Parliament.

The President of the Republic nominates the President and Vice President of the Supreme Court, and the Parliament elects all of the Supreme Court's justices. The President selects four of the nine members of the Constitutional Court; five are elected by the Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and the members of the Supreme Court. According to the law, dismissal only may be ordered after conviction for a serious crime or for mental incompetence. There were no new developments in the 1999 appeal of the former Chief Judge of the Supreme Court, who was dismissed from his position 3 years before the expiration of his mandate.

Constitutional Court justices serve, in theory, maximum 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 7 years.

Under the 1998 Constitution, the President appoints the prosecutor general with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the prosecutor general. The prosecutor general restructured his office in December 1999 into divisions that focus on specific crimes.

Parliament approves the courts' budgets and allocates funds. Each court may decide how to spend the money allocated to it. The Ministry of Justice provides and approves administrative personnel. The Ministry of Justice also supervises bailiffs' offices.

Due to limited material resources, in many instances the court system is unable to process cases in a timely fashion. Public opinion holds the judiciary, in particular, responsible for the Government's failure to stop criminal activity. Tension continued between the police and the judiciary, despite some improvement in relations between police and prosecutors, especially outside Tirana. Each side cites the failures of the other as the reason criminals avoid imprisonment. The courts accuse the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police allege that corruption and bribery taint the courts.

The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial, except in cases where the necessities of public order, national security, or the interests of minors or other private parties mandate restrictions. Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. If convicted the accused has the right to appeal the decision within 5 days to the Court of Appeals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Law on Fundamental Human Rights and Freedoms provides for the inviolability of the individual person, of dwellings, and for the privacy of correspondence; however, the Government sometimes infringed on these rights. During the year, a number of persons complained to the Albanian Helsinki Committee that police, during their weapons collection campaign, did not use proper legal procedures to conduct house searches. Citizens also complained to the Committee that many of these searches were conducted late at night without any authorization. At least one individual complained to the Ombudsman that he was not adequately compensated for some land taken for public use. The Ombudsman referred the case to the Constitutional Court.

There were no reports of wiretapping by Government authorities during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the Government generally respected these rights; however, police at times beat journalists. The media are active and unrestrained but have developed little sense of journalistic responsibility or professional integrity. With few exceptions, the print media lacks a mature, trained professional staff.

Sensationalism is the norm in the newspapers, and the political party-oriented newspapers in particular print gossip, unsubstantiated accusations, and outright fabrications. Some publications appear to be making efforts to improve professional standards and to provide more balanced and accurate reporting.

Attacks on journalists continued—both beatings by the police and attacks by unknown assailants. In March according to the daily *Shekulli*, a policeman in Korca beat a journalist from the independent radio station ABc. The journalist claimed he was beaten because the policeman considered him to be a spokesman for the opposition. In April while taping a fight between a group of citizens and members of the National Guard, a cameraman and journalists were spotted and beaten by Guard members. In May two journalists from TV ATN 1 were detained illegally by police officers and beaten while in detention.

Political parties, trade unions, and various societies and groups publish their own newspapers or magazines, and competition with commercial publications is very keen. An estimated 200 publications are available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Five newspapers and two magazines are published in Greek in the south (see Section 5). The difficult economic situation and readers' distrust of the press again resulted in a significant drop in newspaper sales during the year. The total daily circulation of all newspapers dropped from about 65,000 copies to less than 50,000 copies. This came after a drop in 1999 from 75,000 to 65,000 copies. According to a recent survey of the Albanian Media Institute, 60 percent of the persons interviewed believed that media stirred up trouble in the country; only 23 percent said that the media played a positive role. The opening of many new private radio and television stations is another reason for the drastic drop in circulation. According to the same survey, 65 percent of the public prefers to get its news from the private electronic media.

Albanian Radio and Television (RTVSh) is the sole public broadcaster in the country. RTVSh is composed of national television and national radio. National television broadcasts 17 hours a day and covers over 91 percent of the population. Public television broadcasts 2 hours a day via satellite. National radio broadcasts in two channels for 18 hours a day. Its signal covers 90 percent of the country's territory. Broadcasting issues are governed by the National Council of Radio and Television, a 15-member body elected by the Parliament. Radio Gjirokastra broadcasts a 45-minute program for the Greek community in the country every day (see Section 5). The Albanian Media Institute survey found that 58 percent of those questioned believed that regardless of the improvement in the programming of the public television channel, it still is regarded as a mouthpiece for the Government.

Over 75 private television stations and 30 private radio stations operate. The National Council of Radio and Television Broadcasters (NCRT) awarded broadcasting licenses, but several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses. In 1999 the Government established new licensing and oversight procedures to promote a more stable broadcasting environment. The NCRT made licenses available to existing local television broadcasters that were operating previously in an unregulated climate. In December the NCRT licensed 2 national television stations, 45 local television stations, 31 local radio stations, and 1 national radio station. The wide availability of satellite dishes provides citizens with easy access to international programming.

The broadcast media exceed the print media in influence, audience penetration, and caliber of news reporting and public affairs programming. However, political affiliation is pervasive in programming. The OSCE reported that one new nationwide television station, TVArberia, provided for balanced and fair election reporting during the local elections in October. However, the majority of stations were blatantly one-sided in their political coverage.

Academic freedom continues to be limited. University professors complain that some faculty members are hired or fired for political reasons and that students who have the right political connections get preferential treatment regardless of their personal qualifications.

b. Freedom of Peaceful Assembly and Association.—The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly and the Government generally respected this right in practice. According to the law, organizers must obtain permits for gatherings in public places, which the police may refuse to issue for reasons such as security and traffic. In practice rallies and demonstrations were very common, the Government made no concerted efforts to prevent them, and the police generally maintained order with due respect for citizens' rights; however, during DP demonstrations before the October elections, the police beat and mistreated some DP supporters (see Section 1.c.). Police killed a demonstrator in November when a group of DP members attacked the police station, courthouse, and other public buildings in Tropoja. In some cases, individuals claimed that the police or secret agents of the SHIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies.

The Law on Fundamental Human Rights and Freedoms provides for the right of association, and the Government generally respected this right. A political party must apply to the Ministry of Justice for official certification. It must declare an aim or purpose that is not anticonstitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Such certification is granted routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. According to the 1998 Constitution, there is no official religion and all religions are equal. However, the predominant religious communities (Muslim, Orthodox, and Roman Catholic) enjoy de facto recognition by the authorities that gives them the legal right to hold bank accounts, own property and buildings, and to function as legal entities based on their historical presence in the country.

Religious movements—with the exception of the three de facto recognized religions—can acquire the official status of a legal entity only by registering under the Law on Associations, which recognizes the status of a nonprofit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character.

The Religious Council of the State Secretariat has been replaced by the State Committee on Cults, which is not composed of representatives of religious groups. The Government does not require registration or licensing of religious groups; however, the State Committee on Cults maintains a working knowledge, but not official

records, of foreign religious organizations. The chairman of the committee has the status of a deputy minister.

Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, members of the Jehovah's Witnesses, the Church of Jesus Christ of Latter-Day Saints (Mormons), and many others freely carry out religious activities. The State recognizes the de facto existence of the Bektashis but they did not have the right to their own representative in the former State Secretariat of Religions. There is no indication of Bektashis' activities being placed under the supervision of the Sunni community.

According to official figures, there are 29 religious schools in the country with some 2,745 students. The State Committee has the right to approve the curricula of religious schools.

The Government has not yet returned all the properties and religious objects under its control that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often failed to return the land surrounding the buildings. The Government also is unable to compensate the churches adequately for the extensive damage that many religious properties suffered. The Orthodox Church has complained that it has had difficulty in recovering some religious icons for restoration and safekeeping.

The Albanian Evangelical Alliance, an association of more than 100 Protestant Churches, has complained that it has encountered administrative obstacles to building churches, accessing the media, and receiving exemptions from customs duties. The growing evangelical community continues to seek official recognition and participation in the religious affairs section of the Council of Ministers.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Law on Fundamental Human Rights and Freedoms provides for freedom of movement within the country and for freedom to leave the country and return, and the Government respects these rights in practice.

A problem that arose as a result of uncontrolled internal migration is local registration and status. As a result of such internal migration, thousands of citizens are denied access to certain basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of such documents prevents many students from attending school. The effects of uncontrolled internal migration became apparent during the October local elections when tens of thousands of inhabitants were registered in more than one place, resulting in many inaccuracies in the voter lists.

Citizens who fled the country during or after the Communist regime are able to return, and if they lost their citizenship, they are able to have it restored. Citizens born in the country who emigrate may hold dual citizenship.

The Constitution gives foreigners the right of refuge in the country, and a 1998 asylum law includes provisions for the granting of refugee status, in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol. The Government accepts the entry of refugees, does not expel those with valid claims to refugee status, and works with the international community to provide housing and support for them. The Government provides for first asylum, but no appeals procedure mechanism was in place at year's end.

The country hosted approximately 4,000 registered refugees during the year. The refugee population overwhelmingly is Kosovar; only 28 refugees identified themselves as coming from outside the borders of the former Yugoslavia. Humanitarian relief organizations provided social service support for the refugee community and coordinated further assistance through a network of NGO's that provide health care coverage, insurance, and limited training. The Government continued to play a key role in facilitating and coordinating the work of these groups. The vast majority of refugees continued to live with host families. There were approximately 500 registered Kosovar refugees and a small number of other refugees left in the country at year's end.

Organized criminal gangs have made the smuggling of illegal immigrants—Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia—a lucrative business. Italy is the most common destination. The Government has taken a number of measures to stop the flow, but a lack of resources and corruption among law enforcement forces, hinders its efforts. Italian military and border patrol squads operate in various coastal zones in Albania in an effort to stop the flow of illegal immigrants. In September following an incident in which two Italian Guardia di Finanza police were killed while combating traffickers, Parliament enacted a new, stronger law that, if implemented, should make it easier for police to seize the speedboats used primarily for illegal smuggling of persons. It enables the police to confiscate speedboats, on land or water, that are used in illegal

activities and those that are unregistered. Individuals who have become stranded in Albania while trying to use this illegal pipeline are eligible for a “care and maintenance” program run by the U.N. High Commissioner for Refugees (UNHCR) and the Albanian Red Cross and can have their cases evaluated by UNHCR officials. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution states that “Governance is based on a system of elections that are free, equal, general, and periodic;” citizens elected a government in 1997 in what international observers considered to be a satisfactory process, given the proceeding months of chaos and anarchy.

In October despite procedural shortcomings and some irregularities in a few localities, citizens took part in local elections in a tense but generally peaceful atmosphere that were judged by the OSCE to have shown “significant progress” toward meeting international standards. International monitors considered the second round of voting “less transparent and inclusive” due to the failure to address inaccuracies in the voter lists, invalid ballots, and election complaints. Serious irregularities, including intimidation of election commission members, the destruction of one ballot box, and fraud in three other voting centers were reported in Himara.

The Constitution prohibits the formation of any party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character.

No legal impediments hinder the full participation of women and minorities in government, and the major political parties have women’s organizations and have women serving on their central committees; however, women continue to be underrepresented in politics and government. In the Parliament, 10 of 155 members are female (1 of whom serves as deputy prime minister). In the current Government two ministers are female. Ethnic Greeks constitute the largest minority. They are represented in the current Government and participate actively in various political parties.

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

The Government generally permitted human rights and related organizations to function freely. The Albanian Helsinki Committee, the Albanian Human Rights Group, the Society for Democratic Culture, the Albanian Media Institute, the Albanian Institute for Contemporary Studies, and the Women’s Center were among the most active domestic NGO’s involved in human rights activities. Despite the assistance of international donors, the work of all of these organizations is hampered by a shortage of funds and equipment; the Government cooperated only minimally with these local groups.

A wide variety of international human rights NGO’s visited or operated within the country with the cooperation of the Government and generally without restriction. These organizations are free to publish and disseminate their findings, including criticisms of the Government.

In February Parliament elected the country’s first national People’s Advocate (Ombudsman). The Ombudsman’s office, with the support of western governments and the OSCE, has already reviewed over 250 cases of alleged human rights abuses. These include citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful governmental dismissal, and land disputes (see Sections 1.c. , 1.e. , and 1.f.). The Ombudsman’s office has had some success in cases, but it still is too early to judge whether it will genuinely be effective.

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

The Law on Major Constitutional Provisions prohibits discrimination based on sex, race, ethnicity, language, or religion; however, women and some minority groups complain that discrimination continues in practice.

Women.—Violence against women and spousal abuse are serious problems. In the country’s traditionally male-dominated society, cultural acceptance and lax police response result in most abuse going unreported. Rape is punishable by law, as is spousal rape; however, in practice spousal rape is not reported or prosecuted. The concepts of spousal rape and sexual harassment are not well established, and, consequently, such acts often are not considered crimes. No government-sponsored program protects the rights of women. An NGO maintains a shelter in Tirana for abused women, but the facility has the capacity to house only a few victims at a

time. The same NGO also operates a hotline that women and girls can call for advice and counseling. The line received thousands of calls during the year. In 1999 the Advice Center for Women and Girls, an NGO, conducted a poll that showed that as many as 64 percent of females claimed to be victims of domestic violence.

Many men, especially those from the northeastern part of the country, still follow the traditional code known as the "kanun," in which women are considered and treated as chattel. Also under the kanun, it is acceptable to kidnap young women for brides. This practice continues in some areas of the northeast.

Women are not excluded, by law or in practice, from any occupation; however, they are not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work, but no data are available on how well this principle is implemented in practice. Women enjoy equal access to higher education, but they are not accorded full and equal opportunity in their careers, and it is common for well-educated women to be underemployed or to work outside the field of their training. An increasing number of women are beginning to venture out on their own, opening shops and small businesses. Many are migrating along with men to Greece and Italy to seek employment.

Trafficking in women and girls for the purpose of prostitution is a serious problem (see Section 6.f.).

Children.—The Government's commitment to children's rights and welfare is codified in domestic law and through international agreements. The law provides for the right to at least 8 years of free education and also authorizes private schools. School attendance is mandatory through the eighth grade (or until age 18, whichever comes first). However, in practice many children leave school earlier than allowed by law in order to work with their families, especially in rural areas. According to recent statistics issued by the Ministry of Public Order and the Commission for Reconciliation of Blood Feuds, more than 2,000 children are endangered by blood feuds involving their families.

Child sexual abuse rarely is reported, but authorities and NGO's believe that it exists. According to the Ministry of Public Order, more than 300 cases of child sexual abuse were reported during the year. According to the Center for the Protection of Children's Rights (CRCA), more than 2,000 children between the ages of 13 and 18 are involved in prostitution rings. According to the same organization, a large number of children (as many as 4,000) work as child prostitutes in Greece, and trafficking in children is a serious problem (see Section 6.f.). Criminals may kidnap children from families or orphanages to be sold to prostitution or pedophilia rings abroad. Within the country, Roma children often work as beggars and the police generally ignore the practice. In Tirana and other cities, it is common to see children selling cigarettes and other items on the street.

People with Disabilities.—Widespread poverty, unregulated working conditions, and poor medical care pose significant problems for many disabled persons. The disabled are eligible for various forms of public assistance, but budgetary constraints mean that the amounts that they receive are very low. No law mandates accessibility to public buildings for people with disabilities, and little has been done in this regard.

Religious Minorities.—Relations among the various religious groups are generally amicable, and tolerance is widespread. Society largely is secular. Inter-marriage among religious groups is extremely common.

Unlike in the previous year, there were no reports that Orthodox churches were the targets of vandals.

The Archbishop of the Orthodox Church concluded that attacks on church property in the past were a result of vandalism rather than religious repression.

National/Racial/Ethnic Minorities.—The Government played a constructive role in maintaining the nation's generally positive record on the treatment of minorities. While no recent official statistics exist regarding the size of the various ethnic communities, ethnic Greeks are the most organized and receive the most attention and assistance from abroad. There also are small groups of Macedonians, Vlachs, and Roma.

Greek-language public elementary schools are common in much of the southern part of the country, where almost all ethnic Greeks live. However, there are no Greek-language high schools. There is a Greek chair at the University of Gjirokastra. The Greek minority association, Omonia, continued to press the authorities for more measures to protect the rights of the Greek minority, including the creation of additional Greek-language classes in some parts of the south. In May a fact-finding mission of the Albanian Helsinki Committee visited the ethnic Greek area of Dropulli. Every village in this zone has its own elementary-middle (8-year) school in the Greek language, regardless of the number of students. Five newspapers are published in the Greek language in this area, in addition to 15 Greek

papers and magazines distributed throughout the southern Albanian region. Radio Gjirokastra broadcasts a 45-minute program for the Greek community. Every teacher who teaches in the schools of the Greek minority zone receives, in addition to the salary given by the Albanian Government, a substantial monthly compensation of about \$140 (50,000 drachmas) from the Greek Government. Likewise retirees who belong to this community, in addition to the pension received from the Albanian Government, get substantial monthly compensation from the Greek Government.

Classes in the Macedonian language are available to students in the districts of Pogradeci and Devolli, on the border with the former Yugoslav Republic of Macedonia. The Macedonian Government provides texts for these classes free of charge. A considerable number of students from this area study at the universities of Skopje and Bitola. A small group of ethnic Montenegrins and Serbs live in the northern part of the country. A fact-finding mission of the Albanian Helsinki Committee visited the area in April and found that these communities have decreased in number because many of their members emigrated to Montenegro. This minority is not subject to any discrimination. People from this area receive scholarships from the Montenegrin Government for their children to study in Montenegro. No discrimination was reported against the Vlachs, who speak their own Romanian-related language as well as Albanian, or against the Cams, non-Orthodox ethnic Albanians who were exiled from Greece in 1944. Both groups live mainly in the south.

Two distinct groups of Roma, the Jevg and the Arrixhi (Gabel), are established in the country. The Jevg tend to be settled in urban areas and generally are more integrated into the economy than the Arrixhi. Roma are the most neglected minority group. Broadly speaking they suffer from high illiteracy, poor public health conditions, and marked economic disadvantages. Roma encounter much societal discrimination.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form independent trade unions. The 1993 Labor Code established procedures for the protection of workers' rights through collective bargaining agreements. Two major federations act as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership around 118,000) and the Albanian Confederation of Trade Unions (membership around 100,000). Both organizations again experienced a drop in membership during the year. Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions.

The Law on Major Constitutional Provisions and other legislation provides that all workers, except the uniformed military, the police, and some court officials have the right to strike. The law forbids strikes that are declared openly to be political or that are judged by the courts to be political.

Unions are free to join and maintain ties with international organizations, and many did so during the year.

b. The Right to Organize and Bargain Collectively.—Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the constitutional right to organize and bargain collectively. In practice unions representing public sector employees negotiate directly with the Government.

Labor unions do not operate from a position of strength, given the country's very high level of unemployment. Effective collective bargaining in these circumstances is difficult, and agreements are hard to enforce.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Law on Major Constitutional Provisions and the Labor Code prohibit forced or compulsory labor; however, trafficking in women for purposes of prostitution is a serious problem (see Section 6.f.). The law also forbids forced or bonded labor by children; however, there were reports that children are trafficked and forced to work abroad as prostitutes or beggars (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age of employment at 16 years and limits the amount and type of labor that can be performed by persons under the age of 18. Children between the ages of 14 and 16 legally may work in part-time jobs during summer vacation. Primary school education is compulsory and free through age 18 or the eighth grade, whichever comes first; however, in rural areas, children continue to assist families in farm work.

The Ministry of Labor may enforce minimum age requirements through the courts, but no recent cases of this actually occurring were known. In Tirana and

other cities, it is common to see children selling cigarettes and other items on the street. The Government has not yet signed ILO Convention 182.

The law forbids forced or bonded labor by children; however, trafficking in children is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The legal minimum wage for all workers over the age of 16 is approximately \$50 (6,380 lek) per month, which is not sufficient to provide a decent standard of living for a worker and family. Many workers look for second jobs, which are difficult to find. Remittances from those working abroad are very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these are very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector is approximately \$100 (13,201 lek) per month.

The difference between the monthly average wage of persons who live in the rural and urban areas is considerable: Persons who work and live in urban areas earn almost 50 percent more than those who live and work in rural areas. Data from the National Institute of Statistics indicated that in rural areas more than 20 percent of persons live under the official poverty line, while in urban areas the figure is 11 percent. Nationwide over 17 percent of the population live under the official poverty line. No data are available for private sector wages, but they are believed to be considerably higher than in the public sector.

The legal maximum workweek is 48 hours, although in practice hours typically are set by individual or collective agreement. Many persons work 6 days a week.

The Government sets occupational health and safety standards, but it has limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally are very poor and often dangerous. In 1999 there were five deaths recorded in the construction industry; the victims' families did not receive any financial support from the state social security administration because the workers were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide specific protection for workers who choose to leave a workplace because of hazardous conditions.

f. Trafficking in Persons.—The law does not criminalize trafficking in persons, although anti-kidnaping laws may be used to prosecute such cases; however, trafficking in women for the purpose of prostitution and trafficking in children are serious problems. While the exact number of Albanian women that are trafficked is unknown, an Albanian NGO estimates that there were about 30,000 working abroad as prostitutes, in Turkey and other countries during the year. The country also is one of the major transit countries for the trafficking of women from Moldova and Romania in particular, and from Bulgaria, Russia, and Ukraine. These women are brought into the country, mainly through Montenegro, then clandestinely transported to neighboring countries such as Italy and Greece. Trafficking in children also is a serious problem. Criminals may kidnap children from families or orphanages to be sold to pedophilia rings abroad.

Police treatment of women trafficked from Albania and third countries remains a problem. There is a lack of appropriate facilities for such women, and trafficked women often are detained in police stations for extended periods of time (see section 1.d).

Trafficked women periodically are arrested and prosecuted for prostitution. The Italian Guardia di Finanza (Fiscal Police), which patrols the Adriatic for traffickers, claims to turn back between five and eight scafis (rubber boats used by traffickers) each night, although not all of these necessarily involved trafficked women.

The Government has begun to initiate limited law enforcement and legal reforms to combat the problem; however, porous borders, poorly trained and corrupt law enforcement and judiciary officials, legal loopholes, and lack of government will have hampered these efforts. The Prosecutor General's Office confirmed that very few cases against traffickers were presented during the year.

Several NGO's address the problem of trafficking on case-by-case basis; however, given the scope of the trafficking problem and limited resources to address individual reintegration, most victims of trafficking receive little or no assistance. The reintegration of trafficked women to their homes sometimes is problematic. In some cases, women simply are returned to the family members who sold them to traffickers in the first place, or to the same situation from which they were trafficked, which often leads to these women being re-trafficked. In addition victims of trafficking often are forced or deceived into bonded labor and live in violent and abusive conditions, which leaves them with physical and mental scars. As a result, sheltering, counseling, and reintegrating victims is a difficult undertaking.

The International Organization for Migration and the International Catholic Migration Commission have established an inter-agency referral system that enables

a group of organizations to jointly provide return and reintegration assistance to women who are victims of trafficking. From January through June, 65 women were returned through the program. This system also provides a framework to assist with temporary shelter and return assistance for trafficking victims from other countries that want to return from Albania to their home countries.

ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy. Two Princes with joint authority, representing secular and religious authorities, have headed the Principality since 1278. Under the 1993 Constitution, the two Princes—the President of France and the Catholic Bishop of Seu d'Urgell, Spain—serve equally as heads of state, and are represented each in Andorra by a delegate. Elections were held in 1997 to choose members of the “Consell General” (the Parliament), which selects the head of government. The judiciary functions independently.

Andorra has no defense force and depends on neighboring Spain and France for external defense. The national police, under effective civilian control, have sole responsibility for internal security.

The market-based economy is influenced significantly by those of its neighbors France and Spain. After some years of a serious recession, the economy is undergoing a period of economic expansion. Commerce and tourism are the main sources of income. Because of banking secrecy laws, the financial services sector is growing in importance.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

In June an attorney filed a complaint against the director of the police, 2 police commissioners and 11 members of the police force, alleging he was arrested illegally. This case was still pending at year's end.

In spite of the request of the Council of Europe's Committee for the Prevention of Torture, the Government has declined thus far to modify the law to provide arrested individuals access to an attorney from the moment of arrest. Legislation now provides legal assistance only 24 hours after the time of arrest.

In May the country became part of a network of 47 states with prisoner transfer arrangements permitting qualifying prisoners to serve their sentences in their own country.

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

The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by: The two Princes; the head of government; the President of the Parliament; and, collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

The judiciary provided citizens with a fair and efficient judicial process.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides citizens with safeguards against arbitrary interference with their “privacy, honor, and reputation,” and government authorities generally respect these prohibitions. Private dwellings are considered inviolable. No searches of private premises may be conducted without a judicially issued warrant. Violations are subject to effective legal sanction. The law also protects private communications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system, combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice. Since adoption of the 1993 Constitution, the Government has registered various parties; some of them have dissolved.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, “in accordance with Andorran tradition.” The Catholic Church receives no direct subsidies from the Government, although some payment is provided to the church for maintenance of birth and death records. Catholic religious instruction is available to students in public schools on an optional basis, outside of both regular school hours and during the time frame set aside for elective school activities, such as civics or ethics. The Catholic Church provides teachers for these classes, and the Government pays their salaries. The Government professes willingness to provide instruction in other religions on the same basis, if parents so request; however, at years end no parent’s requested instruction in any religions other than the Catholic religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. It is government policy not to expel persons having valid claims to refugee status, and there were no reports of such expulsions. The issue of first asylum did not arise during the year.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are underrepresented in government and politics. Although progress has been made and there are no formal barriers, few women have run for office. One out of 28 Members of Parliament is a woman, and 1 woman holds a cabinet level position.

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

The Government accepts international and nongovernmental investigations of allegations of human rights abuses. Approximately 10 human rights associations exist in the country, the most active being the Association of Immigrants in Andorra (AIA) and the Association of Andorran Women (AAW). The first defends the rights of foreign residents. The second actively supports women’s rights. The latter collaborates with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. In spite of demands from the two organizations, the Government has declined to create a department specifically for women’s issues.

In one case, a citizen filed a complaint with the European Court of Human Rights when the judge in his case disallowed his appeal to the Constitutional Court. The appeal contended that his trial was not sufficiently impartial. However, the court, after studying the case, did not accept the complaint and stated that no violation of human rights had occurred.

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

The Constitution declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, sex, origin, religion, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens. The Government effectively enforces these provisions.

Women.—There is no specific legislation regarding violence against women. Article 8.2 of the Constitution is applied in such cases. The AIA and the AAW received more than 60 complaints of physical and psychological violence against women, as compared with 4 in 1999. The associates maintained that the number is increasing. They also asserted that such domestic violence existed at all levels of society. Women suffering from domestic violence requested help from Women’s Associations,

but very rarely filed a complaint with the police. No complaints are known to have been filed with the police by year's end.

In theory there is no legal discrimination against women, privately or professionally; however, the AAW reported that in practice, there have been many cases of women dismissed from employment due to pregnancy. Discriminatory wage differentials were reportedly common, with some women's wages an average of 32 percent lower than their male counterparts' earnings. The Association actively promoted women's issues through information exchanges and limited direct support to those in need.

Children.—The Government's commitment to children's welfare is demonstrated by its systems of health care and education. Free public education begins at age 4 and is compulsory until age 16. The Government provides free nursery schools, although the existing number falls short of the need.

On September 7, the Government signed an optional protocol of the Convention of the Rights of Children related to selling of children, child prostitution, and child pornography.

There is no societal pattern of abuse of children.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to new buildings for people with disabilities, and the Government enforces these provisions in practice.

National/Racial/Ethnic Minorities.—Spanish nationals are the largest group of foreign residents, accounting for approximately 43 percent of the population. Other sizable foreign groups are Portuguese, French, and British. A small but fast growing group of immigrants, especially from North Africa, work mostly in agriculture and construction.

Although the Constitution states that foreign legal residents enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Recent legislation has improved the quality of life for immigrant workers. Nevertheless, many immigrant workers hold only "temporary work authorizations." These permits are valid only as long as the job exists for which the permit was obtained. When job contracts expire, temporary workers must leave the country. The Government prohibits the issuance of work permits, unless workers can demonstrate that they have a fixed address with minimally satisfactory living conditions.

More than 4,000 immigrants do not have work permits or residence permits because the quota for immigration is not as high as the number of workers needed and employed in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations without prejudice. In accordance with constitutional provisions, a registry of associations was established in 1996 and is being maintained. Strikes were illegal under the old system, and the new Constitution does not state explicitly that strikes are permitted.

b. The Right to Organize and Bargain Collectively.—The Constitution states that both "workers and employers have the right to defend their own economic and social interests." Parliament is charged with adopting legislation to regulate this right in order to guarantee the provision of essential services, such as the vital services of doctors, nurses, and police. Antiunion discrimination is not prohibited under the law. Approximately 600 associations exist in the country and have registered within the Government's Register of Association by year's end, this figure includes cultural associations, workers associations, foreign associations, colleges and attorney's, colleges of physicians, and a police trade union. No unions have emerged among workers in the private sector. No figure is available regarding the percentage of unionized labor. A partial reason for this circumstance is that no statute regarding labor relations and unionization has been elaborated. Even the police union functions more as a professional association than as a syndicate.

In November the Government signed the European Social Charter.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced and bonded labor, including that performed by children specifically, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children under the age of 18 normally are prohibited from working, although in exceptional circumstances children ages 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor enforces child

labor regulations. The law does not prohibit forced and bonded labor by children specifically; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The workweek is limited to 40 hours, although employers may require overtime from workers. The legal maximums for overtime hours are 66 hours per month and 426 hours per year. An official minimum wage is set by government regulations. Other, higher wages are established by contract. The minimum wage is approximately \$3.45 (674 pesetas) per hour and approximately \$599 (116,827 pesetas) per month. The minimum wage barely provides a decent standard of living for a worker and family. The Labor Inspection Office enforces minimum wage observance. Workers can be dismissed with 15 days' to 6 months' notice, depending on how long they have been working for the company. A minimal indemnification of 1 month's salary per year worked is paid if a worker is fired without justification.

A dismissed worker receives unemployment and health benefits for only 25 days. A board composed of Andorran nationals, although they represent only a small portion of the work force, controls retirement benefits. The Labor Inspection Service hears labor complaints.

The Labor Inspection Service sets occupational health and safety standards and takes the necessary steps to see that they are enforced. During the past year, the Labor Inspection Service filed 145 complaints against companies for violating labor regulations, and it has the authority to levy sanctions and fines against such companies. The law authorizes employees to refuse certain tasks if their employers do not provide the customary level of protection. No legislation grants workers the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, from, or within the country. Nor is the country a transit point for traffic in persons. However, the law does provide punishment for traffickers of illegal workers.

ARMENIA

Armenia has a Constitution that provides for the separation of powers; however, the directly elected President has extensive powers of appointment and decree that are not balanced by the legislature or an independent judiciary. The President appoints the Prime Minister, who is in charge of the Cabinet. Robert Kocharian was elected President in a multi-candidate election in 1998 after former President Levon Ter-Petrossian was forced to resign by his former political allies in the Government and Parliament. There were flaws in both rounds of the 1998 presidential elections. Organization for Security and Cooperation in Europe (OSCE) observers witnessed very substantial irregularities and concluded that the elections seriously challenged international democratic norms in regard to most key criteria. These irregularities inflated the number of votes for Kocharian. Nonetheless, the 1998 elections, the May 1999 Parliamentary and October 1999 municipal elections, and several 2000 by-elections showed continued improvement over past elections with respect to voting practice and vote-counting, as well as the ability of a pluralistic group of candidates to campaign freely. Although irregularities marred both the parliamentary and local elections in 1999, OSCE observers categorized the former as a relevant step toward compliance with OSCE commitments, but stated that they still failed to meet international standards, with problems in many precincts such as inaccurate or obsolete voting lists, the presence of unauthorized personnel during the voting and counting processes, and possible irregularities involving voting of military personnel. Some local observers reported that 1999 municipal elections and by-elections in 2000 also were flawed by poor voter lists and by disappearance or non-distribution of unmarked ballots. The Parliament differs from previous ones in two important ways: First, members are required to serve full-time and not to hold jobs outside the legislature, and second, the number of seats was reduced from 190 to 131. The current majority, made up of a coalition called Unity, includes the two largest parties, the Republican Party and the Peoples' Party. Unity is assisted by a group of loosely organized independents who call themselves the Stability Bloc. This Bloc split in December with a minority faction renaming itself the "Democrats." Some deputies from Unity left the group during the year over policy differences and formed a bloc called Hayastan, which opposes the Government on some issues, and reduced but not eliminated Unity's majority. The legislature approves new laws, must confirm the Prime Minister's program, and can remove the Prime Minister by a vote of no confidence. Both the Government and the legislature can propose legis-

lation. The Constitution provides for an independent judiciary; however, in practice, judges are subject to pressure from the executive branch and corruption.

The Ministries of Internal Affairs and of National Security, formerly one ministry which split in 1999, are jointly responsible for domestic security, intelligence activities, border controls, and the national police force. Members of the security forces committed human rights abuses.

The transition from a centralized, controlled economy to a market economy continued to move forward, although the industrial sector still is not functioning at peak capacity and its output remains low. Unemployment remains high, resulting in a high degree of income inequality, but the exact figure is difficult to quantify. This is because a significant amount of economic activity, perhaps as much as 40 percent, is not captured by government accounting or taxation; unemployment is approximately 12.1 percent according to the Government; however, other services estimate the unemployment rate to be approximately 50 percent. Women form a disproportionately large number of the unemployed. Most small and medium-sized enterprises have been privatized, as has most agricultural land. All landowners now have received titles to their land, which are protected by the Constitution. The passage of a bill establishing a strict and transparent system for bidding on privatization of the electrical distribution network in August, was seen as a major step forward in establishing a system for fair and transparent privatization of state enterprises. Out-migration remains a serious problem. The gross domestic product (GDP) increased about 2.5 percent, to about \$600 per capita. Inflation fell to below 1 percent for the year. Foreign assistance and remittances from Armenians abroad play a major role in sustaining the economy, although the financial crisis in Russia, where many Armenians have gone to look for work, cut deeply into the flow of remittances. The Government is working to resolve its current budget deficit through increasing the tax collection rate, as well as by continuing cuts in most areas of government spending.

The Government's human rights record was poor in several important areas, and although there were improvements in a few areas, problems persist in numerous areas. Substantial intervention by local power structures in the election process continues to restrict citizens' ability to change their Government peacefully. There were no reports that members of the security forces committed extrajudicial killings due to severe beatings and mistreatment in detention. However, there were no reports of government action against individuals who may have been responsible for the reported 54 deaths in custody in 1999. Members of the security forces routinely beat detainees during arrest and interrogation, arbitrarily arrested and detained persons without warrants, and did not respect constitutional protections regarding privacy and due process. Impunity remains a problem, and the Government rarely investigates abuses by members of the security forces. Prison conditions did improve; however, they still are harsh and life-threatening. Lengthy pretrial detention is a problem. During the year, parliamentary commissions were allowed to visit military camps and hear complaints about abuses from recruits. The judiciary is subject to political pressure and does not enforce constitutional protections effectively. There are some limits on press freedom, and many journalists practice self-censorship. State television, which refrains from criticizing government policy, remains the major source of news for most of the population, but independent television and newspapers, along with private radio stations, offer substantial competition. The nongovernmental media often criticize the country's leadership and policies. Burdensome registration requirements hinder freedom of association. The law places some restrictions on religious freedom, including a prohibition against proselytizing by religions other than the Armenian Apostolic Church. Registration requirements for religious groups kept Jehovah's Witnesses from operating legally, and 41 Jehovah's Witnesses are in jail for refusing military service. The Government places some restrictions on freedom of movement. Discrimination against women, the disabled, and minorities remains a problem. The plight of street children is a significant problem. Trafficking in women and girls also is a problem.

After President Kocharian's election in 1998, a number of commissions were established, and a constitutional referendum was proposed, with the goal of improving human rights and reforming the judiciary. By year's end, none of the proposed recommendations had been implemented, and no referendum had been held.

In October 1999, five terrorists entered the National Assembly and killed the Prime Minister, the Speaker of the National Assembly, six other deputies or members of the Government, and wounded at least five more persons. An investigation of the killings, conducted by the Deputy Prosecutor General, resulted in the detention of 19 persons, including a deputy of the National Assembly, the then presidential chief of staff, and the deputy chief of state television. Five persons subsequently were released after spending several months in jail when evidence proved

insufficient to charge them. Another detainee died in prison in September, apparently of accidental electrocution. The trial of the remaining accused was scheduled to begin in late October but was postponed at the request of defense attorneys and is scheduled to begin in February 2001.

Defense attorneys and the press accused the Deputy Prosecutor General of using coercion, including physical abuse of the accused, to extract evidence, and President Kocharian expressed concern that the rights of the accused be respected.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings. The Government took no action by year's end regarding 54 cases of deaths in custody in 1999, which the International Helsinki Federation had asked it to investigate. The cases of Stepan Gevorgian and Arsen Stepanian were closed during the year due to lack of evidence.

There were a significant number of deaths of military servicemen reportedly due to mistreatment and training related accidents (see Section 1.c.).

According to an August announcement by the prosecutor general's office, in 1999 there were 54 deaths in custody due to beatings and mistreatment in detention. No information on such incidents were available by year's end. Norayr Yeghiazarian, a detainee awaiting trial in connection with the October 1999 shootings in Parliament (see below), was found dead in his cell in September. The Ministry of National Security announced, and other prisoners in his cell confirmed, that he was accidentally electrocuted through improper handling of an electrical appliance.

Prison conditions are harsh and life-threatening, and medical treatment is inadequate. There were a number of deaths in prison due to disease (see Section 1.c.). The International Committee of the Red Cross (ICRC) signed an agreement with the Government in June to open a tuberculosis facility for inmates.

Former Minister of Interior and Mayor of Yerevan Vano Siradeghian was charged with 10 counts of murder and plotting to commit murder and his trial began on January 10. On April 1, the National Assembly voted to strip Siradeghian, a National Assembly deputy, of his parliamentary immunity. Siradeghian disappeared on April 3 and is believed to have fled the country. In a court case related to Siradeghian, an armed gang led by Armen Ter-Sahakian went on trial in May. All of the gang members were former Interior Ministry employees and confessed to various misdeeds prior to the trial. In their confessions, the nine accused, claimed to have been members of a hit squad that carried out several murders on Siradeghian's orders, including the murder of Armenian Railroads Director Hambartzum Ghandilian, Asharak district executive committee chairman Hovhannes Sukiasian, and the attempted murder of Vladimir Grigorian, Head of the Prosecutor General's investigative department. They also confessed to extortion, robbery, and illegal possession of weapons. All were found guilty in August. Ter-Sahakian and Alik Grigoryan were sentenced to death, while the remaining six accused received prison terms from 4 to 11 years. The death penalty currently is in abeyance and is expected to be abolished soon, in such a case it is expected that the two death sentences would be commuted to lengthy imprisonment.

Another court case related to Siradeghian involved the trial of a group of 11 persons led by Vahan Harutyunian, former Deputy Minister of Interior and ex-Commander of Internal Troops. All of 11 were found guilty of murder, attempted murder, abuse of power, and complicity in murder. The prison terms for six of them varied from 6 to 15 years, while five subsequently were released under the terms of two amnesties passed by the National Assembly in 1997 and 1998. Several of those convicted announced that they would appeal.

On October 27, 1999, five terrorists opened fire on a session of Parliament with automatic weapons. They killed the Prime Minister, the Speaker of Parliament, the two Deputy Speakers, the Minister for Special Projects, and three deputies, and wounded the Minister of Privatization and four other deputies, some critically. According to reported statements by the gunmen both before and after they surrendered to security forces, their motives appeared to be both political and personal.

The Deputy Prosecutor General (who is also the military prosecutor) was placed in charge of the investigation of the shootings. By the end of 1999, 19 persons, including a National Assembly deputy (who was stripped of his immunity by a vote of that body), the then-presidential chief of staff and advisor, and the deputy chief of state television, had been imprisoned under legal provisions permitting the detention of criminal suspects whether or not they had been accused legally. The investigation was criticized by attorneys for the accused, by the media, and by representatives of human rights organizations for alleged human rights abuses, including

physical and mental coercion of the detainees. Gagik Jahangiran, the military prosecutor investigating the case, repeatedly rejected calls for the creation of a special Parliamentary investigation to ensure an impartial investigation. During the year, four of the accused, including the presidential advisor, the Parliamentarian, and the deputy chief of state television, were released, and charges against them dropped. The military prosecutor admitted that the evidence was insufficient to hold them. One detainee was released on bail for health reasons, and another prisoner was found dead in his cell in September (see above). The trials of the 13 accused are scheduled to begin in February 2001 due to requests by the attorneys for the accused that they have time to evaluate the evidence.

No progress was announced in the investigation of the December 1998 killing of Deputy Minister of Defense Vahram Khorkhoruni. In September 1999, the death of Deputy Minister of Interior and National Security and Head of Internal Troops Artsrun Margarian, who was found shot in February 1999, officially was ruled a suicide. In March a guilty verdict was reached in the case of Dr. Hrant Papikian, who was held in connection with an alleged previous attack on Margaryan; Papikian appealed to the Court of Cassation, which reduced his sentence to 10 months; and since he already had served that amount of time, he was released on March 22.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to civilians.

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

In July the Government unilaterally released five Azeri prisoners of war (POW's) under OSCE/ICRC auspices; Azerbaijan reciprocated by unilaterally releasing two Armenian POW's. In August Armenia released another recently captured POW, and announced that it now held only one Azeri soldier, who did not wish to be repatriated (which the OSCE verified), and one Azeri civilian, who was believed to be a criminal fleeing Azeri police.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The Constitution and laws prohibit torture; however, the practice of security personnel beating pretrial detainees during arrest and interrogation remains a routine part of criminal investigations, and prosecutors rely on such confessions to secure convictions. Most cases of police brutality go unreported, due to fear of police retribution. Impunity remains a problem.

In 1999, there were 54 cases of death in custody due to beatings and other abuse (see Section 1.a.).

Attorneys for the 19 detainees held in the October 1999 killings in Parliament claimed in the media that the accused were being held in inhuman conditions and were beaten during interrogations. Representatives of the government-appointed Commission on Human Rights, after several attempts, were able to see the detainees and were told by the men that they had been coerced physically and mentally into confessions. The Commission reported no obvious evidence of physical abuse. A parliamentary commission was allowed to see imprisoned Deputy Mushegh Movsesian and confirmed that he showed signs of having been abused physically. The four detainees released in mid-year told media that they had been mistreated. Former presidential Chief of Staff Alexan Harutyunian said that as part of his release agreements, he had promised not to talk to the media about the details of his case.

Although defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions, and according to law all such charges must be investigated, judges and prosecutors routinely ignore such complaints even when the perpetrator can be identified.

The Government has not conducted investigations of abuse by security services except in rare cases where death has resulted and under pressure from human rights groups. The number of deaths of conscripts from training accidents and physical abuse decreased by 18 percent compared with 1999, according to government figures. While this number cannot be verified, based on information from a human rights group, the figure of 16 to 20 noncombat deaths per month from all causes during the year appears to be accurate. Amnesty International stated that a conscript arrested for being absent without leave was beaten so badly in August 1998 that he subsequently died. The case currently is pending in the Echmiatsin regional court. There are no separate military courts (see Section 1.e.). Military cases, many of which are settled administratively, that do go to trial in civilian courts are handled by the military prosecutor's office.

The Ministry of Defense cites reasons of "national security" in declining to provide exact details on some cases, citing the fact that the country remains technically in a state of war with Azerbaijan.

During the year members of the Yezidi ethnic-religious minority continued to complain that "hazing" and beating of conscripts, common throughout the former Soviet

Union, especially are severe for Yezidi conscripts (see Section 5). In July parents of recruits killed or injured during the training process held demonstrations for several days near the presidential palace and met with officials of the presidency (but not with the President himself) to discuss their complaints.

In April police reportedly did not intervene to prevent harassment and abuse of members of Jehovah's Witnesses by local hoodlums (see Section 5.). Yezidis complain that police fail to respond to crimes committed against Yezidis.

Homosexuals complain that police physically and mentally abuse them, especially if they have no means to pay police extortion. Persons accused of homosexuality in the military generally are believed to suffer beatings and other physical abuse above and beyond that inflicted on other recruits.

There were unsubstantiated reports that security authorities confine persons in mental institutions as a form of detention (see Section 1.d.).

Prison conditions are harsh and life-threatening. Facilities are often overcrowded, and food is inadequate to preserve health unless supplemented by assistance from families. Medical and sanitary facilities in prisons are inadequate. Tuberculosis and other communicable diseases are common, and there were a number of deaths from such diseases during the year. Although, in principle, an agreement has been reached to transfer responsibility for prisons from the Ministry of Internal Affairs to the Ministry of Justice with a goal of improved oversight, no formal action to that effect was taken by year's end. Physical abuse by guards and other prisoners is a problem. In August the Prosecutor General's office announced that 54 prisoners had died in prison in 1999, the highest count for any year since independence in 1991. The Government's Human Rights Commission visited the main prison in Gyumri in October and reported that it found conditions there to be "shocking" with the prison filthy, cold, and in poor repair. Officials were indifferent to the welfare of the prisoners. The Commission reported that complaints mailed to them by prisoners were intercepted and given instead to the prison's warden.

According to his lawyer, the Ministry of Internal Affairs staff continued to physically abuse former Minister of Education Ashot Bleyan while he awaited trial on corruption charges (see Section 1.d.). While Bleyan's appeal that his case be dropped was refused, in July the Presidential Human Rights Commission recommended that Bleyan be detained under more humane conditions.

The ICRC had free access to detention facilities run by the Ministry of Interior. In these facilities, the ICRC is able to visit, according to its standard modalities, any prisoner in whom it has an interest, whether in prisons or in local police stations. The ICRC also had free and regular access to remaining POW's from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security and in military police stations. The ICRC also had access to POW's in Nagorno-Karabakh. In July and August, Armenia and Azerbaijan exchanged POW's under OSCE and ICRC auspices (see Section 1.b.).

d. Arbitrary Arrest, Detention or Exile.—Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses. The police frequently imprisoned detainees without notification of their family members. Often several days pass before family members obtain information about an arrest and the person's location. Security agencies often restrict access of lawyers and family members to prisoners until the preliminary investigation phase is complete, a process that can last weeks. During the investigation of the October 1999 shootings, five persons were arrested and held for a period of approximately 5 months in the Ministry of National Security's special detainment facilities. They then were released and charges against them were dropped (see Section 1.a.).

The Government allowed ICRC representatives and a parliamentary investigating committee to visit those detained in relation with the October 1999 shootings. The detainees also were permitted contact with lawyers, although their attorneys complained that this contact was insufficient and restricted. However, requests by a local human rights monitoring group to visit the men to check allegations of physical and mental abuse against the prisoners were denied.

The transitional provisions of the Constitution provide that Soviet-era procedures for searches and arrests were to continue until the new Criminal Code and Criminal Procedure Code came into effect in January 1999. Although the Criminal Procedure Code entered into force, the Criminal Code remains under consideration in Parliament (see Section 1.e.). A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this latter provision is not always enforced. There is no provision for bail, although detainees may sign a document and remain at liberty under their own recognizance pending trial.

Former Education Minister Ashot Bleyan was held by law enforcement officials for several months after being charged in 1999 with embezzlement of public funds intended for the purchase of textbooks (see Section 1.c.). Bleyan's lawyer charged, both in 1999 and during the year, that his client has been abused physically and kept in harsh conditions in an attempt to force a confession. Bleyan's July appeal to have his case dropped was denied, but the Presidential Commission on Human Rights recommended in July that his conditions of imprisonment be eased. After an 8 month trial, Bleyan was sentenced to 8 years in prison in October for embezzlement of state property. Bleyan has claimed that the charges against him were fabricated for political reasons (see Section 1.e.).

On October 30, Arkady Vardanyan a Moscow-based Armenian businessmen who is a Russian citizen, led a demonstration in Yerevan of approximately 10,000 persons calling for the removal of the Government. After the demonstration, Vardanyan was taken into custody and sentenced to 11 days detention on the charge that he had a permit for a demonstration but not a march (see Section 2.b.). After 11 days, Vardanyan was not released; however, one of his attorneys that was arrested with him was released. The Prosecutor General's office announced that Vardanyan was being charged with seeking and advocating the overthrow of the Government by violence. A trial date has not been set. Russian consular officers are allowed access to Vardanyan in prison in order to ensure that his rights are respected.

At year's end, 41 Jehovah's Witnesses were in detention for refusal to serve in the military services (see Section 2.c.).

Armed forces recruiters sometimes take hostages to compel the surrender of draft-evading or deserting relatives (see Section 1.f.).

A local human rights group has made unsubstantiated allegations that there are cases in which security authorities use confinement in mental institutions as an alternative form of detention.

The ICRC reported that civilian and military personnel on all sides of the Nagorno-Karabakh conflict still occasionally may engage in cross-border hostage-taking, sometimes to win release of a friend or relative held on the other side but more often for financial gain. The ICRC, in coordination with the OSCE, has facilitated a number of prisoner exchanges, most recently in August, but has no access to undeclared hostages.

There were no reports of forced exile.

e. Denial of Fair Public Trial.—The Constitution nominally provides for an independent judiciary; however, in practice, courts are subject to pressure from the executive branch and to corruption. The Constitution's provisions do not insulate the courts fully from political pressure. Other legal and constitutional provisions make judges and prosecutors dependent on the executive branch for their employment. The inherited Soviet system views the court largely as a rubber stamp for the prosecutor and not a defender of citizens' rights. Though legislation passed in 1998 reduced significantly prosecutor's supervision of civil cases, prosecutors still greatly overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, headed by the President, the Prosecutor General, and the Justice Minister, appoints and disciplines judges for the tribunal courts of first instance, review courts, and the Court of Appeals. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the President dominant influence in appointing and dismissing judges at all levels. Judges are subject to review by the President through the Council of Justice after 3 years, unless they are found guilty of malfeasance.

The 1995 Constitution required a new three-level court system. The highest court, the Court of Cassation, began functioning in the summer of 1998. Judges for the two lower-level courts, the appellate court and courts of the first instance, began functioning in January 1999. First instance courts try most cases, with a right of appeal to the Court of Appeals and then to the Court of Cassation. The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related legal questions. It can accept only cases proposed by the President, by two-thirds of all parliamentary deputies, or election-related cases brought by candidates for Parliament or the presidency. Due to these limitations, the Constitutional Court cannot ensure effectively constitutional human rights safeguards.

The selection of judges was based on: Their scores on a multiple choice test to determine their fitness to be judges under the new system based on previously published information regarding the new legal codes, and their interviews with the Minister of Justice. Next, the list of nominations was approved by the Council of Justice and, finally, by the President. About 55 percent of the appointed judges in 1999 had been judges under the old structure. Based on the results of this 4-stage selection, 123 judges were appointed to the new courts in January 1999. Unless they are

found guilty of malfeasance, their tenure is permanent until they reach the age of 65.

The judicial system continued to be in transition. As part of the package of judicial reform legislation mandated by the Constitution, in 1999 both prosecutors and defense counsels began a process of retraining and recertification in order to retain their positions, which still is occurring.

A proposed new Criminal Code, which is intended to clarify contradictory provisions of the law and create a more unitary, modern, and workable legal system has not yet been approved. The new draft Criminal Code consists of general and special parts; the general part passed second reading in Parliament in November 1997, but the special part, presented for a second reading in November 1998, failed to obtain a quorum and had not been reconsidered by year's end. Two other new codes, the Civil Code and the Criminal Procedures Code, were passed in the summer of 1998.

The new criminal procedure code does not allow detainees to file a complaint in court prior to trial to redress abuses by the procuracy, police, or other security forces during criminal investigations. Under the new code, the police may detain individuals for up to 12 hours before notifying family members, witnesses have no right to legal counsel during questioning while in police custody—even though failure to testify is a criminal offense—and detainees must seek permission from the police or procuracy to obtain a forensic medical examination to substantiate a report of torture.

Under the proposed new judicial code, prosecutors are expected to continue to have more influence than judges do.

A commission to amend the Constitution's chapter on the judiciary, the second such body to undertake this task, reportedly is working on measures to increase judicial independence that are critical to the success of judicial reform. In July the President discharged by decree old members and appointed new members to the commission. Such constitutional revisions must pass both Parliament and a national referendum.

The military legal system operates essentially as it did during the Soviet era. There is no military court system; trials involving military personnel take place in the civil court system and are handled by military prosecutors. Military prosecutors perform the same functions as their civilian counterparts; pending the passage of the new Criminal Code, they operate in accordance with the Soviet-era Criminal Code. In 1998 the military prosecutor abolished military ranks for the prosecutors in his service. In November 1999, the military prosecutor was named deputy prosecutor general and placed in charge of the investigation into the October 1999 shootings in Parliament.

All trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any defendant who needs one. Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them; however, the constitutionally mandated presumption of innocence is ineffective, and acquittals are rare once a case comes to trial. Defendants and prosecutors have the right of appeal.

There were no reports of political prisoners; however, supporters of both Ashot Bleyan and Arkady Vardanyan claimed that the two were political prisoners. Bleyan was imprisoned on charges of embezzlement, and Vardanyan was detained on charges of attempting to overthrow the Government by force.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for the wiretap before granting the agency permission to proceed. No evidence of illegal wiretapping came to public attention during the year.

The law requires security forces to obtain a search warrant from a judge before conducting a search. Security forces were refused warrant issuance due to lack of evidence in several cases; however, in practice there were charges that searches continued to be made without a warrant, both in regard to the October 1999 killings in parliament and in the arrest of Arkady Vardanyan (see Section 2.b.). The Constitution provides that the judiciary must exclude evidence obtained without a warrant. Legislation passed in 1997 to improve security of bank deposits has been enforced.

There continued to be violations of the right to privacy during army conscription drives. Armed forces recruiters sometimes take hostages to compel the surrender of draft-evading or deserting relatives. There are credible reports of improper, forced

conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees are reluctant to complain because they fear reprisals against their sons. There were no reported cases of punitive conscription of males who offended local officials. Sweep operations for draft-age men have ceased to be carried out, although police sometimes maintain surveillance of draft-age men to prevent them from fleeing the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, while the Government generally respects freedom of speech, there are some limits on freedom of the press, and journalists practice self-censorship. There is no official censorship, publications present a variety of views, and the opposition press regularly criticizes government policies and leaders, including the President, on sensitive issues such as the Nagorno-Karabakh peace process and privatization.

However, to avoid retribution experienced in years past on the part of powerful officials and other individuals, most journalists practice self-censorship, particularly in reporting on major corruption or national security issues. Journalists remain cautious in their reporting, and the range of subjects the Government considers sensitive for national security reasons is relatively large. Some members of the press, but not all, have access to army facilities and places of detention. Even in cases where they do have such access, permission for media to visit them involves a prolonged and cumbersome bureaucratic process.

Newspapers, with the exception of Hayastani Hanrapetutyun (a joint venture between Parliament and its staff) and Respublica Armenia (which ceased publication in June), are privately owned. The state printing house and distribution agency both now function as commercial enterprises, with no visible government intervention.

The editor of the sensationalist political tabloid Oragir and its successor Haykakan Zhamanak, Nikol Pashinian, was found guilty in 1999 of libel, slander, libeling a public official, and contempt of court (for not publishing a retraction demanded by a court) and sentenced to 1 year of corrective labor and ordered to pay a fine of \$25,000 (13.5 million drams). Pashinian appealed the judgement and did not pay the fine; other Armenian journalists, who up to then had been largely non-supportive of his case, passed a resolution denouncing the punishment as unduly harsh and for several weeks rallied almost daily in front of the President's office demanding a more lenient sentence. In January Pashinian's sentence was reduced to a 1-year suspended sentence by an appeals judge who said the original sentence in fact was too harsh.

No legal actions were announced during the year regarding the beatings of the Haykakan Zhamanak staff on December 23, 1999. The offices of Haykakan Zhamanak were invaded by approximately a dozen men who beat and kicked Pashinian and other male members of the staff. The gang reportedly was led by a local businessman who was angered by an article in Haykakan Zhamanak that accused him of corruption. Pashinian afterwards announced that he would not file charges against his assailants, but that he expected them to apologize to all journalists for the attack. No legal action was taken in the case of arson at the Yerevan office of the Russian newspaper Novoye Vremya in December 1999. A police investigation was unable to reach any conclusions, and the case was closed during the year.

Newspapers operate with extremely limited resources, and none are completely independent of patronage from economic or political interest groups or individuals. Due to prevailing economic conditions, total newspaper circulation is small (40,000 copies, by the Department of Information's estimates, or about 1 copy per 100 persons). The state-owned newspaper printing and distribution companies have been privatized, except for a small government stake.

State institutions that previously had tended to exert control over the media have lost most of their functions. The Department of Information, created in 1997 to replace the disbanded Ministry of Information, continued to exist, but with no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers. A board created in late 1997 with representatives from the President's Office, Government, and Parliament, to supervise the transformation of the state-owned press agency, printing, and newspaper distribution into commercial enterprises, has not been active during the past 3 years.

There were no complaints of official government pressure on independent news media; however, the President's office continued to influence state television news coverage significantly. In March opposition parties demanded that the President remove the Chief of State Television for allegedly slanting coverage of the investigation into the October 1999 attack on Parliament, but the President's office refused

to concur. The most widely available of the two state-owned television channels takes policy guidance from the Government; it presents mostly factual reporting but avoids editorial commentary or criticism of official actions. During elections the coverage of political parties on state television and other media generally was balanced and largely neutral. Singlemandate candidates were not entitled to free programming, but there were no restrictions on paid time. In Yerevan and major regional media markets, private television stations now offer independent news coverage of good technical quality. Most radio stations are private. Opposition parties and politicians receive adequate news coverage and access on these channels. Legislation has not been passed yet to regulate the current arbitrary and nontransparent process of license issuance.

Draft broadcast and media laws, the subject of intensive discussion among journalists, were revised extensively, and the draft of a new media law passed in Parliament in October was later signed by the President with reservations. While the new media law meets many previously expressed demands by media and human rights groups about assuring freedom of the media, it still contains loopholes that could be used to impose greater control of the media by government bodies. In response to media and the human rights group's concerns about these areas, the President announced that he would submit those chapters of the law to the Constitutional Court so that the possible loopholes could be closed. One new measure announced in October 1998, a 25-fold increase in licensing fees for television broadcasters, was expected to have a serious effect on struggling private stations; at the time of this announcement, these stations appealed for the measure's cancellation. After the President's intervention, the overall increase in licensing fees was significantly lowered to five-fold. The few international newspapers and imported magazines are not censored. There are no restrictions on reception of satellite television and other foreign media, and this material is not censored.

The Government partially respects academic freedom. There are more than 80 private institutions of higher education. The curriculum committee of the Ministry of Education must approve the curriculum of all schools that grant degrees recognized by the State, seriously limiting the freedom of individual schools and teachers in their choice of textbooks and course material; according to the Ministry, only 15 schools have applied for such licensing.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice.

The Constitution provides for freedom of association, and the Government generally respects this right in practice; however, there are some important exceptions. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and some human rights or political organizations have been compelled by the Government to revise their bylaws several times in order to have their registrations accepted. No human rights or political organizations reported problems with registration during the year. During the period of political turmoil after the October 1999 shootings, several opposition groups held antigovernment demonstrations without government intervention. During the July demonstrations by parents of killed or injured military recruits (see Section 1.c.), three demonstrators were detained for allegedly assaulting a security officer, but were released in a few hours.

On October 30, Arkady Vardanyan, a Moscow-based Armenian businessman who is a Russian citizen, led a demonstration in Yerevan of approximately 10,000 persons calling for the removal of the Government. Some of these persons subsequently marched to the President's office. Prior to the demonstration, Vardanyan was detained at his home, taken for questioning, and later released. Vardanyan's family and lawyers charged that security forces forced their way into the house and ransacked it. After the demonstration, the house again was searched by security forces and Vardanyan was taken into custody and sentenced to 11 days detention on the charge that he had a permit for a demonstration but not a march (see Section 1.d.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the law specifies some restrictions on the religious freedom of adherents of faiths other than the Armenian Apostolic Church, which has formal legal status as the national church.

The 1991 Law on Freedom of Conscience, which was amended in 1997, establishes the separation of church and state, but grants the Armenian Apostolic Church special status. The law forbids "proselytizing" (undefined in the law) except by the Armenian Apostolic Church and requires all religious denominations and organizations to register with the State Council on Religious Affairs. Petitioning organizations must "be free from materialism and of a purely spiritual nature," and must subscribe to a doctrine based on "historically recognized holy scriptures."

A Presidential decree issued in 1993 supplemented the 1991 law and strengthened the position of the Armenian Apostolic Church. The decree enjoins the Council on Religious Affairs to investigate the activities of the representatives of registered religious organizations and to ban missionaries who engage in activities contrary to their status. The Council on Religious Affairs took no action against missionaries during the year, and even members of Jehovah's Witnesses, which are not registered, were allowed to engage fairly openly in missionary activity.

In 1996 Parliament passed legislation tightening registration requirements by raising the minimum number of members required for registration from 50 to 200 adults. The law banned foreign funding for churches whose centers are outside the country. The 1996 legislation also mandated that religious organizations, except the Armenian Apostolic Church, need prior permission from the State Council on Religious Affairs to engage in religious activities in public places, travel abroad, or to invite foreign guests to the country. Despite these mandated restrictions, in practice there is no restriction on travel by the religious personnel of any denomination, including those that are unregistered. Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use, but large shipments by unregistered groups are prohibited.

One group of Russian "old believers" and some congregations of Yezidis remain unregistered, according to the State Council on Religions, because they do not wish to register; these groups have not complained of religious discrimination.

As of year's end, registered religious groups had reported no adverse consequences from the 1996 law. The ban on foreign funding has not been enforced and is considered unenforceable by the Council on Religious Affairs. The Council has such limited resources that it has not performed any acts except the annual reregistering of religious groups. No registered religious group was denied reregistration under the amended law. All existing registered denominations have been reregistered annually except the Hare Krishnas, whose members by 1998 had dropped below even the previous membership threshold of 50.

However, the Council on Religious Affairs continued to deny registration to Jehovah's Witnesses, no longer on the grounds that the group does not permit military service, but because its "illegal proselytism" allegedly is integral to its activity and because of the dissatisfaction and tension caused in some communities by its public preaching. The State Council on Religions and Jehovah's Witnesses continued to negotiate changes in the group's charter that would bring it into compliance with the law, but in May the State Council again refused to register the group, and a June statement by the head of the council accused Jehovah's Witnesses of continuing to practice "illegal preaching."

Forty-one members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. A regional Jehovah's Witnesses official said that this higher number was because Jehovah's Witnesses receiving draft notices now are reporting directly to police and turning themselves in as draft evaders, rather than being inducted and then claiming conscientious objector status. Around 41 members of Jehovah's Witnesses reportedly were in hiding from the draft. Alternative nonmilitary service is not available under current law to members of Jehovah's Witnesses. The President's office stated in March 1999 that a law was being drafted that would regulate alternative service for Jehovah's Witnesses and other conscientious objectors, but no action has been taken by year's end.

According to the law, a religious organization that has been refused registration may not publish newspapers or magazines, rent meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. Members of Jehovah's Witnesses continue to experience difficulty renting meeting places and report that private individuals who are willing to rent them facilities frequently are visited by police and warned not to do so. Lack of official visa sponsorship means that visitors of Jehovah's Witnesses must pay for a tourist visa. When shipped in bulk, publications of Jehovah's Witnesses are seized at the border. Although members supposedly are allowed to bring in small quantities of printed materials for their own use, officials of Jehovah's Witnesses reported that mail from one congregation to another, which they said was meant for internal purposes rather than for proselytizing, still was confiscated by overzealous customs officials. Despite these legal obstacles, members of Jehovah's Witnesses continue their missionary work fairly visibly and reported a gain in membership during 1999.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government places restrictions on some of these rights. The Constitution and laws require that passports be issued to all citizens except convicted felons; however, in cases of permanent residents who wish to relocate abroad permanently, an exit stamp may be denied to

those persons who possess state secrets, to those subject to military service, to those who are involved in pending court cases, and to those whose relatives have lodged financial claims against them. The exit stamp is valid for up to 5 years and can be used as many times as an individual chooses to travel. Men of military age must overcome substantial bureaucratic obstacles to international travel. The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely. They must negotiate with a corrupt and inefficient bureaucracy to register these changes, but this practice is now more of a nuisance than an impediment. In addition, registration of a residence is a difficult process, particularly for those who live in a rented dwelling.

Since the Nagorno-Karabakh conflict erupted between Armenia and Azerbaijan in 1988, ethnic minorities on both sides have been subject frequently to discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all the ethnic Azeris living in Armenia at the time, some 185,000 persons, fled to Azerbaijan. Of the 400,000 ethnic Armenians then living in Azerbaijan, 330,000 fled and gained refugee status in Armenia and Nagorno-Karabakh.

The National Assembly passed a law on citizenship in 1996 that provides for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the past 3 years. In 1998 the Government implemented regulations for the law and began new efforts to encourage refugees to accept Armenian citizenship. Although around 25,000 have done so, most are reluctant to become citizens, fearing the loss of free housing, military service exemptions, and other benefits accorded refugees.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting ethnic Armenian refugees.

The refugee law has no provisions in the law for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government respects the right of first asylum in principle, but in the absence of a law specifying procedures for formal recognition of political asylum, the small number of Sudanese and other migrants not of Armenian ethnicity only rarely can obtain residence permits, and their legal status remains unclear.

Border officials have no training on asylum issues. In some cases, persons denied permission for legal residence are subjected to fines for illegal residence when they attempt to depart the country. There were no reports of the forced return of persons to a country where they feared persecution.

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

Serious flaws in the 1998 presidential election continued to restrict the constitutional ability of citizens to change their government peacefully. Serious breaches of the election law and numerous irregularities in the 1995 parliamentary elections, and the 1996 and 1998 presidential elections, resulted in a lack of public confidence in the integrity of the overall election process.

In both rounds of the 1998 presidential elections, OSCE observers witnessed very substantial irregularities and concluded that the elections seriously challenged international democratic norms in regard to most key criteria. There were unusually high voter turnouts in certain areas, particularly in the second round, and these increases corresponded directly to high vote percentages for then Acting President Kocharian. Based on detailed analysis of the results tracked by observer reports in certain districts, it appears that ballot box stuffing, discrepancies in vote counts, a large number of unauthorized persons in polling stations, and other fraud perpetrated by local power structures inflated the number of votes for Kocharian by well over 100,000 votes in the second round, which he won by approximately 290,000 votes. Some military units were compelled to vote without exception for Kocharian, and officials used pressure to encourage a large turnout for the "official" candidate. Voters enjoyed a full spectrum of choices among candidates; all presidential candidates were provided opportunities to present themselves to the electorate through the provision of free and paid access to state media. However, state television provided coverage biased heavily in favor of the acting president. The electoral process fell far short of the authorities' commitments to their citizens. There were no legal consequences for electoral fraud. The Government pursued only minor violations, and no penalties were announced. There was no criminal investigation of the amply documented ballot box stuffing.

The 1999 parliamentary and municipal elections and several by-elections during the year represented a step toward compliance with OSCE commitments, but failed to meet international standards fully. For example, the May 1999 parliamentary

elections showed continued improvement toward compliance with OSCE commitments, but still failed to meet international standards. Nonetheless, during the election observers from the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) categorized the 1999 Parliamentary elections as a relevant step towards compliance with OSCE commitments and noted improvements in the electoral framework and the political environment of association, freedom of assembly, and freedom of expression were respected during the campaign. The May 1999 elections took place under a new electoral code that represented an improvement compared with previous legislation and incorporated some recommendations of international organizations. For example, the code provides for the accreditation of domestic nonpartisan observers. It abolishes one level of election bureaucracy (the community election commissions), and provides for the courts to address electoral complaints during the campaign rather than after results are announced. However, the authorities never submitted the draft code to ODIHR for comments prior to its adoption as had been promised.

Despite the provisions of the new code, election administration was uneven on election day. In many precincts, election officials, candidates' proxies, and domestic observers worked together to provide transparent voting and counting procedures. The areas of most concern witnessed by OSCE/ODIHR observers included the poor quality of the voter lists, which were often outdated or inaccurate, mistakes in registration and voting by military personnel, problems in the formation of the election commissions and the status of their members, and the presence of unauthorized personnel in precincts during voting and counting procedures. Thousands of voters had to appeal to local courts on election day in order to cast their votes, after finding that their names had been left off local voter lists. Opposition parties such as the National Democratic Union, the Self Determination Union, the Communist Party, Hayrenik, and Azatutuyun criticized the exclusion of numerous residents from the lists. The Central Election Commission blamed the omissions on the negligence of some civil servants. Twelve criminal cases related to parliamentary election fraud, involving 16 persons, currently are under investigation by the Prosecutor General's office.

In a July 1999 by-election in Yerevan's Achapniak district, violence erupted when armed supporters of one of the candidates beat and opened fire on supporters of another candidate. The Central Elections Commission suspended this vote and declared it invalid. A criminal investigation was started, resulting in the arrest of 12 persons; the police still are seeking 10 more persons allegedly involved in the Achapniak violence. According to the Prosecutor General's office 12 persons eventually went to prison for the Achapianak disturbances. Of those, 8 were sentenced to 2 years each, while the remaining 4 got probationary terms of 16 to 20 months and were released on probation. The Achapniak by-election subsequently was held again with the two candidates involved in the altercation taken off the ballot and took place without incident.

In the October 1999 municipal elections, the three major problems were: The politicization of election commissions, obsolete or incorrect voter lists, and the use of old seals (the election law mandates that new ones be provided by regional election commissions for each election, as a check on ballot box stuffing), presumably because the funds were lacking to buy new seals.

Several Parliamentary by-elections and a mayoral election in the town of Goris were held during the year. Most of the byelections were carried out peacefully. After hearing extensive evidence about irregularities in Yerevan's Arabik district, the Constitutional court ordered the cancellation of the results in the July by-election. The election was held again, and a different candidate won. An appeal by the winner of the first election was considered but subsequently rejected by the Central Elections Commission.

In Goris where the incumbent mayor had been removed by the provincial governor in June for alleged impropriety in the conduct of his office, the ousted incumbent, who lost the July election, claimed that there were significant irregularities, including ballot-box stuffing. The incumbent appealed the results; however, the appeal was denied in December.

The Government has confirmed that a national census, previously suspended for budgetary reasons, is expected to take place in 2001. There is to be a test census in three regions in early 2001. This has raised political concerns about the integrity of the process that is to create new electoral districts, since existing voter rolls and other population records are outdated and seriously flawed throughout the country.

Under the Constitution, the President appoints the Prime Minister and plays a role in the final selection of qualified candidates for judgeships. The Constitution provides for independent legislative and judicial branches, but in practice these branches are not insulated from political pressure from the executive branch.

The Government appoints the 10 regional governors (marzpets) and the mayor of Yerevan. The Constitution gives local communities the right to elect local authorities. However, local elected officials have limited powers and are overshadowed in practice by the appointed governors, who can remove them from office.

The National Assembly consists of 131 deputies; 56 are elected on a proportional basis and 75 on a district-by-district majoritarian basis. Regular sessions are held twice a year: the first from mid-September to mid-December, and the second from early February until mid-June. Given the press of legislative business connected with the total reform of the legal system, special sessions frequently are called, but may not last more than 6 days.

There are no legal restrictions on the participation of women and minorities in government and politics; however, due to traditional social attitudes, both groups are underrepresented in all branches of government. There are no female cabinet ministers, although there are several female deputy ministers. Only 4 of the 131 deputies in the Parliament are women. There are no minority representatives in the Cabinet or in the Parliament.

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

There are several human rights NGO's organizations that are active and operate openly, criticize abuses publicly, and publish their findings on government human rights violations. In general public access to information on human rights cases usually is adequate, with extensive media coverage of significant court cases, but there was less openness after the October 1999 shootings by civilian and military prosecutors. However, nongovernmental human rights organizations often report funding difficulties, and at least one, the well-respected Helsinki Association, had to close its offices for part of the year due to lack of funds. The Helsinki Committee continued to operate and did receive permission to have access to detention facilities, and has made several visits.

As part of the commitments it made in advance of joining the Council of Europe (COE), the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retains full access to civilian detention facilities.

An office created by the prosecutor general in July 1997 to communicate with international observers was responsive to requests for information, although information about criminal cases stemming from elections remained relatively general and incomplete.

Current electoral law allows local and international observer organizations to monitor all elections, and such organizations reported no impediments to being allowed to observe the 1999 elections and this year's by-elections.

In 1998 President Kocharian appointed a prominent opposition politician to head a new human rights commission headed by Paruyr Hairikyan within the President's office. The commission exists essentially as a reference bureau and has no formal legal powers; however, it has had a modest impact in getting authorities to review official actions on issues ranging from apartment allocations to police behavior, in some cases winning official reconsideration. It refers such cases to the appropriate agency, but it does not follow up on specific issues. During the year, the commission visited those accused in the October 1999 killings, visited the Gyumri jail, and frequently visited military units to hear human rights complaints by soldiers. The Parliamentary Commission on National Security, Defense, and Interior, headed by Vahan Hovhanissian, has taken on a greater role this year by making regular visits to military units to hear complaints by soldiers as well.

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

The Constitution prohibits discrimination based on race, gender, religion, disability, language, or social status; however, cultural and economic factors prevent women, ethnic and religious minorities, and persons with disabilities, from participating fully in public life. The religion law discriminates against some religious groups.

Women.—There is no specific law banning violence against women, and few cases of rape, spousal abuse, or other violence against women were reported; however, their number likely is higher than the statistics indicate. Domestic violence cases usually are not reported to the police, and women are not protected from it. Several nongovernmental organizations exist in the Yerevan and Gyumri areas, which provide shelter and assistance to battered women.

During the year, the Prosecutor's Office registered 15 cases of rape. The law (the old Soviet Criminal Code) cites specific punishments for rape, forced abortion, forbidding a woman from marrying, and discrimination in hiring due to pregnancy.

Prostitution is not illegal, and according to anecdotal evidence, most prostitutes stopped by police for street-walking, simply are sent to a hospital or physician for a medical check-up. Although, the Criminal Code does not forbid prostitution itself, keeping brothels is prohibited. According to an investigation conducted by journalists, more than 1,600 prostitutes were registered by the police, around 800 in the Yerevan area. A study of Yerevan prostitution done by an international NGO showed that while some operate by telephone, the vast majority are what is known as streetwalkers, with their "class" and desirability defined by the area of the city in which they operate.

An international NGO reports that the problem of battered wives is much more widespread than the Government or local human rights groups will admit. Domestic violence cases usually are not reported to the police, and women are not protected from it. Many cases are not reported to police in some cases because women are afraid of physical harm if they do so, afraid that police will refuse to take action and instead return them to their husbands, and in others because they are embarrassed to make "family matters" public. Several NGO's in the Yerevan and Gyumri areas provide shelter and assistance to battered women; however, embarrassment and concerns for family honor make the problem particularly sensitive and difficult to quantify. Even women's groups and health professionals decline to offer specific figures, but do not indicate that such violence is especially common. At least four cases were reported in the press of women who died as a result of domestic violence. During the year, 13 persons were prosecuted for attempted rape.

In view of the phenomenon of Armenian women working as prostitutes in Russia and the Middle East, it is likely that trafficking in women and girls (particularly from the country) is more of a problem than the Government and women's organizations have recognized openly. Twenty-six cases of trafficking in women or procuring are now in the courts (see Section 6.f.).

Police authorities announced in 1999 that there were numerous cases of organized procuring under investigation, but since the main initiators lived abroad, mostly in the Middle East, police were unable to arrest them.

Males often play a dominant role in many societal institutions. Although women have been present in the work force for several generations, tolerance for broadening gender roles and for any gender behavior is low especially in the regions. In the workplace, women receive equal pay for equal work, but generally are not afforded the same professional opportunities given to men and often are relegated to more menial or low-skill jobs. The 1972 Law on Employment prohibits discrimination in employment, but the extremely high unemployment rate makes it difficult to gauge how effectively the law has been implemented to prevent discrimination. Formerly, labor unions protected women's rights, in the workplace at least nominally, but the weakness of unions has rendered them less effective in this role (see Section 6.a.). According to official statistics, women make up 63.8 percent of those officially registered as unemployed (approximately 181,000). Currently there are more women receiving university and postgraduate education than men. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitates a high number of males in military service, and in part by the economic situation, which has caused males to emigrate in search of employment.

Children.—The Government does not have the economic means to provide fully for the welfare of children. Education is free, universal, and compulsory through age 14, then optional through age 16 (complete secondary education). However, many facilities are impoverished and in poor condition, and teachers are forced to tutor pupils privately to supplement salaries that are low and irregularly paid. Some teachers are known to demand bribes from parents in return for good or passing grades for their children. Free children's health care is available for all children through the age of 8 for treatment of some diseases and for emergency cases, but is often of poor quality, with an increasing trend toward overt or concealed payment of fees for service.

Girls and boys receive equal educational opportunities. The Government focuses its efforts regarding children's rights and welfare on measures to insulate large families—those with four or more children—from the effects of the country's current difficult circumstances. The Government similarly directs foreign humanitarian aid programs toward most socially vulnerable families and single parent families. Despite social programs, the problem of street children remains significant. However, the family tradition is strong, and child abuse does not appear to be a serious problem. Trafficking in girls is a problem (see Sections 6.c. and 6.f.).

People with Disabilities.—The Constitution provides for the right to social security in the event of disability. The 1993 Law on Invalids provides for the social, political, and individual rights of the disabled, but does not mandate the provision of accessibility for the disabled. During the year, expenditures for the health sector increased to \$3.2 million (1.7 billion drams) from the projected level, which affected persons with disabilities, who are supposed to be treated free. According to the former Minister of Social Security, the social sector budget was budgeted at \$2.8 million (1.57 million drams). In the current economic circumstances, and in an effort to meet international financial institution guidelines on reduction of the budget deficit, the Government has had difficulty fulfilling its commitments in this area.

The Government's enforcement of the rights of the disabled remains rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights. There is societal discrimination against the disabled. Hospitals, residential care, and other facilities for the seriously disabled do not meet international norms. There were unsubstantiated reports that security authorities used confinement in mental institutions as an alternative form of detention (see Sections 1.c. and 1.d.).

Religious Minorities.—There was no reported violence against minority religious groups. However, newer religious groups are viewed with suspicion, especially by some mid-level clergy in the Armenian Apostolic Church and their supporters in the bureaucracy.

In April Jehovah's Witnesses returning from a religious service in Yerevan reported being verbally and physically abused by local thugs while police watched but did not intervene. In August the mayor and town council published a decree expelling two members of Jehovah's Witnesses from the town of Talin, near Yerevan, for alleged "agitation."

As a result of the Nagorno-Karabakh conflict with Azerbaijan, anti-Muslim feeling persists among the populace, and the few remaining Muslims keep a low profile. There is only one mosque open for prayers.

National/Racial/Ethnic Minorities.—The population is approximately 95 percent ethnic Armenian. The Government does not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. Groups that the Government includes in this category are Russians, Jews, Kurds, Yezidis, Georgians, Greeks, and Assyrians. As a result of the Nagorno-Karabakh conflict, there is no significant Azeri minority (see Section 2.d.). Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintain a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the 1992 Law on Language provides linguistic minorities with the right to publish and study in their native language. There are token publications in minority languages, but the Government has devoted minimal resources to maintaining minority language schools. The large network of Russian-language schools has diminished significantly in recent years. In practice virtually all students, including members of the Yezidi and Greek communities, now attend Armenian-language schools, with very limited classes available in their native tongues. In the Yezidi community, a high percentage of pupils do not attend school, partly for family economic reasons and partly because of discrimination from ethnic Armenian students and teachers.

Yezidi leaders continued to complain that police and local authorities subject their community to discrimination. The Yezidis, whose number is estimated at 54,000 by Yezidi leaders, speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and Animism. They cite numerous incidents of unfair adjudication of land, water, and grazing disputes, nonreceipt of privatized agricultural land, an unusually high number of beatings of Yezidi conscripts in the army (see Section 1.c.), and lack of police response to even serious crimes committed against Yezidis. The Yezidi complaints likely reflect societal discrimination as well as the more general problem of poorly functioning local Government bodies.

In March the country's first Congress of National Minorities since 1991 was held. At the conference human rights did not appear to be a major concern. Yezidis and Ukrainians complained of unfair treatment in regard to forced military service. Most representatives demanded more government aid for native-language newspapers and for broadcasting minority directed programs on television.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides employees with the right to form and join trade unions and the right to strike. The Constitution stipulates

that the right to form associations—including political parties and trade unions—may be limited with respect to persons serving in the armed services and law enforcement agencies. A 1993 Presidential decree prohibits the Government and other employers from retaliating against strikers and labor leaders, but workers have little confidence in this protection. In practice labor organization remains weak due to high unemployment and the weak economy. Workers have neither the financial resources to maintain a strike nor enforceable legal protection against retaliation, and existing unions play a relatively passive role. However, there were no reports of retaliation against strikers or labor leaders. The purportedly Independent Labor Federation created in December 1997 took no action during the year.

The absence of active unions and of accurate employment data precludes a reliable estimate of the percentage of the workforce that is unionized.

Unions are free to affiliate with international organizations; however, none have done so to date.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is not practiced. The Constitution provides all citizens with the right to a just wage no lower than the minimum set by the Government. Although the 1992 Law on Employment provides for the right to organize and bargain collectively, voluntary and direct negotiations do not take place between unions and employers without the participation of the Government, because most large employers remain under state control. The near collapse of major industrial production has undercut the organization of labor unions.

The Government encourages profitable factories to establish their own pay scales. Factory directorates generally set the pay scales without consultation with employees. The Arbitration Commission adjudicates wage and other labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the 1992 Law on Employment prohibit forced and bonded labor, including that by children, and it generally is not known to occur; however, trafficking in women and girls is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the 1992 Law on Employment, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board.

The Law on Employment is enforced by local community councils, unemployment offices, and, as a final board of appeal, the arbitration commission. Children under the age of 18 are not allowed to work in difficult or dangerous jobs, night labor, or jobs that require over 6 hours of work per day, although waivers in the latter two cases can be applied for by children 16 years or over.

According to the Ministry of Social Welfare some children are involved in family businesses, as well as some other business activities, up to the age of 12 years, in sectors like agriculture where it is not forbidden by law. Children are forbidden specifically from engaging in arduous or dangerous employment, even if it is their families business without permission by the Ministry of Social Welfare which is granted only on a case by case basis. Forced or bonded labor by children is prohibited, and it generally is not known to occur; however, trafficking in girls is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Government sets the minimum wage by decree. In October 1998, Parliament quintupled the national minimum wage to less than \$10 (5,000 drams) per month; however, the minimum wage is insufficient to provide a decent standard of living for a worker and family. The majority of the population lives below the officially recognized poverty line as a result of economic dislocations caused by the breakup of the Soviet Union, the 1988 earthquake, the conflict in Nagorno-Karabakh, the resulting blockade by Azerbaijan and Turkey, and disruptions in trade. However, a significant amount of economic activity takes place unrecorded and untaxed by local authorities. The extent to which this improves the overall economic situation is unknown.

The majority of industrial enterprises are either idle or operating at a fraction of their capacity. Some furloughed workers still are receiving minimal partial compensation from their enterprises, but most are no longer receiving any payment if they are not working. The standard legal workweek is 40 hours; many persons work multiple jobs.

The Constitution provides citizens with the right to clean and safe work places, but Soviet-era occupational and safety standards remain in force. Labor legislation from 1988 places responsibility on the employer and the management of each firm to ensure “healthy and normal” labor conditions for employees, but it provides no definition of healthy and normal. The employment situation is such that workers

are reluctant to complain or remove themselves from hazardous working conditions due to the risk of losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons specifically, although it does prohibit exploitation by force of persons for financial gain, and trafficking in women and girls from the country is a problem. However, specific information on trafficking is difficult to obtain and there is little information about trafficking within the country. The Criminal Code specifically prohibits the keeping of what generally are considered to be brothels. Prostitution itself is legal. Armenian women work as prostitutes in the Middle East and Russia, and in the past there have been reports of trafficking in women and girls to these countries. It is likely that trafficking in women and girls is more of a problem than the Government and women's organizations have recognized openly. According to international NGO's, the Government appears to be focusing more on prostitution within the country than on trafficking. There were reports that older girls in local orphanages were approached with offers to engage in prostitution, either locally or abroad. Police officials announced the investigation of numerous cases of procuring but said that they were unable to arrest the main offenders because they resided in the Middle East rather than in Armenia (see Section 5). Cases of trafficking in women currently in court are being prosecuted under the Criminal Code prohibition on brothels.

AUSTRIA

Austria is a constitutional democracy with a federal parliamentary form of government. Citizens choose their representatives in periodic, free, and fair multiparty elections. In February a new right-of-center coalition came to power, comprised of the conservative People's Party (ÖVP) and the far-right Freedom Party (FPÖ). The judiciary is independent.

The police are subordinated to the executive and judicial authorities. The national police maintain internal security. The army is responsible for external security. The police are generally well trained and disciplined, although some members of the police were responsible for instances of human rights abuses.

The country's highly developed, market-based economy, with its mix of technologically advanced industry, modern agriculture, and tourism, affords its citizens a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were some reports of abuse by police, which involved occasional beatings but mainly involved verbal abuse and threats. Inclusion of the FPÖ in the Government was met with widespread, generally peaceful protests in Vienna and other large cities throughout the country. Many human rights organizations and minorities feared that the country's general climate of tolerance and respect for ethnic and religious diversity would worsen. This resulted in a sharp increase in attention to and scrutiny of the country's human rights situation by foreign governments, the Council of Europe, other European Union (EU) member states, and nongovernmental organizations (NGO's). A number of reports published by such observers expressed concern about ambiguous racist and/or xenophobic comments of senior FPÖ leaders, which it was feared would legitimize intolerance aimed at minority groups. In September a group of 3 human rights experts selected by the President of the European Court of Human Rights, as accepted by the other 14 members of the EU, released a report on the situation of minorities, refugees, and immigrants in the country, which concluded that appropriate legal protection was available for these groups. The new Government passed a comprehensive prominority rights bill providing expanded constitutional protections for the six officially recognized minorities. Violence against women is a problem, which the Government is taking steps to address. Trafficking in women for prostitution remains a problem.

RESPECT FOR HUMAN RIGHTS

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

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

In May two drug-related deaths of foreign-born suspects while in pretrial custody temporarily revived a debate about police brutality. On May 3, a 26-year-old Nigerian asylum applicant, Richard Ibekwe, also known as Peter Weah Richard, died while in pretrial detention for suspected drug offenses. Witnesses reported that police officers beat Ibekwe in the course of his arrest 2 weeks prior to his death. On

May 5, a 40-year-old Slovakian also died while in police custody. Official autopsies confirmed that both men died of drug overdoses. Due to allegations of police brutality, an internal investigation into Ibekwe's death was begun. The results were still pending at year's end.

In May 1999, an unsuccessful Nigerian asylum applicant died while being deported; his hands and feet were cuffed and his mouth was taped shut to control his violent behavior (see Section 2.d.).

In March 1999, Franz Fuchs was convicted for killing 4 Roma in 1995 and injuring 15 other persons in a letter bomb campaign conducted between 1993 and 1997 (see Section 5).

A French appeals court is considering an Austrian government request for the extradition of the terrorist Illich Ramirez Sanchez (alias "Carlos the Jackal"). Austria formally has sought the extradition of "Carlos" since French authorities captured him in 1994. He is wanted on charges of manslaughter, kidnapping, and blackmail in connection with the terrorist attacks at Vienna's Organization of Petroleum Exporting Countries (OPEC) headquarters in December 1975.

b. Disappearance.—There were no reports of politically motivated disappearances.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution prohibits such practices, government statistics for 1999 showed 365 complaints against federal police officials for "unjustified use of force," compared with 356 in 1998. Of the 365 complaints, 292 resulted in investigations, compared with 288 in 1998. Four officers were convicted of excessive use of force in 1999; one officer was convicted in 1998. Types of abuse ranged from slander to kicking and hitting, resulting mainly in bruising. Some of the violence appeared to be racially motivated. An Interior Ministry survey on the "ethics of police conduct" among policemen revealed that half of the 2,000 policemen interviewed stated that they would not report their colleagues in cases of misconduct.

In January two U.S. citizens involved in a dispute with a Viennese nightclub alleged mistreatment by the police. Injuries included wrist nerve damage and slight bruising. One of the men is HIV positive and was denied access to his medication during his approximately 12-hour incarceration. The two alleged that such mistreatment was directed against them because of their homosexuality and nationality. Investigation into this case was suspended by the public prosecutor's office due to lack of evidence. In a separate case, a drug suspect who was allegedly beaten during arrest later died in custody (see Section 1.a.).

In May 1999, an unsuccessful Nigerian asylum applicant died while being deported; his hands and feet were cuffed and his mouth was taped shut to control his violent behavior. Two of the three police officers who accompanied him were suspended, and a committee was created with the goal of ensuring that the police and gendarmerie respect human rights while carrying out their duties (see Section 2.d.).

Prison conditions meet minimum international standards, and the Government permits prison visits by human rights monitors. In individual cases, investigating judges or prison directors have jurisdiction over questions of access to the defendant.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government respects this prohibition.

In criminal cases the law provides for investigative or pretrial detention for up to 48 hours; however, in cases of charges of "aggressive behavior," an investigative judge may decide within that period to grant a prosecution request for detention of up to 2 years pending completion of an investigation. The grounds required for such investigative detention are specified in the law, as are conditions for bail. The investigative judge is required to evaluate an investigative detention after 2 weeks, 1 month, and every 2 months after the arrest.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The Constitution provides that judges are independent in the exercise of their judicial office. Judges cannot be removed from office or transferred against their will. There are local, regional, and regional higher courts, as well as the Supreme Court as the court of highest instance. The system of judicial review provides for extensive possibilities for appeal. Trials have to be public, and have to be conducted orally. Persons charged with criminal offenses are to be considered innocent until proven guilty. While the Supreme Court is the court of highest instance for the judiciary, the Administrative Court acts as the supervisory body over the administrative branch, and the Constitutional Court presides over constitutional issues.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, and the Government generally respects this right in practice; however, stringent slander laws tend to discourage reports of police brutality, and foreign observers—including the European Court of Human Rights—have concluded that the use of libel procedures to protect politicians may hamper freedom of speech and the press. A conviction for libel by a criminal court cannot be appealed to the Constitutional Court. In most cases, judgments are handed down by a court of appeals, which does not rely on case law. Several FPO politicians have been accused of paying police officers to obtain confidential information in order to discredit opponents of the FPO. An investigation is underway under the auspices of an independent committee. A number of officers have been suspended pending the completion of the investigation. Since 1986 Joerg Haider, the former FPO leader and current governor of Carinthia, has engaged in over 350 libel suits against media outlets and individuals. Following the negative reaction to the FPO's inclusion in the Government, Haider called for the prosecution of deputies critical of the Government under a provision of the Criminal Code. Justice Minister Dieter Boehmdorfer (FPO) received extensive criticism for his initial support for this measure. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases are extremely rare.

The Government monopoly in national radio has been dismantled. A 1993 law permitted licensing of regional private radio stations. There are currently 36 commercial and 9 community radio stations. By the end of 1999, 75.2 percent of citizens listened to state-run radio stations, and 17 percent listened to private stations. While a law establishing terrestrial frequencies for private television stations is expected to be passed in 2001, the Austrian Broadcasting Corporation (ORF) currently retains its monopoly on terrestrial television broadcasts.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, except for Nazi organizations and activities (an exception stipulated also in the Austrian State Treaty of 1955). The Law on the Formation of Associations states that permission to form an organization may be denied if it is apparent that the organization would pursue the illegal activities of a prohibited organization.

c. Freedom of Religion.—The Constitution provides for freedom of religion of individuals and the Government generally respects this right in practice. However, the status of religious organizations is governed by the 1874 “Law on Recognition” of churches and by a January 1998 law establishing the status of “confessional communities.” Religious recognition under the 1874 law has wide-ranging implications; for example, the authority to participate in the state-collected religious taxation program; to engage in religious education; and to import religious workers to act as ministers, missionaries, or teachers. Although in the past nonrecognized religious groups have had problems obtaining resident permits for foreign religious workers, administrative procedures adopted in 1997 have addressed this problem in part. Officially, 75.3 percent of the population are Roman Catholic, and there are 11 other recognized religious organizations.

Religious organizations may be divided into three different legal categories (listed in descending order of status): Officially recognized religious societies, religious confessional communities, and associations.

Under the law, religious societies have “public corporation” status. This status permits religious societies to engage in a number of public or quasi-public activities that are denied to other religious organizations. The Constitution singles out religious societies for special recognition. State subsidies for religious teachers, at both public and private schools, constitute one of the benefits provided to religious societies that is not granted to other religious organizations.

Previously some nonrecognized religious groups were able to organize as legal entities or associations, although this route has not been available universally. Some groups even have done so while applying for recognition as religious communities under the 1874 law. Many such applications for recognition were not handled expeditiously by the Ministry of Education and Culture; in some cases, years passed before a decision was made. Following years of bureaucratic delay and an administrative court order instructing the Education Ministry to render a decision, in 1997 the Ministry denied the request for recognition of Jehovah's Witnesses. Jehovah's Witnesses appealed this decision to the Constitutional Court.

In January 1998, a law went into effect that allows nonrecognized religious groups to seek official status as confessional communities without the fiscal and educational privileges available to recognized religions. Religious confessional communities, once they are recognized officially as such by the Government, have juridical standing, which permits them to engage in such activities as purchasing real estate in their own names and contracting for goods and services. To apply groups must have 300 members and submit to the Government their written statutes, describing the goals, rights, and obligations of members, membership regulations, officials, and financing. Groups also must submit a written version of their religious doctrine, which must differ from that of any existing religion recognized under the 1874 law or registered under the new law, for a determination that their basic beliefs do not violate public security, public order, health and morals, or the rights and freedoms of citizens. A religious organization that seeks to obtain this new status is subject to a 6-month waiting period from the time of application to the Ministry of Education and Culture. The new law also sets out additional criteria for eventual recognition according to the 1874 law, such as a 20-year observation period (at least 10 of which must be as a group organized as a confessional community under the new law) and membership equaling at least two one-thousandths of the country's population. Many religious groups and independent congregations do not meet the 300-member threshold for registration under the new law. Only Jehovah's Witnesses currently meet the higher membership requirement for recognition under the 1874 law.

In a decision issued in March 1998, the Constitutional Court voided the Education Ministry's decision on Jehovah's Witnesses and ordered a new decision based on the January law on the Status of Confessional Communities. In July 1998, Jehovah's Witnesses received the status of a confessional community. According to the 1998 law, the group is now subject to a 10-year observation period before they are eligible for recognition.

The nine religious groups that have constituted themselves as confessional communities according to the 1998 law are: Jehovah's Witnesses, the Baha'i Faith, the Baptists, the Evangelical Alliance, the Movement for Religious Renewal, the Pentecostals, the Seventh-Day Adventists, the Coptic Orthodox Church, and the Hindu religious community. After initially filing for confessional community status, the Church of Scientology withdrew its application from consideration. The Ministry rejected the application of the Sahaja Yoga group; in 1998 the group appealed the decision to the Constitutional Court. A decision was still pending on this case at year's end. Proponents of the law describe it as an opportunity for religious groups to become officially registered as religious organizations, providing them with a government "quality seal." However, numerous religious groups not recognized by the State, as well as some religious law experts dismiss the purported benefits of obtaining status under the law and have complained that the law's additional criteria for recognition under the 1874 law obstruct claims to recognition and formalize a second-class status for nonrecognized groups. Experts have questioned the law's constitutionality.

After the Education Ministry granted Jehovah's Witnesses the status of Confessional Community, the group immediately in 1998 requested that it be recognized as a religious group under the 1874 law. The Education Ministry denied the application, on the basis that, as a confessional community, Jehovah's Witnesses would need to submit to the required 10-year observation period. The group has appealed this decision to the Constitutional Court, arguing that a 10-year observation period is unconstitutional. A decision was still pending at year's end.

Also in 1998, Jehovah's Witnesses filed a complaint with the European Court for Human Rights, arguing that the group has not yet been granted full status as a religious entity under the 1874 law, despite having made numerous attempts for more than 2 decades. A decision was still pending at year's end.

Religious organizations that do not qualify for either religious society or confessional community status may apply to become associations. This status is granted relatively freely, although associations do not have legal standing and are unable to purchase property, churches, or engage in other activities permitted to the other two legal categories.

The Government continued its information campaign against religious sects that it considered potentially harmful to the interests of individuals and society. In September 1999, the Ministry for Social Security and Generations issued a new edition of a controversial brochure that described numerous nonrecognized religious groups in negative terms, which many of the groups deemed offensive. This brochure includes information on Jehovah's Witnesses, despite its status as a confessional community. On April 6, the new Minister for Social Security and Generations, Elisabeth Sickl (FPO), announced plans to support the training of "specialists" among teachers

and youth leaders in order to sensitize them to the dangers posed by some nonrecognized religious groups to the young. She also pledged to include representatives from provincial governments in an interministerial working group to decide on measures to "protect citizens from the damaging influence of sects, cults, and esoteric movements." These statements were interpreted in some circles as evidence that the Freedom Party's participation in government may strengthen efforts to curb the role of nonrecognized religious groups. Sickl left office in October. Her successor has made no public statements on this issue. The federal office on sects continues to collect and distribute information on organizations considered sects. Under the law, this office has independent status, but its head is appointed and supervised by the Minister for Social Security and Generations.

In April 1999, the Conservative People's Party (OVP) convention formally accepted a decision made by the party's executive board in 1997 that party membership is incompatible with membership in a sect.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not restrict movement, including emigration. Citizens who leave the country have the right to return at any time.

The new coalition adopted the policy of the outgoing SPO-led cabinet that the Government needs to focus on integration prior to considering any new immigration. In June Economics Minister Martin Bartenstein (OVP) issued a decree liberalizing existing employment restrictions for certain groups of legal aliens, paving the way for their integration into the labor market. Also in June, the Constitutional Court rejected the current upper age limit of 14 for the visa category of family reunification as too restrictive. The Government did not decide on its response to this decision but is considering adopting the EU standard of age 16 as the cutoff for this category. In the first 6 months of the year, the number of illegal aliens seized by police was 20,606, an 18.4 percent increase over the same period in 1999.

The law includes provisions for granting refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government subscribes to the "safe country" concept, which requires asylum seekers who enter illegally to depart and seek refugee status from outside the country. In response to continuing criticism by the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, the Government passed an amendment to the 1991 asylum law in 1997 designed to bring some improvements to the "safe country" rule and the appellate procedure. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR and other humanitarian organizations generally approve of the 1997 asylum law, but there is still some dissatisfaction with its implementation. A January amendment to the 1997 asylum law, which authorizes the Ministry of Interior to draw up a "white list" of "safe third countries," drew sharp criticism from human rights and refugee advocacy groups. There is widespread opposition to this concept based on the fear that it compromises the principle of individual investigation of claims. This principle was upheld in a February 1999 ruling of the administrative court and again in a March 2000 ruling. In both cases the High Court reversed a denial of asylum made on the basis of the "safe third country" rule.

Making government care available to all needy asylum applicants until their claims are processed was a focal point of the year's agenda of the UNHCR regional office. In principle asylum applicants are entitled to federal assistance for food, shelter, and medical care. However, the Federal Care Provisions Act specifically states that there is no corresponding legal right for applicants. The result is that asylum applicants denied assistance have no legal recourse if denied these benefits. The Government grants assistance to only one-third of all asylum applicants who face financial hardship; one-third are forced to rely on charitable assistance, and the remaining applicants abandoned their applications and are believed to have left the country to apply for asylum elsewhere. Individuals found to be bona fide refugees by government authorities are not sent back to the countries from which they fled. Asylum seekers whose claims have been rejected by the Federal Asylum Office may appeal to the independent Federal Asylum Senate; the Administrative Court is the court of last instance.

Of the estimated 95,000 Bosnian refugees who arrived between April 1992 and July 1993, the Government provided temporary protected status (TPS), similar to first asylum, to 47,000, which made them eligible to receive government assistance without having to file asylum applications. Most of the other 48,000 refugees were deemed to have other means of support, either from families already present in Austria or from nongovernmental organizations (NGO's). The overwhelming number of all Bosnian refugees has been integrated into the labor market. They now hold "gastarbeiter" status, which means that their residency permit is evaluated each

year on the basis of the country's overall labor demand. Many of the refugees have chosen voluntarily to return to their homeland, a process that still continues. The Government's program of assistance for Bosnian war refugees in TPS expired on July 31. As of that date, approximately 300 Bosnian refugees formerly in TPS remained in the country and are now being supported by the social welfare system.

During the Kosovo crisis, Austria accepted an estimated 10,000 to 15,000 refugees. A total of 5,080 Kosovar Albanians were evacuated directly from Macedonia and admitted to Austria under cover of TPS. Also, the immigration law was modified to allow Kosovar Albanians already in the country in a variety of statuses to extend their stay. In December approximately 1,593 Kosovar Albanians of the total of 5,080 refugees under TPS remained in the country. They receive public assistance under a care program similar to the one set up during the Bosnian crisis. The Interior Ministry has agreed to extend the July 2000 deadline for the repatriation of approximately 1,200 Kosovar refugees in three categories: 1) those needing protection, 2) those supported financially by relatives residing legally in Austria, and 3) Kosovars who earlier were granted temporary protected status or asylum and already were integrated into the labor market. The Government has said that the 226 Kosovars in need of protection would be permitted to stay in the country for at least another year, whereas the other two categories are to be granted humanitarian residence status temporarily until new immigration quotas become formally available in 2001.

Preliminary figures for asylum applications during the year indicate a decrease by almost 10 percent from 1999 figures to 18,290. In 1999 there were 20,096 asylum applications, a significant increase over the 1998 total of 13,805. In 1999 3,434 applications were accepted and 3,573 were denied, compared with 500 approvals and 3,491 denials in 1998. The 1999 approval figure includes asylum seekers from the Federal Republic of Yugoslavia (2,953), Afghanistan (108), Iran (99), Iraq (80), and the Democratic Republic of the Congo (26). The record 1999 approval rate of 49 percent (compared with 11.5 percent in 1998) is attributed to the Kosovo conflict. Improved border controls resulting from the 1997 full implementation of the Schengen Agreement have led to an increase in asylum applications. Aliens who formerly used the country as a transit point increasingly are filing asylum applications upon arrival.

In May 1999, an unsuccessful Nigerian asylum applicant, Marcus Omofuma, died while being deported to Lagos via Sofia, Bulgaria (see Section 1.a.). Because of Omofuma's violent, uncooperative behavior, accompanying Austrian police physically restrained him, including taping his mouth shut to silence his loud outcries. Omofuma lost consciousness during the flight and was pronounced dead upon arrival in Sofia. The incident prompted a complete review of internal procedures regarding deportations. Two of the three police officers who accompanied Omofuma were suspended. The Interior Ministry created the Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGO's, to ensure that the police and gendarmerie respect human rights while carrying out their duties. In addition, the Ministry announced a new policy requiring that all potentially violent individuals be deported via chartered aircraft, rather than on commercial flights. The investigation into the Omofuma case is ongoing. Civil charges, filed on behalf of Omofuma's daughter stating that Omofuma's human rights were violated, are also pending.

In August the Human Rights Advisory Council released a report criticizing the conditions of deportation detention for minors as not meeting minimum international standards. The council's report to the Ministry of Interior lists 43 recommendations aimed at correcting the implementation of current legal provisions or at amending the law.

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

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

The Constitution provides citizens with the right to change their government peacefully. Citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held in October 1999, in which the Social Democrats (SPO) won 65 seats in Parliament; the Freedom party (FPO) 52; the People's Party (ÖVP) 52; and the Green Party 14. On February 4, the ÖVP and FPO formed a right-of-center coalition government, headed by the ÖVP.

Women play an active role but are underrepresented in government and politics. Approximately 27 percent of the Members of Parliament and 5 of 16 cabinet members are women.

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

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. In some cases, they have been dissatisfied with the information that the authorities have supplied in response to specific complaints. There have been no reports of discrimination against organizations that report on human rights.

Following the inclusion of the FPO in the Government, several NGO's expressed concern that the country's climate of tolerance and respect for ethnic and religious diversity would worsen. During the summer, a group of 3 human rights experts, accepted by the other 14 EU member states, conducted a review of the rights of minorities, refugees, and immigrants in the country. Their report, published in September, concluded that appropriate legal protection was available for minorities.

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

The law provides for protection against any of these kinds of discrimination in employment, provision of welfare benefits, and other matters, and the Government generally enforces its provisions effectively. There were allegations that police abused homosexuals (see Section 1.c.).

Women.—Violence against women remains a problem. An estimated 300,000 women are abused annually. Police and judges enforce laws against violence; however, less than 10 percent of abused women are estimated to file complaints. Overall, the Association of Houses for Battered Women estimates that one-fifth of the country's 1.5 million adult women has suffered from violence in a relationship. In July 1999, legislators passed an amendment to the 1997 Law on the Protection Against Violence in the Family, extending the period during which police can expel abusive family members from family homes. Between January and June, the injunction to prevent abusive family members from returning home was applied in 1,687 cases. The Government also sponsors shelters and help lines for women.

Trafficking in women is a problem (see Section 6.f.). While prostitution is legal, trafficking for the purposes of prostitution is illegal.

Most legal restrictions on women's rights have been abolished. In 1994 the European Court of Justice ruled that the country's law prohibiting women from working nights was not permissible and gave the Government until 2001 to adapt its legislation to gender-neutral EU regulations. Legislation went into effect in January 1998, requiring that collective bargaining units take action by 2001 to eliminate restrictions on nighttime work for women.

In October the Freedom Party replaced Social Security and Generations Minister Elisabeth Sickl with FPO Member of Parliament Herbert Haupt. The Government received extensive criticism for replacing the head of this ministry, which oversees women's affairs, with a man. A Federal Equality Commission and a Federal Commissioner for Equal Treatment oversee laws prescribing equal treatment of men and women. Sixty percent of women between the ages of 15 and 60 are in the labor force. Despite substantial gains, women's incomes continue to average 30 percent less than those of men.

In September the U.N. Committee on Elimination of Discrimination Against Women released a report criticizing the new Government's treatment of women, including its decision to abolish the Federal Women's Affairs Ministry and fold its portfolio into the newly created Ministry of Social Affairs and Generations. The Committee was especially concerned about immigrant women's access to employment.

As of January 1, 1998, women were allowed to serve in the military voluntarily. On April 1, 1998, the first two women began training. On December 1, 1998, the first women, both doctors, were taken into the military. The long-term expectation is that women may make up about 5 percent of the military. As of August, there were a total of 104 women serving in the military. This includes 6 officers, 2 of whom currently are serving in peacekeeping operations abroad, and 13 noncommissioned officers (NCO's). There are 7 women currently undergoing officer training and 52 training to be NCO's. The remaining 26 are training as high-level athletes. There are no restrictions on the type or location of assignments given to women.

Although labor laws provide for equal treatment for women in the civil service, they remain underrepresented. To remedy this circumstance, a 1993 law requires hiring women of equivalent qualifications ahead of men in civil service areas in which less than 40 percent of the employees are women; however, there are no penalties for failing to attain the 40 percent target. Critics of the Government raised the issue of sexual equality in a proposed "objectivity law" on personnel appoint-

ments in the civil service. They are asking for provisions that provide parity between men and women on personnel appointment panels.

Women may be awarded compensation of up to 4 months' salary if discriminated against in promotions because of their sex. The Labor Court also can order employers to compensate victims of sexual harassment.

Women's rights organizations are partly politically affiliated, and partly autonomous groups. In voicing their concerns, they receive wide public attention. Despite fears of women's rights groups, the new coalition asserted that these groups would continue to receive government subsidies.

Children.—Laws protect the vast majority of children's rights established in international conventions and in some respects go beyond them. Each provincial government and the federal Ministry for Youth and Family Affairs has an "Ombudsperson for Children and Adolescents" whose main function is to resolve complaints about violations of rights of children.

While 9 years of education are mandatory for all children, beginning at age 6, the Government also provides free education through the level of technical or vocational programs or university. Educational opportunity is equal for girls and boys. Comprehensive, government-financed medical care is available for all children without regard to gender.

There is no societal pattern of abuse against children, although heightened awareness of child abuse has led the Government to increase its efforts to monitor the issue and prosecute offenders. The growing number of reported incidences of child abuse is considered a result of increased public awareness of the problem. According to the Penal Code, sexual intercourse between an adult and a child (under 14 years of age) is punishable with a prison sentence of up to 10 years; in case of pregnancy of the victim, the sentence can be extended to up to 15 years. In 1999 the Ministry of Justice reported 690 cases of child abuse involving either intercourse with a minor (paragraph 206 of the Penal Code) or attempted intercourse with a minor (paragraph 207). Of these, 519 cases were investigated. In 1998 there were 745 cases involving the same sections of the Penal Code, of which 554 were investigated, resulting in 252 convictions.

Stricter regulations on child pornography went into effect in 1997. Under the new laws, any citizen engaging in child pornography in a foreign country becomes punishable under Austrian law even if the actions are not punishable in the country where this violation was committed. The laws also entail more severe provisions for the possession, trading, and private viewing of pornographic materials. For example, exchanging videos is now illegal even if done privately rather than as a business transaction.

People with Disabilities.—The law protects disabled individuals from discrimination in housing, education, and employment. In July 1997, Parliament passed an amendment to the Constitution explicitly requiring the State to provide for equal rights for the disabled "in all areas of everyday life." The law requires all private enterprises and state and federal government offices to employ 1 disabled person for every 25 to 45 employees, depending on the type of work. Employers who do not meet this requirement must pay a fee to the Government, and the proceeds help finance services for the disabled such as training programs, wage subsidies, and workplace adaptations. However, the law has received some criticism, since many observers believe that penalties are too low to discourage companies from bypassing the requirement. No federal law mandates access for the physically disabled; some public buildings are virtually inaccessible to those unable to climb stairs.

Mentally retarded women can be sterilized involuntarily at the request of parents; in the case of minors; or, by request of the responsible family member or by court order, in the case of adults. One political party has called for restrictive legislation to make it more difficult to sterilize mentally retarded women; however, no legislative action has ever been taken on this proposal.

Religious Minorities.—Members of various nonrecognized religious groups complained of discrimination and harassment by the public. The head of the Lutheran Church in Burgenland, Gertrude Knoll, who spoke out against intolerance and xenophobia at a February political demonstration, was subjected to hate mail and threats against herself and her family. It was widely assumed, but never proven, that FPO supporters were behind the hate campaign.

The leader of the country's Jewish community reported that persons within the community who took a stand against racism and xenophobia (including himself) were subjected to verbal and written threats. The FPO's attitudes against foreigners and minorities reportedly led some members of the Jewish community to consider leaving the country.

National/Racial/Ethnic Minorities.—While statistics for the first half of the year showed a marked increase in the number of official complaints of neo-Nazi, right-

wing extremist, or xenophobic incidents, the Interior Ministry estimates that figures for the calendar year indicate a slight overall decrease compared to 1999. In 1999 the Ministry recorded 311 rightwing incidents, 15 anti-Semitic incidents, and 52 xenophobic incidents, which led to a total of 25 convictions. In 1998 there were 244 reported rightwing incidents, 31 anti-Semitic incidents, and 8 xenophobic incidents, with 41 convictions. The Government expressed concern over the activities of extreme-right skinhead and neo-Nazi groups, many with links to organizations in other countries. Despite ongoing budgetary austerity, the Government retained the previous year's funding levels for ethnic minorities in the 2000 budget.

In August the domestic media reported that the European Commission Against Racism and Intolerance (ECRI) issued a confidential report to the Government recommending the swift implementation of additional measures against racism, xenophobia, discrimination, and intolerance. Members of the Commission reportedly expressed "deep concern about the extensive use of racist and xenophobic remarks by Austrian politicians."

In July the Government passed a comprehensive prominority rights bill providing expanded constitutional protections for the country's six officially recognized minorities. In response to a longstanding demand by minority representatives, the governing coalition committed to "honor and promote its historic minorities" as a constitutionally anchored policy goal. In a related development, the Government approved the placement of bilingual town signs in Croat- and Hungarian-speaking areas of Burgenland province, an action pending since 1955. The Government also agreed to continue funding, albeit at lower levels, privately run minority radio stations. In Carinthia Governor Haider promised to fulfill a longstanding demand by the resident Slovene minority for a dedicated seat in the provincial assembly. Haider also promised to implement additional prominority measures in the province's preschool system. Minority representatives acknowledged all these measures, but some critics contend that the recent spate of prominority measures is clearly a result of EU sanctions.

In October 1999, authorities arrested 69 suspected neo-Nazis in the province of Upper Austria. The group had contacts with neo-Nazis in several other countries. In a separate action in November 1999, 17 skinheads in the same province were charged with violation of the law against neo-Nazi activities.

In March 1999, Franz Fuchs was convicted of conducting a xenophobic, deadly letter bomb campaign between 1993 and 1997. He was sentenced to life imprisonment but committed suicide in February.

During the national election campaign, the Freedom Party exploited the fears of many citizens that EU expansion and a continued influx of asylum seekers and refugees from the Balkans and other areas would result in uncontrolled immigration. The Vienna FPÖ chapter widely distributed placards carrying anti-immigrant slogans, including a call to stop "overforeignization."

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions without prior authorization, under general constitutional provisions regarding freedom of association. In practice trade unions have an important and independent voice in the political, social, and economic life of the country. Fifty-two percent of the work force are organized into 13 national unions belonging to the Austrian Trade Union Federation (ÖGB), which has a highly centralized leadership structure. Association of national unions with the ÖGB is voluntary. Individual unions and the ÖGB are independent of government or political party control, although formal factions within these organizations are allied closely with political parties.

Although the right to strike is not provided explicitly in the Constitution or in national legislation, it is universally recognized. Historically strikes have been comparatively few and usually of short duration. A major reason for the record of labor peace is the unofficial system of "social partnership" among labor, management, and government. At the center of the system is the Joint Parity Commission for Wages and Prices, which has an important voice on major economic questions.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. Almost all large companies, private or state-owned, are organized. Worker councils operate at the enterprise level, and workers are entitled by law to elect one-third of the members of the supervisory boards of major companies. Collective agreements covering wages, benefits, and working conditions are negotiated by the ÖGB with the National Chamber of Commerce and its associations, which represent the employers. The Joint Parity Commission sets wage and price policy guidelines. A 1973 law obliges employers in enterprises with more than five employees to prove that job dismissals are not motivated by antiunion discrimination. Employers found guilty of this offense are required to reinstate workers.

Labor and business representatives remain in a longstanding disagreement over how to comply with the obligation under the International Labor Organization's Convention 98 to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

Typically legal disputes between employers and employees regarding job-related matters are handled by a special arbitration court for social affairs. The OGB is exclusively responsible for collective bargaining. The leadership of the Chamber of Labor, the Chamber of Commerce, and the OGB are elected democratically.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor is prohibited by law and generally is not practiced. Trafficking in women for the purpose of forced prostitution remains a problem (see Section 6.f.). The Government prohibits forced and bonded labor by children and enforces this prohibition effectively.

Former forced laborers have filed suits against Austrian companies that used forced labor provided by the Nazi government. In October an agreement was signed between the Government, attorneys representing former forced and slave laborers, and representatives of foreign governments, providing for compensation for former forced and slave laborers. In July Parliament unanimously passed legislation authorizing the payment of \$418 million (6 billion ATS) for victims of forced and slave labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforces the law. The Government has adopted laws and policies to protect children from exploitation in the work place. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimums by job classification for each industry. The generally accepted unofficial minimum gross income is \$11,200 (168,000 ATS) per year. Every worker is entitled to a variety of generous social benefits. The average citizen has a high standard of living, and even the minimum wages are sufficient to permit a decent living for workers and their families.

Although the legal workweek has been established at 40 hours since 1975, more than 50 percent of the labor force is covered by collective bargaining agreements that set the workweek at 38 or 38½ hours.

Extensive legislation, regularly enforced by the Labor Inspectorate of the Ministry of Social Affairs, provides for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee; however, this option is rarely exercised, as workers normally rely instead on the Chambers of Labor, which file suits on their behalf.

The Labor Code provides that workers have the right to remove themselves from a job if they fear "serious, immediate danger to life and health" without incurring any prejudice to their job or career.

f. Trafficking in Persons.—There is no single law covering trafficking in persons generally, but several laws contain provisions that apply to this problem. Trafficking for the purpose of prostitution is illegal, and the law provides for a jail sentence of up to 10 years for convicted traffickers. Prostitution itself is legal. Another law covers trafficking in persons for purposes other than prostitution. NGO's report that enforcement is weak and that convicted traffickers generally receive sentences of less than 3 years imprisonment. A leading domestic NGO reports that the country has shifted from being a transit country to a major final destination, primarily for women from Eastern Europe and the countries of the former Soviet Union who are trafficked into prostitution and other forms of forced dependency. Convictions for trafficking in women and children increased by 162 percent. Police estimate that one-fourth of trafficking in women in the country is controlled by organized crime. Austria is particularly attractive to traffickers due to its geographic location and to the fact that citizens of the Czech Republic, Slovakia, and Hungary do not require visas to enter the country. On March 24, the Interior Ministry announced draft legislation to enact stronger penalties against alien smuggling. The maximum penalty for the most serious offenses would increase from 5 to 10 years' imprisonment. In the first 6 months of the year, the authorities arrested 133 smugglers of persons.

A witness protection program granting temporary resident status to women willing to testify against their traffickers went into effect on January 1, 1998. In the past, because so few witnesses agreed to testify against their traffickers, prosecution was difficult, and those trafficked often simply were expelled from the country. The witness protection plan is aimed at generating more support from witnesses; however, victims still rarely agree to testify, due to fear of retribution. The temporary

resident status allows victims to stay in the country only during a trial; no provisions are made for them to stay in the country following their testimony. Virtually all victims are deported. Various NGO's, with the support of the Government, have begun to broaden their assistance and strong support for battered spouses to include those women seeking to flee from the prostitution traps created by criminal elements. There is one NGO center that provides comprehensive counseling, educational services, and emergency housing to victims of trafficking.

AZERBAIJAN

Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October 1998 in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels. President Aliyev and his supporters continue to dominate the government and the multiparty 125-member Parliament. Parliamentary elections held in November showed some progress over the flawed 1995 elections in that political pluralism was advanced; however, there were numerous serious flaws; and the elections did not meet international standards. Serious irregularities included the disqualification of half of the prospective candidates in the single mandate elections, a flawed appeals process, ballot box stuffing, manipulated turnout results, premarked ballots, severe restrictions on domestic nonpartisan observers, and a completely flawed vote counting process. The Constitution, adopted in a 1995 referendum, established a system of government based on a division of powers among a strong presidency, a legislature with the power to approve the budget and impeach the President, and a nominally independent judiciary. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

The police, the Ministry of Internal Affairs, and the Ministry of National Security are responsible for internal security. Members of the police continue to commit numerous human rights abuses.

Azerbaijan continued to affirm its commitment to an economic transition from central planning to a free market; however, reforms stagnated in practice. Economic growth has been spurred by substantial foreign investment in the hydrocarbon sector, but it is offset by widespread corruption and patronage. While government statistics pointed to continued economic growth during the year, the real economy continues to be affected by a low level of foreign business activity due largely to low oil prices in 1999, a lack of oil industry infrastructure, widespread corruption and a deteriorating business climate. Consistently high oil prices appear to be reversing that trend. The country has rich petroleum reserves and significant agricultural potential. Oil and oil products are the largest export, followed by cotton and tobacco. Other key industries are chemicals and oil field machinery. The government signed new oil production sharing agreements with foreign oil companies and a group of eight oil companies formed a sponsors group and began engineering studies for the Baku-Tbilisi-Ceyhan main export pipeline. Agriculture employs 36 percent of the labor force and makes up 22 percent of the gross domestic product (GDP). The leading crops are wheat, fruit and vegetables, cotton, tobacco, and grapes. Privatization of industry was postponed while the government rewrote its privatization laws to bring them up to international standards. On August 10, President Aliyev issued a decree to implement the new privatization law adopted by the Parliament in May. Large enterprises remain almost exclusively under government control and operate at a fraction of their capacity. The accumulation of large wage arrears is common. Private retail enterprises, cotton gins, and grain mills are proliferating. More than 90 percent of the nation's farmland is now in private hands, but new small farmers have poor access to credit and markets, and commercial agriculture remains weak. Per capita GDP is approximately \$500 per year. Much of the labor force is employed in the state sector where wages are low. The overall economic situation of the average citizen remains tenuous, although in urban areas a growing moneyed class with trade and oil-related interests has emerged. According to official statistics, the economy now is only 60 percent of the size of the economy in 1991. According to the World Bank, 60 percent of the citizens live in poverty. Severe disparities of income have emerged that are attributed partly to patronage and corruption.

The Government's human rights record remained poor; although there were improvements in a few significant areas, serious problems remain. The Government continues to restrict citizens' ability to change their government peacefully. Police tortured and beat persons in custody, arbitrarily arrested and detained persons, and

conducted searches and seizures without warrants. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. Prison conditions remained harsh, and some prisoners died as a result of these conditions. Lengthy pretrial detention is still a problem. The judiciary is corrupt, inefficient, and subject to executive influence. Corruption continued to pervade most government organs, and it is widely believed that most persons in appointed government positions and in state employment purchased their positions. During the year a total of five presidential pardons and amnesties resulted in the release of approximately 300 prisoners, including some political prisoners. The Government holds about 50 political prisoners. The Government infringes on citizens' privacy rights. The Government continues to limit freedom of speech and of the press. Although the Government abolished censorship in August 1998, government officials throughout the year sought to intimidate independent and opposition newspapers by suing them for defamation. As a result, journalists practiced self-censorship. Nevertheless, scores of opposition and independent newspapers continue to publish and discuss a wide range of sensitive domestic and foreign policy issues. Criticism of the Government and of the Aliyev family is not uncommon; however, journalists were subject to violence on occasion by unknown assailants who sought to stop media criticism of the Government. The Government continued to deny broadcast licenses to all truly independent organizations that applied to open television and radio stations. The Government also tightly controls official radio and television, the primary source of information for most of the population.

The Government restricted freedom of assembly and association. Although local authorities in Baku permitted several demonstrations to take place, the locations negotiated with the city government were not those preferred by the opposition and were subject to heavy police surveillance. Baku authorities broke up unsanctioned demonstrations and pickets throughout the year. Opposition political parties tried to hold smaller-scale meetings and seminars throughout the country; although many do take place, local authorities refuse to sanction some. The Government continues to refuse to register some political parties. There are currently 38 registered political parties, 20 of which are considered to be opposition parties. The Government registered the opposition Azerbaijan Democratic Party after a long delay in February. After a series of crackdowns on religious groups in the summer and fall of 1999, the Government improved its record on religious liberty following President Aliyev's public commitment to do so in November 1999. The Government acted to redress earlier harassment by lower-level government and security officials, including arrests, deportation orders, and a failure to register religious groups. However, harassment of some non-traditional religious groups by lower-level and local government officials continued. The authorities broke up religious observances, and bureaucratic harassment, including lengthy delays in registration, continued for some religious organizations. The Government at times restricted freedom of movement. The Government controlled the electoral process. Although parliamentary elections held in November showed some improvement over the flawed 1995 elections, numerous serious irregularities marred the process. The Government criticized certain domestic human rights activists. Domestic human rights NGO's routinely experience problems with registration. Violence and discrimination against women and discrimination against certain religious minorities are problems. The Government limits some worker rights. Trafficking in persons, particularly women for the purpose of forced prostitution, is a problem.

After years of interethnic conflict between Armenians and Azerbaijanis, Armenian forces and forces of the self-styled "Republic of Nagorno-Karabakh" (which is not recognized by any government) continue to occupy 20 percent of Azerbaijan's territory. A cease-fire was concluded in 1994, and the peace process continues. Beginning in 1999, the Presidents of Azerbaijan and Armenia held a series of direct meetings to discuss a compromise resolution. These meetings have yet to yield concrete results. Exchanges of fire occurred sporadically along the Azerbaijan-Armenian border and along the line of contact with Nagorno-Karabakh, causing numerous casualties. Military operations of 1989-94 continue to affect the civilian population to this day. There were four civilian and four military casualties during the year caused by landmines. In 1999 three persons were killed and five were wounded by landmines. These landmines were laid near the disputed area by the governments of Azerbaijan and Armenia and the Karabakh Armenian authorities. There are approximately 800,000 Azerbaijani refugees and internally displaced persons (IDP's) who cannot return to their homes in Nagorno-Karabakh and the occupied territories and approximately 300,000 Armenians who cannot return to Baku and other cities in Azerbaijan.

The Government of Azerbaijan does not exercise any control over events inside of Nagorno-Karabakh. Little information is available on the human rights situation in

Nagorno-Karabakh due to limited access to the region by foreign diplomatic officials. In March Nagorno-Karabakh "President" Arkady Ghukasian was injured by gunfire while travelling from his office to his residence. Samuel Babayan, the former chief of the "Nagorno-Karabakh Defense forces" and former "Minister of Defense", his brother Karen (currently mayor of Stepankert), and 25 others were taken into custody in connection with the shooting. On March 28, authorities arrested Vahram Aghajanian, a journalist who writes for an opposition newspaper in Nagorno-Karabakh, and accused him of slandering the "Prime Minister." He was held without charge for 2 weeks after his arrest, and then given a 1-year sentence for defamation of character. In April he was released from prison after an appeals court suspended his 1-year sentence. There were some reports that the Armenian Apostolic Church enjoys at least quasi-official status, and that the practice of some other religious faiths, such as evangelical Christianity, is discouraged.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict continue. They result in injuries and deaths among combatants and occasionally civilians. The taking of prisoners, including civilians, occurs. Nagorno-Karabakh Armenian forces in Nagorno-Karabakh and the occupied territories continued to prevent the return of hundreds of thousands of IDP's to their homes.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, including Freedom from:

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

There were a few reports of deaths of prisoners due, at least in part to prison conditions while in official custody. Several prisoners were killed during a reported uprising at a prison in January 1999 (see Section 1.c.). The Government still has not released a report on the prison uprising.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to civilians.

There were four civilian and four military casualties due to landmines during the year. In 1999 three persons were killed and five were wounded by landmines laid near the disputed area of Nagorno-Karabakh. These mines were laid by the governments of Azerbaijan and Armenia and the Karabakh Armenian authorities.

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

During the year, 16 Azerbaijani and 2 Armenian POW's were released. The Government of Azerbaijan claims it has released all Armenian POW's. The International Committee of the Red Cross (ICRC) repeatedly asked the concerned parties for notification of any person captured in relation to the conflict, access to all places of detention connected with the conflict, and release of all such persons. The ICRC also urged the parties to provide information on the fate of persons reported as missing in action. Since 1997 the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani nationals allegedly held by Armenia.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture is illegal; however, there are credible reports that prison guards tortured inmates, and that the police beat prisoners during arrest, interrogation, and pretrial detention. On September 1, the Government enacted a new criminal code that bans acts of torture and makes perpetrators liable for up to 10 years imprisonment. A definition of torture, in line with that contained in the U.N. Convention on Torture, was also adopted. The Government does not hold most members of the police accountable for their actions, and impunity continues to be a problem. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. In a 1999 report, Human Rights Watch noted that the most severe and routine physical abuse of detainees takes place just prior to and during the preliminary investigation, as police and other investigators "isolate detainees from all contact with the outside world, and beat and coerce confessions from suspects and statements from witnesses."

Prison conditions are harsh. The quality of food, housing, and medical care is poor. Prisoners must rely on their families to provide food and medicine. There are widespread and credible reports that authorities deny or give inadequate medical treatment to prisoners with serious medical conditions. Tuberculosis is a problem. Approximately 2,000 prisoners have been treated for tuberculosis. Due to the absence of systematic screening of the prison population, patients often start treatment when they are already seriously ill and there is only a 55 percent cure rate. Authorities severely limit opportunities for exercise and visits by lawyers and family members of prisoners in security prisons. Some prisoners are kept in "separation cells" often located in basements, in which prisoners reportedly are denied food and

sleep in order to elicit confessions from them with no physical evidence of abuse. Men and women are housed in separate prison facilities. On March 20, President Aliyev signed two human rights decrees. One permitted the ICRC to begin prison visits, which allowed the ICRC access to all places and to all detainees within its mandates, both sentenced and unsentenced. The second decree provided for adherence to the U.N. Convention on Torture.

The first visit of ICRC representatives took place on June 23 to Gobustan prison. ICRC visits to the Bailov Detention Center in Baku began on September 6. The ICRC also still had access to prisons where persons of the Nagorno-Karabakh conflict were detained. Local human rights organizations were able to continue their visits to prisons; however, one local organization has been denied access since July.

d. Arbitrary Arrest, Detention, or Exile.—Authorities arbitrarily arrest and detain persons without legal warrants. Often authorities do not notify family members after arrests. Frequently it is days before family members are able to obtain information as to whether authorities have arrested someone, and where authorities are holding the detainee. Family members do not enjoy the right of visitation. Authorities generally deny bail to detained individuals and often do not inform detainees of the charges against them. While the situation appears to be improving gradually, lengthy pretrial detention is still a problem. In July 1999 the Constitutional Court ruled that detainees could have access to a lawyer from the time of detention rather than only after they have been charged with a crime, but access to lawyers is often poor. In the past, police sometimes detained relatives of suspects being sought in an attempt to force the family to reveal a suspect's whereabouts (see Section 1.f.).

Twenty-three members of opposition parties were still in custody at year's end for their alleged participation in an unsanctioned demonstration in Sheki on November 18. Some of these demonstrators violently attacked government buildings and law enforcement officials. Throughout the year, opposition members were detained for participating in unsanctioned demonstrations and later released by police without further charges.

Members of opposition political parties were more likely to experience official harassment than other citizens. In response to publication of a series of articles insulting the residents of the autonomous republic of Nakhchivan published by Yeni Musavat in February, five opposition politicians and the author of the articles were detained by officials in Nakhchivan (see section 2.a.). All were subsequently released.

In July police arrested four participants at an unsanctioned demonstration in support of opposition Azerbaijan National Independence Party leader, Etibar Mammedov. Two of the four were imprisoned while awaiting their trial, which was delayed numerous times. All eventually were fined and released.

Police forcibly dispersed an unsanctioned demonstration on April 29. The demonstrators made up of a cross-section of opposition party members attempted to assemble at a downtown Baku square to demand free and fair parliamentary elections in November. The Government refused to issue a permit for the demonstration and ordered police to break up the rally. A number of protesters and journalists covering the demonstration were injured; dozens were arrested and detained before being released without charges (See sections 2.a. and 2.b.). In 1999, police beat, harassed detained, and arrested members of evangelical Christian and other groups, and seized their documents and property. This year there were few reports of such incidents, and there has been substantial improvement in the treatment of evangelical Christian groups (see Section 2.c.).

In July police arrested and detained worshippers of a Pentecostal church in Baku (see Section 2.c.).

In August Ramiz Hasanov, head of the Azerbaijan Democratic Party's (ADP) Ganja Branch, was arrested for allegedly concealing knowledge of a coup d'etat planned by Ganja's ex-police chief Natiq Effendiyev. No trial date was set by year's end. There were credible reports that local authorities harassed ADP party members while they campaigned for the party in the period prior to parliamentary elections.

In August a member of the Nakhchivan branch of the opposition Musavat Party-demanding free and fair parliamentary elections in November-attempted to hijack a domestic flight from Nakhchivan to Baku. He was subsequently disarmed and arrested after the plane landed safely in Baku. Days later, Yeni Musavat opposition journalist Rauf Arifoglu was arrested for allegedly concealing a weapon, which many believe may have been planted by police, and for concealing prior knowledge of the hijacking attempt. Arifoglu was detained for six weeks and later released in October. A trial date for Arifoglu was not set by year's end. Local police detained several members of the opposition Popular Front Party in Nakhchivan under suspicion for complicity in the hijacking. All later were released. Local police also arrested a Yeni Musavat reporter soon after his arrival in Nakhchivan to cover the hijacking. Police

did not disseminate any information about the journalist's whereabouts until his release 2 days later (see Section 2.a.).

Rza Guliyev and Etibar Guliyev, nephews of exiled opposition politician Rasul Guliyev, were both convicted of large-scale embezzlement in 1999 and 2000, and are currently serving 7 year jail sentences. The actions taken against Guliyev's nephews appeared to be politically motivated. Rasul Guliyev was forced to resign as Speaker of the Parliament in 1996 and now is living abroad. He is accused by the government of large-scale embezzlement and an arrest warrant has been issued based on the results of an investigation by the Prosecutor General's office. Guliyev claims that he and his attorney are unable to see these charges.

On September 1, the Government promulgated several new legal codes, replacing codes from the Soviet era. These included: a new criminal code, a family code, a civil code, a civil procedures code, and a code on administrative violations. Officials cooperated with foreign advisers to develop the new codes in accordance with Western European standards. However, the Government had not implemented completely some of these codes by year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice judges do not function independently of the executive branch. The judicial system is subject to the influence of executive authorities. The President appoints Supreme and Constitutional Court judges, subject to confirmation by Parliament. The President directly appoints lower level judges with no requirement for confirmation. In April qualifying exams for judges were administered for the first time. Over half of the approximately 1,000 test takers passed the written portion of the exam, which international legal observers say was conducted fairly. However, there were numerous reports of fraud during the oral portion of the test, where many positions were allegedly bought and sold. The judiciary is widely believed to be corrupt and inefficient.

During the year, the Constitutional Court formed in 1998 made a number of decisions, which demonstrated a more independent body. In February it reregistered the opposition Azerbaijan Democratic Party following a long and drawn-out appeal by the party. In August it also decided to declare unconstitutional the retroactive application of a clause in the election law that required parties to be registered 6 months in advance of the announcement of the elections. In November it voided the results of the Parliamentary elections in four additional districts (the Central Election Commission (CEC) originally recommended the results in 7 districts be voided).

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court also may act as the court of first instance, depending on the nature and seriousness of the crime.

The Government organizes prosecutors into offices at the district, municipal, and republic level. They are ultimately responsible to the Minister of Justice, are appointed by the President, and are confirmed by Parliament. The Constitution prescribes equal status for prosecutors and defense attorneys before the courts. In practice, prosecutors' prerogatives outweigh those of defense attorneys. Investigations often rely on obtaining confessions rather than obtaining evidence against suspects. No judge has dismissed a case based on a prisoner's claim of having been beaten.

Cases at the district court level are tried before a panel consisting of one judge and two lay assessors. The judge presides over and directs trials. Judges frequently send cases unlikely to end in convictions back to the prosecutor for "additional investigation." Such cases either may be dropped or closed, occasionally without informing either the court or the defendant. The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidentiality of personal or family matters.

The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights, including an exclusionary rule barring the use of illegally obtained evidence and for a suspect's right to legal counsel and to be informed immediately of his legal rights, and of the charges against him. However, the Government has not made significant efforts to enforce these rights throughout the criminal justice system. Defendants may confront witnesses and present evidence. The court appoints an attorney for indigent defendants. Defendants and prosecutors have the right of appeal. The Government generally has observed the constitutional provision for public trial. Foreign and domestic observers generally are able to attend trials.

The Law on Advocates and Advocate Activity entered into force on January 27. It contains some useful features, such as rules on professionalism, and a call for people to pass a bar exam. Many legal observers find the law difficult to understand and question whether its implementation will improve the rule of law. The Inter-

national League for Human Rights (ILHR) considers the law a step back, because they believe it restricts the independence of lawyers and the ability of independent lawyers to defend victims of human rights abuse by requiring defense lawyers in criminal cases and pre-trial detentions to belong to the collegium of advocates. The collegium remains the principal regulatory body of the legal profession under the new law.

The Government held approximately 50 political prisoners at year's end. Some political prisoners were released following five presidential pardons and amnesties during the year. The Government continues to assert that it holds no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in prevention of a crime. The Government infringed on these rights. The Constitution allows searches of residences only with a court order or in cases provided by law. However, citizens widely believe that the Ministry of National Security monitors telephones and Internet traffic, especially those of foreigners and prominent political and business figures. Police often conducted searches without a warrant, and investigations sometimes resulted in confining the individuals to their city of residence or a brief jail sentence for questioning. There were credible allegations that police continued to intimidate and harass family members of suspects (see Sections 1.c. and 1.d.).

There were credible reports that individuals linked to opposition parties were fired from their jobs (see Section 2.d.). In September, the wife of an ADP leader in Khanlar province was fired from her job for collecting signatures for the party's proportional list candidates running in the November parliamentary elections. In Gabala two ADP members were summoned by local authorities and instructed to stop collecting signatures or they would be fired. In Sheki two ADP members were arrested while collecting signatures and then later released. Low-level harassment of certain religious groups continued, despite an overall improvement in religious liberties (see Section 1.c., 1.d., and 2.c.).

In June 1999 a court ruled in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photos. In September 1999, the Supreme Court overturned the lower court ruling; the case remained on appeal in the prosecutor general's office at year's end (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press and specifically outlaws press censorship; however, the Government in some cases restricts these rights in practice. The Government did not take any overt measures to reinstitute press censorship, which was abolished in 1998; however, actions taken by several prominent government officials, including the ongoing series of libel suits resulting in large fines (which would immediately bankrupt any independent or opposition newspaper), created an atmosphere in which editors and journalists exercise self-censorship. Most of the excessive fines were appealed; however, in those cases in which there were rulings, most appeals were denied. Prominent opposition politicians and independent newspapers criticized the government without reprisal.

On February 11, President Aliyev signed a new law on media into effect. Although an improvement over the previous law, in many respects it falls short of international standards. In particular, one section of the law permits the Government to shut down any newspaper that has been convicted of a crime (mainly libel) three times within the period of one year. During the year, this part of the law was used in an attempt to shut down one newspaper, Uch Nogte. The paper continued to publish until it won an appeal, which overturned the verdict.

While the press debated a wide variety of sensitive topics throughout the year, other factors restricted the public's ability to be informed about and discuss political issues. Editors complain that they feel under continuous and growing pressure to moderate criticism of the Government and of figures associated with the ruling circle. During the year, direct criticism of President Aliyev became less frequent. On May 8, Elmar Husseinov found the office to his weekly journal, Monitor Weekly (formerly Monitor), sealed by the Baku tax inspectorate, allegedly for printing articles critical of Aliyev. Most newspapers are printed in the Government's publishing house. The Government's near monopoly of publishing facilities and its control over the price of newsprint give it leverage over the press, a critical matter given the precarious finances of most opposition newspapers. Some editors complain about having their print runs limited by the state printing press, and many cite the threat of increases in paper and printing prices as a constraint on the freedom of the press.

The spate of lawsuits by prominent government officials against opposition or independent media outlets also had a negative effect on freedom of the press in practice. Courts invariably ruled in favor of the government plaintiffs, while ruling against opposition plaintiffs pursuing similar charges against progovernment media outlets in most cases. It appears that the extremely high financial penalties levied by the courts were designed to repress criticism rather than to foster responsible journalism. The provision in the new media law that permits the Government to shut down a newspaper after it loses three lawsuits, adds a powerful weapon to the Government's arsenal of intimidation. Libel suit fines worsened the atmosphere for press freedom. Telescope and Alem Newspapers were fined about \$1,000 (5 million and 4.5 million Manats respectively). Sara Television (which was shut down in the fall of 1999 on the grounds that Azerbaijani law prohibits foreign ownership of domestic television stations) was fined \$55,000 (250 million Manats). The Minister of Culture brought suit against Hurriyet Newspaper and won a \$220 (1 million Manats) fine. There were over 25 legal actions taken against journalists and media outlets during the year, according to the Committee to Protect the Rights of Journalists. Media outlets were fined a total of \$175,600 (803.5 million Manats). These sums are very high, given the country's poor economic situation; however, none have been paid. The chairman of Azeravtonagliyyat State Concern (a government-run enterprise) claimed his honor and dignity were offended and filed a lawsuit against the independent Avropa newspaper. During the appeals process, the fines against the newspaper were reduced. Avropa was subsequently charged with tax evasion—the second of three charges required to shut it down. Media outlets credibly claimed publicly and privately that the threat of fines and lawsuits forced them to exercise self-censorship.

Journalists were subject to violence. More than 60 separate incidents of harassment or intimidation of journalists were reported during the year, according to local sources. Among the incidents reported were threatening telephone calls, assaults by unidentified persons, beatings by policemen during demonstrations or picketing, and attacks on premises and property. For example, in February a mob attacked the local headquarters of the opposition newspaper Yeni Musavat in the autonomous Nakhchivan Republic. The riot allegedly was triggered by an article highly critical of local authorities and residents of Nehram, hometown of former Parliament foreign affairs committee chairman, Rza Ibadov. Police did not intervene to halt the attack. However, several policemen including senior police officials responsible for that area, were later fired, and others were suspended or reprimanded. Also in February, an independent Sara Television's vice president was injured seriously in an assault by an unidentified person. Despite promises of rapid action, police did not determine the identity of any of the assailants. While the Government denies any relationship with the assailants, the incidents involved opposition journalists who were warned to stop criticizing government officials or policies. In a separate incident in November, a group of women from Mastaha village in Nakhchivan entered Yeni Musavat headquarters to protest an article that criticized a local official. The women subsequently filed a lawsuit against the newspaper claiming its staff had assaulted them during the confrontation. Yeni Musavat brought a countersuit against the women, to which the courts had responded by year's end.

On April 29, police beat 17 journalists covering an unsanctioned opposition demonstration in Baku.

On August 29 Rauf Arifoglu editor-in-chief of Yeni Musavat, was arrested on charges of attempted hijacking, terrorism, and illegal possession of arms (see Section 1.d.).

Media outlets seek powerful patrons and align themselves with political parties and government factions to give themselves financial and legal protection. Current economic difficulties have contributed to the vulnerability of the media as former advertising revenues, primarily from foreign companies, have decreased. Most media have chosen to sacrifice their editorial independence to survive. However, a large number of newspapers continued to publish. One reliable source put the number of registered newspapers at 600, and the number actually publishing at least once a month at nearly 100. These included independent newspapers and newspapers with overt links to major and minor opposition parties. Government-run kiosks and 27 independent news distributors distributed opposition and independent newspapers. A number of editors continued to complain that the government-run kiosks refuse to carry their newspapers or claim to have sold all received copies while, in fact, retaining many unsold copies in stock.

The Government tightly controlled official radio and television, the source of information for much of the population because newspapers too expensive for most persons. Television and radio stations require a license to operate, and the Government used this requirement to prevent several independent stations from broadcasting.

Since 1993 no truly independent broadcaster has received a frequency from the State Commission on Radio and Television frequencies and the Ministry of Communications. There are a limited number of private television stations, whose broadcasts can be received only in Baku or in local areas outside the capital. Only one of the private stations is not directly under the control of a government official, and it is believed widely that this station also has compromised its independence. Independent radio, preferred by the overwhelming majority of listeners, largely is oriented to entertainment, but one independent station broadcasts on political topics. Opposition parties had limited access to the official electronic media. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Various talk shows, such as "Nezer Nugtasi" and "NEBZ" broadcast by privately-run, independent television channels, aired views of both government and opposition officials. A series of spacebridge shows which linked Azerbaijani and Armenian officials to discuss the Nagorno-Karabakh conflict began in the fall. During the parliamentary election campaign in November, local broadcasters aired several western-style, political roundtables, which featured representatives from the government and opposition discussing various news issues of the day. The state television channel provided representatives of each participating political party in the election at least one late evening addition to time purchased from the independent television stations for short campaign slots by party leaders; however, these broadcasts were blocked in certain outlying areas of the country.

On July 14, the Government cut electricity from the independent channel ANS for 15 minutes in order to censor an interview with Chechen field commander Shamil Basayev. The Government asserted that it censored the 15-minute interview because it contained terrorist propaganda.

In late August and early September, the State Television and Radio Company, AzTV, conducted a campaign against the Musavat Party and its leader, Isa Gambar, following the hijacking by a Musavat party member of an Azeri airliner on a flight from Nakhchivan to Baku (see Section 1.d.). The campaign featured coverage of meetings at collective farms, hospitals, clinics, and other state enterprises where the Musavat Party was criticized for its alleged complicity with terrorism.

At year's end, there were eight independent television stations operating outside of Baku. Four additional independent stations that were closed in 1999 reopened during the year; however, their legal status remained unclear. The state commission on radio and television frequencies had not granted these stations frequencies by year's end, which are required for official registration with the Ministry of Justice. Without registration, these stations are subject to closure at any time by the local or national authorities.

In October the Ministry of Communications shut down the privately run ABA Television for 10 days, in connection with allegations of tax evasion. The investigation was initiated one and a half years ago and continued at year's end.

In November Yeni Musavat, the newspaper of the opposition Musavat Party was found guilty of publishing an article insulting the Saatly district electoral commission. The court fined the newspaper \$200 (1 million Manats). Yeni Musavat had claimed that the outcome of the 1995 parliamentary poll in Saatly, in which President Aliyev's brother Djalal was elected, was falsified. The suit against the newspaper was brought by Ragim Azizov, who was appointed as the Saatly election commission chairman only after the 1995 election.

Three Russian and three Turkish television stations and radio programs are rebroadcast locally through Azerbaijani facilities and are seen and heard in most parts of the country. Radio free Europe/Radio Liberty and the Voice of America broadcast without restriction. There are no restrictions on reception of foreign stations via satellite. There is one 24-hour French language radio station in Baku and a British Broadcasting Company station that offers news programs in Russian, English, and Azerbaijani. The Government granted new broadcast licenses to a few foreign radio stations, plus several regional television stations directly under the control of the local executive commission. The Government has not acted for more than a year on the applications to broadcast of more than 10 independent broadcasters.

The Government allowed limited Internet access. There are 5 Internet service providers and 4 vendors sell accounts. Both providers and vendors have formal links with the Ministry of Communications. In September the Ministry abruptly shut down one provider for unknown reasons. The shutdown allegedly involves the refusal to pay new, higher fees for the use of Ministry of Communications telephone lines, but it is widely believed that the real issue was the Ministry of Communications' desire for a monopoly over this market. The Ministry of Communications and certain individuals either in the Ministry or closely aligned with it apparently seek to maximize both government and personal revenues from this lucrative and grow-

ing source of income. Internet costs average \$.30 (1,400 Manat) per hour (one-tenth the cost in 1998). Although few citizens can afford home computers or access fees, Internet cafes, which are widespread in Baku and other cities, offer affordable internet access. Many persons believe that the Government monitors Internet traffic, especially that of foreign businesses and opposition intellectuals and leaders (see Section 1.f.).

Appointments to government-controlled academic positions are heavily dependent on political connections. Nevertheless, several professors with tenure are active in opposition parties. There were no complaints of violation of academic freedom or of censorship of books or academic journals.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts this right on occasion. Authorities frequently prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. The Government did allow some opposition parties to organize so-called “pickets” (demonstrations with less than 50 participants) and to stage larger rallies far from the city center. Authorities cited security considerations repeatedly to ban any larger demonstrations in the center of town throughout the year. During the year, authorities cancelled numerous protests and rallies. At year’s end, the Government held 23 persons who were detained during demonstrations which took place in Sheki on November 18.

The Government detained persons at unauthorized rallies and meetings throughout the year, but most were released without charges after a brief period of detention. Police forcibly dispersed an unsanctioned demonstration on April 29. The Government allowed several opposition demonstrations to take place in Baku during the spring and summer. For example, Government sanctioned opposition rallies were held on August 5 and 12. In August and September, journalists and members of NGO’s held unsanctioned rallies in Baku to protest the imprisonment of opposition newspaper editor Rauf Arifoglu (see Section 1.d.). Police in Baku intervened on October 28 to prevent 40 members of the Civil Unity Party, which supported former President Ayaz Mutalibov, from holding a protest demonstration in the city center. The party’s leaders were warned earlier not to have the demonstration, which was intended to protest the refusal of the authorities to register the party. Several would-be demonstrators were beaten and injured. Opposition demonstrators were prevented from assembling in downtown Baku on November 25, because their rally had not been sanctioned by the local authorities. On November 18, demonstrations took place in several cities around the country including Baku, where approximately 4,000 persons gathered to protest the flawed parliamentary elections. Outside Baku some rallies drew over 1,000 demonstrators, who protested not only the elections but energy shortages in the region. In the regions where protesters received permission from local authorities to demonstrate, the protests proceeded peacefully. However, protesters without permits were dispersed by government authorities, with some arrests in the regional capitals. Protests in Agdash and Sheki led to violence, as police and demonstrators clashed. There were also protests in the regions over the reintroduction of energy cutbacks that had been suspended before the elections.

The Government repeatedly turned down requests for demonstrations in support of former Communist leader and President Ayaz Mutallibov, who now lives in Russia. Heads of local governments in several different sections of the country repeatedly refused the requests of opposition Members of Parliament, such as Popular Front first deputy chairman of the “reformers” faction Ali Kerimov, to hold organized meetings with constituents and interested citizens. On several occasions, central government authorities intervened to overrule the local authorities and allowed Kerimov and other opposition Members of Parliament to hold meetings.

The Constitution provides for freedom of association; however, in practice the Government continued to restrict this right on occasion. The Government requires political parties to register. There are currently 38 registered political parties. Some of these are affiliated with or support the President’s party. At least 20 registered parties are considered opposition parties. In February the Government registered the Azerbaijan Democratic Party, which is lead by former Parliament speaker Rasul Guliyev. Other unregistered parties have not met the legal requirements for registration. Nevertheless, unregistered political parties continued to function openly. Members of unregistered political parties can run for president but must be sponsored by a registered party or an independent “voters initiative group.” Members of unregistered parties may run for Parliament, but only as independents in a direct constituency, not on a party list. A party must be registered to run a list of candidates. Members of unregistered parties can run in municipal elections only as independents, or as nominees of a registered party or another voter initiatives group.

Credible reports of acts of harassment (including beatings) of opposition political figures continued. There were credible reports that individuals linked to opposition parties (and their relatives) were fired from their jobs. Shahid Abbasov, chairman of the local branch of the Musavat Party in Nakhchivan, was abducted on October 19 and beaten by masked men who demanded that he stop criticizing the chairman of Nakhchivan's parliament. The Government has not yet returned the Popular Front's headquarters nor many of its regional offices, which were seized in 1993.

Explicitly ethnic or religious based parties have not been registered.

The Government generally allowed private associations to function freely. The Ministry of Justice requires private organizations to register but does not always grant this registration freely and expeditiously. There are credible reports that the Government refuses to register many new human rights NGO's. Nevertheless, unregistered associations functioned openly. Many of the most active NGO's are affiliated with opposition political parties. The President signed a new law on "public associations" in October.

c. Freedom of Religion.—The Constitution provides that persons of all faiths may choose and practice their religion without restrictions, and the Government generally respected these rights for most citizens; however, Government authorities continued to harass on occasion foreign and Azerbaijani members of nontraditional religious groups. Such harassment was less frequent than in the previous years. Until late in 1999, the Government frequently used clauses in the Law on Religious Freedom and other laws to restrict religious activity by foreigners and nontraditional religious groups, particularly in the fall of 1999, when police and security officials disrupted a number of services, detained ministers, and ordered foreigners deported. Although President Aliyev has enunciated a clear policy of respect for religious freedom, lower level officials continued to attempt to restrict religious activity by local nontraditional groups.

Following a spate of attacks on members of non-traditional Christian groups in the summer and fall of 1999, President Aliyev in November 1999 announced to the National Security Council, and later in a nationwide television broadcast, that the Government henceforth would abide by Organization for Security and Cooperation in Europe (OSCE) standards of religious liberty. In conformity with his directives, government officials subsequently took steps to rectify some past violations of these standards, including the registration of a number of religious organizations that previously had been denied registration, and the reinstatement of selected group members who had been fired from their jobs for their religious affiliation. However the Religious Affairs Department, the government office charged with implementing the country's laws on religion, continued to delay selectively the registration of a few groups and to intervene selectively in the importation of religious literature.

The most common restriction on religious freedom results from the requirement in the Law on Religion that all religious organizations be registered by the Government in order to function legally. In principle a group obtains approval from the Department of Religious Affairs and then applies for formal registration with the Ministry of Justice. The Government stated that by year's end it had registered 39 Muslim and "other" religious groups. However, in practice, the process suffers from a lack of transparency, particularly within the Department of Religious Affairs. This office, an independent entity subordinated directly to the Council of Ministers, has been a bottleneck in the registration process. As a result, several Christian groups still experience problems with registration.

Registration enables a religious organization to maintain a bank account, legally rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a religious group to function. Unregistered groups often continue to operate, but participants are subject to arrest, fines, and—for foreigners—deportation. Religious groups are permitted to appeal registration denials to the courts, but the only group to do so to date—the Pentecostal "Word of Life" Church—lost its case in May 1998. In 1998 Human Rights Watch alleged that the officials responsible for registration took bribes to facilitate registration. The Catholic Church was registered in April 1999. Following the President's public commitment, the Government, specifically the Department of Religious Affairs, and the Ministry of Justice, took action on several applications by religious groups for registration that had been languishing, in some cases for years. The Evangelical Cathedral of Praise and the Nehemiah were registered in December 1999, as were the Jehovah's Witnesses. Prompted by the President's statements, some other religious groups that had been operating under continual low-level harassment because the Religious Affairs Department earlier had denied them registration were finally registered. In March the Community of Mountain Jews and the "Love" Baptist Community were registered. However, a small number of religious groups remain unregistered and continue to suffer from low-level government harassment.

In July police broke up an officially registered Pentecostal church service at the home of a member. Worshipers were detained and harassed for several hours before being released. The next day, the police apologized for their actions; however, the woman owner of the home in which the service took place was subjected to harassment by court officials who ordered her to stand trial for violating outdated administrative codes. The judge dismissed the case as unconstitutional and inconsistent with the 1996 law on religious freedom.

Some government bias against foreign missionary groups persisted. There were instances early in the year in which authorities harassed groups for disseminating religious materials without all the required permits. Since their registration in December 1999, Jehovah's Witnesses have been able to hold large gatherings for the first time in 3 years. However, on April 1, in what the Jehovah's Witnesses themselves refer to as an isolated incident, a meeting of Jehovah's Witnesses was dispersed by police who claimed that they lacked permission from the mayor's office. The manager of the venue subsequently declined to permit them to use it again.

The Law on Religion subordinates all Islamic religious organizations to the Azerbaijan-based spiritual directorate of Caucasus Muslims. In June 1999, a court decided in favor of a group of Muslim women who sued for the right to wear Islamic head scarves in passport photographs. In September 1999, the Supreme Court overturned the lower court ruling; the case was on appeal in the Prosecutor General's office at year's end (see Section 1.f.).

The Law on Religion also permits the production and dissemination of religious literature with the approval of the Department of Religious Affairs and with the agreement of local government authorities. The Government interpreted this provision to mean that only religious groups can engage in such activity and argues that booksellers and other entrepreneurs are forbidden to import and sell religious materials. For example, in September customs officials at the Azerbaijan-Russian border confiscated a new shipment of religious books for the owner of a legally registered bookstore in Baku. Officials alleged that the bookseller did not have the right to "import such books into the country." Only half of these books were released subsequently to the bookseller at year's end.

There is official concern about "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity, which in part is viewed as seeking to spread fundamentalist Islam, which is viewed as a threat to stability and civil peace.

In those portions of Azerbaijan controlled by ethnic Armenians, all ethnic Azerbaijanis have fled and those mosques that have not been destroyed are not functioning. Animosity toward the Armenian population elsewhere in Azerbaijan forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place over a decade ago, remain closed (see Section 5). As a consequence, the estimated 10,000 to 30,000 Armenians who remain in Azerbaijan are unable to attend their traditional places of worship. The Jewish community has freedom to worship and conduct educational activities and, during the year, enjoyed the public support of the Government.

Places of worship seized by the former Soviet Government during the Communist era from the Catholics, the Lutherans, and the Baptists have not been returned to those groups.

Some government officials share the strong popular prejudice against ethnic Azerbaijanis who have converted to Christianity and other religions (see section 5). For example, an ethnic Azerbaijani was subjected to administrative fines by local officials in Baku in July 1999 for possessing Christian literature, and another ethnic Azerbaijani reported that he was arrested, beaten, and imprisoned in August 1999 for changing his religious affiliation and becoming a member of Jehovah's Witnesses. No such incidents have been reported since the President's decree in October 1999.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of citizens to choose freely their place of domicile and to travel abroad and return, and the Government generally respects these provisions; however, at times the Government restricted freedom of movement. At times it limited the movement of members of opposition parties. The internal residence regime ("propiska") still is imposed on internally displaced persons, who are required to register their location with the authorities, and may reside only in approved locations. Residents of border areas in both Azerbaijan and Iran travel across the border in this restricted zone without visas. Foreigners and citizens require a visa to travel to the Autonomous Republic of Nakhchivan.

The Government officially recognizes freedom of emigration. Jewish emigration to Israel and other countries is not restricted by the Government. The remaining Armenian population in Azerbaijan (other than Armenians residing in the Nagorno-Karabakh region of Azerbaijan) is approximately 10,000 to 30,000, almost exclu-

sively persons of mixed descent or in mixed marriages. While official government policy is that ethnic Armenians are free to travel, low-level officials seeking bribes harassed Azerbaijani citizens of Armenian origin who sought to emigrate or obtain passports.

There were no draft notifications that restricted movement during the year. Draft-age men must obtain documents from military officials before they can leave for international travel. Travel restrictions sometimes are placed on military personnel, or persons possessing sensitive national security information.

The number of refugees and internally displaced persons (IDP's) from the Nagorno-Karabakh conflict is approximately 800,000; 200,000 of these are refugees and over 600,000 are IDP's. Armenians have settled in parts of the occupied territories. However, Armenians have not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied territories to return to their homes. The Government provides little assistance to these persons, and international support to the refugees is declining. Most of these IDP's continue to live in camps and other temporary shelters, at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians on all sides.

The Constitution provides for political asylum consistent with international norms. The Government depends on international assistance for refugees and IDP's. It cooperates with international organizations to provide aid for them. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. These organizations report full and unrestricted access to the refugee population.

The Government provides a minimal allowance to the IDP's themselves in the form of a bread allowance of \$4 (18,000 Manats) per month per family as well as an additional \$2 (9,000 Manats) per month for each child. Many of the IDP's complain of "processing fees" by local officials in the amount of approximately 10 percent, further reducing their already minimal allowances.

The issue of the provision of first asylum did not arise. In May 1999, the Parliament passed a new law on refugees; however, this has not yet been implemented. There are no procedures for granting first asylum. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

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

The Constitution and election law allow citizens to change their government by peaceful means; however, the Government continues to restrict citizens' ability to change their government peacefully by interfering in elections. Azerbaijan is a republic with a strong presidency, and a legislature that the Constitution describes as independent. However, in practice the legislature's independence from the executive is marginal. The Parliament exercises little legislative initiative independent of the executive. Opposition parties continued to be active inside and outside the Parliament, agitating for their views in their newspapers and through public statements. As a result of the flawed November parliamentary elections, the New Azerbaijan Party led by President Aliyev, held the overwhelming majority of seats in the 125-member Parliament (71 seats plus 25 seats belonging to nominally independent parties loyal to the president). Opposition members held 16 seats in the newly elected parliament at year's end, according to official results. However, opposition members temporarily boycotted parliamentary sessions to protest election results and called for new nationwide elections. In response to international criticism, the authorities voided results in 11 disputed districts and announced repeat elections would take place in those districts in January 2001.

The Government, with assistance from the OSCE's Office of Democratic Institutions and Human Rights, (ODIHR) drafted new legislation for the Central Election Commission (CEC), in advance of the parliamentary elections, which included a provision to provide a veto for opposition members on the CEC. The Government also drafted and passed a new election law incorporating most OSCE/ODIHR recommendations for reform into the final text. The omission of several important recommendations, however, sparked a temporary boycott by the opposition in the CEC. Shortcomings of the law included: signature requirements and verification procedures for candidates; absence of provisions for domestic non-partisan observers; and a lack of transparency of the vote tabulation procedures at the territorial election commission (TEC) level. In response to the boycott, the Government revoked the opposition's power to veto CEC decisions. Opposition members later resumed participation in the CEC.

The November parliamentary elections showed some improvement over previous elections since 1993 in that political pluralism was advanced, but they did not meet international standards due to numerous serious irregularities. During the preelection period, parties and candidates had better opportunities to conduct campaigns. Opposition parties were represented on election commissions at all levels; however, opposition representatives were marginalized or bypassed from the decision making process on sensitive issues by the CEC majority. On several occasions the CEC adopted critical decisions outside official sessions and without the approval of the required two-thirds majority. The Central Election Commission originally disqualified the Musavat Party and the Azerbaijan Democratic Party claiming that their registration documents were falsified. However, on October 8, following international criticism and a letter from President Aliyev, the CEC reversed its initial ruling and issued a statement consenting to the registration of slates of candidates from eight opposition political groups, including these two opposition parties. All political parties that sought to actively contest the election were able to register for the proportional ballot, in which 25 out of 125 Members of Parliament were elected. In the single-mandate elections, in which 100 of 125 Members of Parliament were elected, half of the prospective candidates were disqualified from registering, and the appeals process was flawed. Individual candidates were harassed, and some were beaten up or detained. Potential candidates reported that individuals who signed their petitions were asked to remove their names by police.

International observers reported that election day was marred by numerous instances of serious irregularities. These observed irregularities led to serious doubts about the accuracy of the officially recorded vote totals. Observers reported ballot stuffing, manipulated turnout results, and premarked ballots. The Party observers frequently suffered intimidation, harassment, and sometimes arrest, while carrying out their legitimate activities. Unauthorized local officials often controlled the process and sought to influence voters. In several instances, international observers were denied access to polling stations and frequently were expelled from election commission premises. Observers from domestic NGO's and several opposition parties participated on election day. In a reversal of earlier practice, an October law on non-governmental organizations banned election monitoring by representatives of NGO's that received more than 30 percent of their budget from foreign sources. This appeared targeted at preventing For The Sake of Civil Society, the only NGO capable of mounting a nation wide monitoring effort from doing so. Main opposition parties told international observers and journalists that their monitors reported widespread procedural violations and called for repeat nationwide elections. On November 7, the CEC announced that it would investigate and take immediate measures concerning all cases of violation of law and other shortcomings observed by the international and local observers on election day. At year's end, repeat elections were scheduled to occur in eleven districts.

The 1998 presidential election was an improvement over the previous elections, especially in regard to reduced multiple voting and the presence of domestic observers. However, some domestic and international observers witnessed ballot stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. Precinct vote totals were never reported. The observed irregularities and lack of transparency in vote counting led to serious doubts about the accuracy of the 76 percent of the vote officially recorded for president Aliyev. In August 1999, newspapers quoted the chairman of the CEC as admitting that Aliyev's vote total was overstated by 12 to 15 percent. International observers, including the OSCE/ODIHR, concluded that the election did not meet international standards.

The 1995 Constitution required that the country's first ever municipal elections be held by November 1997. However, the elections were delayed repeatedly until December 1999. The municipal election process was deeply flawed and were criticized heavily by observers, including the Council of Europe, which noted numerous instances of ballotbox- stuffing, voter intimidation, and other violations. The legislation governing the elections reflected some recommendations of international observers, but several serious problems were not remedied. The process of selecting territorial and precinct electoral commissions to oversee the municipal elections and the process for registering candidates were marred by widespread irregularities favoring the ruling party.

There are no legal restrictions on women's participation in politics; however, they are underrepresented in elective offices, since traditional social norms restrict women's roles in politics. The practice known of family voting, where men often cast the votes of their wives and other female members of their families exists but is declin-

ing in the country. There are 11 female Members of Parliament and 2 women with ministerial rank.

There are no restrictions on the participation of minorities in politics as individuals; however, explicitly ethnically or religiously based parties have not been registered. Members of indigenous ethnic minorities occupy some senior government positions.

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

Several human rights organizations monitor the human rights situation in the country. For the most part, the Government posed no obstacles to the presence of international human rights groups. Some of these groups investigate human rights abuses and disseminate their findings through the media. However, the Government has been critical of certain domestic human rights activists who have raised politically sensitive issues.

The Government has demonstrated some willingness to discuss human rights problems with international and domestic NGO's. The ICRC has had access to prisoners of war as well as civilians held in relation to the conflict over Nagorno-Karabakh. In June the ICRC began its first visits to special security and other prisons (see Section 1.c.).

Government officials occasionally criticize human rights activists. The Government registered the Azerbaijan Human Rights Center (AHRC) in November 1999 and until the summer of 2000; Eldar Zeynalov, Chairman of the AHRC, was routinely granted access to prisons. No official reason has been given for the recent denial of access. The center operates normally, and Zeynalov continues to publish articles regularly about the human rights situation in the country including lists of individuals he believes to be political prisoners, and he has faced no legal action. Zeynalov opened a new chapter of the organization in the western part of the country in August. At year's end the Government sharply criticized several human rights activists for allegedly providing inaccurate lists of political prisoners to visiting Council of Europe parliamentarians.

The Ministry of Justice regularly denies registration to human rights NGO's, some of which are linked to opposition political parties, although it has not tried to halt their activities. Registration enables a human rights organization to maintain a bank account legally, rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a human rights group to function.

The ICRC conducted education programs on international humanitarian law for officials of the Ministries of Interior and Defense, and for university and secondary school students.

In August 1999, the Government created the Commission on Human Rights, funded by a \$400,000 U.N. Development Program (UNDP) grant, which is headed by Justice Minister Fikret Mammedov. The Commission has not yet taken any significant actions. The Ministry of Justice also in August established a new human rights office within the ministry, but by year's end had not defined its agenda.

A foreign NGO representative working on democracy promotion was murdered on November 30 in Baku. Local officials are cooperating with International law enforcement officials on the ongoing investigation.

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

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, religion, language, social status, or membership in political parties, trade unions, or other public organizations; however, in the wake of the Nagorno-Karabakh conflict, there is widespread anti-Armenian sentiment in society. Preventing discrimination is not a major Government priority.

Women.—Discussion of violence against women is a taboo subject in Azerbaijan's patriarchal society, but it remains a problem. In rural areas, women have no real recourse against violence by their husbands, regardless of the law. Rape is severely punished, but, especially in rural areas, only a small fraction of offenses against women are reported or prosecuted. According to official statistics, there were 44 reported rapes during the year; the Society for the Defense of Women's Rights (SDWR) claims that rape is on the increase and that the official number is underreported, especially from conservative rural areas. There are no government sponsored or funded programs for victims of violence. There are no specific laws concerning spousal abuse or spousal rape.

Prostitution is a significant problem, particularly in the capital city of Baku. Most women become prostitutes in order to support their family members, and sometimes

it even is encouraged by the family due to the large amount of money to be made. In February 1999, the Society for the Defense of Women's Rights (SDWR) held a conference to highlight concerns over the growing incidents of prostitution and sexually transmitted diseases. At the conference, it was reported that there are more than 30 illegal houses of prostitution in Baku alone, the majority of which are allegedly run by high-ranking officials in government and frequented by members of the prosecutor's office and the police. Women engaged in prostitution are not liable to criminal charges since prostitution is considered a personal matter.

Pornography is prohibited, and the age of sexual consent is 16.

Trafficking in women is a problem, and the country is a source and transit point for trafficked women (see Section 6.f.).

Women nominally enjoy the same legal rights as men, including the right to participate in all aspects of economic and social life; however, societal discrimination is a problem. In general women have extensive opportunities for education and work. However, traditional social norms continue to restrict women's roles in the economy. Representation of women is sharply lower in higher levels of the work force. There are few women in executive positions in leading economic enterprises.

Twenty-four women's NGO's are registered, compared with 18 in 1999. The Society for the Defense of Women's Rights (SDWR) spends most of its time fighting unique post-Soviet problems. It has helped divorced women, widows, and wives whose husbands are in prison, all of whom have become socially and legally vulnerable since the fall of the Soviet Union. It assisted widows whose landlords privatized their apartments and then evicted them. The SDWR also worked with divorced women who feel that they have been treated unfairly by divorce courts. Several of the 24 women's NGO's deal with the problems of prostitution and trafficking in women (see Section 6.f.).

Children.—The Constitution and laws commit the Government to protect the rights of children to education and health; however, difficult economic circumstances limit the government's ability to carry out these commitments. Education is compulsory, free, and universal until the age of 17. The Constitution places children's rights on the same footing as those of adults. The Criminal Code prescribes severe penalties for crimes against children. The Government provides minimum standards of health care for children, although the quality of medical care overall is very low. The Government has authorized subsidies for children in an attempt to shield families against economic hardship in the wake of price liberalization, but these subsidies do not come close to covering the shortfall in family budgets. There are a large number of refugee and displaced children living in substandard conditions in refugee camps and public buildings. Children sometimes beg on the streets of Baku and other towns.

There is no known societal pattern of abuse of children.

People with Disabilities.—The Law on Support for the Disabled, enacted in 1993, prescribes priority for invalids and the disabled in obtaining housing, as well as discounts for public transport, and pension supplements. The Government does not have the means to fulfill its commitments. There are no special provisions in the law mandating accessibility to buildings for the disabled.

Religious Minorities.—There is considerable popular concern about the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions. Proselytizing by foreigners is against the law; however it does occur and there is widespread popular hostility towards groups that proselytize (largely evangelical Christians, but also Muslim missionary groups), and toward Muslims who convert to other faiths. Opposition to proselytizing within the population thus far has been limited to verbal criticism and appears focused against two groups. The first consists of evangelical Christian and so-called "nontraditional" religious groups. There is some evidence of widespread prejudice against ethnic Azerbaijanis who have converted to Christianity. During the year, articles periodically appeared in pro-government and independent newspapers and electronic media crudely depicting Christian missionary groups as a threat to the identity of the nation. The perceived threat from such groups is primarily cultural rather than religious. Often these articles attempt to associate evangelists with the foreign intelligence agencies, portraying them as part of a plot to undermine or control Muslim Azerbaijan.

Occasionally popular reaction goes beyond verbal criticism. In August 1999, a crowd of Muslims reportedly broke into a Baptist summer camp in Nardaran, threatening inhabitants and causing significant property damage. Police made no attempt to intervene and said that they found no evidence of the incident.

There has been significant improvement for the Jehovah's Witnesses this year. Since their registration in December 1999, church members have been able to conduct prayer services freely and proselytize with minimal interference by the authorities. In September 1999, several members of Jehovah's Witnesses reportedly were

subjected to humiliation and degradation when a factory manager assembled the plant's work force and berated the members of Jehovah's Witnesses for betraying their country by adopting a new religion. During the event, the father of one of the members of Jehovah's Witnesses publicly disowned her for adopting the new religion. In November 1999, the factory reinstated the members with full back pay (see Section 2.c.).

There is societal hostility toward Muslim groups, mostly from Iran, which seek to spread political Islam. Newspaper articles appear periodically depicting certain foreign-backed Muslim missionaries as a threat to stability and civil peace, and in some cases, as part of an Iranian strategy to destabilize and ultimately establish control over the country.

Reflecting the intense popular hostility toward Armenians that prevails in the country and the forced departure of most of the Armenian population, all Armenian churches, many of them damaged in ethnic riots which took place over a decade ago, remain closed. As a consequence, ethnic Armenians who remain in Azerbaijan, estimated to number between 10,000 and 30,000, are deprived of an opportunity for public worship. A similar situation exists in the Armenian-controlled portions of Azerbaijan, from which the Armenians forced approximately 800,000 ethnic Azerbaijanis to flee their homes and where those mosques that have not been destroyed are not functioning.

Jews generally do not suffer from societal discrimination; however, according to the Union of Councils for Soviet Jews, two Baku synagogues were desecrated in the fall of 1998. No arrests have been made.

National/Racial/Ethnic Minorities.—The outbreak of hostilities, anti-Armenian riots, and economic collapse in the final years of the Soviet union led to the expulsion of almost all Armenians and the departure of Russians and others. An estimated 10,000 to 30,000 Armenians still live in Azerbaijan, mostly women with ethnic Azerbaijani or Russian husbands. Most seek to shield their national identity. Some have changed their nationality, as reported in their passports, to Azerbaijani. With the nearly complete departure of the Armenian population, the number of problems reported by this ethnic minority has decreased. Armenians have complained of discrimination in employment and harassment at schools and workplaces and of the refusal of local government authorities to pay pensions. Armenian widows have had permits to live in Baku revoked. However, some persons of mixed Armenian-Azerbaijani descent continue to occupy government positions.

Indigenous ethnic minorities, such as the Talysh, Lezghis, Avars, and Georgians, do not suffer discrimination. However, Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, complain of discrimination.

In the area of the country controlled by insurgent (Armenian) forces, the Armenians forced approximately 800,000 ethnic Azerbaijanis to flee their homes. The regime that now controls these areas effectively has banned them from all spheres of civil, political, and economic life.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, including the right to form labor unions; however, one or another sub-branch of the government-run Azerbaijani Labor Federation organizes most industrial and white-collar workers. The overwhelming majority of labor unions still operate as they did under the Soviet system and remain tightly linked to the Government. Most major industries remain state-owned.

An independent Union of Oil Workers that was displaced by a pro-government union in 1997 has not been revived. In 1997 the State Oil Company (SOCAR) formed a pro-government union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former Independent Oil Workers Union without a vote of the union membership. It continues to operate without a vote of its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operates outside of established trade union structures and promotes the interests of workers in the petroleum sector.

The Constitution provides for the right to strike, and there are no legal restrictions on strikes or provisions for retribution against strikers.

The Azerbaijan Trade Union Confederation (ATUC) has 1.5 million members, of which approximately 800,000 are active members. The Government-run Azerbaijan Labor Federation has 300,000 members. Trade unions are prohibited by law from engaging in political activity (even though, as individuals, members of trade unions can participate in political activities).

Unions are free to form federations and to affiliate with international bodies; in November the ATUC became a member of the International Confederation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—A 1996 law provides for collective bargaining agreements to set wages in state enterprises. A labor inspectorate was established in 1997. However, these laws have not produced an effective system of collective bargaining between unions and enterprise management. Government-appointed boards and directors run the major enterprises and set wages. Unions effectively do not participate in determining wage levels. In a carryover from the Soviet system, both management and workers are considered members of the professional unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution allows forced or compulsory labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person, and the government has not invoked this clause; however, women are trafficked for the purpose of forced prostitution (see Section 6.f.). Two departments in the General Prosecutor's office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) enforce the prohibition on forced or compulsory labor. There are no constitutional provisions or laws specifically prohibiting forced and bonded labor by children; however, such practices are not known to occur. There were no reports during the year of compulsory cotton picking by children or adults.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Primary school education is compulsory, free, and universal. Children are normally in school until the age of 17. The law allows children between the ages of 14 and 15 to work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. Children at the age of 15 may work if the workplace's labor union does not object. There is no explicit restriction on the kinds of labor that 15-year-old children may perform with union consent. The Labor and Social Security Ministry has primary enforcement responsibility for child labor laws. With high adult unemployment, there have been few, if any, complaints of abuses of child labor laws. The law does not prohibit specifically forced and bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Government sets the nationwide administrative minimum wage by decree. It is \$3.00 (12,500 manats) per month. This wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$50 (215,000 manats) per person. Since practically all persons who work earn more than the minimum wage, enforcing its low level is not a major issue in labor or political debate.

The disruption of economic links with the rest of the former Soviet Union continues to affect employment in many industries. Idle factory workers typically receive less than half of their former wage. Under these conditions, many workers rely on the safety net of the extended family. More workers and unemployed persons turn to second jobs and makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside shops. Until the Russian financial crisis many persons (estimates range from between 1 to 2 million) supported themselves on remittances from relatives working in Russia, primarily as street traders. This source of support was reduced severely during 1999 and has not rebounded, although reliable statistics as to the precise amounts involved are not available. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek is 40 hours. There is a 1-hour lunch break per day and short breaks in the morning and afternoon. The Government attempts to enforce this law in the formal sector, but does not enforce these rules in the informal sector where the majority of citizens work.

Health and safety standards exist, but usually they are ignored in the workplace. Workers cannot leave dangerous work conditions without fear of losing their jobs.

f. Trafficking in Persons.—Azerbaijan is a source and a transit point for trafficked men, women, and children. Azerbaijanis themselves are trafficked into northern Europe, particularly to the Netherlands and Germany, where many unsuccessfully sought asylum. Women usually are sent to the United Arab Emirates (UAE) or Western Europe, mainly Germany, to participate as workers in the sex industry (for example, in strip clubs) and as prostitutes. Women from Iran, Russia, and sometimes Iraq, are transported through Baku to the UAE, Europe, and occasionally the United States for the same purposes. Under the new criminal code, the act of forcing

an individual into prostitution carries a 10 to 15 year jail term, which is a harsher sentence than the previous code.

A locally based international organization currently is promoting an awareness campaign about the exploitation of women. Several of the country's women's NGO's claim to deal with the problems of trafficking in women and prostitution. There is no mechanism to return trafficked women to Azerbaijan and no support services for female victims of trafficking.

BELARUS

Belarus has a form of governance in which nearly all power is concentrated in the hands of the President and a small circle of advisors. Since his election in July 1994 to a 5-year term as the country's first President, Alessandr Lukashenko has consolidated power steadily in the executive branch through authoritarian means. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office. Lukashenko ignored the then-Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the current political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner. Most members of the international community criticized the flawed referendum and do not recognize the legitimacy of the 1996 Constitution, legislature, or Alessandr Lukashenko's continuation in office beyond the legal expiration of his term in July 1999. Parliamentary elections were held in October, the first since the 1996 referendum. The Organization for Security and Cooperation in Europe (OSCE)/Office of Democratic Institution and Human Rights (ODIHR) concluded that the elections fell short of international standards and were neither free nor fair. Although the amended Constitution provides for a formal separation of powers, the President dominates all other branches of Government. The legislature that ended its work in November 2000 was not elected directly, but was created out of the remnants of the former Parliament, which Lukashenko disbanded soon after the 1996 referendum. The Constitution limits the legislature to meeting twice per year for no more than a total of 170 days. Presidential decrees made when the legislature is out of session have the force of law, except—in theory—in those cases restricted by the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees having the force of law in circumstances of "specific necessity and urgency," a provision that Lukashenko has interpreted broadly. The judiciary is not independent.

Law enforcement and internal security responsibilities are shared by the Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which answer directly to the President. Civilian authorities do not maintain effective control of the security forces. Under Lukashenko's direction, the presidential guard—initially created to protect senior officials—continued to act against the Lukashenko's political enemies with no judicial or legislative oversight. On May 25, 1999, the Law on the State Guard officially entered into force. The law, which had been operative on a de facto basis for a number of years, gives the President the right to subordinate all security bodies to his personal command. Members of the security forces have committed numerous human rights abuses.

The country's political leadership opposes any significant economic reforms and remains committed ideologically to a planned economy. The authorities claimed that the gross domestic product (GDP) grew by 6 percent, but most independent analysts doubted that figure and said that any growth that has occurred was the result of "aggregate production" fueled by continued massive credits to the debt-ridden state sector. Officials claimed that per capita GDP remained constant at approximately \$1,400, but in real terms it was much lower. The majority of workers are employed in the state industrial and agricultural sectors, where wages are lower than the national average and wage arrears are chronic. Although the unreliability of official statistics makes it difficult to assess accurately economic conditions, living standards for many segments of society continued to decline. Authorities reported that average monthly wages were just over \$70 a month by year-end, although independent analysts reported the figure was lower. Residents of small towns and rural areas, where incomes are particularly low, sustain themselves through unreported economic activity and small gardens.

The Government's human rights record was very poor and worsened significantly in many areas. The authorities severely limit the right of citizens to change their government, and Lukashenko took severe measures to neutralize political opponents. The authorities did not undertake serious efforts to account for the disappearances that occurred in the previous year of well-known opposition political

figures. Security forces continued to beat political opponents and detainees. There were reports of severe hazing in the military during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated arrests increased, although many of those arrested soon were released. Prolonged detention and delays in trials were common and also occurred in a number of politically sensitive cases. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Severe restrictions on freedom of speech, the press, and peaceful assembly continued, and the authorities did not respect freedom of association. The authorities continued to impose limits on freedom of religion and restricted freedom of movement. Government security agents monitored closely human rights monitors and hindered their efforts. Domestic violence and discrimination against women remained significant problems. Pressures against the Roman Catholic and Protestant churches as well as societal anti-Semitism persist. Authorities continued to harshly restrict workers' rights to associate freely, organize, and bargain. Trafficking in women is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

There were several cases of opposition figures who disappeared in recent years (see Section 1.b.). The opponents of the regime have been missing for such a long period of time, with no credible effort on the part of the Government to account for their whereabouts. Human rights monitors believe that they have been killed for their involvement in political activities.

b. Disappearance.—There have been several cases of opposition figures who disappeared in recent years.

On July 7, Dmitry Zavadsky, a cameraman for the Russian television network ORT, disappeared at the Minsk National Airport while waiting for Pavel Sheremet, another ORT journalist, to arrive from Moscow. When Sheremet arrived at the airport, Zavadsky was missing, but his car was found locked in the airport parking area. In 1997 Zavadsky and Sheremet were arrested by Belarusian authorities for crossing the Belarusian-Lithuanian border illegally while filming a documentary critical of the Lukashenko regime. In a politically motivated trial, Sheremet and Zavadsky were given 2-year and 18-month suspended sentences, respectively. Authorities accused the opposition of organizing Zavadsky's disappearance, calling it a provocation, and later threatened Sheremet with potential charges of slander for an interview, published in the independent press, in which Sheremet blamed Lukashenko and security services for Zavadsky's disappearance. A criminal investigation of the disappearance was opened, but no progress had been reported by year's end (see Section 2.a.). In November ORT Journalist Pavel Sheremet reported that several current and former police officers, including members of the elite Almaz Unit of the Ministry of Interior, have been arrested as suspects in the Zavadsky case. The authorities have not confirmed that those arrested are suspects in the Zavadsky case, nor have they confirmed their identities. Lukashenko fired the head of the KGB and the Prosecutor General following the release of a letter, reportedly written by a KGB officer, alleging that Zavadsky was killed by a group of former and current security service officers. The letter also alleged that senior authorities prevented investigators from fully examining the case. Lukashenko claimed that the letter was a fabrication and promised to renew the investigations into the disappearances; however, no further progress was made at year's end.

On May 7, 1999, former Minister of Internal Affairs Yury Zakharenko disappeared shortly after he told his family in a telephone conversation that he was on his way home. Zakharenko, a close associate of the then-detained former Prime Minister Mikhail Chigir, disappeared after voting began in an opposition presidential election initiative, in which Chigir was one of the principal candidates. An investigation began 6 months later, and there is still no evidence that the authorities have taken concrete steps to resolve the case. The Government also failed to present any information on the investigation despite a request from the U.N. Working Group on Involuntary Disappearances. The authorities also have harassed and hindered the investigations of Zakharenko's disappearance by independent nongovernmental organizations (NGO's). In December Zakharenko's wife and children received political asylum in a Western European country, where they had been residing since August, after accusing Lukashenko of direct involvement in Zakharenko's disappearance.

On September 16, 1999, following a meeting earlier during that day broadcast on state television in which Lukashenko ordered the chiefs of his security services to crack down on "opposition scum," 13th Supreme Soviet Deputy Chairman Viktor Gonchar disappeared, along with his local business associate Anatoliy Krasovsky. A high profile antigovernment politician, Gonchar was considered an active fundraiser for the opposition. Shortly before his disappearance, Gonchar telephoned his wife to inform her that he was on his way home. Broken glass and blood were discovered later at the site where relatives and friends of the men believe the vehicle in which the two were travelling may have been stopped. As with the disappearance of Zakharenko, there is no evidence of progress by official investigators to resolve these cases.

In June Interpol officially notified Belarusian law enforcement agencies that former national bank Chairwoman Tamara Vinnikova, who disappeared in April 1999 from an apartment where she had been under house arrest since 1997, was located in a Western European country. Vinnikova reported in several interviews with the press that she went into hiding to escape suspected conspiracies against her life.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1996 Constitution provides for the inviolability of the person and specifically prohibits torture, as well as cruel, inhuman or degrading treatment; however, police and prison guards beat detainees and prisoners. Law enforcement and prison officials may use physical force against detainees and prisoners only if the latter are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences. However, human rights monitors have credibly reported that investigators coerce confessions through beatings and psychological pressure. Although such behavior is against the law, the authorities seldom, if ever, punishes those who commit such abuses. Guards use force against detainees to coerce confessions as well as during routine activities. Police also beat demonstrators (see Sections 1.d. and 2.b.). On November 20, the U.N. Committee Against Torture issued conclusions and recommendations on the third periodic report on the country. The Committee cited concern over the deterioration in the human rights situation and noted numerous continuing allegations of torture and inhuman treatment or punishment committed by state officials or with their acquiescence. These violations appeared to have been committed against political opponents of the regime and peaceful demonstrators.

On January 14, Oleg Volchek, a human rights monitor and chairman of a non-governmental commission investigating the disappearance of former Internal Affairs Minister Yury Zakharenko, filed a complaint with the Minsk city prosecutor after a lower court refused to bring criminal charges against police who beat him following his arrest on July 21, 1999. Volchek was so severely beaten that he was treated for the injuries he sustained. The police, who denied involvement in the beating, claimed that Volchek attacked them and sustained his injuries when he fell and hit his head on a table. Volchek's attorney and other human rights monitors believe that the authorities attempted to cover up the beating. Volchek's appeal to the Minsk City Court also later was denied.

On March 1, opposition activists Tsimafey Dranchuk, Leanid Malakhaw, and Filip Klikushyn were arrested for demonstrating in front of the Presidential Administration Building and, on March 3, were sentenced to 5 days imprisonment. While being transported from the courthouse to a detention facility, 18-year-old Dranchuk was beaten by militia officials which resulted in serious head injuries. On March 5, he was taken to a Minsk clinic, where his injuries were diagnosed as severe by doctors. Malakhaw and Klikushyn reportedly were beaten by the authorities at the same time as Dranchuk, although they did not sustain serious injuries. They went on a hunger strike to protest their sentences and abuse. Their hunger strike did not produce any result and they were released after 5 day's detention.

On March 25, in a violent crackdown, uniformed and plainclothes security forces beat and detained demonstrators gathering on Yakub Kolas Square in downtown Minsk. According to human rights observers, over 300 demonstrators were arrested and detained. Many of them were beaten severely (see Section 2.b.). Yuri Belenky, deputy chair of the conservative Christian Party of the Belarusian Popular Front, was severely beaten and later hospitalized. Security forces reportedly hit Belenky in the face with a truncheon, put his jacket over his head, knocked him off his feet, and continued to kick him. Belenky was detained for 3 days, after which time a government doctor diagnosed him with a concussion. Belenky's appeals to prosecutors and the courts to bring charges against the security forces responsible for the beating were denied.

According to the Advisory and Monitoring Group (AMG) of the OSCE, in an "unwarranted and superfluous show of force", five demonstrators who participated in

the April 26 Chernobylsky Shlaykh (the Chernobyl Path) march were “forcibly and violently” detained by the militia (see Sections 1.e. and 2.b.).

“Dedovshchina,” the practice of hazing new recruits through beatings and other forms of physical and psychological abuse, apparently has not abated. In the first 5 months of this year, according to government statistics, 30 cases were reported. Efforts by family members and human rights monitors to investigate these cases and other reports of Dedovshchina were blocked by government authorities.

Prison conditions are poor and are marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. Conditions at prison hospitals are poor, according to human rights monitors. Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to their declining health while they awaited trial. Although official statistics on prison overcrowding are not available, OSCE AMG officers who visited a detention facility in Vitebsk during June 1999 noted that in 1 cell, 16 female prisoners shared 10 beds, while in another, 14 prisoners between the ages of 14 and 17 shared 8 beds.

In 1999 a government amnesty was announced for lesser offenders designed to decrease the prisoner population. Another amnesty was approved by the National Assembly on June 30. Acting Minister of Internal Affairs Mikhail Udovikov announced on June 9 that 9,700 prisoners had received early release or a reduction in their sentences under the 1999 amnesty and that the amnesty could be applied to 10,700 prisoners in jail and 2,400 on parole at that time under the new legislation. Prior to the new amnesty, there were approximately 61,000 prisoners, according to Udovikov. It is unclear to what extent the new amnesty was implemented. According to Udovikov, the amnesty only applied to war veterans, underage persons guilty of minor crimes, pensioners, and the disabled. Those guilty of economic crimes could only receive amnesty after payment of financial restitution.

Male and female prisoners are housed separately. Following an inspection of a correctional facility for women in Gomel on June 1999, Minister of Internal Affairs Yuri Sivakov noted in an interview with the official press that, although it was intended to house only 1,350 inmates, it then held 2,800. NGO’s reported that prison conditions did not improve during the year.

On March 1, 13th Supreme Soviet Deputy and political prisoner Vladimir Kudinov was transferred to solitary confinement in a punishment cell for 7 days for alleged misconduct, which included reportedly stopping morning exercises and having left a smoking area too early (see Section 1.d.). Kudinov previously was punished for participating in a chess tournament without prison approval and for other violations of “internal routine.” Kudinov also was denied, without explanation, visits by family and a priest. According to human rights monitors, these punishments were imposed to exclude Kudinov from the list of those eligible for amnesty or early parole.

On July 11, Ivan Lemyashewski, the former head of a group of advisors to the Council of Ministers, issued an open letter to Lukashenko calling for an end to the politically motivated harassment of his family. On June 21, Lemyashewski’s son, Ilya, was shot in the chest by a masked man. The shooting followed an earlier attempt by security forces to recruit Ilya to spy on his father. When he refused, Ilya reportedly was warned that “grave consequences” would follow. Lemyashewski’s car was reportedly tampered with, resulting in an accident, and the family reported receiving numerous threatening telephone calls. The threats and attacks apparently were in retaliation for his resignation from the Government (see Section 2.a.)

Human rights monitors sometimes were granted access to observe prison conditions, although the authorities did not honor some requests to meet with individual prisoners.

d. Arbitrary Arrest, Detention, and Exile.—The authorities have amended only slightly the Soviet-era law on detention, and during the year security forces continued to arrest arbitrarily and detain citizens, most often in connection with demonstrations, some of which were not authorized. Politically motivated arrests continued, although most of those arrested were released within a few days.

The Criminal Procedure Code provides that police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator deems the detention legal, a suspect can be held for a maximum of 10 days without formal charge. However, usually once the decision is made to hold a suspect, formal charges are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general can extend pretrial detention to 18 months to allow for further investigation. Alternatively, a suspect who has been charged can be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law allows detainees the right to apply to the court (rather than the procurator) to determine the legality

of their detentions. However, in practice suspects' appeals to have their detentions reviewed by the courts frequently are suppressed because detainees are at the mercy of investigators, and detention officials are unwilling to forward the appeals. There is no provision for bail under the current legal code.

By law detainees may be allowed unlimited access to legal counsel, and, for those who cannot afford counsel, the court appoints a lawyer. However, investigators routinely fail to inform detainees of their rights and conduct preliminary interrogations without giving detainees an opportunity to consult counsel. The information gained then is used against the defendant in court. Even when appointed by the State, defense attorneys are subordinate to the executive branch. Access by family members to those detained is restricted severely in practice and they frequently are not notified when a family member, even a juvenile, has been detained.

On January 19, Aleksandr Abramovich, leader of the Borisov branch of the Social Democratic Party, was arrested by police near the Minsk city court before the beginning of the trial of former Prime Minister Mikhail Chigir (see Section 1.e.). Abramovich was holding a sign calling for an end to the prosecution of opposition leaders. Abramovich was sentenced to 7 days in jail. In February Abramovich again was arrested and sentenced to 35 days in jail for staging three unsanctioned demonstrations: One against the war in Chechnya, one against the trial of Chigir, and one against the trial of a local businessman. On April 25, Abramovich again was arrested during a rally held in Borisov to mark the 14th anniversary of the Chernobyl accident. At the rally, Abramovich criticized the Government and was arrested immediately after he ripped apart a picture of Lukashenko. Abramovich was sentenced to 5 days in jail for "petty hooliganism."

On February 4, police in Grodno arrested Vladimir Sowtsa, a member of the United Civic Party and an activist in the local union of entrepreneurs, for spreading leaflets about a nationwide strike, which began on February 1. Sowtsa was detained for several hours and then taken to a court where he was fined \$7.50 (6,600 rubles) and later released.

On February 29, while collecting signatures on a petition against the country's union with Russia, two activists of the Belarusian Popular Front were detained for several hours by police and later charged with illegal distribution of printed materials.

On March 1, Filipp Klikushin, Leonid Malakhov, and Timofei Dranchuk were arrested by police for staging an unsanctioned protest near the Presidential Administration in central Minsk in support of those who had disappeared (see Section 1.c.).

On March 23, five youth activists, two of whom were under 18 years of age, were detained by police for distributing leaflets announcing the freedom day march on March 25 marking the 1918 founding of the Belarusian National Republic. One of the activists, Sergei Shevlakov, reported that his family was not notified of his detention until almost 4 hours after the incident, in violation of the administrative offenses code. All five reportedly were verbally threatened and abused by police while in detention.

On March 25, approximately 700 demonstrators gathered on Yakub Kolas Square in Minsk for the "day of freedom" march. On March 24, Minsk city authorities banned the demonstration, despite requests from foreign and domestic human rights observers to allow the demonstration to proceed peacefully. Shortly after the demonstrators gathered on the square, military and police special forces, dressed in riot gear, waded into the crowd using clubs and began to beat and detain demonstrators. According to local human rights lawyers, over 300 demonstrators were arrested and prosecuted for their participation in the event. Many leading opposition politicians were arrested in connection with the demonstration and sentenced to 5 to 7 days imprisonment (see Section 2.b.).

On March 25, 13th Supreme Soviet Deputy and independent journalist Valery Shchukin, was arrested by police in Vitebsk while covering an opposition rally marking the 1918 founding of the Belarusian National Republic. Shchukin was tried and sentenced to 10 days in jail for participating in an unsanctioned demonstration. At the same event, Vladimir Pleshchenko, a local opposition activist, was arrested and later sentenced to 10 days in jail. Roman Solovyan, also a local opposition activist, was arrested and sentenced to 5 days in jail.

On April 26, Anatoly Fyodorov, a local leader of the Belarusian Popular Front, was arrested by police for organizing an unauthorized demonstration in Mogilev on the 14th anniversary of the Chernobyl disaster. Also on April 26, opposition activists Yuri Kuzmitsky, Denis Yeryomenko, and Sergei Terekhov were arrested while participating in the Chernobylski Shlyakh demonstration. Kuzmitsky, who severely was beaten by police, was sentenced to 5 days detention for participation in the demonstration. Yeryomenko was convicted of illegal use of flags, pennants, emblems, symbols, or placards for carrying a caricature of Lukashenko. Terekhov was sen-

tenced to 3 days' detention for "speaking of the President in foul language" (see Section 2.b.).

On May 1, 14 opposition and human rights activists were detained by police in Mogilev during a May Day rally in the town's central square. The activists were carrying white-red-white flags and opposition signs and were taken to a police station where they were detained for several hours.

On May 21, Aleksandr Abramovich, Anton Tsylezhnikov, and Alesya Ysyuk were arrested by police in Borisov while demonstrating in support of former Prime Minister Mikhail Chigir. Abramovich and Tsylezhnikov were sentenced to 15 and 10 days' incarceration respectively, and Ysyuk was fined \$404 (390,000 rubles).

On June 20, United Civic Party activists Aleksei Radzivnow and Vladimir Romanovski were detained by police for staging a protest against restrictions on political activity near the Minsk Government Building in downtown Minsk; they were released later the same day.

On June 29, Alexander Abramovich again was arrested and sentenced to 12 days in jail for a demonstration on June 19 in Borisov in which protestors chained themselves to a flagpole and demanded the resignation of the chairman of the Borisov City Executive Committee.

On July 27, Katsyaryna Haravaya and Igar Paremski were arrested and sentenced to 5 and 7 days in jail, respectively, for staging an unsanctioned demonstration in Gomel in which they protested against the establishment of a "fascist regime" in Belarus.

Unidentified, nonuniformed officials working for the security services regularly apprehend participants in antigovernment demonstrations (see Section 2.b.). There are credible reports that plainclothes security officials sometimes infiltrate antigovernment demonstrations in order to either report on opposition protestors or provoke clashes between demonstrators and police. Security officers on occasion also preemptively have apprehended organizers and individuals considered to be potential participants prior to demonstrations, including those that had been sanctioned by the authorities.

On February 10, in an article in the independent newspaper *Narodnaya Volya*, Oleg Baturin, a senior official in the Ministry of Internal Affairs, reported that a clash between demonstrators and security officials at the freedom march I on October 17, 1999, was provoked by plainclothes security officers under orders from the Ministry of Internal Affairs. Following publication of the article, Baturin and his brother, fearing for their personal safety in Belarus, claimed political asylum in Poland. On July 19, Baturin sought refuge at a Western embassy in Minsk and claimed that he had been abducted by unknown assailants, who he later identified as Belarusian security service agents, and was returned forcibly to Belarus. On July 21, Baturin was granted safe passage out of Belarus, to take up political asylum in another country. While some of the facts of Baturin's kidnapping remain unclear, most independent human rights observers believe that his charges against the authorities were the reason for his mistreatment.

Security force officials regularly detained journalists and NGO officials during the year (see Sections 2.b. and 4).

Following demonstrations security officials have held some detainees incommunicado. In addition to the hundreds of antigovernment protestors whom authorities held for several hours or days, there were several prominent political detainees whom the Lukashenko regime held for prolonged periods of time in pretrial detention, some for over a year.

On November 11, 1997, former Minister of Agriculture Vasily Leonov was arrested on charges of large-scale embezzlement and bribery. Leonov was held for over 2 years in pretrial detention, during which he suffered two heart attacks. Leonov also went on a hunger strike to protest the refusal of prison authorities to provide him with medical supplies brought by his relatives. On January 14, Leonov was sentenced to 4 years in prison and confiscation of property for large-scale embezzlement and bribery (see Section 1.e.).

In February 1998, police arrested Andrei Klimov, a successful entrepreneur and member of the Parliament that was illegally dissolved in late 1996, on charges of embezzlement and other financial irregularities. Klimov's supporters and human rights observers believe that his arrest and prosecution was politically motivated because Klimov is an outspoken critic of President Lukashenko and had participated in a commission that examined violations of the law and the Constitution by the President. Klimov's period of pretrial detention was extended on several occasions. He was severely beaten by prison guards on December 13, 1999, following his refusal to leave his cell as a sign of protest. The presiding judge ordered that he be brought to the courtroom. He was beaten by guards and forcefully dragged into the courtroom in torn clothing and without any shoes. Although he was clearly in need

of medical attention, an ambulance was not called until several hours later. On March 17, Klimov was convicted of large-scale embezzlement and forgery and sentenced to 6 years' imprisonment and loss of property (see Section 1.e.).

Statistics on the current number of persons in pretrial detention and the average length of pretrial detention were not available. Acting Minister of Internal Affairs Mikhail Udovikov, in a speech to Parliament on June 9, said that approximately 100,000 people were in pretrial detention or under some form of punishment. In comparison in August 1998 there were approximately 11,000 persons in pretrial detention.

The authorities do not use forced exile, although there were credible reports that the security services threatened opposition political activists and trade union leaders with criminal prosecution or physical harm if they did not cease their activities and depart the country.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent and is unable to act as a check on the executive branch and its agents. Reforms adopted to support the independence of the judiciary in 1995 remained unimplemented. The 1996 constitutional referendum further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining six are appointed by the Council of the Republic, which itself is composed of individuals appointed by the President or elected by individuals influenced by the President. The President also appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President also has authority under the Constitution to appoint and dismiss all district and military judges.

The criminal justice systems follows the former Soviet model and has three tiers: District courts; regional courts; and the Supreme Court. Several modifications have been made, brought about by the new Constitution, including direct presidential appointments. The Constitutional Court was established in 1994 to adjudicate serious constitutional issues, but, dependent on the executive branch, it does not challenge presidential initiatives. In addition the Constitutional Court has no means to enforce its decisions.

Judges adjudicate trials; only in capital offense trials in which the defendant pleads not guilty and demands a jury trial do juries determine innocence or guilt. Judges are dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing. In addition judges owe their positions to the President. Although the Procurator's Office denies it, there were widespread and credible reports that "telephone justice" (the practice of executive and local authorities dictating to the courts the outcome of trials) continues.

On May 18, in a speech to the Belarusian-Russian Union Parliamentary Assembly, covered by the media and widely criticized by human rights monitors as evidence of the absence of judicial independence, Lukashenko denied allegations of human rights abuses in Belarus and said they were "far-fetched and overblown beyond reason in the West...We have no such violations." He acknowledged that a "number of once famous persons," such a former Prime Minister Chigir and others, had been prosecuted over the past few years. However, "they were caught stealing and got what they deserved...Everybody is equal before the law...Overseas politicians lack objectivity because they surround criminals, thieves, and hooligans with a halo of political martyrs."

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They ultimately are responsible to and serve at the pleasure of the Procurator General who, according to the Constitution, is appointed by the Council of the Republic. Prosecutors are not independent and do not have authority to bring charges against the President or the presidential administration. On May 24, Constitutional Court Chairman Grigory Vasilevich told journalists that a local prosecutor had been correct in rejecting a complaint brought earlier against a presidential administration official. According to Vasilevich, Article 125 of the 1996 Constitution charges the Procurator General and other public prosecutors with the task of "control over the compliance of the ministries, other agencies subordinate to the Council of Ministers, local representative and executive authorities, enterprises, institutions, nongovernmental organizations, officials, and private figures to laws, decrees, edicts, and other legal acts." Procurators do not have authority to bring charges against an official of the Presidential Administration, he said, because it is under the authority of the President, and not the Council of Ministers.

In May 1997, Lukashenko issued presidential Decree No. 12, "Several Measures on Improving the Practice of Lawyers and Notaries," which, according to international legal experts and human rights monitors, seriously compromised the inde-

pendence of lawyers from the authorities. The decree, which ostensibly was issued in response to allegedly exorbitant attorneys' fees, subordinated all lawyers to the Ministry of Justice, which controls the licensing of lawyers, and placed the bar association under much greater Ministry of Justice control.

In August 1999, while on an inspection tour in the Brest oblast in the western part of the country, Lukashenko told local reporters that he personally exercised control over "certain" ongoing judicial cases, including that of former Prime Minister and opposition leader Mikhail Chigir. Lukashenko stated, "I have them under control, I am not going to allow any injustice there myself." On August 30, 1999 during a government interagency commission on crime covered by the official media, President Lukashenko reportedly stated, "It is natural for the Head of State to exercise control over one criminal case or another...especially in our country, where the Head of State controls all the branches of power—legislative, executive, and judicial."

Human rights monitor and defense attorney Vera Stremkovskaya was threatened with disbarment following her public criticisms of the Lukashenko regime while on visits abroad in 1998 and during the year. In an attempt to hinder Stremkovskaya's activities, Ministry of Justice officials also have launched investigations and issued warnings to her human rights NGO (see Section 4).

The Constitution provides for public trials, although exceptions can be made in cases established by law (for example, in cases of rape or on grounds of national security). Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf. However, these rights are not always respected in practice. The right to be represented by counsel also is not always respected in practice. While the 1996 Constitution establishes a presumption of innocence, in practice defendants frequently must prove their innocence. According to statistics from the Belarusian Helsinki Committee, in 1998, criminal charges were brought by prosecutors against 59,700 individuals. Of these, only 272, or less than one-half percent were found to be not guilty.

Both defendants and prosecutors have the right of appeal, and most criminal cases are appealed, according to legal sources. In appeals neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Appeals rarely result in reversals of verdicts.

Antigovernment protestors arrested after demonstrations were subjected to assembly line-style trials, often without the right to counsel or the opportunity to present evidence or call witnesses.

On January 14, former Minister of Agriculture Vasily Leonov was sentenced to 4 years in prison and confiscation of property for large-scale embezzlement and bribery. Under the provisions of amnesty legislation, Leonov was released from prison on October 5 after nearly 3 years imprisonment. Leonov allegedly accepted bribes of furniture worth approximately \$52 (42,459 rubles) and foodstuffs worth \$90 (73,383 rubles). Leonov had been arrested on November 11, 1997; he arrest was videotaped and broadcast on national television. In the videotape, police officers were shown taking U.S. dollars out of Leonov's desk. The following day, referring to Leonov's arrest, Lukashenko said law enforcement agencies would "root out corruption" without respect for rank. Legal experts and human rights monitors noted that the trial was rife with abuse of legal procedure, including the use of evidence taken under duress and later recanted, in violation of the Criminal Code.

On June 8, Mogilev regional authorities announced the sale of property belonging to Leonov, confiscated by the Government following his conviction. The house and accessory buildings were offered for sale at a total of \$4,500 (approximately 4,320,000 rubles). According to the human rights organization Charter '97, the authorities published the announcement of the sale in state-run newspapers without waiting for a hearing on a lawsuit brought by family members to block the sale. Authorities also reportedly refused to let the Leonov family buy the property back.

On March 17, a Minsk court sentenced 13th Supreme Soviet Deputy Andrei Klimov to 6 years in prison on fabricated charges of alleged malfeasance and large-scale embezzlement in the handling of government contracts at a property development firm which he had run. Klimov, whose trial began in July 1999, had been in pretrial detention since February 1998 (see Section 1.c.). International and local human rights observers believe that the trial and conviction were politically motivated to punish Klimov for his involvement in a 1996 impeachment drive against President Lukashenko. On August 22, Klimov's appeal was denied by another Minsk court without comment. Human rights monitors believe the appeals court overlooked numerous procedural violations in rejecting the appeal.

On May 19, the political show trial of opposition leader and former Prime Minister Mikhail Chigir concluded with his conviction for exceeding his authority as Prime Minister in granting a delay in payment of customs duties to a company. The court sentenced Chigir to a 3-year prison term suspended for 2 years. The court also

ordered him to pay \$220,000 in damages. The OSCE and other legal observers noted that the judgement involved irregularities in legal procedure and was designed to prevent Chigir from posing a challenge to the Government in presidential elections scheduled for 2001. Chigir had been arrested on March 30, 1999, just prior to a public ceremony to register his participation in an opposition-organized presidential election initiative aimed at drawing attention to the upcoming end of Lukashenko's legal 5-year term in office. It also followed several warnings from government security officials to Chigir that he cease his political activities. Despite protests from the OSCE and a number of foreign governments, Chigir remained in pretrial detention from March 30 until November 30, 1999.

On May 30, speaking at a meeting of participants of a government-organized "social-political dialogue," Lukashenko said Chigir's sentence was lenient. Speaking to the head of the OSCE AMG, Lukashenko said "on your instructions, if you want, as a result of your pressure, although I did not welcome it, your client (Chigir) was forgiven a lot ... Were it not for the OSCE, Chigir would have to serve at least 5 years first in a cell and then somewhere in a prison." Lukashenko's comments were condemned widely by local human rights monitors as further evidence that Chigir's trial was politically motivated because of his opposition to the Lukashenko regime. On August 18, the Supreme Court, following appeals from both Chigir and the procurator, returned the case to the city court for further investigation. In her appeal, Chigir's attorney, Yulia Chigir, cited numerous procedural irregularities, including the unlawful time limit placed on the defense to familiarize itself with the lower court protocol. On December 5, the Supreme Court vacated the sentence against Chigir and returned the case to the procurator's office for further investigation. The panel of judges ruled that the investigators and the judges in the previous trial failed to fully examine the facts of the case. At year's end, no trial date was set.

On June 19, Nikolai Statkevich, chairman of the Belarusian Social Democratic Party, and 13th Supreme Soviet Deputy Valery Shchukin were convicted of active participation in group actions disturbing the peace and were sentenced to 2-year and 18-month suspended sentences, respectively. Statkevich and Shchukin had been arrested immediately following the march for freedom on October 17, 1999, which resulted in clashes between protestors and riot police. Statkevich also was charged with active participation in group actions disturbing the peace for an unauthorized demonstration held on June 27, 1999. The trial, which began on April 24, was marked by violations of judicial procedure. In many cases, witnesses were unable to identify Statkevich or Shchukin and appeared to have been coached. Most human rights observers considered the trial to be politically motivated. On August 25, the Supreme Court, citing procedural and investigative irregularities, upheld an appeal brought by Statkevich and Shchukin, vacated their sentences and returned the case to the Minsk city court for investigation and a new trial.

On July 12, 1999, Vladimir Ravkov, vice rector of the Gomel State Medical Institute, was arrested along with 17 other members of the institute, on corruption charges. Of the 18 arrested, only Ravkov remained in jail pending trial at year's end. Investigators have refused to allow Ravkov's wife, Natalya Ravkova, to defend him in court. Prison administrators reportedly denied Ravkov adequate medical treatment. Human rights monitors reported that this case appears to be politically motivated because of past criticism by the Gomel Medical Institute of government neglect of Chernobyl-related problems.

On October 20, Julia Chigir, wife of Mikhail Chigir, was found guilty of violent resistance to a police officer and given a 2 year suspended sentence. On May 19, Julia Chigir bit the ear of a police officer when he forcibly attempted to block her entrance and that of her supporters, into a Minsk City courthouse on the day of Mr. Chigir's sentencing. The OSCE and human rights monitors noted that the court's ruling contradicted eyewitness accounts of the events on May 19 and that the ruling was politically motivated.

Although the authorities have allowed representatives of the OSCE AMG to visit Supreme Soviet Deputies Klimov and Kudinov and former Agriculture Minister Leonov, authorities have refused permission to other foreign diplomatic and human rights observers to visit the same prisoners (see Section 1.d.). On July 5, the Procurator General's Office denied the OSCE AMG permission to visit Vladimir Ravkov, the jailed vice rector of the Gomel State Medical Institute, whose arrest appears to be politically motivated and who is reported to be in poor health.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for protection against illegal interference in a citizen's personal life, including invasion of privacy, telephone, and other communications; however, the Government does not respect these rights in practice. Although the inviolability of the home also is provided for by the Constitution, which states that "no one shall have the right to enter, without legal reason, the dwelling and other legal

property of a citizen against such a citizen's will," in practice government monitoring of residences, telephones, and computers continued unabated. The KGB is believed widely to enter homes without warrants, conduct unauthorized searches, and read mail. Political, human rights, and other NGO's state that their conversations and correspondence are monitored routinely by the security services. Some opposition figures report a reluctance to visit some foreign embassies due to fear of reprisal.

Nearly all opposition political figures assume that the authorities monitor their activities and conversations. The Lukashenko regime does nothing to refute these assumptions. Militia officers assigned to stand outside diplomatic missions are known to keep records of visits by political opposition leaders. In addition even regime officials do not appear to be exempt from monitoring.

In June United Civic Party Chairman Anatoly Lebedko, a vocal opponent of the Lukashenko regime, discovered a listening device connected to a telephone in his apartment. Independent analysts believe that the device was made and planted in the apartment by the security services.

Security officials routinely raided and searched the apartments of opposition politicians, often without a warrant. For example, on April 19, police and KGB officers conducted an unlawful search of the apartment of Galina Yurina, an opposition activist, confiscated leaflets for an upcoming opposition-organized demonstration as well as personal items and detained Yurina for several hours. On August 23, Yurina was stopped by security officials, and leaflets advocating the boycott of parliamentary elections were seized from her car without a warrant.

Security forces sought to recruit Ilya Lemyashewski, son of the former head of a group of advisors to the Council of Ministers, to spy on his father. On June 21, after his refusal to do so, Ilya was shot in the chest by a masked man (see Section 1.c).

On July 31, 75-year-old Vasily Starovoitov, the former director of the Rassvet agro-industrial enterprise, appealed to police to file criminal charges against two men who attempted to enter his house and threatened him on July 28. Starovoitov had been released from a corrective labor camp in November 1999 after 2 years' imprisonment for allegedly embezzling state credits. Domestic human right groups believe that Starovoitov was arrested to draw attention away from a poor harvest on heavily subsidized state farms. Two men reportedly telephoned Starovoitov and said that they wanted to deliver a message from imprisoned former Agriculture Minister Leonov (see Section 1.e.). Shortly after the call, two men approached the door of Starovoitov's house and identified themselves as police and KGB investigators and threatened Starovoitov with violence if he did not let them in. The police were called and the intruders were arrested. The incident was under investigation at year's end.

The KGB, the MVD, and certain border guard detachments have the right to use wiretaps, but under the law must obtain a prosecutor's permission before installation. The prosecutor's office exercised no independence and therefore the "due process" provision regarding wiretaps is effectively meaningless. The Presidential Guard (or security service) formed in 1995, reportedly continued to conduct surveillance activities of the President's political opponents. There is no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly has thwarted attempts to exercise such oversight.

In 1999 the National Assembly revised the administrative offenses code to increase the penalties for those who obstruct KGB officers. For example, an article of the legislation prohibits preventing KGB officers from entering the premises of a company, establishment or organization, and for failing to allow audits or checks to be made, as well as for unjustified restriction or refusal to provide information, including access to company information systems and databases. This revised code remains in effect.

In 1997 the Ministry of Communications renegotiated contracts for supplying telephone service. The new contracts forbid subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the right to terminate telephone service to those who breach this provision.

Presidential Decree No. 218, issued in 1997, prohibits the import and export of printed, audio, and visual information that could "damage" the economic and political interests of the country (see Section 2.a.). This decree remains in effect.

On November 23, 1999, Lukashenko signed Decree No. 40, which allows the authorities to nationalize the property of any individual if the President determines that the individual has caused financial damage to the State. There were reports that this decree had been used, particularly against businessmen. Authorities also threatened to seize the property of former Central Bank Chair Tamara Vinnikova.

Section 2. Respect for Civil Liberties, Including:

a. **Freedom of Speech and Press.**—The Constitution provides for freedom of speech, as well as the freedom to receive, retain, and disseminate information; however, the regime restricts these rights in practice. The executive branch continued its suppression of freedom of speech. Despite the constitutional provisions, a 1998 government decree limited citizens' right to express their own opinions. Although independent media remain widely available in Minsk, as part of a continuing crack-down on opposition activity, the authorities stepped up its campaign of harassment against the independent media. The authorities continued to restrict severely the right to a free press through near-monopolies on the means of production of news-print, means of distribution on national level broadcast media, such as television and radio, and by denying accreditation of journalists critical of the regime. The authorities also kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements, as well as by fines and other administrative harassment. Employees at some state-run enterprises are discouraged from subscribing to independent newspapers and journals.

In 1996 Lukashenko signed a decree ordering that all editors in chief of state-supported newspapers would henceforth be official state employees and would become members of the appropriate local level government council. Another decree granted the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a means of payment for their schooling. These decrees remain in effect.

Presidential Decree No.5, issued in 1997, prohibits a range of broadly defined activities and limits freedom of expression. For example, the decree prohibits individuals from carrying placards or flags bearing emblems that are not registered officially with the state, as well as emblems, symbols, and posters "whose content is intended to harm the state and public order, rights and legal interests of the citizens." The decree also bans activities that are "humiliating to the dignity and honor of the executive persons of state bodies." This decree has been used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the red and white flag.

The Defamation Law makes no distinction between private and public persons for the purposes of lawsuits for defamation of character. A public figure who has been criticized for poor performance in office may ask the prosecutor to sue the newspaper that printed the criticism. In June 1998, the lower house of the National Assembly approved a bill that stipulated that public insults or libel against the President could be punished by up to 4 years in prison, 2 years in a labor camp, or a large fine. However, there were no reports that anyone was arrested or charged subsequently for this offense, and the bill apparently was devised principally as a means of intimidation. Its provisions remain in effect.

In 1997 the Council of Ministers issued a decree that prohibited and restricted the movement of certain goods across customs borders. The decree specifically prohibited the import and export of printed, audio, and video materials, or other news media containing information "that could damage the economic and political interests of the country." Some bulletins affiliated with the opposition published outside of the country appeared to be targeted by the decree. Although in previous years there were a number of incidents in which customs officials confiscated opposition materials at the country's borders, there were no recent reports of such incidents.

In January 1998, more stringent regulatory provisions, introduced by amendments to the Law on Press and Other Mass Media that were adopted by the Council of the Republic in December 1997, went into effect. The new regulatory provisions grant greater authority to the authorities to ban and censor critical reporting. For example, the State Committee on the Press was given authority to suspend for 3 months publication of periodicals or newspapers without a court ruling.

On December 17, 1999, Lukashenko signed new amendments to the law "On Press and Other Media." The amendments ban the media from disseminating information on behalf of political parties, trade unions, and NGO's that are not registered with the Ministry of Justice.

On April 7, a new presidential decree came into effect on "the Use by Legal Entities of the Name of the Republic of Belarus." The decree allows only legal entities specially authorized by the President to use the name of the country in its title. According to the decree and independent legal experts, the independent press is barred from using the country name in its titles.

Independent newspapers are available widely in Minsk, but outside of the capital most towns only carry local newspapers, only some of which are independent. On January 20, authorities forced the Orsha-based Filon Kmita Center to stop publishing its daily newspaper, Kutseyina, after the paper was denied official registration. Kutseyina was known for its critical reports on the Government. Despite re-

peated appeals from foreign and domestic human rights observers, the paper was not registered and did not reopen.

In February the editors in chief of the country's six largest independent newspapers sent an open letter to Prime Minister Uladzimir Yarmoshyn demanding the end to the discriminatory measures that the state uses against them. The letter noted that the state postal service recently raised distribution rates for independent papers by 400 to 600 percent, while the State-owned publications received distribution discounts. It also stated that the large increases undermine the freedom of the press.

On April 24, the Grodno City Executive Committee refused to register the independent newspaper Reporter, which often is critical of the authorities, on the grounds that the editors could not prove that they were occupying legal office spaces. Later, a second application for registration also was rejected by the City Executive Committee without further explanation. On August 25, it was reported that the city executive denied registration for a third time. In its rejection notice, the city executive reportedly stated that there was "a sufficiency of newspapers in Grodno and no need for another one."

On May 11, the Supreme Economic Court of Belarus rejected an appeal by the independent newspaper Nasha Niva of a warning issued by the State Press Committee in March. The newspaper was warned for publishing a reader's letter which the committee said expressed "intolerance toward the Russians" in violation of Article 5 of the Media Law, which bans the use of the media for inciting ethnic enmity or discord. The letter, entitled "I Envy Chechnya," was critical of Russian atrocities in Chechnya and supported the defense of Belarusian language and culture. On May 15, Nasha Niva was warned for a second time for publishing an article entitled "Infection of Fascism: Lukashenko is Copying Hitler" by Semyon Sharetsky, the 13th Supreme Soviet chairman currently in self-imposed exile in Lithuania. The warning reportedly was issued under Article 5 of the Media Law for the "inadmissibility of abusing the freedom of mass information." Article 16 of the media law states that a newspaper can be closed after receiving more than one warning within a year.

On May 29, two leading independent newspapers critical of the Government, Narodnaya Volya and Belaruskaya Delovaya Gazeta (BDG), received warnings for alleged "abuses of the freedom of mass information" under Article 5 of the Law on Media. The BDG was warned for publishing an article on February 22 by Semen Bukchin entitled "Prayer in a Birkenau Concentration Camp." The State Press Committee alleged that the article created "tensions in Polish-Jewish" relations. A second warning was issued to BDG for publishing a response to Bukchin's article, which "offended the citizens of the Russian Federation."

Narodnaya Volya was issued a warning for an article by Ivan Makalovich which contained the question "Should we Ask NATO for Help?" A second warning was issued for printing an article by Sergi Popkov, deputy head of the conservative Christian Party of the Belarusian Popular Front (CCP). According to the State Press Committee, the CCP was not registered with the Ministry of Justice, and therefore the article should not have been published.

On June 2, the Mogilev-based independent newspaper De Facto was issued a warning by the State Press Committee for publishing the same article by Semyon Sharetsky entitled "The Infection of Fascism: Lukashenko is Copying Hitler" that Nasha Niva was warned for in May. According to the State Press Committee, Sharetsky's article "incites ethnic hatred."

On September 5, authorities banned the first national nonstate press festival, scheduled to be held on September 8 and 9 in Vitebsk. No reason was given for the authorities' decision and festival organizers planned to reschedule the festival for late September in another city. The Belarusian Association of Journalists said the ban was part of a government effort to inhibit the work of the independent press.

On September 13, the office of the Magic publishing house was raided, and the owner and President Yuri Budzko was charged with "propagandizing an electoral boycott." The Magic publishing house is the printing press for the country's leading nonstate newspapers. During the raid, copies of the independent newspaper Rabochy were seized and its editor Viktor Ivashkevich was arrested. On October 11, Magic's bank accounts were frozen prior to a tax inspection. In September police seized 100,000 copies of a special edition of the Belorussian Free Trade Union newspaper Rabochy and arrested the newspaper's editor in chief Victor Ivashkevich, the newspaper's legal advisor Dmitry Kostyukevich, and Yuri Budko the owner of the Magic publishing house where the newspaper was being printed. The newspaper called on voters to boycott the October elections to the National Assembly. Ivashkevich and Kostyukevich were charged and later convicted and fined under Article 167 of the Administrative Code for publicly calling on an election boycott. The charges against Budko were dismissed by a separate court.

On October 16, tax authorities raided the offices of Magic and seized the company's printing equipment. In connection with the investigation and seizure, the company's bank accounts were frozen on October 11. The equipment originally had been leased by Magic from the Belarus-Soros Foundation (BSF) and then later from the open society institute, which received ownership of the equipment when the BSF ceased its operations in 1997. The tax authorities seized the equipment to cover fines owed by the BSF for alleged tax violations. On December 18, the Belarusian Supreme Economic Court upheld the seizure of the equipment. Most independent human rights monitors believe the authorities selectively enforced the law in this case to hinder the printing and distribution of independent media critical of the current authorities.

Independent journalists were frequently barred by government authorities from covering events or arrested in the course of doing so.

On March 1, officials of the presidential security service detained three journalists covering an unsanctioned opposition demonstration near Lukashenko's residence. The three journalists, reporters from Radio Liberty and the independent Belarusian news service Belapan and a Reuters photographer, were detained for several hours and later released.

On March 16, six journalists from the satirical journal Navinky were detained by plainclothes police after participating in the Freedom March II demonstration in Minsk (see section 2.b.). The journalists were held for several hours without explanation and released the following morning.

On March 25, in a violent crackdown on an opposition-organized rally to commemorate the 82nd anniversary of the Belarusian National Republic, 35 foreign and local independent journalists were beaten and detained. Journalists reported that they were not given an explanation as to why they were being detained, and, in some instances, the police used violent force to arrest the journalists. Journalists reportedly were searched, equipment was confiscated, and film exposed. The journalists were released later the same day.

On April 28, Yavor Mayorchuk, a freelance reporter for Radio Free Europe/Radio Liberty (RFE/RL) was summoned to a military enlistment office where he reportedly was interrogated by KGB officers for 90 minutes. The KGB officers reportedly threatened that if Mayorchuk did not cooperate with the KGB, "the same thing would happen as to Babitsky." The KGB officers were referring to RFE/RL journalist Andrei Babitsky, who was arrested by Russian authorities in Chechnya for his coverage of the war there, held captive for 40 days, and faced trumped up charges of treason.

On May 1, two independent journalists were arrested while covering an opposition demonstration in Mogilev. Igor Irkho, a journalist with the De Facto newspaper, reportedly was assaulted physically by the police and had his camera damaged. He and Alexander Alexandrovich, a reporter for the Belaruskaya Delovaya Gazeta, were detained for several hours by local militia before being released.

On May 2, five journalists from the Reporter newspaper gathered in Lenin Square in Grodno to protest the city government's refusal to register their paper. Minutes after gathering on the square, the journalists were arrested by local police and detained for several hours.

On October 20, tax authorities launched an investigation into the accounts of the independent newspaper De-Fakto. On November 20, De-Fakto was fined over \$1,770 (2 million rubles) for alleged unpaid taxes and fines. On October 25, the State Committee on Press issued a warning to the Belarusian Language Society for an article that appeared in its newspaper, Nasha Slova, by an unregistered organization, the Grodno Association of Democratic Veterans of War and Labor. On November 21, the State Committee on press issued a fourth warning to the independent newspaper Pahonya, based in Grodno, for publishing a statement by an unregistered organization, the Grodno initiative, an association of local opposition organizations. After two warnings, legal proceedings can be initiated to close a newspaper. Also, under the administrative code, publishing materials on behalf of unregistered organizations is punishable by a fine and, if repeated, by up to 15 days imprisonment. On November 15, the bank accounts of Novaya Gazeta, in the town of Smorgon, were blocked. Human rights monitors said these incidents were part of a government-wide pattern aimed at restricting the activities of independent press.

On December 12, police in Osipovichy, raided an apartment where Nikolai Tomashov, editor of the independent newspaper Panorama, and journalist Igor Simbirov were working on the next issue of the newspaper. Simbirov was beaten by police, a search was conducted and documents and a computer were seized. Simbirov and Tomashov were then taken to the procurator's office where they were charged with slandering government officials.

Until government authorities shut it down during 1996, Radio 101.2 had been the sole Belarusian-language independent station in the country. The Belarusian Patriotic Union of Youth, a government-subsidized presidential youth organization, was permitted to take control of Radio 101.2. An independent Belarusian-language crossborder radio station, Radio Ratcija, based in Poland, began operation during the year. However, in April the Foreign Ministry's special commission for accrediting foreign journalists refused to register four of the radio station's journalists based in Belarus.

State-controlled Belarusian Television and Radio (B-TR) maintained its monopoly as the only nationwide television station. Its news programs regularly featured reporting that was biased heavily in favor of the current authorities, sharply critical of opposition politicians, and failed to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas and relatively were unimpeded in reporting on local news. However, most of these stations reported that they were under pressure not to report on national-level issues or were subject to censorship.

On March 10, Yaraslaw Beklyamishchaw, director and host of the "Krok-2" talk show on B-TR, was dismissed from his position after inviting opponents of the Government to appear on his program. One of the guests on the program was Yuri Khashchavtski, producer of a documentary film about Lukashenko entitled "An Ordinary President." The official reason for his dismissal was "a flagrant violation of the rules of presentation of the program on the air and its noncompliance with the cue sheet." Beklyamishchaw sued B-TR for unlawful dismissal, and on June 14, B-TR agreed to an out-of-court settlement of the case. In March 1998, the Presidential Administration issued an internal directive entitled "On Strengthening Counter-measures Against Articles in the Opposition Press." The directive, which remains in effect, specifically lists 10 independent media organizations covered by these provisions and prohibits government officials from making comments or distributing documents to nonstate media. It also forbids state enterprises from advertising in nonstate media. Although the directive does not restrict directly independent media or impinge on the right of citizens to receive information, it does restrict government officials in speaking to the independent media and gives further advantages to the state press.

In July Dmitry Zavadsky, a cameraman for the Russian television network ORT, disappeared at the Minsk National Airport while waiting for Pavel Sheremet, another ORT journalist, to arrive from Moscow. When Sheremet arrived at the airport, Zavadsky was missing, but his car was found locked in the airport parking area. In 1997 Zavadsky and Sheremet were arrested by Belarusian authorities for crossing the Belarusian-Lithuanian border illegally while filming a documentary critical of the Lukashenko regime. In a politically motivated trial, Sheremet and Zavadsky were given 2-year and 18-month suspended sentences, respectively. Government authorities accused the opposition of organizing Zavadsky's disappearance, calling it a provocation, and later threatened Sheremet with potential charges of slander for an interview, published in the independent press, in which Sheremet blamed Lukashenko and Belarusian security services for Zavadsky's disappearance. A criminal investigation of the disappearance was opened, but no progress had been reported by year's end (see Section 1.b.).

A 1997 Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for accreditation with the Ministry of Foreign Affairs; the application form for accreditation requested biographic information, as well as a record of the applicant's journalistic activity. Journalists who were residents of Belarus also were required to register with the state tax authorities. The Ministry of Foreign Affairs has used its authority to deny accreditation to four journalists from Radio Ratcija, and there were reports that other journalists from foreign media outlets have been threatened with a loss of their accreditation for reporting on opposition-related activities.

In January the authorities and the state-run media began a campaign of harassment against poet and writer Vasil Bykov. Bykov, a leading proponent of "Glasnost" in the 1980's and a literary prize winner, recently had returned to the country after several years. According to the Belarusian Helsinki Committee, Bykov fled to Germany as a result of the harassment. On January 28, the OSCE representative on freedom of the media, Freimut Duve, wrote a letter to the Belarusian Minister of Foreign Affairs urging the Government to end its campaign of harassment against Bykov. In his letter, Duve said "today in Belarus we have favorable conditions for the return of the ideology that dominated during Soviet times."

On August 11, 1999, the international NGO Reporters sans Frontiers described the Government as an enemy of the Internet. A public statement issued by the organization noted that citizens were not free to explore the Internet independently. Al-

though there are several Internet service providers in the country, they are all state controlled. The Lukashenko regime's monopoly on Internet service results in high prices, poor quality, and limited service and allows for the monitoring of practically all e-mail. Although the authorities have full control, it does not appear to be cutting off access entirely, and those who do have access appear to be able to contact a full range of unfiltered web sites. A June survey by an independent polling organization found that less than 3 percent of the population has access to the Internet.

The Lukashenko regime restricts academic freedom. A sharply critical Human Rights Watch report released in July 1999 detailed government restrictions on academic freedom. The report noted that the authorities had suppressed research on controversial topics, recentralized academic decisionmaking, and maintained a ban on political activity on campuses. At the same time, a "systematic crackdown" on political dissent on campuses had targeted outspoken students and lecturers who were threatened with expulsion, often for their off-campus political activity. The report also asserted that state university authorities issued reprimands and warnings to politically active lecturers, independent historians, and other academics. It stated that university employees who challenge the status quo are told to curtail political activities or change the focus of their academic inquiry. University administrators target research into politically sensitive issues, such as the Belarusian independence movement during the Soviet era, a theme that is seen to challenge the State's policy of integration with Russia and is discouraged heavily.

In June four students of the Minsk State Linguistic University were prevented from taking final exams because they refused to become members of the Belarusian patriotic Youth Union, a pro-Lukashenko student association that has been connected to violent attacks on opposition activists in the past.

The Lukashenko regime continued to harass students engaged in antigovernment activities, such as demonstrations. Some students were expelled for their participation in demonstrations. In June the Belarusian State University initially rejected the graduation thesis of Pavel Severinets, the leader of the Malady Front, the youth branch of the Belarusian Popular Front. Severinets wrote and defended his thesis in the traditional version of the Belarusian language. After appeals from human rights groups, Severinets' dissertation was approved.

Over 30 university students, who were expelled for their participation in street demonstrations, were assisted in continuing their studies in the Czech Republic by private NGO's. Sergei Martselev and Nikolai Privarnikov were expelled from the international relations faculty of the Belarusian State University for their participation in demonstrations in 1999. Vadim Kinopatsky was expelled from the Belarusian Agro-Technical University, also for his participation in demonstrations in late 1999.

In 1997 the Council of Ministers issued a decree, effective as of the 1997-98 academic year, requiring students who receive free university education from the state to accept jobs assigned by the authorities upon graduation. Although it remains unclear how universally this decree is enforced, there were reports that graduates in the medical and teaching professions were required to accept government jobs upon graduation. On April 11 and 12, approximately 20 student activists from the National Association of Belarusian Students held a demonstration at the Minsk State Medical Institute to protest the assigning of graduates to jobs in areas contaminated by radiation from the Chernobyl disaster.

On September 8, the Ministry of Justice issued a second warning to the National Association of Belarusian Students (NABS) for using unregistered symbols. According to the Ministry, the color and size of the association's letterhead was incorrect. On March 23, the NABS was warned by the Ministry of Justice for using the word "Miensk," an older spelling of Minsk, in its documents. Two warnings in 1 year is sufficient for the authorities to initiate proceedings to close the organization down. The second warning was nullified by the Supreme Economic Court on September 22. Most human rights observers believe the warnings were part of a larger crackdown on independent NGO's (see Section 4).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Lukashenko regime severely restricts this right in practice. Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision not later than 5 days prior to the scheduled event.

Aleksandr Lukashenko issued Decree No. 5 in 1997 in part to regulate what he termed the "orgy" of street protests taking place. The decree further limits citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to put strict limits on the number of participants. The decree also prohibits the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order.

(see Section 2.a.). The decree, along with subsequent amendments adopted by the acting legislature, imposes severe penalties on those who violate the law, particularly the organizers of events. The decree allows for either monetary fines or detention for up to 15 days, but courts frequently impose high fines that those convicted cannot pay. When individuals fail to pay fines, authorities threaten to confiscate their property. The courts punished organizers of rallies with fines of several times the average monthly wage.

Public demonstrations occurred frequently in Minsk but were always under strict government control, including through open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country but were less frequent especially in areas in the east close to the border with Russia. Following some sanctioned and unsanctioned demonstrations, police and other security officials continued to round up, beat, detain, and try to coerce confessions from some demonstration participants (see Sections 1.c. and 1.d.).

On January 18, Yawhen Asinski was sentenced to 2 years of corrective labor for participating in an opposition organized march on October 17, 1999. Asinski initially was charged with participating in group actions disturbing the peace, a charge punishable by up to 2 years in prison. That charge later was dismissed, and he was convicted of violent resistance to a police officer on duty when video evidence, displayed at the trial, showed that Asinski was not an active participant in the demonstration.

On February 3, police in Minsk arrested five participants in an unsanctioned demonstration near the Russian Embassy against Russian atrocities in Chechnya. On February 5 and 9, seven participants in unsanctioned demonstrations against the Chechnya conflict also were arrested. Philip Klikushin and Leonid Malakov, who were arrested on February 9, reported that they were beaten by police.

On March 1, three opposition activists were arrested by presidential security services while staging an unsanctioned demonstration near Lukashenko's residence on the anniversary of the arrest of Victor Gonchar (see Section 1.b.). As soon as the activists assembled, they were arrested along with three journalists covering the event (see Section 2.a.).

On March 17, an estimated 30,000 demonstrators participated in the Freedom March II. While security services maintained a strong presence, the event proceeded peacefully. However, Minsk schools and universities reportedly required students to be present at evening school events, apparently in an effort to prevent them from participating in the demonstrations. Following the demonstration, President Lukashenko spoke to reporters while visiting Brest on March 16 and said that "people holding a grudge" against the Government, such as "market speculators," dominated Freedom March II, which was billed as a youth demonstration against the Government. Following Lukashenko's remarks, the deputy chairman of the Minsk City Executive Committee said that organizers of the demonstration failed to keep their promise not to block traffic and banned all further street demonstrations in Minsk. While the ban only was enforced selectively, Minsk City authorities frequently denied permission for demonstrators to march in the city, except to a park on the outskirts of the city.

According to local human rights lawyers, more than 300 of some 700 demonstrators, including 35 journalists were arrested and prosecuted for their participation in the March 25 Day of Freedom March (see Section 1.c., 2.a., and 1.d.). All the detainees were forced into police vehicles and taken to an Interior Ministry facility in Minsk. Some were searched illegally, and they were not allowed to contact colleagues, family, or friends. Film shot by press photographers reportedly was confiscated and exposed.

On April 18, local authorities in Borisov banned an opposition-organized demonstration scheduled for April 25, to commemorate the 14th anniversary of the Chernobyl catastrophe. On April 20, the Minsk City Executive Council followed the Borisov City Council's decision and banned opposition organizations from staging demonstrations or marches in downtown Minsk on April 26, known as the Chernobylsky Shlyakh (Chernobyl path). On April 25, 1 day before the scheduled event, Minsk authorities reversed their decision and approved the march route from a park near the city center to a park on the outskirts of the city. Over 30,000 demonstrators participated in the march on April 26. According to the OSCE AMG, organizers of the march responsible for the sound equipment were detained for several hours following the conclusion of the demonstration.

Also on April 26, a small group of demonstrators remained at the park after the initiation of the march. According to the OSCE AMG, in an "unwarranted and superfluous show of force," special units of the militia conducted a "brutal raid" on the group in which five demonstrators were detained forcibly and violently. The demonstrators were later released. On April 27, opposition activist Yuri Kuzmitsky was

sentenced to 5 days' imprisonment for his participation in the demonstration under charges of minor hooliganism. Denis Yeryomenko was convicted of "illegal use of flags, pennants, emblems, symbols or placards" for carrying a caricature of Lukashenko. On April 28, Sergei Terekhov was sentenced to 3 days' imprisonment for "speaking of the President in foul language" at the demonstration.

In Mogilev on April 26, over 100 demonstrators marched in an unsanctioned demonstration commemorating the Chernobyl disaster. Anatoly Fyodorov, the local leader of the Belarusian Popular Front, was arrested and charged with organizing an unsanctioned demonstration. On May 1, in Mogilyev, dozens of opposition activists and 13 journalists were arrested when they attempted to stage a counter-demonstration to the officially sanctioned pro-Lukashenko rally held in the town square. Four organizers of the demonstration were later prosecuted for organizing an unsanctioned demonstration.

On April 28, the Minsk City Executive Committee banned all street demonstrations on May 1, Labor Day. The May 1 holiday has been a traditional day for pro- and antigovernment demonstrations. The opposition Social Democratic Party and the opposition Belarusian Party of Communists applied for permission to demonstrate in the center of Minsk but were denied. Later, the pro-Lukashenko Communist Party of Belarus, headed by the deputy head of the Minsk City Executive Committee, was given permission to hold a demonstration in the center of Minsk.

On May 7, the Minsk City Executive Committee banned a rally at victory square in the city center, organized by the opposition conservative Christian Party to commemorate the 55th anniversary of the victory over the Nazis. On May 10, the Minsk City Executive Committee banned the opposition Belarusian Social Democratic Party from holding poetry readings in Yanka Kupala Park in the city center.

On May 19, Dmitry Marchuk and Yan Grib, two opposition activists, were arrested while demonstrating outside the court house at the sentencing of former Prime Minister Mikhail Chigir. (see Section 1.e.). The demonstrators, who were chanting "freedom to Chigir," were charged with using foul language, detained for several hours, and later fined. On May 21, local activists from the Belarusian Social Democratic Party demonstrated on the central square in Borisov in support of former Prime Minister Chigir. Aleksandr Abramovich, Anton Telezhnikov, and Alesya Yasyuk were arrested by local militia and charged with organizing an unsanctioned demonstration. Abramovich was sentenced to 15 days' imprisonment, Telezhnikov to 10 days imprisonment, and Yasyuk was issued a \$404 (390,000 rubles) fine (see Section 1.d.).

On May 30, opposition activists Alexei Balashov and Sergei Garstuk were detained by police for hanging a white-red-white flag with a black mourning strip on Lenin Square in downtown Brest in commemoration of the 53 people killed in a stampede in a Minsk metro station in 1999. The activists were detained for several hours and charged with violating the law on mass gatherings and assemblies.

On June 19, Aleksandr Abramovich again was sentenced to 12 days' imprisonment for staging an unsanctioned demonstration in Borisov on June 15, in which demonstrators chained themselves to a flagpole in front of the city government building and demanded the resignation of the city executive chairman.

On June 20, United Civic Party activists Vladimir Romanovsky, Galina Goncharik, Lyudmila Bozhok, and Aleksei Rodionov were arrested for holding an unsanctioned rally near the Minsk city government building to protest the city government's repeated banning of opposition demonstrations. Romanovsky later was fined \$400 (390,000 rubles) for organizing the rally. Deputy Chairman of the Minsk City Executive Committee, Viktor Chikin, warned the trio that UCP activists needed to apply for permission to hold such demonstrations and further warned there would be harsher punishment if they continued to violate the laws on assembly.

On July 10, Minsk city authorities banned an annual Catholic procession in the center of Minsk commemorating the feast of Corpus Christi. The march, which regularly attracted up to 5,000 participants, had been held annually since 1991. A second appeal by the organizers also was denied. The denial of the march was considered by many human rights observers to be part of a larger crackdown on non-Orthodox religious groups (see Section 2.c.).

On July 18, three activists of the Belarusian popular front were convicted by a court in Zaslavl, in the Minsk region, and issued warnings for "attempting to organize a meeting with the community" and for "violating street demonstration regulations" on July 4. On July 4, the activists were attempting to organize an unsanctioned rally when they were arrested by police. On July 27, activists of the Belarusian Social Democratic Party staged an unsanctioned protest in front of the Gomel regional executive committee offices against the establishment of a Fascist regime in Belarus. Yekaterina Gorovaya and Igor Romanov were arrested by local

police and sentenced to 5 and 7 days' imprisonment, respectively, for organizing an unsanctioned demonstration.

On August 3, Alekandr Abramovich and local activists of the Belarusian Social Democratic Party held a rally in the center of Borisov to protest authorities efforts to curb dissent and urge authorities to resume the supply of hot water in the city. Police arrested Abramovich and four others. Abramovich was sentenced to 15 days' imprisonment for organizing an unsanctioned protest. In the first 9 months of the year, Abramovich spent over 100 days in detention for allegedly violating regulations on assemblies and demonstrations.

On August 6, local authorities in the town of Byarza, in the Brest region, banned the local branch of the Belarusian Popular Front from holding a public meeting with town residents. Authorities in nearby Belaazyorsk also banned a similar meeting the following day.

On September 16, human rights and opposition activists staged a demonstration in Minsk on the anniversary of the disappearance of Victor Gonchar and Anatoly Krasovsky. The demonstration was banned by the city authorities. At the conclusion of the demonstration, plainclothes men and uniformed police beat and detained several participants, including journalists monitoring the event. Charges against the participants later were dropped.

Prior to the parliamentary elections on October 15, law enforcement authorities banned small and large demonstrations across the country advocating an election boycott and arrested and fined hundreds of activists promoting the boycott (see Section 3).

The Belarusian authorities increased harassment of homosexuals. On February 21, Minsk police raided and closed, without explanation, a disco club known as a meeting place for homosexuals. On September 7, Minsk city authorities banned a Gay Pride-2000 parade in downtown Minsk, scheduled for September 9. On September 7, Minsk authorities also closed another night club where festivities were being held to mark the opening of the Gay Pride-2000 weekend. In 1999 the Ministry of Justice denied registration to country's only lesbian and gay rights NGO.

Authorities provide for freedom of association; however, the authorities do not respect and severely restricts this right in practice. According to members of parties in opposition to the President, authorities frequently deny permission to opposition groups to meet in public buildings. Employees at state-run enterprises are discouraged from joining independent trade unions (see Section 6.a.). The authorities regularly harass members and supporters of opposition parties and confiscate leaflets and publications. Officials have warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

On January 26, 1999, Aleksandr Lukashenko issued Decree No. 2, requiring all political parties, trade unions, and nongovernmental organizations to reregister with authorities by July 1. Such public associations completed a lengthy reregistration process in 1995. The timing of the decree, which increased the scope of operations and number of members that organizations would need to demonstrate to qualify for reregistration, apparently was intended as a method of political intimidation at a time of increased opposition activity. On July 1, 1999, regulations that prohibited private organizations from using private residences as their legal addresses were announced. In view of government control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process.

After the reregistration process had begun, the authorities announced that organizations would have to alter their charters to indicate recognition of the 1996 Constitution and that the words "popular" or "national" could not be used in their titles. On December 17, 1999, an amendment to the Law on Public Associations went into effect that prohibits political and social organizations from using the words "Belarus," "Republic of Belarus," "national" or "popular" in their titles. Also in December 1999, Lukashenko signed into law a bill on amendments to the Administrative Offenses Code that would make any work on behalf of an unregistered NGO punishable by fines. Although most of the major political parties and unions that applied were allowed to reregister, according to the Assembly of Belarusian Prodemocratic NGO's, only 1,268, or 57 percent of the NGO's in existence when the reregistration law went into effect were reregistered by the summer of 2000. A total of 202 NGO's were rejected by the Ministry of Justice for reregistration on various grounds, and 31 were still in the process of reregistering at year's end.

On April 11, the Gomel regional court ordered a local association for the unemployed, founded in 1992 by human rights monitor Yevgeny Murashko, to be closed for failure to comply with the January 1999 decree on NGO reregistration. On May 16, Malady Front, the youth wing of the Belarusian Popular Front, applied for registration under the new legislation. On August 17, the Ministry of Justice notified

the Malady Front that its application was still "under consideration," the application later was rejected.

On July 17, the Francisak Skaryna Belarusian language society (BLS) was issued a warning by the Ministry of Justice under Article 28 of the Law on Public Associations for misuse of the organization's seal.

On July 19, the opposition United Civic Party received two written warnings from the Ministry of Justice also for misuse of blank forms and seals. One warning was issued because the party's e-mail address was printed too close to the seal on the party's letterhead. A third warning was issued on July 31 to the party for allegedly illegally establishing a party cell at a chemical factory. By September the party had been issued a total of five warnings. Although two warnings are sufficient for the Justice Ministry to close an organization, the warnings appeared to be attempts to intimidate and harass opposition political organizations, and no attempts had been made to close the organizations as a result of these warnings.

Authorities continued to attempt to limit severely the activities of NGO's (see Section 4).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the authorities restrict this right in practice. Although Article 16 of the 1996 amended Constitution, which resulted from an illegal referendum, reaffirms the equality of religions and denominations before the law, it also contains restrictive language that stipulates that cooperation between the State and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

Since his election as the country's president in July 1994, Lukashenko has pursued a policy of favoring the Orthodox Church as the country's chief religion and harassing other non-Orthodox religions. Lukashenko and the authorities encourage a greater role for the Orthodox Church. The President grants the Orthodox Church special financial advantages that other denominations do not enjoy and has declared the preservation and development of Orthodox Christianity a "moral necessity." On April 30, Lukashenko said on state radio that "nobody will disturb our Orthodoxy" and pledged that the State "will do everything for the Church to be a pillar of support for our State in the future." In December 1999, Lukashenko said that politicians and the Head of State bear responsibility for preserving Christian values, for maintaining religious peace in society, and for harmonious cooperation between the State and the Church. Lukashenko also said that the Church should be more active in promoting the unity of Slavic nations because Slavic integration is in the interests of both the State and the Church. In 1998 Lukashenko pledged state assistance to the Orthodox Church and stressed that Orthodoxy would remain the "main religion."

The State Committee on Religious and National Affairs (SCRNA), which was established in 1997, categorizes religions and denominations. Some are viewed as "traditional," including Russian Orthodoxy, Roman Catholicism, Judaism, and Islam (as practiced by a small community of ethnic Tatars with roots in the country dating back to the 11th century); some are viewed as "nontraditional," including some Protestant and other faiths; and some are viewed as "sects," including Eastern religions and other faiths. The authorities deny permission to register legally at the national level to some faiths considered to be nontraditional and to all considered to be sects. Without registration it is extremely difficult to rent or purchase property in order to hold religious services.

The authorities deny some minority religious faiths permission to register officially and treats them as sects. In 1998 SCRNA official Vyacheslav Savitskiy announced that "11 destructive religious organizations, which have been denied registration after expert examination, illegally function in the country." In April 1999, a conference organized by the Orthodox Church and the National Assembly discussed the need to introduce legislation to combat "destructive sects" that operate illegally in the country. More recently the authorities continued to deny repeated attempts by the Belarusian Orthodox Autocephalous Church (BOAC) to register. Following a raid by local police on a private house where a prayer service was being held, Ivan Spasyuk, a BOAC priest, went on a hunger strike on November 7, 1999, in order to protest the authorities' refusal to register his parish in the Grodno region. On November 28, 1999, at the urging of his family and parishioners, Spasyuk called off the hunger strike. Local courts so far have refused to hear appeals made by the BOAC to overturn the Lukashenko regime's decision not to register their churches. Because of ongoing registration problems, including the inability to register a seminary, the BOAC is unable to train a sufficient number of priests to meet the growing needs of its parishioners.

A number of Protestant faiths confront a situation in which they are refused registration because they do not have a legal address and are refused property that

could qualify as a legal address because they are not registered. The Full Gospel Pentecostal churches regularly are refused registration in this way. Article 272 of the Civil Code states that property may only be used for religious services once it has been converted from residential use. However, the authorities decline to permit such conversion to unregistered religions. Religious groups that can not register often are forced to meet illegally or in the homes of individual members. Several charismatic and Pentecostal churches have been evicted from property they were renting because they were not registered as religious organizations. A number of nontraditional Protestant and other faiths have not attempted to register because they do not believe that their applications would be approved. The publication of religious literature for unregistered religions likely would be restricted in practice, especially at state-controlled publishing houses. However, there were no reports of restrictions on the importation of religious literature. State employees are not required to take any kind of religious oath or practice elements of a particular faith. However, the practice of a faith not viewed to be traditional, especially one not permitted to register, could disadvantage possible advancement within the bureaucracy or state sector.

Citizens are not prohibited from proselytizing; however, the authorities enforce a July 1995 Council of Ministers decree that controls religious workers in an attempt to protect Orthodoxy and prevent the growth of evangelical religions. A 1997 Council of Ministers directive prohibits teaching religion at youth camps. In February 1999, the Council of Ministers passed Decree No. 280 which expanded upon these earlier regulations. The decree appears to stipulate, among other things, that among foreign religious workers, only male clergy may engage in religious work upon invitation from a religious organization already officially registered, a provision that could be invoked to prohibit female religious clergy, such as Catholic nuns, from engaging in religious activity. However, this provision has not been tested in the courts.

During the year, the authorities stepped up its efforts to curb the role of foreign clergy. In April the Council of Ministers introduced changes to its regulations, that allow internal affairs agencies to expel foreign clergymen from the country by not extending their registration or by denying them a temporary stay permit. Under the new regulations, these authorities are allowed to make decisions on expulsion on their own or based on recommendations from religious affairs councils, regional executive committees, or from the religious affairs department of the Minsk City Executive Committee. Appeals to judicial bodies are not provided for.

As part of efforts to curb the influence of foreign clergy, on March 18, two law enforcement officials entered the Roman Catholic church of the Exaltation of the Holy Cross in Brest, during a church service, and arrested Catholic Priest Zbigniew Karolak, a Polish citizen, for allegedly violating visa regulations and charged that his religious work was "illegal." Regional government officials had criticized publicly Karolak for his "undermining views." In addition a court in Brest issued warnings to four supporters of Karolak for staging an unauthorized demonstration following the priest's arrest. Karolak departed the country in June, following warnings from authorities that he would be removed by force if he did not depart the country. Subsequent to Karolak's departure, a Brest regional court in November overturned the legality of the deportation order and a police order barring Karoljack from entering the country for 10 years. In February the Belarusian pastor of a Pentecostal church was warned by SCRNA authorities that a public sermon was performed in his church by a citizen of Ukraine in violation of the law on religion and that a future violation of the law would lead to a revocation of his church's registration.

Foreigners generally are prohibited from preaching or heading churches, at least with respect to what the authorities view as nontraditional faiths or sects, which include Protestant groups. Foreign missionaries may not engage in religious activities outside the institutions that invited them. One-year validity, multiple-entry, "spiritual activities" visas, which are required officially of foreign missionaries, can be difficult to get, even for faiths that registered with the authorities and have a long history in the country. Foreign clergy or religious workers who do not register with the authorities or who have tried to preach without government approval or without an invitation from, and the permission of, a registered religious organization, have been expelled from the country. Approval often involves a difficult bureaucratic process.

Officially sanctioned newspaper attacks on minority faiths increased. For example, on April 19, the *Narodnaya Gazetta*, a state-owned and published newspaper, carried an article with the headline "The Prospect Looms for Belarus to Become a Protestant Republic, or We are Incessantly Being Urged to Deny the Faith of our Ancestors." The article stated that Protestant groups engage in fanatical rituals, including the ritual use of human blood and human sacrifice. The article claimed that

Protestant groups present a threat to the country and urged the Government to take steps to protect Orthodoxy. In a similar article in January, state-owned *Narodnaya Gazeta* criticized the leader of the BOAC, Ivan Spasyuk, accusing him of criminal activities and characterized the church as the “spiritual followers of Hitler.” Attacks on Protestant faiths have also appeared on state-owned television. In November and December, a documentary entitled “Expansion” was aired on state television, which alleged that Protestant community carried out fanatical rituals. Protestant pastors appealed to the courts to stop the television programs, but they were denied.

Societal anti-Semitism persists, and the Lukashenko regime has done little to counter the spread of anti-Semitic literature. In January the World Association of Belarusian Jewry and the Human Rights Center stated that Lukashenka was anti-Semitic and said that the government had refused to establish Jewish schools, help maintain Jewish cemeteries and historic monuments, or create memorials to Belarusian Holocaust victims. In May the Minsk city court refused to hear an appeal brought by Jewish organizations to stop the publishing and sale of the book “War According to Mean Laws,” published by the Orthodox printing house, which, among other anti-Semitic writings, included the “Protocols of the Elders of Zion” and blamed Jews for societal and economic problems in the country (see Section 5). There has been a noticeable lack of government action in redressing instances of anti-Semitic vandalism in previous years. In April tax inspectors prohibited the central synagogue in Minsk from distributing Matzoh for Passover among members of the Jewish community. The tax inspectors reported that the synagogue would need to obtain a special license, register as a taxpayer, and open a store that would meet certain additional requirements, thereby effectively making distribution during the Passover celebration impossible.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—According to the Constitution, citizens are free to travel within the country and to live and work where they wish; however, the authorities restrict these rights in practice. The authorities issues internal passports to all adults, which serve as primary identity documents and are required for travel, permanent housing, and hotel registration.

In June 1999, the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a “propiska” (pass) or the compulsory registration of their residence address. Under article 182 of the Administrative Code, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, it remains unclear to what extent this court decision actually has affected local security officials. In practice the right to choose one’s residence remains restricted. In November 1999, the Ministry of Internal Affairs announced a three-stage program to replace the “propiska” system, but there were no reports that this program was implemented.

Official regulations on entry and exit require citizens who wish to travel abroad to receive first a “global” exit visa in their passport, valid for between 1 and 5 years. Once the traveler has these documents, the law does not restrict travel. The authorities have delayed issuing “global” exit visas to some opposition activists in an effort to hinder their political activity abroad.

Following the dissolution of the Supreme Soviet in 1996, the Lukashenko regime took measures aimed at limiting the travel of opposition politicians who refused to submit to the legislature created by the November 1996 referendum. Parliamentarians who did not join the new legislature could no longer travel on their diplomatic passports, despite the fact that these individuals had been assured that they would retain their status as deputies until their terms of office expired. Although their diplomatic passports were not confiscated, the border guards reportedly had a blacklist of opposition members who were to be denied exit from the country if they used a diplomatic passport. Subsequent to the 1997 refusal by border guards to allow former Supreme Soviet Chairman Stanislav Shushkevich and Parliamentary Deputy Anatoly Lebdeko to travel abroad on their diplomatic passports, a number of members of the former Supreme Soviet have either acquired regular passports and have been allowed to travel abroad or have departed from Russia using their Belarusian diplomatic passports. The Government has delayed issuing passports to several opposition politicians, sometimes for several months, in an effort to restrict their travel abroad for political activities.

According to official data, the State did not deny any citizen permission to emigrate. However, legislation restricting emigration by those with access to “state secrets” remained in effect, and any citizen involved in a criminal investigation also

was ineligible to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The Constitution gives aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. The Constitution also allows the state to grant refugee status to persons who were being persecuted in other states for their political and religious convictions, or because of nationality. There is no law on first asylum, nor has it signed readmission agreements with any of its neighboring states.

The authorities cooperate with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 1997 the authorities implemented for the first time the 1995 law on refugees, granting refugee status to a group of Afghans. The UNHCR reported that throughout the year, 169 applications were submitted for refugee status and 219 applications were rejected at the registration stage. The Deputy Minister of Labour told journalists in July that 2,000 aliens applied for refugee status in Belarus since 1997 and 385 applications were approved. Of the 385 applicants 294 were from Afghanistan. The Ministry reported that illegal aliens in the country were estimated to number between 150,000 and 200,000 during the year.

The UNHCR noted in its July report that the Minsk city and Minsk region migration services regularly refuse to accept illegally arriving new refugee applicants and instruct such persons to apply with migration authorities in other regions. Regional migration services also continued to deny registration of refugee applications for refugee status of those asylum seekers who came through countries considered as safe (mainly Russia).

The UNHCR had no reports of any case of bona fide refugees being forced to return to countries in which they feared persecution.

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

The Lukashenko regime severely limits the rights of citizens to change their government. In October parliamentary elections occurred for the first time since the disputed referendum of 1996. The elections followed a year of intense domestic and international activity that sought to create conditions for democratic elections. According to OSCE/ODIHR, these elections failed to meet international standards for democratic elections. In particular the elections fell far short of meeting the minimum commitments for free, fair, equal, accountable, and transparent elections. Despite some minor improvements since previous elections, the process remained seriously flawed.

In the October election, 769 candidates were nominated for the 110 seats. Of the 769, 551 were eventually registered by the District Election Commissions (DEC's). The Government severely restricted public participation on the electoral commissions. The Central Election Commission (CEC) accepted 23 more, who appealed their initial rejection by the DEC's and the Supreme Court accepted the appeals of 5 individuals who were rejected by the CEC. A total of 578 candidates ultimately registered, 11 later withdrew, and one had his registration cancelled. Candidate registration procedures were abused systematically to prevent undesirable candidates, especially those opposed to the regime. Campaign activities were regulated excessively and heavily biased state-controlled media severely limited candidates access to the media and voter choice. Political coverage during the election period in both the electronic and print media was dominated by the president and executive branch. During the election, provisions for early voting, mobile ballot boxes, vote counting and the aggregation of results fell far short of minimum transparency requirements for independent verification. There were widespread reports of citizens employed in state enterprises, students and teachers, and those in the military being forced to vote or risk losing their position. Voter turnout in many constituencies fell below the required 50 percent threshold, but electoral authorities falsified and amended voter lists to raise turnout to the required minimum.

Numerous rallies and boycotts were held throughout the campaign; some were peaceful, and others were disrupted by government authorities (see Section 2.b.). During the election campaign, coverage of politics, including the election was very limited. Political coverage in both the electronic and print media was dominated by the President and executive branch.

The possibilities of electoral choice had been limited severely by earlier changes promulgated by Lukashenko in the country's initially democratic constitution. In November 1996, the executive branch conducted a controversial constitutional referendum that was neither free nor fair, according to credible international observers, including representatives of the European Union and the OSCE. Many members of Parliament and of the Constitutional Court actively opposed Lukashenko's

proposals for both substantive and procedural reasons. The justices asserted that the referendum gave Lukashenko control over the legislative and judicial branches of Government and extended his term in office. They also criticized it on procedural grounds as an unconstitutional means to eliminate the Constitution's checks and balances and grant the President virtually unlimited powers.

In the period leading up to the referendum, opponents of Lukashenko's proposals were denied access to the media, election officials failed to record the names of early voters, and no texts of the proposed Constitution were made available to voters until several days after citizens began voting. As a result of these irregularities, the head of the Central Election Commission (CEC) announced prior to the event that he would not be able to certify the results of the referendum. Lukashenko promptly fired him, although the Constitution in force at the time gave the Parliament the exclusive authority to appoint and dismiss the CEC chairman. Members of the security forces forcibly removed the head of the CEC from his office. Shortly thereafter Prime Minister Mikhail Chigir resigned in protest at Lukashenko's refusal to cancel the widely criticized referendum.

Most members of the international community chose not to send election monitors to observe the referendum because of the illegitimacy of the entire process. International human rights organizations protested the conduct of the referendum.

The Constitutional Court formally ruled that the issues posed in Lukashenko's referendum could not be decided legally through a referendum and that its results should be purely advisory, consistent with the Constitution. However, after winning the referendum—according to the authorities' own official count—Lukashenko began to implement it immediately. The new Constitution established a bicameral legislature. Its 110 member house was formed out of the membership of the existing Supreme Soviet; deputies volunteered or were lured by promises of free housing and other benefits to serve in the body. The 64-member upper house was created by a combination of presidential appointments and elections by the 6 regional or oblast councils and the Minsk city council. The transition left 86 electoral districts under-represented because the new Constitution reduced the number of representatives, and also because a full Supreme Soviet had never been seated, largely due to the executive branch's restrictive intervention in the 1995 parliamentary elections.

On August 31, 1999, legislative amendments to the 1996 Referendum Law, which the OSCE AMG declared were not in accordance with international standards, came into force. The amended law provides that referendums may be initiated by the President, the President's National Assembly, or 450,000 signatories of a petition—including a minimum of 30,000 in the City of Minsk and in each of the country's six oblasts. The law makes 10 percent of all signatures subject to verification, and all signatures may be invalidated if the commission finds just 1 percent (4,500 signatures) to be faulty. It also gave the President the prerogative to decide on the validity of referendum results.

Women are underrepresented in government and politics, although there are no legal restrictions on their participation. With the exception of the judiciary, social barriers to women are strong, and men hold virtually all of the leadership positions. In the legislature, women held 10 of 97 seats in the lower house and 19 of 62 in the upper house. The deputy chair of the upper house is a woman. The Minister of Social Security is the only female member of the Council of Ministers. The head of the Government's Central Election Commission also is a woman.

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

Several domestic human rights groups are active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations. It also attempted to limit severely the activities of NGO's through a time consuming reregistration process, denial of registration, questionable tax audits, and other means (see Section 2.b.).

On May 20, the Minsk office of the Association for Legal Assistance to the Population, a local NGO providing legal assistance to opposition activists and the families of persons who have disappeared, was robbed under suspicious circumstances. Computers with files related to the investigation of the disappearance of former Interior Minister Yuri Zakharenko, among other items, were stolen (see Section 1.b.). Most human rights observers believed that the robbery was perpetrated by members of the security services. On May 29, in a similar incident, the offices of the Human Rights Center, headed by human rights lawyer Vera Stremkovskaya, was burglarized, and files of human rights violations stolen. There were no reports that authorities made credible efforts to investigate these incidents.

On August 26, the Ministry of Justice issued a warning to the Human Rights Center for using unregistered symbols. It issued similar warnings to other influential local human rights organizations, including Viasna (Spring), the Belarusian Helsinki Committee, and Charter '97. On August 27, the Youth Organization Civic Forum was issued a warning for printing an article about poor living conditions at university dormitories in its newspaper. Civic Forum previously was issued two warnings for misuse of symbols. These warnings were part of an overall effort by authorities to hinder the work of human rights organizations critical of the Lukashenko regime.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the authorities have been willing to discuss human rights with international NGO's whose members have been allowed to visit the country; however, the authorities have increased its harassment of international NGO's working in the country. One way in which the authorities regularly harassed NGO's was through taxes. In February the International Research and Exchanges Board (IREX) Pro Media office, an international NGO working on freedom of media issues, reported a pattern of harassment from the tax police, involving independent media outlets with which it was working: Some organizations working with IREX/Pro Media were fined or had their bank accounts frozen. Tax authorities have seized the Foundation's Magic Printing Press as well (see Section 2.a.).

On May 31, an employee of the Belarus office of a Western legal NGO foiled an attempted burglary of its Minsk office. When asked to provide identification, one of the three burglars claimed that they represented official law enforcement agencies. Although the local police were contacted, they refused to provide assistance, and no further investigation into the incident was made by the authorities. The NGO believes the burglary attempt was connected to their efforts to advise and support human rights and rule of law projects. In 1998 after protracted negotiations, the authorities approved the opening in Minsk of the OSCE's AMG office. Although the authorities often have disregarded OSCE intervention on human rights cases and its advice on draft legislation, the OSCE's presence in Minsk provides a potentially important forum for dialog on these issues. In September 1999, through OSCE-brokered meetings initiated by the OSCE Parliamentary Assembly's Belarus ad hoc committee Chairman Adrian Severin, government and opposition representatives began a dialog to try to resolve the country's ongoing constitutional and political crisis. By the end of 1999, the process had been brought to a standstill and in February 1999 the Lukashenko regime withdrew from the dialog and created a sham sociopolitical dialog with handpicked proregime NGO's. The new dialog likewise did not produce any results. On March 25, while observing an opposition demonstration in Minsk (see Section 2.b.), an officer of the OSCE AMG was arrested forcibly and detained for several hours, despite the fact that he clearly identified himself as a diplomatic observer and claimed diplomatic immunity.

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

The Constitution states that all citizens are equal before the law and have the right, without any discrimination, to equal protection of their rights and legitimate interests. However, the Constitution does not prohibit specifically discrimination based on factors such as race, sex, or religion. The Law on Citizenship, grants citizenship to any person living permanently on the territory of the country as of October 19, 1991. Those who arrived in the country after that date and wish to become citizens are required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and have lived in the country for 7 years.

Women.—Although statistics are not available, domestic violence, including spousal abuse against women, is a significant problem, according to women's groups. However, spousal abuse is punishable under the Criminal and Administrative Codes.

Non-severe beating is punishable by a fine or up to 15 days imprisonment. More serious offenses are punishable under the Criminal Code by up to 15 years in jail. Women's groups indicate that police generally are not hesitant to enforce the laws against domestic violence, and that the courts are not reluctant to impose sentences. The main problem is a general reluctance among women to report instances of domestic violence. Violence against women was not the subject of extensive media coverage, marches, or demonstrations during the year.

Although the authorities and local human rights observers report that prostitution does not yet appear to be a significant problem in the country, there is much anecdotal evidence that it is growing. Local street prostitution appears to be grow-

ing as the economy deteriorates, and prostitution rings operate in state-owned hotels. Young women seeking to work or travel abroad also are vulnerable to sexual exploitation. The Ministry of Internal Affairs claims that very few women are deported back to the country for engaging in prostitution; however, it acknowledges that Russian criminal organizations may actively try to recruit and lure Belarusian women into serving as prostitutes in Western Europe and the Middle East. Trafficking in women is a growing problem (see Section 6.f.).

Sexual harassment reportedly is widespread, but no specific laws deal with the problem other than laws against physical assault.

The law requires equal wages for equal work; however, such is not always the case in practice. Women have significantly fewer opportunities for advancement to the upper ranks of management. Women report that managers frequently take into consideration whether a woman has children when considering potential job candidates. At a roundtable on April 20 on "The Problem of the Trade in Women in Belarus," it was reported that the average length of unemployment for women was 18.4 months versus 5 months for men. In 1999 the Government reported that approximately 64 percent of those considered to be long-term unemployed are single mothers.

The level of education of women is higher than that of men. Women make up approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. In these sectors, between two-thirds and three-fourths of employees (mostly women) live beneath the official poverty level. Women legally are equal to men with regard to property ownership and inheritance.

Women's groups are active; most focus on issues such as child welfare, environmental concerns (in the aftermath of Chernobyl), and the preservation of the family. There is an active women's political party. A private university in Minsk established the country's first gender studies faculty in 1997.

Children.—The authorities are committed to children's welfare and health, particularly as related to consequences of the nuclear accident at Chernobyl, and, with the help of foreign donors, tried to give them special attention. By law everyone is entitled to health care, including children. There does not appear to be any difference in the treatment of girls and boys. Children begin school at the age of 6 and are required to complete 9 years, although the authorities make 11 years of education available at no cost and began to develop a 12-year education program. Higher education also is available at no cost on a competitive basis. Families with children receive token government benefits, such as discounted transportation. According to a 1999 World Bank study, the majority of those living in poverty are families with multiple children or single mothers.

As part of the Lukashenko regime's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion of, or the teaching of, students in the Belarusian language by limiting the availability of early childhood education in Belarusian. In its June report, the Belarusian Helsinki Committee reported that only 30 percent of students in primary schools are instructed in Belarusian. In Minsk only 11 of the 242 middle schools teach in the Belarusian language. In other regional cities, the numbers were significantly lower. The authorities continued to claim that the only schools that have been closed which taught in the Belarusian language are those that experienced diminishing enrollment.

There does not appear to be a societal pattern of abuse of children.

People with Disabilities.—A 1992 law mandates accessibility to transport, residences, businesses, and offices for the disabled; however, facilities, including transport and office buildings, often are not accessible to the disabled. The country's continued difficult financial condition makes it especially difficult for local governments to budget sufficient funds to implement the 1992 law. The central authorities continue to provide some minimal subsidies to the disabled. However, continued high inflation and sharp decline in the value of the ruble greatly reduced the real worth of those limited subsidies.

Religious Minorities.—Societal anti-Semitism exists but usually is not manifested openly, although antiminority faith sentiments are rising (see Section 2.a.). In the past, Lukashenko and other officials have used coded anti-Semitic language in their attacks on perceived opponents.

No arrests were reported in the April 1999 arson attack on the synagogue in Minsk or in a number of cases of desecration of Jewish cemeteries in 1997 and 1998. Some instances of vandalism appeared to be related to anti-Semitism. On May 11, the Minsk city court upheld the dismissal by an inferior court of a suit filed by Jewish organizations and individuals against the authors and publishers of the book "The War According to Mean Laws." The book published by the Orthodox Initiative

and distributed in Orthodox bookstores, includes the "Protocols of the Elders of Zion" and other anti-Semitic articles and blames Belarusian Jews for social and economic problems in the country. A Minsk district court ruled in March that the book contained "scientific information" and dismissed the suit. The Union of Belarusian Jewish Associations and Communities and the World Association of Belarusian Jews, both of which joined in the suit, consider the book anti-Semitic and punishable under the Criminal Code for inciting religious and ethnic hatred (see Section 2.c.). On December 27, unidentified assailants threw firebombs at a synagogue in Minsk. A security guard was able to extinguish the fire before serious damage occurred. No progress has been reported on the incident.

Action by the authorities has been noticeably lacking in redressing instances of anti-Semitic vandalism in previous years. According to the Anti-Defamation League and the World Jewish Congress, a number of small, ultra-nationalist organizations operate on the fringes of society, and a number of newspapers regularly print anti-Semitic material. One of these newspapers, *Slavianskaia Gazeta*, although distributed locally, reportedly was published in Moscow. Anti-Semitic material from Russia also circulates widely.

Many persons in the Jewish community remain concerned that the Lukashenko regime plans to promote greater unity with Russia may be accompanied by political appeals to groups in Russia that tolerate or promote anti-Semitism. Lukashenko's calls for "Slavic solidarity" are well received and supported by anti-Semitic, neo-Fascist organizations in Russia. For example, the organization, Russian National Unity, has an active local branch. Its literature is distributed in public places in Minsk. The concept of a "greater Slavic union," the leadership of which Lukashenko seeks, is a source of concern to the Jewish community given the nature of support that it engenders.

The country's small Muslim community, with roots in the country dating to the Middle Ages, does not report significant societal prejudice. However, on August 9, 1999, the Slonim mosque—the first mosque to open in the country during the last 60 years—was vandalized just prior to the holding of a Tatar youth convention in the city. There are no further developments on the investigation of the incident.

Section 6. Worker Rights

a. The Right of Association.—The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights, including the right to strike; however, these rights are not respected in practice. The independent trade union movement still is in its infancy. The Belarusian Free Trade Union (BFTU) was established in 1991 and registered in 1992. Following the 1995 Minsk metro workers strike, the President suspended its activities. In 1996 BFTU leaders formed a new umbrella organization, the Belarusian Congress of Democratic Trade Unions (BCDTU), which encompasses 4 leading independent trade unions and is reported to have approximately 15,000 members.

The authorities have taken numerous measures to suppress independent trade unions. Members of independent trade unions, were arrested for distributing union literature, had union material confiscated, were denied access to work sites, were subjected to excessive fines, and were pressured by their managers and state security services to resign from their jobs because of trade union activities. Although the BFTU later was registered, its local unions were denied registration by local authorities in many towns, including Bobruisk, Grodno, Mogilev, and Orsha among others. In the Brest Oblast, only 5 of 12 local unions of the BFTU were registered by June, and in numerous instances union activists and members were fired, without cause, for their union activities.

On January 26, 1999, Lukashenko signed Decree No. 2 "On certain Measures to Improve the Activities of Political Parties, Trade Unions, and Other Public Associations Activities," which among other requirements, requires trade unions to have a minimum of 10 percent of the workers of an enterprise in order to form and register a local union. The Decree also obliged existing registered unions to reregister and meet the new requirements. Free trade union leaders reported that this decree has had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree.

In February the management of the Mogilev Automobile Factory (MAZ) unilaterally suspended its collective bargaining agreement with the local union of the BFTU, evicted the organization from its office, and confiscated office equipment. Several BFTU activists were dismissed by MAZ management in connection with their union activities.

The authorities continue to discourage employees at state-run enterprises from joining independent trade unions. In July 1999, Lukashenko signed Decree No. 29 on "Tightening Labor Discipline." The decree, which has as one of its aims the placement of all workers on individual rather than collective contracts, was criticized heavily by both independent and official union leaders, who believe that it was designed principally to enable the Presidential Administration to increase its control over the labor sector.

The Official Federation of Trade Unions of Belarus (FTUB), formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consists of approximately 4.5 million workers (including retirees) and is by far the largest trade union organization. According to official union federation figures, 92 percent of the workforce is unionized. Although wary in the past of challenging the regime seriously, some FTUB leaders have become increasingly vocal in their criticism of the policies of the Lukashenko regime. In retaliation the Government has subjected some FTUB officials to threats and harassment.

On July 20, the Presidential Administration released a statement condemning "attempts by some union leaders to thrust a groundless thesis that the Government violates unions' rights upon Belarusian public opinion and the international community." The statement accused unions of engaging in "political activities ... which cause direct damage to the labor movement and aggravates the socioeconomic problems of society." In a July 27 speech to an agriculture conference, Lukashenko criticized the trade unions, the FTUB, and FTUB President Goncharik personally, for a "lack of constructive activity" and blamed them for the loss of trade privileges with another country. On July 31, as part of the authorities' campaign of harassment of the FTUB, FTUB bank accounts were frozen following an unexplained investigation of the union's records by the state committee for financial investigations. FTUB accounts were frozen again on September 28 by tax authorities conducting an unspecified investigation. The account later was released. In an October 11 speech to the FTUB Congress, Prime Minister Yermoshyn told trade union leaders to "stop agitating people and get to work" and accused the FTUB of engaging in politics rather than focusing on the needs of workers.

During the year, members of the Independent Trade Union of Belarus faced continual pressure at their workplace to join state unions or lose their jobs. Typically members of the Union smuggled copies of the newspaper *Rabochi* into their workplace under their clothing. On December 16, police detained 7 members of the Independent Trade Union of Steel Workers and confiscated 3,000 copies of *Rabochi* outside the entrance to the Minsk Automobile Plant.

On September 14, FTUB members reportedly were pressured by the management of Dzerzhinsky, a subsidiary of the state-owned electronics manufacturer Integral, to break with their union and join a management-established and -run union. The FTUB reported that union members at other Integral plants have been similarly threatened. Under reported pressure from management and government authorities, employees at Tsvetotron, a state electrical equipment factory, voted to quit the union of electrical workers, a member of the FTUB.

Tight control by the Lukashenko regime over public demonstrations (see Section 1.d. and 2.b.) makes it difficult for unions to strike or to hold public rallies to further their objectives. For example, a demonstration planned for November 15, organized by workers of the Minsk Tractor Works and the Minsk Engine Works to protest low pay and wage arrears was banned. Other demonstrations similarly were banned throughout the year. A strike organized by market vendors and entrepreneurs in February against new tax regulations, although ultimately successful, was marred by numerous arrests, confiscation of union literature, and anti-strike pressure from local officials. Market vendors staged a similar strike on November 23. Union members sometimes undertook work stoppages, usually in response to late payment of wages.

On July 3, noting that the authorities failed to respect the rights of workers, suppressed trade union rights and harassed union leaders, and that the authorities had not taken sufficient steps to conform to internationally recognized labor rights, a foreign government suspended the country's trade benefits.

b. The Right to Organize and Bargain Collectively.—Legislation dating from the Soviet era provides for the right to organize and bargain collectively. Some analysts believe that the presidential decree on labor discipline (see Section 6.a.), which aims at placing all workers on individual rather than collective contracts, could significantly threaten the principle of collective bargaining. Since the economy still is largely in the hands of the State, unions usually seek political redress for the economic problems. Workers and independent unions have recourse to the court system. The authorities and state-owned enterprises have hindered the ability of work-

ers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements (see Section 6.a.).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on the state of emergency or martial law; however, there were some reports of forced labor. For example, on July 12, town authorities in Ivatsevichy, in the Brest region, sent letters to local industrial enterprises and state institutions ordering them to increase the "voluntary" participation of their employees in harvesting of livestock fodder by 20 percent. Workers who refused to "volunteer" for the harvest were ordered to pay a fine of \$5 (5,000 rubles) or approximately 15 percent of their average monthly salary. The order had the effect of forcing local individuals to work in the fodder harvest. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified. With the possible exception of juvenile prisoners, forced and bonded labor by children is not known to occur.

d. State of Child Labor Practices and Minimum Age for Employment.—The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified.

e. Acceptable Conditions of Work.—Real wages improved slightly over the last year to approximately \$40 (48,000 rubles) to \$60 (72,000 rubles) a month. The minimum wage of \$3 (3,600 rubles) a month does not provide a decent standard of living for a worker and a family. Agriculture workers are paid approximately 39 percent less than the average monthly wage. The country's continuing economic problems make it difficult for the average worker to earn a decent living. Major wage arrears continued to grow, especially in the agricultural sector.

The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. Because of the country's difficult economic situation, an increasing number of workers find themselves working considerably less than 40 hours per week. Factories reportedly often require workers to take unpaid furloughs due to shortages of raw materials and energy, and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often are ignored. Workers at many heavy machinery plants do not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate exists but does not have the authority to enforce compliance, and violations often are ignored. The high accident rate is due to a lack of protective clothing, shoes, equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job.

On January 4, Aleksandr Lukashenko issued a new decree, despite the protests of independent trade unions, lowering the level of disability allowances paid by the State or state enterprises in the result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believe workplace injuries should be reviewed under the Labor Code, under which compensation is more generous. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

f. Trafficking In Persons.—There is no specific law against trafficking in women. The authorities are just beginning to recognize the problem of trafficking in women. In 1999 a Board of Morals and Illegal Distribution of Drugs was created by the Ministry of Interior, but the work has been hardly efficient. In partnership with the U.N. Development Program (UNDP), the Gender Information and Policy Center (GIPC) was established by the Ministry of Social Welfare which also deals with this issue. The country is both a source and transit point for women and girls being trafficked to Central and Western Europe for purposes of prostitution. Information from such scattered destinations as the Netherlands, Lithuania, and Bosnia, refer to Belarus among the source countries for women being trafficked to or through their countries, and other anecdotal evidence suggests that the Russian Mafia is active in trafficking young women, who end up as prostitutes in Cyprus, Greece, Israel, and Western Europe. The Ministry of Internal Affairs acknowledges that Russian criminal organizations actively may try to recruit and lure women into serving as prostitutes in Western Europe and the Middle East.

Women seldom report incidences of trafficking to police because of a generally negative public opinion about law enforcement authorities, shortcomings in legislation, and the insufficient protection of victims and witnesses.

In April a seminar was held in cooperation with the Ministry of Interior and NGO's in which NGO's elaborated on programs devoted to warning the public about the problem. The Belarus Young Christians Women Association (BYCWO) implements a project aimed at informing women of the risks associated with employment abroad and the minimization of possible dangers for women. No information is available on state or non-governmental initiatives to help victims return to their countries. Crisis centers established by some NGO's do provide psychological assistance to victims of violence. Such centers, however, do not have specialists dealing with victims of trafficking.

BELGIUM

Belgium is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Belgium is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German) levels. The judiciary is independent.

The Government maintains effective control of all security forces. The Police Judiciaire and the Gendarmerie currently share responsibility for internal security with the municipal police, but the two organizations are to be merged at the federal level, and the Gendarmerie and municipal police are to be integrated at the local level under a reorganization plan scheduled to be implemented in 2001.

The country is highly industrialized, with a vigorous private sector and limited government participation in industry. The primary exports are iron and steel. The economy provides a high standard of living for most citizens.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. The Government is taking steps to combat violence against women and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that officials employed them.

In addition to the integration of the police forces, a reorganization plan calls for the creation of an independent oversight body for the federal police and also for the creation of a new anticorruption unit.

Prison conditions vary. Newer prisons meet international standards. Older facilities meet or nearly meet minimum international standards despite their Spartan physical conditions and limited resources. In August the prison system, designed to hold some 7,500 prisoners, held 8,395. The Government instituted a pilot project intended to reduce overcrowding in prisons by using electronic surveillance at home for prisoners near the end of their sentences.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government observes these prohibitions. Arrested persons must be brought before a judge within 24 hours. Pretrial confinement is subject to monthly review by a panel of judges, which may extend pretrial detention based on established criteria (e.g., whether, in the court's view, the arrested person would be likely to commit further crimes or attempt to flee if released). Bail exists in principle under the law but is granted rarely. The Government does not separate convicted criminals and pretrial detainees. Pretrial detainees receive different privileges from convicted criminals, such as the right to more frequent family visits. Approximately 40 percent of the prison population consists of pretrial detainees. Arrested persons are allowed prompt access to a lawyer of their choosing or, if they cannot afford one, to an attorney appointed by the State.

In July the Government came under intense criticism for the detention of Fehriye Erdal, a Kurdish woman accused of involvement in a terrorist attack in Turkey in which a prominent businessman was killed. Erdal was arrested in Knokke in October 1999 and charged with weapons violations. The Government refused the Turk-

ish Government's extradition request for Erdal because of the possibility that she could face the death penalty in Turkey. The Government also refused to try her on the terrorism charges in Belgium because of a technicality in the international agreement requiring such action. After a month-long hunger strike, Erdal was released from prison in August and placed under house arrest pending a trial on the weapons charges. The trial was not expected to begin until early 2001.

In June over 800 British football fans were arrested for disturbing the peace during outbreaks of hooliganism at the Euro 2000 soccer championship. Most were deported immediately to the United Kingdom but five were held for trial under the new summary trial act (see Section 1.e.). Credible reports indicate that some innocent bystanders were caught up in the police action and held incommunicado for as long as 36 hours without adequate food or water.

The law prohibits exile, and the Government does not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is organized according to specialization and territorial jurisdiction, with 5 territorial levels: Canton (225), district (27), provinces and Brussels (11), courts of appeal (5), and for the whole Kingdom—the Cour de Cassation. The latter is the highest appeals court.

Military tribunals try military personnel for common law as well as military crimes. All military tribunals consist of four officers and a civilian judge. At the appellate level, the civilian judge presides. The accused has the right of appeal to a higher military court.

Each judicial district has a Labor Court, which deals with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits.

The judiciary enforces the law's provision for the right to a fair trial. Charges are stated clearly and formally, and there is a presumption of innocence. All defendants have the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

As part of an ongoing program of judicial reform, the Government's summary trial act became effective on April 1. This act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of committing a crime. The warrant expires after 7 days and the court must render its verdict within 5 days of the initial hearing. The first conviction under this act, against a British citizen accused of hooliganism during the Euro 2000 soccer championship (see Section 2.b.), was overturned on appeal, and the defendant was retried under regular procedures. Several human rights organizations claim that summary trial violates the presumption of innocence and jeopardizes the right to a full and fair defense. By year's end, the courts had not ruled on the legality of the summary trial act.

In 1999 the Government created a High Council on Justice to supervise the appointment and promotion of magistrates. In early 2000, the Council formally was instituted, and members were elected. The Council is designed to serve as a permanent monitoring board for the entire judicial system and is empowered to hear complaints against individual magistrates.

Following a review of the judicial system, the Government implemented several reforms that granted stronger rights to victims of crime. These measures allow victims to have more access to information during an investigation, as well as the right to appeal if an investigation does not result in a decision to bring charges. As part of its program of judicial reform, the Government undertook to open "justice houses" in each of the 27 judicial districts. These facilities combine a variety of legal services under one roof, including legal aid, mediation, and victim's assistance. As of September, 14 of the proposed justice houses had opened. Personnel at some of the justice houses complained publicly about high workloads and staffing shortages.

In 1999 Parliament enacted legislation that further defines crimes against humanity, war crimes, and genocide and also imposes penalties for such crimes. In 2000, as a result of the new law, the courts became a forum for trying alleged human rights violations by high profile participants in past and present conflicts in Central Africa, the Middle East, and South America.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction. However, there were reports that Muslim women in traditional dress or headscarves in some cases were subjected to discrimination in admission to school (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for these freedoms, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

The Government operates several radio and television networks but does not control program content. Boards of directors that represent the main political, linguistic, and opinion groups supervise programs. A government representative sits on each board but has no veto power. Private radio and television stations operate with government licenses. Almost all homes have access by cable to television from other Western European countries and elsewhere. Satellite services are also available.

There are restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence. A 1999 law prevents political parties that espouse discrimination from receiving federal funds.

In August in response to a request from the League for Human Rights, the Namur district court issued an injunction to halt distribution of a subscription-only newsletter that published the names of 50 convicted or accused pedophiles. The publisher also was ordered to remove the list from his Internet site and pay a fine of \$22,200 (BFR 1 million) for every copy distributed in any form. The court ruled that publication of the names constituted an invasion of privacy.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government respects this provision in practice.

The law provides for freedom of association, and the Government respects this provision in practice. Citizens are free to form organizations and establish ties to international bodies; however, the Antiracism Law (see Section 5) prohibits membership in organizations that practice discrimination overtly and repeatedly. In May the Ghent appeals court overturned a 1999 district court ruling that the “Hells Angels” are a private militia and should be disbanded. However, several members of the group were convicted of criminal offences.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Government does not hinder the practice of any faith. The law accords “recognized” status to Roman Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Greek and Russian Orthodoxy, and these religions receive subsidies from general government revenues. Taxpayers who object to contributing to religious subsidies have no recourse. By law each recognized religion has the right to provide teachers at government expense for religious instruction in schools, but not all avail themselves of this right. For recognized religions, the Government pays the salaries, retirement, and lodging expenses of ministers and also subsidizes the renovation of church buildings.

The Government also supports the freedom to participate in nonconfessional philosophical organizations (laics). Laics serve as a seventh recognized “religious” group, and their organizing body receives funds and benefits similar to the six recognized religions.

In spite of Islam’s status as a recognized religion, spokesmen for the Council of Muslims report that women and girls in traditional dress or headscarves in some cases are subjected to discrimination in employment and school admissions.

The lack of independent recognized status generally does not prevent religious groups from freely practicing their religions.

In September 1999, 110 national police officers raided Church of Scientology facilities and the homes and businesses of about 20 members of the Church. One member’s home in France was raided simultaneously by the French authorities. At year’s end, an investigation continued, and no arrests had been made.

In April the Belgian authorities began refusing visas to missionaries of the Church of Jesus Christ of Latter-Day Saints to enter the country for missionary work. Similar visas had been processed for decades without problems. In July the Ministry of Interior instituted temporary procedures designed to ensure the issuance of visas to these missionaries and undertook to establish permanent procedures by October 2000. At year’s end, visas were being issued, albeit at a much slower pace than in the past. The Government still had not devised new permanent procedures for visa issuance but was continuing its talks with church leaders to solve the problem.

The Evangelical Association (a group of evangelical Christian organizations) continued to claim discrimination due to the Government’s refusal to grant it recognized status separate from the Protestant religion. Despite the Government’s refusal, it is negotiating with the group in an effort to ensure that the Evangelical Association enjoys the same benefits as recognized religions. The Government is me-

diating discussions to enable the Evangelical Association to obtain representation in the leadership of the recognized Protestant church.

In 1998 Parliament adopted recommendations from a 1997 commission's report on government policy toward sects, particularly sects deemed "harmful" under the law. The report divided sects into two broadly defined categories: It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. One of the primary recommendations was to create a government-sponsored Center for Information and Advice on Harmful Sectarian Organizations. The center began limited operations in October 1999 and is now fully operational and open to the public. The Government tasks the center with collecting publicly available information on a wide range of religious and philosophical groups and providing information and advice to the public regarding the legal rights of freedom of association, privacy, and freedom of religion. The center is authorized to share with the public any information it collects on religious sects but, despite its name, the regulations prohibit it from categorizing any particular group as harmful. In May the Government announced the composition of an inter-agency coordination group designed to work in conjunction with the center to coordinate government policy on sects. The coordination group's first meeting was held in October. The Government also named a national magistrate and one magistrate in each of the 27 judicial districts to monitor cases involving sects.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

In January (as a result of a December 1999 act of Parliament) the Government announced a "regularization" program for three categories of undocumented aliens: Those who had applied for asylum at least 4 years earlier and had received no answer or a negative answer; those whose medical condition made a return to their country of origin inadvisable; and those who could not return to their country of origin for political reasons. Undocumented aliens who could demonstrate evidence of a lasting integration into their community also were allowed to apply. Successful applicants were to be granted legal residence status. During the application period, January 10 to 30, the Government received 32,662 applications representing 50,600 individuals. Human rights groups criticized both the border controls that were imposed during the application period to prevent undocumented aliens living in other countries from applying and the slow pace of the approval process. The Government initially promised to complete the review of all applications by July 2001; however, by December it had processed only 1,570 of the 32,662 files.

In March Parliament amended the nationality code to facilitate acquisition of Belgian citizenship. Under the terms of the amended code, foreigners can apply for naturalization after living legally in the country for 3 years. Stateless persons and refugees can apply after 2 years. Moreover, foreigners who have maintained their residence in the country for 7 years may acquire citizenship simply by declaring their intent to their local municipal authorities. Adult foreigners living outside the country may declare their Belgian nationality as soon as one parent legally has acquired it.

The law includes provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and reported receiving 42,691 new asylum applications during the year compared with 35,777 during 1999. Only about 10 percent of applications normally are approved. The number of asylum applications continued to rise dramatically throughout the year. For example, the Government received 5,300 applications in the month of October.

The Government, in partnership with the International Organization for Migration (IOM), provides relocation assistance to unsuccessful asylum applicants who agree to repatriate voluntarily to their country of origin. Unsuccessful applicants who do not leave voluntarily are subject to deportation. During the year, more than 10,000 unsuccessful asylum applicants were repatriated to their country of origin, either voluntarily (5,382) or through forced deportation (4,835). This total is double the number of repatriations in 1999. According to the Government, no unsuccessful applicants are repatriated forcibly to countries where they can demonstrate a credible fear of persecution.

In response to complaints about slow processing time and the large backlog of asylum applications, the Government adopted a "last in, first out" policy in processing new applications. This policy is intended to reduce processing time for current applicants.

The special asylum status granted to Kosovar refugees expired in September 1999. The Government, with the cooperation of the IOM, provided financial assistance to Kosovars who voluntarily returned to their homes. The rest were permitted to apply for asylum through the regular application process.

Undocumented asylum seekers arriving by air whose claims do not appear legitimate are not allowed to enter but are held in a closed detention center at the airport for up to 5 months while awaiting deportation or voluntary repatriation. The children of such asylum seekers do not attend school. Those applicants whose claims appear to be legitimate are released to 1 of 27 open asylum centers for shelter and assistance. These centers have a total capacity of 5,000 beds. The centers, funded mainly by the Government and the Belgian Red Cross, have been overtaxed by the increasing numbers of asylum seekers, and the Government has solicited assistance from municipalities to handle the overflow. Municipal assistance commissions are expected to provide an additional 1,400 beds.

In November a working group created by the Minister of Interior to reform the Government's immigration and asylum procedures issued its report. Its recommendations included: Ending financial aid to asylum seekers (only aid in kind—food and shelter—will be provided); increasing by 10,000 the number of beds available at open shelters; establishing 10 registration offices at the borders (applicants will have to apply immediately upon entering Belgium and also will have to supply information on the route they followed to get to Belgium); creating a “fast track” processing procedure for applicants whose claim appears on the surface to be non-credible; and increasing funding and manpower for the regularization effort. The Government's goal for implementation of the new procedures, many of which must be approved by Parliament, is January 1, 2002. Some human rights groups criticized the new policies as being “repressive and restrictive.”

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

The law provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercise this right in practice through periodic, free, and fair elections held on the basis of universal and compulsory (under penalty of fine) suffrage. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operate freely.

In 1998 the European Court of Justice censured Belgium for its failure to comply with a European Council directive requiring member states to accord to all citizens of European Union (EU) countries resident in another EU country the right to vote in municipal elections. In 1998 Parliament amended the Constitution to extend that right to EU citizens and passed implementing legislation in January 1999. By the July 31 closing date for registration, a total of 87,858 non-Belgian European Union citizens had registered to vote in the October 2000 municipal elections.

The Federal Government is responsible for such matters of state as security, justice, social security, and fiscal and monetary policy. The regional governments are charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

Women are underrepresented in government but hold some senior positions. Of 18 federal ministers, 3 are women. In the Federal Parliament, 36 of 150 house members and 20 of 71 Senators are women. Federal law requires that one-third of all candidates in national and local elections be women.

The existence of communities speaking Dutch, French, and German engenders significant complexities for the state. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group.

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

Numerous human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

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

While the law already prohibits discrimination based on these factors, in December the Council of Ministers, in order to consolidate and clarify existing laws, voted to introduce legislation in Parliament to outlaw all forms of discrimination. The

Government enforces antidiscrimination law. With Dutch, French, and German as official languages, the country has a complex linguistic regime, including language requirements for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights.

Women.—A 1998 study commissioned by the Ministry of Employment and Labor (which is also responsible for equality issues) reported that the number of women who acknowledged suffering from repeated domestic physical or sexual violence at some point in their lives rose from 6.3 percent in 1988 to 16.8 percent in 1998. The same study found that women between 30 and 39 years of age made more official complaints about physical violence in 1998 than their counterparts a decade earlier (although part of this increase was attributed to a greater willingness to come forward).

A 1998 law defines and criminalizes domestic violence, with the aim of protecting married and unmarried partners. Women's groups believe that the 1998 law is an important step in recognizing domestic violence as constituting an offense distinct from other forms of aggression. The law allows social organizations to represent victims of domestic violence in court provided that they have the victim's consent. A 1999 law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint. According to its proponents, the police do not use the law enough. The Government still has not implemented other provisions of the 1999 law that require it to establish and maintain a database of accurate statistics on domestic violence.

A number of shelters and telephone help lines are available throughout the country. In addition to providing shelter and advice, many offer assistance on legal matters, job placement, and psychological counseling for both partners. Approximately 80 percent of these organizations' budgets are provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. A 1995 law defined and criminalized trafficking in persons, but cases of trafficking in women continued (see Section 6.f.).

Sexual harassment is illegal. The Government has implemented procedures to monitor sexual harassment claims. Victims of sexual harassment have the right to sue their harassers under existing law. According to a 1999 revision of the law on equal opportunity in the workplace, sexual harassment can be a form of sexual discrimination. The act outlaws discrimination in hiring, working conditions, promotion, wages, and contract termination. Despite these laws, most cases of sexual harassment are resolved informally. A study by the Ministry of Defense found that 54 percent of women in the armed forces had been subjected to abusive language, 36 percent had experienced unwelcome physical contact, and 4.6 percent reported being the victim of sexual harassment involving physical violence.

Equal treatment of men and women is provided for in the Constitution, federal law, and treaties incorporated into law. The Government actively promotes a comprehensive approach to the integration of women at all levels of decisionmaking. The Division of Equal Opportunity, a part of the Ministry of Labor, focuses specifically on issues affecting women, including violence against women, sexual harassment, and the participation of women in the political process. At mid-year the unemployment rate was 10.1 percent for women compared with 7.2 percent for men. The net average salary for a woman is only 84 percent of the national net average salary. In 1996, the last year for which comparative statistics are available, women in blue collar jobs earned 79 percent of the salary of their male counterparts. The average salary for women in white collar jobs was only 70 percent of the salary of their male counterparts.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded system of public education and health care. It provides compulsory education up to the age of 18. The Francophone and Flemish communities have agencies specifically dealing with children's needs.

Government and private groups provide shelters for runaways and counseling for children who were abused physically or sexually.

There are comprehensive child protection laws. Children have the right to a voice in court cases that affect them, such as divorce proceedings. The law states that a minor "capable of understanding" can request permission to be heard by a judge, or that a judge can request an interview with a child. The law is designed to combat child pornography by the use of high penalties for such crimes and for those in possession of pedophilic materials. The law permits the prosecution of Belgian residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison.

In March Parliament amended the Constitution to include an article on children's rights. The new article stipulates that every child has the right to respect for his or her moral, physical, mental, and sexual integrity.

Belgium is both a transit point and a destination for trafficking in children (see Section 6.f.).

Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 1,503 cases in 1999 and 722 cases in the first 4 months of 2000. Nearly 12 percent of the cases reported from January to April involved sexual exploitation.

Child prostitution is of limited scope.

There is no societal pattern of abuse directed against children.

People with Disabilities.—The law provides for the protection of disabled persons from discrimination in employment, education, and in the provision of other state services. The Government mandates that public buildings erected since 1970 be accessible to the disabled and offers subsidies to induce the owners of other buildings to make necessary modifications. However, many older buildings are not accessible.

The Government provides financial assistance for the disabled. It gives special aid to parents of disabled children and to disabled parents. Regional and community programs provide other assistance, such as job training. Disabled persons are eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just their region of residence.

National/Racial/Ethnic Minorities.—Belgium is a pluralistic society in which individual differences in general are respected, and linguistic rights in particular are protected. Some 60 percent of citizens are native Dutch speakers, about 40 percent are French speakers, and fewer than 1 percent are German speakers.

The Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors and for employers to consider these factors in their decisions to hire, train, or dismiss workers.

In 1999 the Government-sponsored Center for Equal Opportunity and the Fight Against Racism, which is tasked with investigating complaints of discrimination based on race, handled 919 complaints, 18 of which led to court action. In March 2000, the Government extended the mandate of the center to include all forms of discrimination. In its 2000 report, the center drew attention to discrimination against non-Belgians in certain categories of public service jobs. The report also referred to a study on behalf of the International Labor Organization (ILO), which revealed persistent discrimination against immigrants in private sector employment. However, the center reported that it found very little discrimination in eligibility for, and the payment of, social security benefits.

Section 6. Worker Rights

a. The Right of Association.—Under the Constitution, workers have the right to associate freely, which includes the freedom to organize and join unions of their own choosing. The Government does not hamper such activities, and workers fully and freely exercise their right of association. About 60 percent of workers are members of labor unions. This number includes employed and unemployed workers. Unions are independent of the Government but have important links with major political parties. The Government does not require unions to register.

In its 1999 report, the ILO's Committee of Experts on the Application of Conventions and Recommendations reiterated its criticism that the Government should adopt legislation establishing "objective, predetermined, and detailed criteria" to enable employers' organizations and trade unions to have access to the National Labor Council. Because of restrictive interpretation of the legislation in force, only the Christian, Socialist, and Liberal trade union confederations have access to the National Labor Council. This criticism was not repeated in the organization's 2000 report, although the Government took no action on the issue.

Unions have the right to strike, and even strikes by civil servants and workers in "essential" services are tolerated. However, seamen, the military, and magistrates have no right to strike. In 1999 the Gendarmerie obtained a limited right to strike as part of the police reform package; this provision is to be implemented by April 1, 2001.

Even though many strikes begin as wildcat actions, strikers are not prosecuted for failure to observe strike procedures in collective bargaining agreements. Crimes committed during a strike action, such as causing bodily harm or damage to property, are clearly illegal strike methods, which the authorities prosecute.

Federal police have the right to strike. The Government has the authority to order necessary forces back to work during a strike in order to maintain law and order.

The International Confederation of Free Trade Unions in its "Annual Survey of Violations of Trade Union Rights 2000" again mentioned that for several years employers made applications to civil courts to end strikes. The report added that, more recently, judges tended to rule that labor conflicts are not within their jurisdiction. This stance reinforced the widely accepted practice that any discussion of the right to strike is a subject for collective bargaining between workers and employers and not a legal matter. Although draft laws were submitted, no action has been taken by Parliament to end the legal confusion.

Unions are free to form or join federations or confederations and are free to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is recognized, protected, and exercised freely. Every other year the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. In 1998 employers and unions agreed on a nationwide collective bargaining agreement that focused on collective bargaining at the branch and plant levels and limited compensation increases to 5.9 percent for the 1999–2000 period. The agreement covered cost of living adjustments, wage increases, and job creation measures.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. Effective mechanisms such as the labor courts exist for adjudicating disputes between labor and management.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and generally it is not known to occur; however, trafficking in women and children for the purpose of forced prostitution is a problem (see Section 6.f.). The law also prohibits forced and bonded child labor, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 15, but education is compulsory until age 18. Youths between the ages of 15 and 18 may participate in part-time work/study programs and may work full time during school vacations. The labor courts effectively monitor compliance with national laws and standards. There are no industries where any significant child labor exists. The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively (see Section 6.c.); however, trafficking in children is a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The monthly national minimum wage for workers over 21 years of age is approximately \$1,030 (BfR 46,338); 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent. The minimum wage, coupled with extensive social benefits, provides workers with a decent standard of living. Minimum wages in the private sector are set in biennial, nationwide collective bargaining meetings (see Section 6.b.), which lead to formal agreements signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. By law the standard workweek cannot exceed 39 hours and must have at least one 24-hour rest period. Many collective bargaining agreements set standard workweeks of 35 to 38 hours. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 40th to the 50th hour per week is considered allowable overtime. Longer workdays are permitted only if agreed upon in a collective bargaining agreement. These laws and regulations are enforced effectively by the Ministry of Labor and the labor courts.

The law calls for comprehensive provisions for worker safety. Collective bargaining agreements can supplement these laws. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implements health and safety legislation through a team of inspectors and determines whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitor compliance with national health and safety laws and standards.

f. Trafficking in Persons.—The law defines and criminalizes trafficking in persons, and trafficking in women and children is a problem. Under the law, victims of traf-

ficking who provide evidence against the trafficker are granted temporary residence permits and are eligible to receive aid from government-funded reception centers. Since 1994 the majority of cases were victims of either sexual or economic exploitation. The victims of sexual exploitation increasingly are women under age 18. A magistrate is designated in each judicial district to supervise cases involving trafficking in persons. A national magistrate is in charge of coordinating the various antitrafficking initiatives. An antitrafficking unit also has been established in the Gendarmerie. In each of the three regions (Wallonia, Flanders, and Brussels), the Government has designated (and subsidizes) a nonprofit organization to provide assistance to victims of trafficking. The Center for Equal Opportunity and the Fight Against Racism (see Section 5), which is tasked with monitoring the treatment of trafficking victims, complained that the designated nonprofit organizations lack the funds and staff to assist properly the growing number of victims. The Government reported significant increases in witness testimony and the successful prosecution of traffickers. An average of 130 victims have taken advantage of the residency program in recent years.

Belgium is both a transit point and destination for trafficking in women and children. In September 1999, the three government-designated nonprofit organizations involved in assisting victims of trafficking in persons reported 185 active cases of trafficking in women from over 30 countries. The largest number of victims were Albanian. Cases on 28 children from 7 different countries also were active; the largest number were from Albania and Macedonia. According to statistics compiled by the U.N. High Commissioner for Refugees, nearly 2,000 unaccompanied minors requested asylum in 1999, most from the former Yugoslavia and central Africa. Because of the difficulties involved in traveling to Belgium from those areas, the International Organization for Migration believes that many of these unaccompanied minors were brought in by traffickers or assisted by professional smugglers.

In June 58 Chinese immigrants were found dead of suffocation in a truck at the British seaport of Dover. They apparently had boarded the truck in Belgium before it departed by ferry from the port of Zeebrugge. Police suspect that an organized smuggling ring was involved. The Government was criticized in Parliament for failing to provide effective immigration control at Belgium's seaports and airports. During the first 6 months of the year, 1,105 illegal aliens were apprehended as they attempted to transit the port of Zeebrugge, compared to 1,440 for all of 1999. In November the Government announced its program for reforming asylum and immigration procedures (see Section 2.d.).

In an ongoing program began during the year, the Government, under the auspices of the Ministry of Interior, dispatched attaches to several source countries to provide in-depth analysis of the trafficking situation in those countries. These attaches, whose stays can last anywhere from a few weeks up to 2 years, also are responsible for coordinating antitrafficking information campaigns to warn locals about the potential consequences of being the victim of a trafficking organization.

The Government has worked closely with the International Organization for Migration (IOM) to develop innovative programs to combat human trafficking and to assist its victims. For example, the Government has provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also has provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they have returned home.

In 1996 the authorities uncovered a suspected pedophile/child pornography and trafficking ring. Five suspects remained under investigation, including the accused ringleader, Marc Dutroux. In December the Government announced that his trial would not begin until September 2002. Lengthy delays in bringing this case to trial have led to widespread public cynicism and suspicion about the investigation of this case in particular and about the judicial system in general.

BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) ended the 1991-95 war and created the independent state of Bosnia and Herzegovina, previously one of the constituent republics of Yugoslavia. The agreement also created two multiethnic constituent entities within the state: The Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation, which has a postwar Bosnian Muslim (Bosniak) and Croat majority, occupies 51 percent of the territory; the RS, which has a postwar Bosnian Serb majority, occupies 49 percent. The Constitution (Annex 4 of the Day-

ton Accords) establishes a statewide government with a bicameral legislature, a three-member presidency (consisting of a Bosniak, a Serb, and a Croat), a council of ministers, a constitutional court, and a central bank. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The High Representative also has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords. The entities maintain separate armies, but under the Constitution, these are under the ultimate control of the presidency of Bosnia and Herzegovina. Municipal elections held in April and general elections conducted in November were generally free of violence, although there were some voting irregularities in both elections. Multi-ethnic parties committed to building on the foundation established at Dayton, such as the Social Democratic Party (SDP), made inroads against the support for the nationalist, ethnically based parties in the November elections, resulting in a state House of Representatives almost evenly divided between the two groups. In the RS, the ethnically based Serb Democratic Party (SDS) maintained its dominant position, while the nationalist Croatian Democratic Union of Bosnia and Herzegovina (HDZ) remained strong in Croat-majority municipalities. The Party of Democratic Action (SDA) remained the largest nationalist Bosniak party. Although formally independent, the judiciary remains subject to influence by political parties and the executive branch and is unable to prosecute complex or even simple crimes fairly and effectively.

One of the two entities that make up Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, was established in March 1994 and transformed the government structure of the Bosnian territories under Bosniak and Croatian control. The President of the Federation appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Federation structures continue to be implemented only gradually. Major steps were the creation of canton governments, the unification of Sarajevo under Federation control in spring 1996, and the 1996, 1998, and 2000 elections of the Federation Parliament. However, serious ethnic and political rivalries continue to divide Croats and Bosniaks. Parallel Bosniak and Croat government structures continued to exist in practice.

The Republika Srpska of Bosnia and Herzegovina is the other entity that makes up Bosnia and Herzegovina. In 1997–98, most of the RS political and administrative agencies moved from Pale, a stronghold of former Bosnian Serb leader and indicted war criminal Radovan Karadzic, to Banja Luka. The President and Vice President were elected in November for 4-year terms. The RS National Assembly is unicameral and elected on a proportional basis. The November general elections in the Republika Srpska were relatively free and fair, and resulted in the nationalist parties, led by the SDS, increasing their strength at the expense of the pro-Dayton moderates.

Demilitarization of the city of Brcko, which was made a “self-governing neutral district” in March, was completed in February. A districtwide multiethnic police force also was established. The internationally appointed supervisor is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

The State-level Constitutional Court declared during the year that a number of provisions of the entity constitutions were unconstitutional; they had been challenged in a lawsuit filed by Presidency member Alija Izetbegovic in 1998. The court ruled unconstitutional provisions in both entity constitutions that designated a specific ethnic group or groups as “constituent” in that entity, making clear that the three major ethnic groups—Serbs, Croats, and Bosniaks—as well as “others,” are constituent in both entities. The decision also invalidated parts of the entity constitutions that named an official language or script, or that called for government support for one church, among other provisions. The decisions established the principle of ethnic equality in the country; however, this decision of the court has not yet been implemented in practice.

The Constitution gives the Government of each entity and the individual cantons within the Federation responsibility for law enforcement in accordance with internationally recognized standards. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to attempt to create a secure environment for implementation of the nonmilitary aspects of the settlement, such as: Civilian reconstruction, the return of refugees and displaced persons, elections, and freedom of movement of the civilian population. The International Police Task Force (IPTF), which was established by the U. N. under Annex 11 of the Dayton Accords, monitors, advises, and trains the local police. The IPTF also may investigate human rights abuses. Local police in both entities have violated international standards and discriminated on political, religious, and ethnic grounds; however, these cases decreased compared with 1999. During the year, po-

lice in both the Federation and the RS used internal affairs units to investigate and dismiss officers for committing abuses. Police continued to suffer from the legacy of a Communist system, with "special" or secret police operating in all areas. These forces operated outside the normal police chain of command, exceeding ethnic quotas and reporting directly to the senior political leadership. In addition to locally recruited police forces, each entity also maintains an army. Security forces committed human rights abuses, primarily police brutality, in many parts of the country.

The economy remains weak and dependent upon international assistance. Gross domestic product (GDP) is estimated at \$5 billion; per capita GDP doubled, at approximately \$1,350. GDP continued to be lower in the RS than in the Federation. The entity governments have made only minor structural reforms in privatization, banking, and taxation. Official unemployment estimates range from 40 to 50 percent, and many individuals are forced into the informal economy for work. Workers in the "gray" market typically receive no benefits, but those with formal employment often are paid only partial salaries and months late. Pensions and other benefits are also paid only in part and are delayed 6 months or more due to a lack of government resources. The continued return of refugees from abroad is expected to compound the problem of job creation and to reduce remittances. International assistance provided loans to the manufacturing sector and guidance on structural reform.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. The degree of respect for human rights continues to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. There was one death in custody (a suicide), and isolated instances of political, ethnic, or religious killings continued. Killings due to bombs also continued. The police continued to commit human rights abuses during the year, and serious problems persisted. Police continued to commit abuses in many parts of the country, principally the physical abuse of detainees. Members of security forces also abused and physically mistreated other citizens. Police also used excessive force, or did not ensure security, to discourage minority resettlement in majority areas. Prison conditions met prisoner's basic minimum needs for hygiene and access to medical care; however, overcrowding and antiquated facilities continued to be a problem.

In the RS, police detained suspects for long periods of time before filing charges; lengthy prearrest detention was a problem in numerous cases in the Federation as well. However, there were fewer cases of arbitrary arrest and detention than in the previous year. Confusion over the rules governing local arrest, detention, and prosecution of suspects for The Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) led in some instances to questionable detentions in both the Federation and the RS. The RS continued its de facto refusal to take action against any Serbs indicted by the ICTY. In contrast, RS authorities have made arrests of Serbs based solely on warrants issued by the Federal Republic of Yugoslavia (Yugoslavia); however, in a recent case the authorities later released the suspects.

The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch. Overlapping and poorly defined layers of judicial responsibility and outdated procedures made the administration of justice sporadic and vulnerable to manipulation. In many areas, close ties exist between courts of law and the ruling parties, and those judges and prosecutors who show independence are subject to intimidation by the authorities. Even when independent decisions were rendered, local authorities often refused to carry them out. Authorities in all areas infringed on citizens' privacy rights.

Authorities and dominant political parties exerted influence over the media, and freedom of speech and of the press was restricted to varying degrees in the different entities. Government threats against journalists increased during the year. Academic freedom was restricted. Authorities continued to impose some limits on freedom of assembly and association. Religious discrimination remained a problem. Both governments and private groups continued to restrict religious practice by minorities in majority areas. Although freedom of movement continued to improve, some restrictions remained in practice. At times, mobs blockaded roads, restricting freedom of movement.

Discrimination against women persists, and violence against women, in particular domestic violence, is a persistent yet underreported problem. Severe discrimination continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. The political leadership at all levels, in varying degrees but more so in the RS than in the Federation, continued to obstruct minority returns in certain localities. Local authorities and mobs (in most cases believed to be organized or approved by local authorities) harassed minorities and violently resisted

their return. The destruction of minority-owned houses continued in some areas of the RS and in Croat-controlled areas of the Federation. Marginal economic conditions and discrimination in the educational system also complicated returns. Enactment of property legislation proceeded in both entities under pressure from the international community, but implementation was sporadic and slow. Mob violence was a serious problem in the eastern RS. In December, several returning Bosniaks were wounded and one killed by mine explosions, raising suspicions that the mines had been laid to deter return. There were several killings of Bosniaks in the northern RS in the fall that may have been ethnically motivated. Ethnic discrimination remains a serious problem. Prostitution is widespread, and trafficking in women and girls to and within the country is a serious problem.

During the year, there were increased efforts on the part of SFOR to apprehend alleged perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted in the apprehension of 5 indictees out of the 96 publicly indicted by the Tribunal (one committed suicide rather than submit to arrest). This brought the total number of indictees taken into custody since the Tribunal's inception to 48. At year's end there were 38 persons in ICTY custody either awaiting trial, involved in ongoing trials, released provisionally, or awaiting transfer to begin serving their sentences. Three indictees already are serving sentences. There were 27 public indictees still at large at year's end. ICTY trials during the year resulted in six convictions and one acquittal.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by police; however, there was one death in custody. Violent incidents continued throughout the year, many between members of different ethnic groups or political parties.

A prisoner died in Mostar West prison where he was being held on charges of aggravated assault. An investigation by the IPTF's Human Rights Division determined the death a suicide and found no evidence to suggest police abuse or irregularities.

Federation authorities made several arrests in connection with the March 1999 killing of Federation Deputy Interior Minister Jozo Leutar. In spite of ethnic divisions within the police and political interference from some quarters, the investigation, one of the most politically contentious in Bosnia, was continuing in cooperation with officials in third countries at year's end. By contrast, a series of attacks on Croat policemen in Travnik in 1999 remains unsolved, mainly due to political interference.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, individuals responsible for the up to 8,000 persons killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for up to 13,000 others still missing and presumed killed as a result of "ethnic cleansing" in Bosnia. The local prosecution of war crimes cases has proceeded slowly due to political interference, but Bosnian authorities made some progress during the year with the arrest of several suspects that have been charged and are to be tried in the Bosnian courts.

There was an increase in the number of arrests by Federation police of war crimes suspects for local prosecution, particularly in Croat areas of the Federation. Officers of the Federation Interior Ministry arrested suspected Croat war criminal Dominik Ilijasevic August 28 in Kiseljak. Erhad Poznic and Ivan Suljo, former Croat special police officers charged in connection with the disappearance and presumed execution of 13 Bosniak prisoners of war in Mostar in 1993, both surrendered voluntarily to cantonal authorities in September. In addition, Dragan Stankovic, a Bosnian Serb indicted for local prosecution for actions targeting the Bosniak civilian population in Foca in 1992, was arrested by cantonal police in Gorazde on September 20, while crossing through Federation territory. A Croat police official in Travnik surrendered himself to a Sarajevo court in March following his reported indictment on war crimes charges. The court subsequently released the officer, ultimately explaining that he had been questioned as a witness in an ongoing war crimes investigation.

During the year, there were continued efforts on the part of SFOR to apprehend alleged perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted during the year in the apprehension of 5 indictees out of the 94 publicly indicted by the Tribunal. All were detained forcibly, and none voluntarily surrendered to NATO troops. On October 13, Janko Jancic committed suicide rather than submit to arrest by SFOR troops. This brought the total number of indictees taken

into custody since the Tribunal's inception to 48. At year's end there were 38 persons in ICTY custody.

On January 25, SFOR troops detained Mitar Vasiljevic, allegedly a member of the paramilitary "White Eagles," who is accused of killing over 100 Bosnian Muslim civilians in the Visegrad area. On March 5, SFOR arrested Dragoljub Prcac. Prcac is accused of being the deputy commander of the Omarska concentration camp, whose 3,000 Bosnian Muslim and Bosnian Croat captives were held in inhuman conditions. Momcilo Krajisnik, a senior Bosnian Serb politician before, during, and after the war, was arrested on April 3. Krajisnik is charged with genocide, crimes against humanity, and other war crimes for his direction of efforts to ethnically cleanse the Serbian Republic of Bosnia and Herzegovina. SFOR arrested Dragan Nikolic on April 21; he is charged with crimes against humanity and other violations committed while he was in command of the Susica concentration camp and for participating in inhuman acts against more than 500 civilians. The alleged commander of the "Keraterm" concentration camp, Dusko Sikirica, was arrested by SFOR on June 25. Keraterm camp held over 3,000 Bosnian Muslim and Bosnian Croat captives in inhuman conditions. Of the 27 publicly indicted persons still at large at the end of the year who remain in the country, the majority reportedly live in the RS. Although RS cooperation with the ICTY has improved, RS authorities made no effort to arrest indictees. The ICTY during the year issued 6 convictions and 1 acquittal. This brings the total number of convictions to 13 since the ICTY's inception.

In January, Zeljko Raznjatovic, also known as "Arkan," a notorious paramilitary commander from the Croatian and Bosnian wars who was indicted by the ICTY, was shot and killed by unknown assailants in the lobby of a hotel in Belgrade. In Prnjavor in the RS, a Bosniak man was killed in March in a hand grenade explosion on his property (see Section 1.c.). An unknown assailant shot and killed Ljubisa Savic, also known as Mauser, the former RS Minister of Interior Chief of Uniformed Police, on June 7 in Bijeljina. Savic was indicted for alleged unlawful conduct during a murder investigation by the Sokolac prosecutor in March (see Section 1.c.). His death was seen by many as the result of conflicts between Serb political factions and criminal elements. In mid-December, in Glogova, near the Serb hard-line town of Bratunac, a Bosniak was killed when a mine exploded while he was clearing his property. After an investigation, RS authorities concluded that the mines were recently placed as a booby trap to prevent return (see Section 1.c.).

There were no developments in the IPTF investigation of the death in police custody of a Bosniak returnee who had killed the leader of an Orthodox religious association in 1999.

b. Disappearance.—There were no reports of politically motivated disappearances during the year. There still are an estimated 20,000 to 30,000 persons missing from the wars in 1991–95.

The OHR in late 1997 negotiated an agreement among the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons to expedite exhumations across the interentity boundary line (IEBL). The OHR reported that the remains of 1,308 persons had been recovered during the year. These numbers were significantly lower than the previous year because the Government did not provide promised funds for exhumation until May. The International Committee of the Red Cross (ICRC) reported that since 1995 it received requests from family members to trace 20,484 people missing from the war years, including 16,979 Muslims, 719 Croats, 2,537 Serbs, and 249 others. A total of 2,231 of these persons were accounted for (292 of whom were found alive). The ICRC noted that the Working Group for Tracing Missing Persons, which serves as a channel for passing tracing requests to local authorities, had ceased functioning in July, due to lack of cooperation from local authorities and a dispute over the rotating chairmanship among the Bosniak, Bosnian Serb, and Bosnian Croat representatives. The group had not resumed work by year's end and negotiations currently are underway to reform the working group.

In August the Missing Persons Institute (MPI) was inaugurated to coordinate the recovery and identification of remains, provide support to families of the missing, and apply political pressure to Bosnian officials to provide information on missing persons. MPI is a state institution that assumed many of the functions previously carried out by the International Commission on Missing Persons (ICMP), which continues to conduct regional identification activities in the countries of the former Yugoslavia. In August MPI began the first systematic in-country DNA identification program and began collecting blood samples from living family members of missing persons to assist in the identification of recovered remains. In its first month of operation, the DNA program tested 28 presumptive identifications, which were based on circumstantial evidence such as clothing and personal items found on the body. The testing confirmed 19 identities and excluded 9.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment; however, in all areas of the country, police and prison officials abused and physically mistreated persons at the time of arrest and during detention.

A pattern of poor police protection and of violence against minority communities continued in several areas. Police in Stolac, Drvar, Gacko, and Srebrenica proved unwilling or unable to contain the numerous instances of arson designed to intimidate returnees. While there was some improvement in the behavior of local police in the RS and the Federation toward returning minorities, there still were numerous instances of poor police protection in several areas. In February the U.N. Mission in Bosnia and Herzegovina (UNMIBH) called for increased police patrols after an attempted arson attack on a Bosniak home in the settlement of Ilici in southwest Mostar. In March the OHR suspended the deputy police chief and three policemen in Kopaci, a suburb of Gorazde in the eastern RS, who, despite being stationed around a Bosniak house, failed to prevent a Serb from throwing a grenade at it. In Srebrenica, police failed to apprehend anyone responsible for more than 12 burnings of houses occupied by minority families in June and July. In July in Janja police stood by and watched as rioters burned three houses and damaged 15 others during a protest against Bosniak returns that was sparked by the scheduled eviction of three Serb families. The subsequent police investigation was marked by significant omissions, and police refused to identify suspects during court hearings. In the Federation, returning Serbs in Drvar were subjected to physical attacks and intimidation during attempts to evict temporary Croatian occupants.

At times some police officers impeded the enforcement of the law by their unwillingness to carry out eviction orders for persons illegally occupying homes of internally displaced persons (IDP's). Government leaders in both the RS and the Federation often used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 2.d.).

The IPTF made significant progress in its efforts to restructure and increase professionalism in the police forces. The IPTF completed its programs to provide human dignity and basic skills training to all Federation police officers and neared completion of officer training in the RS. The IPTF continued its certification of Federation and RS police and also decertified officers on a variety of charges. This process involved written and psychological examinations, as well as background investigations. In addition, an IPTF unit in The Hague checks the names of all police officials through the ICTY database. In August the RS police academy graduated its third multiethnic class. Minority officers are beginning to be deployed in areas where minority returns are occurring. All Federation canton governments have agreed to an ethnically mixed police force in principle; however, many cantonal governments continue to resist integration in practice. In the Federation police include Croat, Bosniak, and Serb officers and generally reflect the appropriate ethnic mix within each canton. However, Bosniak and Croat police in the Federation often operate under separate, parallel budget and command structures, divided along ethnic lines. Police in the RS generally do not meet target standards of ethnic representation, as mandated by various agreements. Cooperation between the RS and the Federation Interior Ministries often is better than cooperation between federation cantons. The integration of women into the police forces is uneven but improving, with substantial female representation in the Brcko district and in recent police academy classes in both the RS and the Federation.

IPTF certification of officers proceeded more slowly in the RS, but there was progress on significant law enforcement reforms. An interentity agreement negotiated under U.N. auspices allows the voluntary redeployment of officers across entity lines to redress ethnic imbalances. By year's end, 33 officers had volunteered for redeployment (22 from the Federation and 11 from the RS). Police officials attempted to recruit more minority candidates; individual cantons in the Federation held positions open for minority candidates. Since 1999 international monitors have been establishing an IPTF physical presence within police facilities to ensure proper IPTF monitoring of police reforms. Authorities in the RS are implementing a policies and procedures manual that institutes, among other reforms, a public information bureau and internal affairs unit. Under these reforms, the RS authorities continue to remove officers accused of graft or brutality. Professional standards units have reviewed over 1,000 cases, substantiating approximately 35 percent of complaints received and administering punishments ranging from fines to suspensions. A total of 20 officers were removed and 16 cases were registered for criminal prosecution.

On January 14, the IPTF Commissioner removed the provisional authorization to exercise police powers from seven police officers in the Federation. The removals

were enforced for violations ranging from illegal deprivation of liberty to assault on civilians in custody and assault while off duty. In one case, an officer shot and injured a civilian while intoxicated. There were scattered reports of police brutality throughout the country, although local professional standards units were increasingly active in holding law enforcement officers, including senior officials, accountable for their actions.

In June the Human Rights Chamber ruled that the Federation army had violated the human rights of two Serbs who were shot and detained while driving near Sarajevo in 1996. The two were detained at various locations for over a month before appearing before a judge and were released 15 days later by the then-Higher Court of Sarajevo. A month after their detention, the Army launched an investigation a month after their detention into whether they had committed war crimes. The Chamber ruled that the treatment of one of the two men during detention constituted torture and that both men suffered inhuman and degrading treatment and punishment because they were Serbs. During the year, there were no reports of the Army detaining civilians.

On March 1, the Sokolac prosecutor indicted nine former RS police officers for their alleged unlawful conduct during the investigation into the murder of the Deputy Chief of the Pale Public Security Center (PSC), Srdan Knezevic, in August 1998. Among those indicted were the former RS Minister of Interior Chief of Uniformed Police (who was shot to death by unknown persons in June), Head of the Pale PSC Crime Unit, and the Chief of Staff of the Pale PSC. The charges included unlawful deprivation of freedom, extraction of statements by duress, maltreatment during the discharge of duty, illegal search, failure to render aid, and unauthorized photography. Several of the indictees had been cited by the IPTF for illegal deprivation of liberty, torture, and ill-treatment of 14 suspects and witnesses, as well as coercing several detainees into confessing and into signing incriminating statements.

Sporadic violence against international community representatives continued throughout the year. On January 31, a hand grenade was thrown at the IPTF police station in Pale in the RS, damaging three vehicles. On April 3, a hand grenade was thrown at a SFOR patrol near Modrica in the RS. Two cars and a shop were damaged. On June 21, a landmine damaged an SFOR armored personnel carrier near Gacko in the RS. Three SFOR soldiers were wounded in the incident, which followed protests against minority refugee returns to the area. On July 24, six rocket-propelled hand grenades were fired at the living quarters of the Joint Commission Observer in Zvornik. The attack was similar to one carried out in May 1998. The attack damaged the house, but did not result in any casualties. RS police arrested two suspects, and still are searching for another. On August 3, a false bomb threat was made against offices in Zenica that house international community organizations, local government, media, and NGO's. In August, an IPTF monitor was assaulted and slightly injured in the Zvornik area by unknown assailants.

Federation and RS government officials also were attacked. The private business premises of Mostar mayor Safet Orucevic were damaged in a rock throwing incident on May 15. An improvised explosive device detonated in a Travnik municipal office in June, injuring one employee. An official vehicle used by the RS Minister of Information was destroyed by an explosion in Banja Luka on June 15. In July municipal officials in Maglaj complained of death threats during the eviction of foreign-born Islamists who illegally were occupying homes owned by displaced persons. A car belonging to the head of the local refugee government department in Modrica in the RS was heavily damaged by a hand grenade on August 7. Early in the year, a cantonal judge in Sarajevo received death threats during the deportation proceedings of a naturalized Bosnian citizen who was wanted on international terrorism charges. In August the interior minister of Central Bosnia canton received threats following the arrest of a Croat war-crimes suspect. There was no progress reported by year's end in the Foca police chief's investigation of the attack of the Foca IPTF station. There was no progress reported by year's end by the RS police on the investigation of the death of municipal council member Munib Hasanovic.

A number of housing authorities responsible for implementing property law were threatened or assaulted. The head of the Banja Luka housing authority resigned after receiving death threats. He had been under pressure not to carry out evictions of Croatian Serbs and war veterans illegally occupying property owned by displaced persons. On April 10, the head of the housing authority in Bijeljina was stabbed and seriously wounded. Police determined that the assailant was a displaced person who was dissatisfied with the manner in which his case had been handled. The perpetrator was arrested and sentenced to 60 days in prison. On April 29, the head of the Stolac Housing Board was beaten by an alleged illegal occupant, who also attempted to stab him. Local police did not respond adequately and the IPTF subsequently issued two noncompliance reports against local police and continued to mon-

itor the investigation. On December 7, the head of housing in Pale resigned after receiving threats for implementing property laws.

A few violent incidents marred the municipal elections on April 8. Two such incidents were directed against the international community, while others resulted from intraethnic conflict between political parties within ethnic communities (see Section 3). There were no violent incidents involving international community representatives during the November elections, as had been the case in past elections.

Individual and societal violence motivated by ethnic conflict continued to be a serious problem, and numerous bombings, shootings, and assaults caused deaths, injuries, and significant material damage; however, violence decreased compared with 1999. Such violence often was connected to the return of refugees and displaced persons to their prewar homes in areas where the returnees are now a minority. A growing level of violence associated with criminal activity compounded the problem.

There continued to be numerous violent incidents directed at returning refugees. In Posavina, a Croat returnee's windows were broken by Croat HDZ hard-liners. There have been reports of intimidation against Serbs in Drvar. On January 18, the newly renovated house of a returning Bosniak refugee in Aladinici, near Stolac (currently a Croat majority area), was burned. The next night another Bosniak house, still under construction, was destroyed. In early March, three Bosniak houses in Janja were set on fire and three of the inhabitants injured. In March a group of Serbs in Vlasenica in the RS beat a number of Roma who had been deported from refugee camps in Italy. On March 11, a group of Serbs threw a hand grenade at a house holding more than a dozen Bosniak heads of families in Kopaci, the Serb suburb of Gorazde. The Bosniaks were the first returnees to the suburb and previously had been camped nearby in tents for more than 5 months, waiting for Serb authorities to evict illegal Serb occupants from their property.

Also in March, there were several attacks against returning Bosniaks near the RS town of Prnjavor. On March 21, a hand grenade severely injured a Bosniak male who had returned with his family to the settlement of Babanovac only 1 week earlier. On March 23, another Bosniak family physically was threatened and told to leave the area. On March 24, a hand grenade exploded and killed a Bosniak returnee who was burning trash on his property in the Prnjavor settlement of Lisnja (it remains unclear whether the grenade was placed deliberately in the fire to harm the Bosniak or merely was there by accident).

In April a group of approximately 100 Bosnian Serbs stoned 6 Bosniaks who were rebuilding their houses in Brcko. On April 26, a mine exploded in the house of a Croat returnee in the Modrica area of the RS, damaging the dwelling but injuring no one. On May 11, several buses carrying 180 Bosniak women to a memorial ceremony to mark the 8th anniversary of a massacre in the Bratunac area were stoned by an angry mob of Serbs. At least 10 Bosniak women were injured slightly by broken glass. RS authorities charged 29 Serbs for disturbing the peace several days later (see Sections 2.b. and 5). In late May there were minor attacks on Bosniak returnees and Croat IDP's outside of Stolac. The next day the governor of the canton visited the return site to criticize the incidents.

On June 21, an unidentified person fired at the office of the Association of Refugees from Derventa in Bijelo Brdo. On June 25, a hand grenade exploded under the truck of a Bosniak returnee to Janja in Bijeljina municipality. The explosion damaged the house and garage.

Arsonists set fire to more than a dozen Bosniak returnee homes in and around Srebrenica in the summer in an effort to intimidate returnees. No one was injured but property was significantly damaged and, in some instances, destroyed. One fire was timed to coincide with the July 12 ceremony at Potocari marking the 5th anniversary of the Srebrenica massacre. Several of the homes had been renovated recently. None of the perpetrators were arrested.

On July 24 a crowd of 250 Serbs, protesting against the eviction of Serbs in Janja, rioted in a Bosniak neighborhood of the town, burning 2 Bosniak houses, destroying several vehicles, and stoning 6 other dwellings. Two hand grenades exploded during the incident, injuring several people. Local police and SFOR looked on without intervening. Approximately 11,000 Bosniaks lived in Janja before the war; only 700 had returned by July.

In mid-August a bomb destroyed a cafe in downtown Glamoc that was owned by a Bosniak returnee. Three days later the owner's father's rebuilt home was set on fire. The OHR dismissed the Croat mayor of Glamoc on September 8, partly due to his inaction regarding these two incidents.

On August 23, a group of Serb IDP's angry over their displaced circumstances blocked the Zvornik-Vlasenica road for several hours. When police broke up the blockade, they were assaulted by the crowd and 12 police officers were injured.

On September 9, a Bosniak house in Srebrenica, which had been empty after a Serb had vacated it, was set on fire.

On September 12, the vehicle used by the head of the Banja Luka branch of the RS Ministry for Refugees was destroyed in an explosion. The explosion appeared to have been an attempt to intimidate the official, who is in charge of evicting illegal occupants and returning refugees to Banja Luka.

In mid-December, there were two mine incidents that may have been deliberate attempts to deter Bosniaks from returning. In the destroyed village of Glogova, near the Serb town of Bratunac, a Bosniak was killed when a mine exploded while he was clearing his property. After an investigation, RS authorities concluded that the mines were recently placed as a booby trap to prevent return. In southern Bosnia, outside the Serb town of Gacko, a landmine exploded under a car carrying Bosniaks to the refugee village of Fazlagica Kula. The occupants were severely wounded, but survived. The OHR suspects that the mine was set recently. These landmine incidents prompted OHR to make a statement criticizing what appeared to be increasing violence against returnees.

There was no progress in the local authorities' investigation of a car bomb that injured a Bosnian Croat police officer in Travnik in 1999. There was no investigation into 1999 incidents of arson of homes of Bosniak returnees in Borovnica. There was no progress in the investigation by canton and Federation antiterrorism officers into a bomb explosion at the home of Ivan Saric, former middle Bosnia canton governor, in a village outside Gornje Vakuf in 1999.

While prison standards for hygiene and access to medical care meet prisoners' basic needs, overcrowding and poor, antiquated facilities are chronic problems. There was one report of a death in custody in Mostar West prison (see Section 1.a.).

International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

d. Arbitrary Arrest, Detention, or Exile.—There were fewer cases of arbitrary arrest and detention in both the Federation and the RS compared with 1999. In prior years, police in both entities enjoyed great latitude based on Communist-era criminal procedure laws that permitted them to detain persons for up to 6 months without bringing formal charges against them. The Federation revised these laws in 1998, removing this power from police and vesting it solely in the investigative judge. The Communist-era detention laws remain in force in the RS.

Federation law permits prearrest detention of up to 24 hours; in the RS prearrest detention may extend for 3 days. International monitors report numerous instances in which these deadlines have been violated. In one case, a detainee was held for 11 days in the Federation before appearing before a judge. Some accused persons have been in detention for several years while awaiting a final action by the appellate court. The absence of psychiatric facilities in the Federation and RS has led to persons being detained rather than properly treated.

Human rights NGO's contend that there are cases in which persons who ostensibly are detained on criminal charges actually are incarcerated for political reasons. For example, Ibrahim Djedovic, a parliamentary deputy for the Democratic National Union (DNZ), which the ruling Bosniak SDA views as a renegade party due to its activities during the war, was arrested and jailed in May 1997 for war crimes, after he arrived in Sarajevo to take up his parliamentary seat. The ICTY investigated Djedovic and decided not to arrest him for his alleged activities. Most local and international observers believe that Djedovic was arrested due to his political affiliation and not because of alleged war crimes. Although the Sarajevo cantonal court convicted and sentenced Djedovic to 10 years in 1998, he was released in March after winning an appeal and returned to his seat in the Federation Parliament.

There were no reports that forced exile generally was used as a legal punishment. There were no reports during the year of attempts by local Croat authorities to expel returning Serbs in some Croat-dominated areas of the Federation, as had been the case in the past. However, Croat hard-liners in Capljina continued to intimidate Serb returnees. The Croatian Government also continued to deny electricity to Serb returnees in Ivanica, a small town in Bosnia near Dubrovnik.

e. Denial of Fair Public Trial.—Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and the ruling nationalist political parties continue to influence the judicial system. Party affiliation and political connections weighed heavily in the appointment of prosecutors and judges. The legal system is unable to adequately protect the rights of either victims or criminal defendants because of its inefficient criminal procedure codes and complicated trial procedures.

The judicial hierarchy in the Federation varies among its different constituent cantons. In the seven mixed or Bosniak cantons, original court jurisdiction exists in

both municipal and cantonal courts, with more serious offenses typically tried in the cantonal courts. Appeals are taken to the Federation Supreme Court. However, in the three Croat-dominated cantons, the municipal courts have exclusive original jurisdiction over all offenses, and appeals are heard by the cantonal courts. The Croat-dominated cantons refuse to recognize the appellate jurisdiction of the Federation Supreme Court; however, no litigant has attempted to appeal to the Federation Supreme Court yet. The differing judicial practices in the cantons of the Federation present obstacles to prosecutors, criminal defendants, defense attorneys, and civil litigants and their attorneys.

In August 1999, the OHR imposed a law allowing the Federation Supreme Court to claim immediate jurisdiction as the "court of first instance" in cases involving terrorism, organized crime, smuggling, and intercantonal crime, which would be difficult for lower courts to try because of pressure from political parties. However, no such cases had been tried in the Supreme Court by year's end.

The Federation Constitution provides for the appointment of judges by the President, with the concurrence of the Vice President and the approval of the Assembly, to an initial term of 5 years. Judges may be reappointed following this initial term to serve until the age of 70.

The RS judicial hierarchy includes a Supreme Court to provide for the unified enforcement of the law and a Constitutional Court to assure conformity of laws, regulations, and general enactments with the Constitution. The RS has both municipal and district courts, with the district courts having appellate jurisdiction. Judges are appointed and recalled by the National Assembly and have life tenure.

In June 1999, judicial associations in both entities adopted identical codes of ethics for judges and prosecutors. In August 1999, the OHR imposed laws strengthening the Federation prosecutor's office and protecting the identity of witnesses in sensitive cases in the Federation. There have been no test cases to date, however. The international community continued training programs in the Federation to familiarize judges, prosecutors, defense attorneys, and the police with the Federation's reformed Criminal Code, which entered into effect in November 1998. The RS has not adopted similar criminal law reforms yet. Some NGO's expressed concern over the judicial selection process in eight federation cantons, especially in Sarajevo and Tuzla. Legal experts argued that the laws on judicial selection in those two cantons were inconsistent with the canton and Federation Constitutions.

Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman. The Chamber may consider alleged violations of the European Convention on Human Rights if the matter is within the responsibility of one of the parties to the Dayton Agreement and occurred after its signing. Decisions of the Chamber are final and may not be appealed to the Constitutional Court. The Ombudsman may investigate allegations of human rights abuses either on his or her own initiative or in response to any party, or may refer matters to the Chamber.

Human rights organizations reported that judicial institutions in both entities were controlled or influenced by the ruling parties. Likewise, the various prosecutorial offices throughout the two entities remained subject to political pressure. There were numerous anecdotal reports of politicians pressuring judges to rule in favor of the local party members in cases before the courts. Courts often were reluctant or unwilling to try cases of human rights abuse referred to them. A lack of resources and a huge backlog of unresolved cases provided a convenient excuse for judicial inaction. Even when the courts rendered a fair judgment, local officials often refused to implement their decisions. This was especially the case for those who won decisions mandating eviction of illegal occupants from their property, although this improved somewhat during the year under pressure from the international community. In addition, organized crime elements sought to pressure judges, especially in central Bosnia and Herzeg-Neretva canton.

The Federation and the RS maintain separate structures of courts and prosecution agencies, with little or no cooperation across the entity line. Although there have been isolated instances in which the 1998 Memorandum on Inter-Entity Legal Cooperation has been used successfully, little sustainable progress has been made in creating viable and effective structures for such cooperation. For example, there is no mechanism between the Ministries of Interior to enable arrest warrants to be executed throughout the country.

In the Federation, the High Representative implemented the Law on Judicial and Prosecutorial Service on May 17. In the RS, the National Assembly adopted the Law on Courts and Court Service and the Law on the Public Prosecutor's Office. These laws provide a merit-based, nonpolitical structure for the appointment and dismissal

of judges and prosecutors and provide uniform standards for their professional conduct. The laws provide for a review period, during which all prosecutors and sitting judges who fall below the standard of professionalism set out in the laws will be removed. Review commissions were established in June and began reviewing files in September.

The caseload of the Human Rights Chamber continued to grow rapidly (see section 4) as more citizens turned to the Chamber to redress human rights violations after national institutions and domestic courts failed to provide an effective remedy.

In February the Human Rights Chamber ordered a retrial for Sretko Damjanovic, who was convicted by a military court in Sarajevo in 1993 of war crimes against the civilian population. The Chamber ruled that Damjanovic had not been granted a fair trial in the proceedings that led to the rejection of his petition for a retrial. In May and October 1997, the Sarajevo Cantonal Court had denied his request to reopen proceedings and his appeal was finally rejected by the Federation Supreme Court in February 1998. The Chamber stated that the cantonal court's reasoning for rejecting the appeal was "grossly inadequate and devoid of the appearance of fairness" and that Damjanovic did not have a fair chance to appeal to the Federation Supreme Court.

In February the Sarajevo Cantonal Court acquitted Bosniak Ibrahim Djedovic of charges of war crimes. Djedovic had been convicted and sentenced to 10 years' imprisonment in October 1998, after a trial that was viewed by international observers as unfair.

On August 4, Sarajevo Canton police arrested former Interior Minister and Bosniak organized crime figure Alija Delimustafic on "abuse of power" charges filed by the Federation Prosecutor. Delimustafic is purported to have ties across the political spectrum. Some observers believe that his arrest and arraignment indicate that the Bosnian judicial system is attempting to address the most serious corruption cases. Others are doubtful that the law enforcement community will have the political support to successfully prosecute the case.

No new trial was held in the May 1999 RS Supreme Court case in which the court ruled that three Bosniaks were wrongfully convicted of 1996 murders of four woodcutters.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to "private and family life, home and correspondence" and the right to protection of property; however, authorities in all areas infringed on citizens' privacy rights.

In the RS, police routinely conduct searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. This problem has not been observed in the Federation.

Since the war, large numbers of citizens have been unable to reclaim their real property, either private or collectively owned, to which they had occupancy rights under the Communist system. Enactment of property legislation has proceeded in both entities under pressure from the international community. In October 1999, the High Representative issued several directives intended to accelerate evictions and enable more returns. However, implementation of the revised property laws has been extremely slow. In the Federation, as of the end of October, 54 percent of the property claims had been adjudicated and 25 percent of the property returned. As of the same time in the RS, only 28 percent of the property claims had been decided and 11 percent of property returned. By some estimates, resolving property claims in the RS at the current rate will take another 10 years. The political leadership at all levels in both entities, but especially in the RS and in Croat areas of Herzegovina, continues to obstruct minority returns by delaying needed reforms and not implementing evictions and other property-related decisions. In Sarajevo, delays persisted due to the large backlog of cases, but political manipulation and obstruction decreased. During the year, approximately 10,000 Serbs returned to Sarajevo Canton, usually because of evictions of illegal occupants from their homes.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest way to obtain, retain, or regain employment, especially in the management of socially owned enterprises (see Sections 2.b., 3, and 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides a general statement supporting freedom of speech and of the press. Actual laws regarding freedom of the press are delegated to the cantons in the Federation and to the central authorities in the RS. Freedom of speech and of the press was respected partially in the Federation and in the western RS, but to a lesser extent in the eastern RS. Within the

Federation, press freedom was restricted more severely in Croat-majority areas. The primary restraints on press freedom are control of the principal media by governing political parties and the politicized use of tax and financial inspections instigated by the dominant nationalist parties. In Croat-majority areas of the Federation, party-controlled media are the dominant electronic media and source of information. While there were some improvements in the development of a free and independent press, most media continued to be biased noticeably. In addition, threats to journalists from Government and extremist groups increased during the year.

Some opposition and independent newspapers operate in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Dnevni Avaz, which in the past was controlled largely by the SDA party, is the daily with the highest circulation. It has noticeably distanced itself from the SDA during the year. Dani and Slobodna Bosna are the most influential independent magazines in the Federation. One of the few independent magazines in the RS is Reporter, a weekly published by a former correspondent of the Belgrade-based independent magazine Vreme. Nezavisne Novine is an independent newspaper published previously only in the RS, but is now distributed in the Federation.

There are two printing facilities in the Federation; the government-controlled Oko company and the facility owned by the newspaper Dnevni Avaz. After a series of labor strikes at Oko in late June, Dnevni Avaz took over printing of almost all publications previously printed by Oko until the strike ended several months later. In the RS, the state-owned printing company, Glas Srpski, has a virtual monopoly.

The ruling parties exerted economic pressure by refusing to allow state-owned companies to advertise in the independent media. Some independent media in the two entities, for example, Dani and Reporter, assist in the distribution of each other's publications in their respective entities.

The number of registered threats against journalists increased during the year. The Organization for Security and Cooperation in Europe (OSCE)-sponsored media helpline, established in November 1999, registered 128 cases of possible violations of the rights of journalists from November 1999 through October. Complaints of abuses to the helpline increased markedly during the April municipal elections and the November general elections. Intimidation of journalists and media outlets most commonly took the form of verbal or written threats to stop a particular line of inquiry or a concerted effort to harass media outlets through the misuse of government agencies, by performing tax audits or cutting off power and telephone lines. Groundless defamation lawsuits also were used against journalists, as well as actual physical attacks.

In a survey conducted among representatives of 50 media outlets attending a countrywide journalist conference, 62 percent responded that they personally had experienced intimidation and interference with their work, including direct and indirect pressure applied by both political parties and elected or appointed officials.

In April a journalist for Dnevni Avaz was assaulted by the driver of Federation Prime Minister Edhem Bicakcic, allegedly because of critical articles about the Prime Minister. Bicakcic initially refused to take responsibility for the actions of his driver or to discipline him, but after strong pressure from the international community, he took mild disciplinary action.

Zeljko Kopanja, the editor in chief of Nezavisne Novine who lost both legs in a car bomb in October 1999, was threatened several times during the year by unknown persons. In June RS authorities arrested six individuals, including two former members of the RS police antiterrorist brigade, for attempted blackmail of Kopanja; however, they had not been charged in connection with the bombing by year's end.

On June 10, Edin Avdic, a journalist from the weekly Slobodna Bosna, was assaulted at the entrance to his home hours after he received verbal threats from SDA Chief of Cultural Affairs Muhamed Korda. The journalist claims Korda warned him to stop writing articles about the cultural activities of the SDA. Avdic claimed that his attackers repeated the warning and added that next time he would be killed.

On August 12, Srpsko Oslobođenje journalist Ljubisa Lazic was assaulted on the premises of Radio Srpsko Sarajevo by Marko Asanin, president of the regional board of the Srpsko Sarajevo Independent Party of Social Democrats (SNSD). According to Lazic, the attack was allegedly the culmination of a series of threats and harassment by Asanin, who at one point attempted to have local media excluded from sessions of the assembly of the Srpsko Novo Sarajevo municipality.

On September 20 in Dobo, municipal SDS leader Milan Ninkovic publicly threatened Radio ZOS director and Oslobođenje correspondent Azemina Mulahuseinovic during an interview on NTV Dobo. On October 9, Deputy Manager of Glas Srpski Anton Kasipovic sustained serious head injuries during an assault by unknown persons. The police conducted an investigation but there was no progress at year's end.

In April leaflets were distributed in the hard-line Croat town of Livno insulting the editor in chief of the independent radio station Studio N and one of its journalists. The pamphlet accused the two of being "miserable mercenaries" and "spitting and vomiting on everything that represents Croat legal authority in Livno." Studio N had been the object of politically motivated pressures in the past, including the March 1999 beating of the wife of the journalist mentioned in the pamphlet.

On June 6, tax authorities raided the daily Dnevni Avaz. Agents of the Federation Tax Administration initially arrived without explanation or a court order. These provisions were eventually met, but only after distribution of the newspaper was delayed. The Tax Administration subsequently presented Dnevni Avaz with a bill for \$450,000 (928,000 KM) for unpaid taxes in 1998, which the newspaper contested and claimed it is unable to pay. The raid followed the newspaper's transformation from partisan reporting in favor of the nationalist SDA party to more neutral reporting. The newspaper's transformation began in late 1999, before the April municipal elections, in which the SDA fared poorly. Editor in chief Mensur Osmovic said the newspaper had received threats from the SDA leadership for months and claimed that the main reason for the audit was Dnevni Avaz's articles about corruption implicating SDA leaders. Federation Prime Minister Edhem Bicakcic publicly attributed SDA losses in the elections to loss of control over the media and explicitly said Dnevni Avaz had to be brought under control.

There was a decrease in the selective application of the slander laws by authorities to punish opponents since the High Representative suspended criminal penalties for libel in July 1999. Previously the possibility of imprisonment for slander and libel often was used to threaten journalists. In December 1999, the Federation presented a draft Law on Compensation for Damage Caused by Defamation and Libel, which was criticized severely for the excessive fines it sanctioned. The law had not yet been adopted at year's end. Although fewer allegations of defamation are reaching the courts, the overall number of cases remains high, due to a slow rate of resolution and court backlogs.

In March Slobodna Bosna editor Senad Avdic, who was convicted of defamation in June 1999, appealed his case. Bakir Alispahic, a public official, successfully charged Avdic with defamation over articles stating that Alispahic was a party to illegal financial transactions involving several banks, including Narodna Banka. Avdic has requested that his case be retried subsequent to resolution of a case involving Narodna Banka, which revealed evidence that may support his claims.

The Independent Media Commission (IMC), established by the High Representative in 1998, is empowered to regulate broadcasting and other media in the country. In this capacity, the IMC licenses broadcasters, manages and assigns spectra for broadcasting, sets licensing fees, and enforces adherence to the code of practice. The IMC has broad authority to punish violations to the code of practice. It may issue warnings, impose fines, suspend or terminate licenses, seize equipment, and shut down operations of any broadcaster or media outlet in violation of the code of practice. The IMC issued numerous fines for violations of broadcasting standards to stations in both entities during the year.

The largest television broadcasters are Radio Television Bosnia and Herzegovina (RTV BiH) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS. The international community launched the Open Broadcast Network (OBN) in 1997 as a cross-entity broadcaster and source of objective news and public affairs programming. However, only a minority of viewers cites the OBN as their key source of news. Independent television outlets include TV Hayat, Studio 99, OBN Banja Luka affiliate Alternative TV (ATV), and several small television stations located throughout the country. Some of these broadcasters originally were municipal stations. They have not yet been fully privatized, and their legal ownership status remains unclear.

The High Representative's decision of July 1999 to restructure the broadcasting system of Bosnia and Herzegovina still has not been implemented fully. The restructuring was to liquidate the existing broadcaster, Radio Television Bosnia and Herzegovina, and create a statewide public broadcasting corporation, the Public Broadcasting System of Bosnia and Herzegovina (PBS BiH). Plans to incorporate elements of the OBN into the new PBS BiH still have not been implemented due to difficulties linked to producing a quality PBS news and public affairs program.

The July 1999 decision also established Radio Television of the Federation of Bosnia and Herzegovina (RTV FBiH) as the public broadcasting company of the Federation. RTV FBiH is to broadcast on two channels offering a blend of Bosniak and Croat programming. The High Representative's decision specifies that "programming must be based on truth, must respect human dignity and different opinions and convictions, and must promote the highest standards of human rights, peace and social justice, international understanding, protection of democratic freedoms

and environment protection.” The OHR appointed all 21 members of the Board of Governors, including the 7 members who were to have been chosen by Parliament. SDA officials attempted to delay the transition to RTV FBiH and have attempted to exert influence on members of its new Board of Governors.

The August 1999 decision by the High Representative imposing amendments to the RS broadcasting law has not been implemented fully. These amendments required Serb Radio Television (SRT) to change its name to Radio Television of Republika Srpska (RTRS). The High Representative required RTRS to comply with the country’s broadcasting laws, regulations promulgated by the IMC or its successor, and the laws of the RS. On July 27, the High Representative dismissed the RTRS Board of Governors for obstructing international efforts to improve RTRS programs and management. The High Representative mandated that the new Board work with RS authorities and international experts to develop new legislation for the RTRS to bring it into conformance with international standards for public broadcasting.

Until February Mostar-based Erotel TV conducted an extensive operation that retransmitted programs from state-run Croatian Television. The IMC declared Erotel broadcasts illegal in November 1999, but Erotel refused to go off the air until the IMC, with SFOR and OHR assistance, forcibly shut down Erotel’s transmitters on February 17. Nationalistic Croat television continued to be broadcast by HTV-Mostar, which is owned by the three Croat municipalities in Mostar and is financed by the HDZ.

Radio broadcasting in the Bosniak-majority areas of the Federation—particularly in Sarajevo, Zenica, and Tuzla—is diverse. Opposition viewpoints are reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. Nez Radio and Radio Pegas report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they are usually highly nationalistic. Local Croat authorities do not tolerate opposition viewpoints. One exception is Studio 88, in Mostar, which broadcasts reports from both sides of that ethnically divided city.

Academic freedom was constrained. In the Federation, Serbs and Croats complained that SDA party members receive special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka limits its appointments to Serbs. All institutions suffer from a lack of resources and staff. The University of Mostar remains divided into eastern and western branches, reflecting the continued ethnic divide in the city. However, the East Mostar University, despite persistent reports of ethnic discrimination, has significant ethnic diversity in its student body and staff. The rector of West Mostar University, Marko Tadic, was forced out of office by the university board of directors following his efforts to reform the University, which has been politicized and dominated by Croat nationalists since the war. Tadic had introduced strict standards for hiring and retention of faculty, removed photos of Croatian generals and other nationalist symbols, initiated contact with the Bosniak University in East Mostar, and proposed a review of the legitimacy of degrees issued during and immediately following the war.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, authorities imposed some limits on this right in practice. Opposition political parties freely staged rallies and campaign events during the April and November elections in Bosniak-dominated areas, although several parties decided not to operate in Croat-dominated areas out of concern for their safety. In the November election campaign, the SDP and other multi-ethnic parties increased their campaign activities in the RS; however, in general few non-Serb opposition parties or candidates campaigned in the RS (see Section 3).

Refugees returning to visit homes in the RS or commemorate war dead were harassed and subject to violence in several incidents. On May 11, several buses carrying 180 Bosniak women to a memorial ceremony to mark the 8th anniversary of a massacre in the Bratunac area were stoned by an angry mob of Serbs. At least 10 Bosniak women were slightly injured by broken glass. RS authorities charged 29 Serbs for disturbing the peace several days later (see Section 1.c.).

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, authorities imposed some limits on this right and indirect pressure constrained the activities of some groups. Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the state-owned sector of the economy (see Section 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, including private and public worship, and in general, individuals enjoyed this right in predominately mixed and religious majority areas. However, the efforts of individuals

to worship in areas in which they are an ethnic and religious minority were restricted by government and institutional harassment, and sometimes by societal violence. Some incidents resulted in damage to religious edifices and cemeteries.

Administrative and financial obstacles to rebuilding religious structures impeded the ability of minorities to worship and even impeded their return in many areas. RS authorities have obstructed attempts to rebuild the 83 mosques in the RS that were destroyed during the war. A June 1999 Human Rights Chamber decision ordering the RS to swiftly grant the Islamic community the necessary permits for reconstruction of seven of Banja Luka's destroyed mosques largely has been ignored. RS authorities refused to issue necessary permits for the reconstruction of any of the mosques or other Islamic community-owned buildings in Banja Luka, particularly the symbolically important Ferhadija Central Mosque. The RS government allowed the Muslim community to block off the site, but has not yet allowed reconstruction to begin. In December Ivan Mandic, an HDZ hard-liner and the head of Mostar Municipality Southwest (MSW) refused to grant permission for reconstruction of Baba Besir Mosque, one of three mosques in MSW that were destroyed during the war. Reconstruction of a mosque near Zvornik began in May, and Islamic leaders declared reconstruction of a mosque in Kozarac complete in August.

In December the Human Rights Chamber concluded that local authorities in Bijelina had prevented reconstruction of five mosques that had been destroyed in 1993 and had allowed buildings to be constructed on two of the former mosque sites, a parking lot on one, and flea markets on the remaining two. RS authorities had ignored an order by the Chamber in 1999 to halt construction on one site. The Chamber ordered that permits be granted for reconstruction of the five mosques. No action by the authorities has been taken by year's end.

In February the Human Rights Chamber determined that the municipal government of Prnjavor, in the RS, had discriminated against its Islamic community by closing the local Muslim cemetery. The municipal government had ordered a Bosniak to move his deceased wife's remains from the Muslim cemetery to a "new" Muslim cemetery. At a February 1999 Human Rights Chamber hearing concerning the case, evidence indicated that there was in fact no new Muslim cemetery in the area and that no reasonable grounds existed for closing the old Muslim cemetery (nearby Catholic and Orthodox cemeteries remained open). Prnjavor municipal authorities were ordered to allow burials within a month. By the end of the year, Prnjavor authorities had complied with the order and removed the ban on Muslim burials.

Public schools offer religious education classes, which, in theory, are optional. However, schools generally do not hire teachers to offer religious education classes to students of minority religions. In some cases, children who choose not to attend the religion classes offered are subject to pressure and discrimination from peers and teachers. Schools in Sarajevo canton, except for non-Bosniak schools, offer only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically have the right to take classes in non-Catholic religions; however, this option does not exist in practice. Orthodox symbols are present in public schools throughout the RS. For a variety of reasons, minority families with children have been slow to return to the RS. Consequently, municipalities have not been compelled yet to address the issue of minority religious education. On May 10, the Education Ministries of both entities and the Deputy Federation Education Minister agreed on a standard curriculum, which requires all schools to teach the shared cultural heritage of all three communities.

In Bosniak-dominated Zenica, the Catholic school closed temporarily in March after school officials received a bomb threat. Although local authorities later discovered that the threat was a hoax, Zenica's few remaining Catholics are concerned for their safety. On June 25, an explosive device destroyed a Catholic chapel in Zivinice.

In Croat-dominated areas of Herzegovina, Muslims feel pressure not to practice their religion in public and have been the subject of violent attacks. For example, in the Croat-dominated western Bosnian town of Glamoc, a building housing all of the local Muslim organizations and the apartment of a Muslim cleric was bombed and damaged seriously in April.

In April RS Prime Minister Milorad Dodik shared the stage at an interfaith conference in the RS government's headquarters in Banja Luka with the newly appointed Mufti of Banja Luka and three other Muslim clerics. In Mostar religious leaders representing all groups except Catholics attended celebrations for Muslim, Jewish, and Orthodox holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for "the right to liberty of movement and residence," and freedom of movement, including across the IEBL, continued to improve; however, some limits remained in practice. The IPTF and SFOR completed the dis-

mantling of all permanent police checkpoints in 1999, greatly enhancing freedom of movement.

Freedom of movement improved significantly with the introduction of universal license plates in 1998. The new plates do not identify the vehicles as being registered in predominantly Bosniak, Bosnian Serb, or Bosnian Croat areas.

Accurate statistics on refugee returns remained difficult to obtain. According to the U.N. High Commissioner for Refugees (UNHCR), between the end of the war in 1995 and October 31, 364,391 persons who left the country had returned. More than 174,000 returned from Germany alone, due to the German Government's policy of actively pressuring refugees to return to Bosnia. Most of those returning from Europe were unable to return to their prewar homes in the RS. Efforts by hard-line Croats to resettle returning refugees and consolidate the results of ethnic cleansing have ceased for the most part. The UNHCR reported that during the year there were 67,445 registered minority returns countrywide. Although the return figures are much less exact for those returning from other places within the country, the UNHCR reported that 336,504 IDP's returned to their prewar homes between the end of the war and October, or roughly 20,000 during the year. While different refugee organizations provide different estimates on the numbers of minority returns, they all agree that the rate of minority returns during the year was more than twice that of 1999.

In the spring, the international community began a concerted effort to compel the entity authorities to implement the property laws. Pressure from OHR (more than 20 obstructionist officials were dismissed in late December 1999) and a publicity campaign in the local media reinforced the message that illegal occupancies could not continue indefinitely. By the spring, with the pace of evictions growing rapidly, particularly in the RS, the number of returns also increased. Families and individuals increasingly abandoned occupied property voluntarily, with some returning to their heavily damaged or even destroyed dwellings. Although many of such returnees were Bosniaks, substantial numbers were Serbs and Croats. According to the UNHCR, 35,836 Bosniaks, 11,591 Croats, and 18,852 Serbs returned to areas where they are in the minority.

Pressure from evictions, combined with an increased sense of security in most areas of the country and an awareness that international assistance was not inexhaustible, prompted an increase in returns during the first half of the year. By April the rate of return was three times higher than for the same period in 1999. Although the pace decreased somewhat over the summer as it became apparent that reconstruction assistance would not be able to match the number of returnees, the rate of returns during the year was more than twice that of 1999. Thousands of returnees lived in tents or improvised shelters in their former villages and towns, hoping for assistance in rebuilding their homes.

However, many problems remained to prevent returns, including the obstruction by hard-liners of implementation of property legislation, political pressure for individuals to remain displaced in order to increase ethnic homogeneity of the population in a specific area, and the lack of an ethnically neutral curriculum in public schools (see Section 5). For example, the European Roma Rights Center (ERRC) reported that Roma from the RS (most of whom are Muslim) who were forced out of their homes allegedly have had serious difficulties returning to their prewar homes. The ERRC reported that Roma have had to pay financial compensation, ranging from \$1,500 to \$5,000 (3,000 to 10,000 KM) to Serbs occupying their prewar homes in order to move back. The ERRC also reported that some Roma's homes are occupied by RS government bodies.

The 1998 Sarajevo Declaration was intended to showcase Sarajevo as a model city in terms of tolerance. The declaration was to provide for improvements in areas that hindered return: Legislation, housing, security and public order, employment, and education, with a goal of 20,000 minority returns for the canton during 1998. This number of returns was not reached until February. During the year, with the implementation of the October 1999 revised property laws, the rate of evictions in the city increased considerably and the pace of decisions increased; however, a large backlog of cases remains. Many of those evicted returned to their destroyed property in the eastern RS, where some received reconstruction assistance.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned and repaired by a Dutch company. Prewar residents continue to wait to return to these apartments, while authorities encouraged occupants to begin the purchasing process. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber. No returns to former JNA apartments have taken place. There have been no reports to indicate progress in resolving this issue during the period covered by this report.

The continued influence of ethnic separatists in positions of authority also hindered minority returns. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns. IDP's living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence. In particular, IDP's in the hard-line RS areas of Bratunac and Srebrenica, mostly from Sarajevo, were intimidated from attempting to return (see Section 1.c.). For example, in June Serb IDP's living in Kotorsko blocked the main Sarajevo-Brod highway for several hours after Bosniaks began returning to the village to clean their property. The Serbs were angry because they were unable to return to their homes in Vozuca, which continue to be occupied by Bosniak refugees from Srebrenica. Several days after the blockade, Bosniaks blocked another portion of the highway to call attention to Serb harassment and intimidation, which was obstructing their return to Kotorsko. In mid-July several hundred Bosniaks blocked a main road near Maglaj, in central Bosnia, to protest the impending eviction of Muslim fundamentalist families occupying Serb property in the village of Bocinja. The blockade lasted for several days. However, within weeks of the end of the blockade, authorities began evicting Muslim families from Bocinja without incident.

Despite these obstacles, ethnic minority refugees and IDP's began returning to their destroyed villages in increasing numbers in some areas of Herzegovina and the eastern RS. For example, in the spring Bosniaks began returning to Zepa, the outskirts of Foca, and even villages near Visegrad. In the summer, several Bosniaks returned to Srebrenica town, and dozens more returned to several outlying villages. Elsewhere in the RS, Bosniaks began returning to the center of Prijedor and Doboje. Serb returns accelerated in the Capljina area of Herzegovina. However, local government officials continue to obstruct minority returns to Drvar and to harass Serb returnees.

Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 1.c.).

The increased number of ethnically integrated police forces helped improve the climate for returns, although security remained inadequate in some areas.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. As a result, most minority returnees were elderly. This placed a burden on receiving municipalities. Younger minority group members, who depend on adequate wages to support families, generally remained displaced, especially in cases in which they had managed over the past 7 years to find work.

Officially, the Government grants asylum and refugee status in accordance with international standards. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. During the year, approximately 3,000 refugees from the Kosovo conflict continued to reside in refugee camps in Bosnia. Some are planning to return to Kosovo, with some seeking asylum abroad. Approximately 5,000 to 10,000 Serbs who fled Kosovo or Serbia during the Kosovo confrontation are believed to be in the RS in private accommodation. Less than 1,000 Sandzaks are believed to still reside in private homes. There were no reports of the forced return of persons to a place where they feared persecution.

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

Although a permanent election law is not yet in place, the Dayton Accords commit the parties to "ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment" and to ensure the right to "vote in secret without fear or intimidation." The Dayton Peace Accords gave the OSCE primary responsibility for the organization and supervision of the country's post-war elections. The OSCE organized and supervised general elections in 1996, 1998, and November; municipal elections in 1997 and April; and special elections for the RS National Assembly in 1997. The OSCE released a draft of the election law in December 1999 that would transfer responsibilities for running elections to the Government, but it has not been adopted yet by the Parliament.

In July President Alija Izetbegovic announced that he would resign from the three-person Bosnian presidency in October. Because the Bosnian Constitution did not specify the succession procedure, the parliamentary assembly adopted a controversial law establishing a procedure that gave final decision to the indirectly elected House of Peoples over the House of Representatives. Wolfgang Petritsch, the High Representative for Bosnia and Herzegovina, imposed an amendment to rectify

this shortcoming. The Bosniak speaker of the Parliament, Halid Genjac, was named to serve as Izetbegovic's temporary replacement. At year's end, a permanent replacement had not been elected.

The November general elections were held without violence, although there were incidents of voter intimidation, multiple voting, and illegal preelection campaigning. The OSCE issued 28 decisions sanctioning or censuring parties or individuals for violations of election rules, ranging from slogans fostering ethnic hatred to obstructing audits of party financing. While most voting irregularities were not significant enough to influence the outcome, an HDZ-organized referendum held on election day provided a platform for nationalist rhetoric that likely increased support for nationalist parties, particularly among Croat and Bosniak voters. Voter turnout during the April and November elections was around 65 percent. Compared with previous years, there was a large decrease in the number of absentee ballots during both elections; however, such a decrease most likely was a result of refugee returns to Bosnia and a lower level of interest among voters abroad. By the end of the year, the process of implementing results of the November general elections was still underway.

Municipal elections held in April largely were peaceful; however, several incidents, some violent, occurred. Two incidents were directed against the international community, while others resulted from conflict between political parties within ethnic groups. A Bosnian Serb male, acting alone, attacked an IPTF member with a stick near a polling place in Bijeljina in the RS. The OSCE reported that there were no major attempts at fraud, manipulation, or disruption of the election process, but observers noted widespread problems with incomplete voting lists that discouraged or prevented some citizens from voting. While nationalist parties in Serb- and Croat-dominated areas continued to attract the support of a significant portion of the electorate, the moderate, multiethnic parties, such as the SDP, gained strength. A number of electoral reforms that are contained in the draft election law, including provisions for preferential and open list voting, multimember constituencies, and new campaign finance regulations, were applied during the April municipal elections.

Implementation of the results of the April municipal elections was smoother than in 1997, according to the OSCE. A greater familiarity with the laws at the local level improved the process, although 5 months after the elections, 20 of the 146 municipalities had still not completely implemented the results. The OSCE screening of candidates to eliminate those candidates who illegally occupied refugee homes, held conflicting positions, or who previously had been removed from office by the High Representative, partially contributed to the delay. Obstructionism caused delays in some municipalities, such as in Vares, where the SDA repeatedly nominated unacceptable candidates who were rejected by the OSCE.

Continued party control of the media and security apparatus precluded full citizen participation without intimidation, especially in Bosnian Croat areas and parts of the RS. To varying degrees, all major parties attempted to exclude other parties in areas they control. This was especially true in areas controlled by the SDS or the HDZ. However, observers believe that recent changes to the media law in the RS and the new media law in the Federation have improved the situation somewhat (see Section 2.a.).

A democratically elected, multiethnic local government is to administer the Brcko municipality as a district under the direct oversight of the Brcko supervisor. Until new laws are issued or existing laws adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. A new district statute was issued by the supervisor on December 7 1999, and a districtwide multiethnic police force was established officially in January.

Women generally are underrepresented in government and politics, although a few women, such as the former President of the RS, have occupied prominent positions. In the three legislatures, women were underrepresented seriously. To address this concern, election rules established by the OSCE prior to the 1998 general elections required parties to include no fewer than 3 members of each gender among the top 10 names on their candidate lists. However, in the state-level House of Representatives (lower house), 2 of 42 deputies are women, compared with 12 before the November elections. There were no women in the state-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures, prior to the November elections; the current upper house still was being formed by year's end. In the Federation legislature, 21 of 140 deputies in the House of Representatives are women. In the RS unicameral legislature, 15 of 83 deputies are women, compared with 19 before the most recent elections. During the April municipal elections, the Provisional Election Commission mandated that one in every three can-

didates be a woman. 590 women were elected, constituting 18 percent of successful candidates.

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

The authorities generally permitted outside investigations of alleged human rights violations. International and local NGO's involved in human rights appear to operate with relative freedom. The OHR reports that foreign government and NGO human rights monitors were able to travel without restriction in all areas of the country. International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or outright refusal.

The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson, two institutions created under Annex 6 of the Dayton Accords to investigate and adjudicate human rights violations, continued to expand during the year. During the first 11 months of the year, the Chamber's caseload increased to 6,353 registered cases and the Chamber issued 632 final case decisions. The pace of decisions issued by the Chamber increased due to the body of jurisprudence that the Chamber established in its previous 3 years of existence and to which the Chamber is now able to refer. In addition, the Chamber's increased experience in adjudicating human rights cases has led to more efficient operation. While governmental cooperation with the Chamber is still weak, the Federation made progress in implementing Chamber decisions, including many occupancy-rights cases and compensation-awards cases. While the efforts by the Federation to implement Chamber decisions have generally brought it into compliance with almost all decisions, the RS has made minimal or no effort to implement decisions of the Chamber. The cases implemented in the RS so far have required relatively simple actions by the Government, such as canceling eviction orders for residents who still were living in contested houses. In February the RS National Assembly passed a law establishing an ombudsperson committee for the RS, a three-person, multiethnic institution; the first three Ombudspersons were appointed at the end of April.

Cooperation with the ICTY in The Hague is a key factor in the implementation of the Dayton Accords and the establishment of respect for human rights. In 1998 RS Prime Minister Dodik altered the RS policy of defiance of the Tribunal and the Dayton Accords by instructing his officials to cooperate with the ICTY; however, no action was taken in practice. A majority of the 26 ICTY public indictees who remain at large reportedly live in the RS, some allegedly in Prijedor and Foca. RS authorities made no effort to arrest these indictees.

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

The parties agreed in the Dayton Accords to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority. Nevertheless, there were many cases of discrimination.

Women.—Violence against women is a problem. Credible NGO observers reported that violence against women, including spousal abuse and rape, remained widespread and underreported. A report by the International Helsinki Federation for Human Rights estimates that about 30 percent of women in the country are victims of domestic violence; however, there is little data available regarding the extent of the problem. Throughout the country, rape and violent abuse are considered criminal offenses. The laws prohibit rape in both the Federation and the RS. Spousal rape and spousal abuse are also illegal in the Federation. However, domestic violence usually was not reported to the authorities; a sense of shame reportedly prevents some victims of rape from coming forward to complain to authorities.

The police have little or no training in investigating cases of domestic violence, and there were reports of police inaction in cases of domestic violence and sexual assault. According to human rights groups, in one case, a police officer from Zvornik was accused of raping two teenage girls. The father reported the incident to the local police station, but the officers on duty did not record the complaint. When the police finally interviewed the victims, the accused officer was allowed to be present in the room. The IPTF has requested an independent investigation. The OHR reported that in one case, police answering a call about domestic abuse noticed injuries on the woman and her minor daughter, but offered only to take them to the

hospital. The woman, who had previously reported other incidents of abuse to the police, later committed suicide. In Canton 4, a police officer hung up on a midnight call from a daughter calling for help when her father threatened her mother with a knife. No record of the complaint was made. The IPTF has called for an investigation and for disciplinary action against the duty officer.

Trafficking in women from Eastern Europe and the former Soviet Union for the purpose of forced prostitution is a serious and growing problem (see Section 6.f.).

It is illegal to run a brothel, but local police primarily arrest women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse (see Section 6.f.).

There is little legal discrimination against women, and women serve as judges, doctors, and professors; however, a male-dominated society prevails in both entities, particularly in rural areas, with few women in positions of real economic power or political power.

Women have been discriminated against in the workplace in favor of demobilized soldiers, and a small but increasing number of gender-related discrimination cases have been documented. Anecdotal accounts indicate that women and men receive equal pay at socially owned enterprises but not necessarily at private businesses. Women are entitled to 12 months' maternity leave and may be required to work no more than 4 hours per day until a child is 3 years old. However, women in all parts of the country encounter problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. A woman with underage children may not be required to perform shift work.

Children.—The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. The end of the fighting brought a major improvement in the human rights of children. During the war nearly 17,000 children were killed, 35,000 were wounded, and over 1,800 were permanently disabled.

Social services for children are in extremely short supply. Disabled children lack sufficient medical care and educational opportunities. Education is free and is compulsory through the age of 15 in both the Federation and the RS. The most serious issue is the ethnic division of the education system. Students in minority areas frequently face a hostile environment in schools that do not provide an ethnically neutral setting. At times minority children are barred from attending school at all. Local education officials excuse such abuses by claiming that minority children should have their own schools and curricula. Obstruction by politicians and government officials has slowed international efforts to remove discriminatory material from textbooks and enact other needed reforms.

Steps were taken during the year to integrate minority students into some schools. In May approximately 85 Bosniak children who had been attending home schools in Stolac were integrated into the Stolac Elementary School, which previously had taught only Croat children. Similar integration took place in Vares. However, segregation and discrimination are entrenched in Bosnian schools, particularly in religious education (see Section 2.c.). For example, in Sarajevo only Muslim religion classes were offered in public schools, which denied children of other faiths the opportunity to study their own religious traditions in school. In August Romani refugees from Kosovo protested the local authorities' decision that Romani children from the Smrekovica refugee center in Breza could not attend the local primary school. Although the UNHCR had arranged for 60 Romani children from the camp to enroll in a local primary school, the mayor intervened to prevent the children from enrolling, allegedly because of a lack of space at the school. In a compromise, two rooms in the camp were converted into classrooms; however, at year's end the children still were barred from the local school.

There was no societal pattern of abuse against children. Nonetheless, they continue to suffer disproportionately from the societal stress of the postwar era. There have been credible but unconfirmed reports that children are trafficked to work in begging rings (see Sections 6.d. and 6.f.). Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

People with Disabilities.—The Federation Government is required by law to assist disabled persons to find employment and to protect them against discrimination. In the RS, discrimination against the disabled also is prohibited by law. Currently there are few jobs available, and thousands of newly disabled victims entered the job market after the war. The Government has limited resources to address the special needs of the disabled. There are no legal provisions mandating that buildings be made accessible to the physically disabled. There are a number of international NGO's that assist the disabled in the country.

Religious Minorities.—Religion and ethnicity are identified closely in the country. The Interreligious Council, established in 1997 and composed of the main leaders of the country's four major religious communities—Muslim, Serbian Orthodox, Roman Catholic, and Jewish—continued its efforts to promote national reconciliation. The OSCE and the OHR facilitated many interfaith meetings at the local level as well.

However, throughout the country, religious minorities were pressured and were intimidated by the ethnic/religious majority.

On June 25, a Catholic chapel in Zivinice in the RS reportedly was destroyed by an explosive device. Also in June, unknown persons broke into the home of a Catholic priest in Derventa parish.

RS authorities continue to impede the rebuilding of the mosques in the RS destroyed during the war, despite requests from the Muslim community for reconstruction (see Section 2.c.). Religious minorities throughout the country occasionally faced limited interference from the authorities in their right to worship freely. However, Catholic priests reported that they were able to conduct masses in the RS with little or no problems.

National/Racial/Ethnic Minorities.—Claimed “ethnic differences” were used to justify the war and remain a powerful political force in the country. Although some politicians still support the concepts of a “Greater Serbia” and a “Greater Croatia,” mixed communities exist peacefully in a growing number of areas, including Sarajevo and Tuzla. The SDS, HDZ, and to a lesser extent the primarily Bosniak SDA sought to manipulate the movement of persons and the access to housing and social services that they control to ensure that the ethnic groups with which they are associated consolidate their position in their respective geographic regions. Some hard-line local authorities in the eastern RS sought to keep information regarding the right to return and conditions in return sites from reaching displaced persons in their areas, so as to dissuade them from attempting to return to their former homes.

In 1998 the RS passed new property legislation establishing a claims process at the municipal level. The High Representative extended the deadline to file claims on socially-owned apartments until April 19. In addition in October 1999, the OHR issued a series of decrees amending a number of property laws in both entities to provide all citizens just and equal protection of their property rights, which is considered essential in order for IDP's to return to their former homes.

Despite hopeful signs in some areas, harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems included desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, assaults, and, in some cases, killings (see Sections 1.a. and 1.c.).

On April 11, a group of Bosniaks attacked five Romani men in Banovici, reportedly because the Bosniaks believed the Roma had voted for a nonnationalist political party in the municipal elections. Amnesty International reported that local police present at the scene made no effort to protect the Roma.

Ethnic tensions remained high in Brcko. In mid-October, about 1,000 Bosnian Serb students staged violent protests for 3 days to demand separate schools from those of Muslims and Croats. The protests began after a group of Bosnian Serb students beat a Bosniak student; after the beating, Bosniak students demanded better security and Serb students began calling for separate schools. Currently, Serb and Bosniak students share high school buildings but attend classes in two shifts.

Bosnian Serb and Croat politicians seek to increase the ethnic homogeneity of the population in areas they control by discouraging IDP's of their own ethnicity from returning to their prewar homes if they would be in the minority there. Hard-liners also encourage members of their groups currently living in areas where they are minorities to move to areas where their ethnic group is the majority. Hard-line Bosnian Croats continued to discourage some Croat returns to central Bosnia and actively have recruited displaced Croats to resettle in Herzegovina; however, this intimidation has decreased and 4,147 Croats returned to Central Bosnia Cantons during the year. Although the new RS Government officially supports the right to return, it continues to obstruct returns on many levels. Bosniak authorities appear tacitly to support some Bosniak resettlement efforts, including resettlement of returnees, in “strategic” areas of the Federation where Bosniaks are in the minority.

In some cases, opponents of refugee returns used violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. In mid-December in the RS, the house of a Bosnian Croat returnee from Croatia was stoned by hard-line Croats opposed to his return. While incidents of violence have decreased due to improved security and freedom of movement, other forms of discrimination have not. In particular discrimination in employment and education are now key obstacles to sustainable returns. Widespread firing of ethnic

minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often are hired over former employees who are minorities. Favoritism is also shown to veterans and families of those killed during the war. There recently have been more reported cases of employment discrimination based on political affiliation.

Vague provisions in the labor law passed in the Federation in October 1999 allowed employers to create barriers for minorities seeking to regain employment. Amendments passed in August clarified the law; however, the authorities did not enforce it consistently and discrimination persists. There were no provisions in RS law to prevent discrimination in hiring and firing outside the Constitution until passage of a labor law in September. Several court cases regarding discrimination are pending; however, workers seldom obtained protection from the courts, which barely function.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest method to obtain, retain, or regain employment, especially in the management of socially owned enterprises. Membership also was influential in obtaining or keeping housing (see Section 2.b.).

Section 6. Worker Rights

a. The Right of Association.—The Constitutions of the Federation and the RS provide for the right of workers to form and join unions, as do recently passed labor laws in both entities. There are no legal restrictions on who may join unions, and the right of minority workers to join unions is protected in both entities. However, in practice union membership in the RS is overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats have informal labor organizations in areas where they are the dominant ethnic group, but generally are represented by the Federation union. A joint-entity union has been established in the district of Brcko. Union membership is mandatory for officially employed workers in the RS; in the Federation, approximately 70 percent of the official workforce is unionized.

Unions legally are independent of the Government and political parties, but are highly politicized. There are no legal restrictions on forming new unions; however, in practice one union confederation in each entity represents all workers. A new confederation of trade unions tried to register with the Federation, but was unsuccessful due to political interference by the established confederation. In the RS, the sector-based branches of the union confederation have become increasingly independent, and one branch successfully has broken off from the umbrella organization.

Unions have the right to strike and increasingly have used that right to pressure for payment of overdue salaries or wages, protest or demand changes in management, and voice their opinion on economic reform and government policy. Indeed, protest is often the only way to compel the payment of salaries or wages. Most strikes are legal; however, the Government claimed that some were illegal (on the grounds that they were not announced far enough in advance, or 48 hours) in an attempt to avoid negotiations. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited. There were several major strikes, including those by teachers and health care workers, due to arrears in salaries of several months or more.

The Government was found to be in violation of ILO Convention 111 (on employment discrimination) and 158 (on termination of employment) in November 1999 because of its failure to act in the case of workers at Aluminj Mostar who were dismissed because of their non-Croat ethnicity during the war. Aluminj Mostar has protested the ILO ruling, arguing that it did not have the opportunity to respond to the union complaint.

Both the Federation and RS passed comprehensive labor legislation in August and September as part of loan conditions established by the World Bank and the International Monetary Fund. This legislation brings the legal code in line with most international standards; however, implementing provisions were not in place by year's end.

Unions are free to form or join federations or confederations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective agreement in the Federation; however, collective bargaining rarely is used. The substantial number of government employees, particularly in the RS, permits the Government to remain highly influential in determining the overall level of wages in each entity.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with ILO standards. However, discrimination continues (see Section 5).

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children; however, women and girls were trafficked for the purpose of forced prostitution (see Section 6.f). The country is a major transit point for illegal immigrants; the International Organization for Migration (IOM) confirmed one case of a man being trafficked for forced labor and held against his will (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children in the Federation and in the RS is 15 years. The law on labor prohibits children from performing hazardous work, such as night work. Child labor is not known to be a problem; however, children sometimes assist their families with farm work and odd jobs. Children are covered under the Constitution's prohibition against forced or compulsory labor, and such practices are not known to occur (see Section 6.c.). There have been credible but unconfirmed reports that children are trafficked to work in begging rings (see Section 6.f.). Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The minimum monthly wage in the Federation is \$100 (200 KM); in the RS it is \$32 (65 KM). The minimum wage was insufficient to provide for a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions.

The legal workweek is 40 hours, and overtime pay is required by law; however, "seasonal" workers may work up to 60 hours per week. Rest and vacation rules exceed international standards. For example, women are allowed 1 year of maternity leave.

Occupational safety and health regulations generally are ignored because of the demands and constraints imposed by an economy devastated by war. Neither entity has completed passage of new laws to enforce international worker rights standards. Workers cannot remove themselves from hazardous working conditions without endangering their continued employment.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons, and trafficking in women for the purpose of forced prostitution is a serious and growing problem. The country is mainly a destination point, and to a lesser extent an origin and transit point, for women and girls who are trafficked for the purpose of forced prostitution. Most victims are from Eastern Europe and the former Soviet Union. A significant number of women are manipulated or coerced into situations in which they work in brothels in conditions close to slavery. The country is extremely vulnerable to trafficking in persons, because of weak laws, almost nonexistent border controls, and corrupt police who are bribed easily. As many as 5,000 trafficked women may be working in the country. Previous estimates of the problem by the Office of the U. N. High Commissioner for Human Rights (OHCHR) were overinflated due to unavailability of hard statistics; however, credible sources report that the problem is growing. From March 1999 to January 2001, there were 384 confirmed cases of women trafficked for sexual exploitation; 236 women were returned to their home countries. The IPTF reports that they have encountered approximately 4,000 women in their raids of bars and estimate that 10 percent of the women have been trafficked. The IOM confirmed two cases of Bosnian women who were trafficked to other countries. Organized crime elements control the trafficking business.

The majority of trafficked women in Bosnia come from Moldova, Romania, and Ukraine, but also come from Russia, Belarus, Kazakhstan, and Bulgaria. The ages of the trafficked women averaged 22.8 years, ranging between 16 and 33 years of age. Less than 5 percent of the women were minors. Many of these women were lured by the promise of well-paying jobs abroad, and came in hope of improving their socioeconomic situation. Many women responded to advertisements that offered work in Italy or Germany as dancers, waitresses, and domestic servants. Most of the trafficked women cross through Yugoslavia or Hungary before entering the country. Many of them are sold in Belgrade, and from there are smuggled across the Drina river at Zvornik and Bijeljina into the country. Some traffickers brought in the women and girls specifically to work in the country's brothels. For a variety of reasons, traffickers stranded or abandoned some women en route to other countries. Some women are trafficked to Croatia to work as prostitutes there or to be trafficked to other countries. Trafficked women often are sold several times between different bar owners after arriving in Bosnia. Prices vary between \$500 and \$1,500 (1,000 to 3,000 KM) per woman, and the women often are expected to repay their "owners" this amount out of their allotted share of the earnings. There have been

reports of trafficked women being physically and sexually assaulted, denied food, and threatened. A significant proportion of the traffickers is female.

There have been credible but unconfirmed reports that children (boys and girls) are trafficked to work in begging rings, mainly in Sarajevo (see Sections 5 and 6.d.).

It is illegal to run a brothel, but local police arrest primarily women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse. Authorities generally treat prostitution as a minor violation committed by the woman involved; however, the police do not charge employers or customers with any crimes. In most cases, the police do not conduct thorough investigations against the bar owners and others involved in the recruitment, transportation, and movement of such women, and prosecutions of those involved are rare. Women convicted of prostitution may be fined, imprisoned for 60 days, or deported. In the fall of 1999, the OHR issued directives governing police raids on brothels to ensure that trafficked women were provided assistance. While these directives reportedly have been followed, raids are infrequent. The country's deportation laws permit local police to release trafficked individuals in neighboring jurisdictions or across the border in Croatia. Police in Bihac, Gradacac, and Tuzla have broken up trafficking rings in recent years and deported the women. It is estimated that there are some 300 to 600 brothels in the country. Brothel operators reportedly earn \$50 (100 KM) per hour per woman; in some cases women forced to work in brothels reportedly receive as little as \$13 (25 KM) per month for personal expenses and are forced to find other money (often through begging) for essentials, including condoms. Other prostitutes reportedly earn \$100 (200 KM) per month. Police in the Federation and the RS arrested and deported Russian and Ukrainian women working as prostitutes.

Police officials in Brcko have been removed from office for involvement in prostitution, and there are allegations that police officers in other cities also may be involved. A May report by UNMBIH and the Office of the U.N. High Commissioner for Human Rights documented evidence of complicity by local police, international police, or SFOR in 14 out of 40 cases that it investigated between March 1999 and March 2000. In one case, an SFOR civilian paid \$3,057 (7,000 KM) to purchase two women from a brothel owner. On the basis of his misconduct, the man was relieved of his duties and barred from the SFOR area of operations; he left the country and no further action was taken.

In many cases women are afraid to testify against their traffickers and the judicial system offers them little protection. There are no witness protection programs for women who testify against their traffickers. There have been confirmed reports of witnesses being threatened in court despite the presence of local police and international representatives. Local officials have been slow to bring charges of intimidation.

The country is also a major transit point for illegal immigrants, and the IOM confirmed one case of a man being trafficked for forced labor and held against his will (see Section 6.c.).

The Government has done very little to combat the problem of trafficking. However, the IOM and several NGO's, both local and foreign, are addressing the issue. The IOM has established a program to repatriate trafficked women who seek to return home. As of November, nearly 160 women had been repatriated through IOM's program. There are a number of shelters that house trafficked women while they await return to their countries of origin.

The IPTF works with local police forces to free trafficked persons and to crack down on traffickers. However, there have been very few arrests to date. On October 30, Sarajevo Interior Ministry officers raided a nightclub and arrested 3 persons allegedly involved in trafficking the 17 women who were found there.

BULGARIA

Bulgaria is a parliamentary republic ruled by a democratically elected government. President Petar Stoyanov of the Union of Democratic Forces (UDF) began a 5-year term of office in January 1997 following his election in late 1996. UDF leader Ivan Kostov currently serves as Prime Minister. The judiciary is independent but suffers from corruption and continues to struggle with structural and staffing problems.

Internal security services are the responsibility of the Ministry of the Interior and include the National Police, the National Service for Combating Organized Crime, the National Security Service (civilian domestic intelligence), the National Gendarmerie Service (paramilitary police), and the Border Police. Although government con-

trol over the police is improving, it still is not sufficient to ensure full accountability. The Special Investigative Service (SIS), which provides investigative support to prosecutors on serious criminal cases, is a judicial branch agency and therefore not under direct government control. Some members of the police committed serious human rights abuses.

The country is in transition from an economy dominated by loss-making state enterprises, concentrated in heavy industry, to one dominated by the private sector. Around 80 percent of state assets destined for privatization—including enterprises in the chemicals, petroleum processing, and metallurgy sectors—have already been sold in a process that featured uneven degrees of transparency. Principal exports are agricultural products, tobacco products, chemicals and metals, although light industry—including textiles and apparel—is growing in importance. The private sector accounts for approximately 60 percent of gross domestic product (GDP). Following a severe economic and political crisis in early 1997, a reformist government introduced a macroeconomic stabilization program based on a currency board. The program succeeded in bringing down inflation from triple digits in 1996–97 to only 6.2 percent in 1999. The economy grew by 3.5 and 2.4 percent in 1998 and 1999, and the Government forecasts more robust growth over the next several years. Between 4 and 5 percent growth was forecast for the year. The annual per capita GDP of \$1,600 provides a relatively low standard of living.

The Government generally respected the human rights of its citizens; however, several serious problems remained in some areas, while there were improvements in a few others. The authorities were responsible for extrajudicial killings; police were responsible for the deaths of at least five persons during the year, and a Bulgarian military officer was accused of responsibility for the death of a conscript recruit. Security forces beat suspects and inmates and often arbitrarily arrested and detained persons. Problems of accountability persist and inhibit government attempts to end police abuses. Conditions in many prisons and detention facilities were harsh, and there remained some instances of prolonged pretrial detention, although the Government has noticeably improved its performance in preventing defendants' period of pre-trial detention from exceeding the statutory limit (normally 1 year). The judiciary is underpaid, understaffed, and has a heavy case backlog; corruption is a serious problem. The Government infringed on citizens' privacy rights. There were no reports of police abuse of journalists, although there were several unexplained incidents of violence against journalists by unknown parties. Constitutional restrictions on political parties formed on ethnic, racial, or religious lines effectively limit participation for some groups. Police, local government authorities, and private citizens continued to obstruct the activities of some nontraditional religious groups. Violence and discrimination against women remained serious problems. Discrimination and societal violence against Roma were serious problems, resulting in one death. Because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Romani children. Security forces harassed, physically abused, and arbitrarily arrested and detained Romani street children. Child labor was a problem. Trafficking in women and girls was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, law enforcement or military personnel killed at least six persons, of which one was a member of the Roma ethnic minority.

The Ministry of Interior Act regarding the use of firearms by law enforcement officials permits them to use firearms to apprehend persons committing crimes or who have committed crimes, even if the crimes are only minor. Law enforcement officers also may use firearms to stop the escape of a person who has been arrested for any crime.

On March 4, a police officer shot and killed Boyan Yovchev in Varna. The police officer was indicted by the military prosecutor for negligent homicide, which carries a maximum penalty of 5 years imprisonment. The defendant reached a plea bargain agreement, received a 2-year suspended sentence, and was fired from the police force.

On June 14, Miroslav Marinov died in the hospital from injuries sustained while in police custody in Vratsa. Marinov had been released from police custody shortly before his death, and reportedly told family and friends before he died that he had been beaten severely by police. A police inquiry in response to the complaint concluded that there was no evidence that police officers were responsible for Marinov's death; no charges were filed.

On July 5, Trycho Lyubomirov, a 19-year-old Roma man suspected by police of car theft, was shot and killed by police in Sofia, reputedly while attempting to flee police custody. Witnesses alleged that Lyubomirov was in handcuffs at the time that he was shot, according to human rights monitors. A police officer involved in the incident was charged by the military prosecutor with negligent use of a firearm, which carries a maximum penalty of 5 years imprisonment. The case was awaiting trial at year's end.

On August 5, Emil Arnudov of Asenovgrad was beaten severely by two on-duty policemen after he allegedly caused a disturbance in a bar. He died of his injuries on August 15. One policeman was charged with homicide by the military prosecutor as a result of the incident, and remains in custody pending trial. The second policeman was cleared of responsibility. The regional police chief received a reprimand.

On November 17, Rebin Yumer Mohamed, a 16-year-old Iraqi national of Kurdish heritage, was shot and killed by border police in an attempt to illegally cross the border into Bulgaria. Authorities stated that the boy was hit by a stray bullet, after a border patrol officer fired warning shots into the air. Mohamed was 1 of approximately 100 Kurdish refugees who were apprehended attempting the crossing. The shooting was ruled justifiable by the military prosecutor.

On November 21, Dimitur Dimitrov, a conscript soldier, died of asphyxiation while running laps while wearing a gas mask. He reportedly had been ordered to do this by his commanding officer as punishment for tardiness. An investigation into the incident was pending at year's end.

On July 28, Dimitrichka Marinova, a 41-year-old Roma woman, was shot and killed by a private security guard in the town of Dolni Chiflik, while trespassing in an apricot orchard. Police initially reported the shooting as accidental. The guard was later convicted and received a 2-year suspended sentence in a plea bargain agreement.

The case of the 1999 killing of Gancho Vuchkov was closed without an indictment. There were no developments in the 1999 killing of Tancho Vasev. There were no developments in the investigation of the death of Kostadin Sherbetov, who died in police custody in 1999.

The police officer sentenced in the 1998 killing of Yordan Yankov had his prison sentence reduced on appeal to a suspended sentence. The monetary damage penalty was allowed to stand. There were no developments in the 1998 killing of Tsvetan Kovatchev.

Two police officers involved in the 1997 beating death of Mincho Surtmachev each had their sentences reduced on appeal. One was acquitted and released by the court, while the second received a 4-year sentence, of which he served 2 1/2 years and then was released. The court confirmed the monetary damage award to the victim's family of approximately \$3500 (7000 leva). These cases are now closed.

Two suspects are known to remain under active investigation for the 1996 murder of former Prime Minister Andrey Lukanov. Police arrested one man suspected of being the killer, who remains in police custody while the case is being investigated. Angel Vasiliev, who is suspected of ordering the murder, has been released from police custody after spending 1 year in jail, but reportedly remains under investigation.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture and cruel, inhuman, or degrading treatment; however, despite this prohibition, police commonly beat criminal suspects and members of minorities, at times to extract false testimony. In particular security forces physically abused street children, the majority of whom are Roma.

Police are allowed to shoot any fleeing criminal suspect. On January 11, police shot and seriously injured Stefan Yordanov, a Romani man, in Burgas District. A nongovernmental organization (NGO) filed a complaint with the Regional Military Prosecution of Sliven; however, the Sliven prosecutor refused to open an investigation.

On April 29, according to unconfirmed NGO reports, a 16-year-old Rom, Tsvetalin Petrov, suffered third-degree burns after allegedly being doused with an inflammable liquid and set on fire while in custody in the Vidin police station. Petrov had been arrested for breaking and entering and theft near Vidin. Police claimed Petrov was set on fire by an unknown perpetrator. An investigation is pending with the military prosecutor's office.

On May 10, Atanas Dzhambazov, a 14-year-old Roma, was shot and wounded in the head and arm by a policeman while trespassing on the grounds of a factory near Sliven. Dzhambazov was taken to the hospital by relatives after allegedly being left at the scene by the police officer. An August 20 decision by the Sliven Military

Court found the policeman, Surchanoy, guilty of negligence and imposed a fine of about \$250 (500 leva). A civil lawsuit was pending at year's end.

On August 6, an NGO reported that police officers severely beat Orhan Ahmedov and Marin Georgiev, two Romani men from Varbitsa. Ahmedov and Georgiev filed a complaint at the Sliven Regional Police Department. The next day the two men obtained medical certificates documenting their injuries and filed a complaint with the Regional Military Prosecutor's Office of Sliven. In August the Military Prosecutor's Office opened a criminal investigation; the case remained pending at year's end.

There were no reports of police abuse of journalists; however, there were several unexplained instances of violence against journalists by unknown persons (see Section 2.a.).

According to Ministry of Interior (MOI) data, 20 cases of police brutality were confirmed for the period January 1 to June 30, out of a total of 179 complaints of police brutality filed. The police generally have refused to make investigative reports available to the public. The MOI statistics reflect only those complaints registered by the alleged victims. Human rights monitors report that they receive many more complaints from persons who are too intimidated to lodge an official complaint with the authorities.

Reports continue that criminal suspects in police custody run a significant risk of being mistreated, most often during the initial interrogation. The Bulgarian Helsinki Committee (BHC) conducted a survey in prisons of incarcerated persons arrested after January 1 and found that 49 percent (compared with 51 percent in 1999) of interviewed prisoners reported that police officers used physical force against them during arrest; 44 percent (compared with 53 percent in 1999) reported mistreatment at police stations. Romani prisoners reported being abused more frequently than other prisoners. Very seldom are allegations of police abuse properly investigated nor are the offending officers consistently punished. In particular the Military Prosecutor's office has not investigated incidents of alleged police abuse thoroughly or expeditiously.

Crime and corruption remained primary concerns of the Government during the year. It is too early to judge the long-term effects of changes in the Criminal Procedure Code, which became effective on January 1. These changes reduced the size of the SIS while reserving to it the responsibility for handling the most serious crimes. At the same time, many investigative duties were devolved to the police and the Government made a significant effort to provide training in investigative techniques to police officers. The criminal justice system is still in transition and questions about its effectiveness remain: It is not always clear exactly what duties the SIS has in fact retained, and there is little evidence that devolution of powers to police yet has resulted in increased numbers of completed investigations.

Observers have noted modest improvement in the efficiency of moving cases through the criminal system, although many serious systemic flaws remain. The police struggled without result over the difficult issue of how to resolve a large backlog of outstanding investigation cases, some as much as 10 years old, which they inherited from the former pre-reorganization investigative service.

There were several incidents of violence and harassment by private citizens of Roma during the year (see Section 5).

Many observers allege that some members of the police, particularly in remote areas, are complicit in trafficking in persons, mostly women and girls for the purpose of forced prostitution (see Sections 6.c., 6.d., and 6.f.).

Conditions in some prisons are harsh and include severe overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. The SIS's parallel network of jails and prisons contains many of the harshest detention facilities. NGO prison monitors reported that brutality committed by prison guards against inmates continued to be a problem. Prison authorities sustained their battle against tuberculosis (TB), instituting a new procedure for regular testing. The overall magnitude of the TB problem remained steady during the year. The process by which prisoners may complain of substandard conditions or of mistreatment does not function effectively.

The Government generally cooperated with requests by independent observers to monitor conditions in most prisons and detention facilities. However, unlike last year's relatively free access to SIS detention facilities, which was granted for the first time in 1999, human rights observers began to encounter significant procedural roadblocks to obtaining access. These administrative obstacles, while not denying access outright, dramatically increased the difficulty and amount of staff time on the part of observers necessary to secure access. Human rights monitors continued to enjoy good access to regular prisons. Observers still are prohibited from interviewing detainees in the SIS facilities, unlike in regular prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for protection against arbitrary arrest and detention; however, police often arbitrarily detain and arrest street children, the majority of whom are Roma.

The Constitution provides for access to legal counsel from the time of detention. However, a 1999 survey of prisoners conducted by the Bulgaria Helsinki Committee (BHC) found that 54 percent of prisoners complained that they had no lawyer present during preliminary investigations. BHC believes this figure remained broadly valid during the year. Police normally obtain a warrant from a prosecutor prior to apprehending an individual; otherwise, in emergency circumstances police may detain individuals for up to 24 hours on their own authority; however, authorities must rule on the legality of such detention by the end of that time period. If the person is released without being charged before the 24-hour period elapses, there is no judicial involvement in the case. Human rights observers charge that police commonly handle minor offenses by arresting the suspect, beating him, and releasing him within the 24-hour period. Defendants have the right to visits by family members, to examine evidence, and to know the charges against them. Charges may not be made public without the permission of the Prosecutor General. In the interests of a speedy trial, investigations now are prescribed by law to last no more than 2 months under normal circumstances, although this period may be extended to 6 months by the head regional prosecutor, and up to 9 months by the Prosecutor General.

The Government noticeably improved its record during the year in observing the statutory limit of 1 year of pre-trial detention (or 2 years in the case of the most serious crimes). While human rights lawyers noted some continuing violations of this policy, increasingly these situations have become uncommon exceptions rather than common practice. A legal consensus also seems to have emerged that the pre-trial detention limits apply cumulatively to all of the separate periods of detention, in cases where defendants' cases have been sent to the courts for review, and returned to prosecutors for further investigation. This is a change from earlier practice, when such a situation restarted the clock on the defendant's pretrial detention. A remaining loophole is that many cases may be formally deemed to be in the "on-trial" phase for an extended period of time. This occurs when a case file has been presented to the court by prosecutors, but has not yet been acted upon by the judge. Cases may, not uncommonly, languish for months in this situation, while the defendant remains in custody. The Ministry of Justice reported that as of year's end, there were 947 accused persons in pre-trial detention, 1,110 defendants incarcerated while in the "on trial" phase, and 7,514 convicted prisoners. Among the changes recently made to the Criminal Procedure Code was increased oversight by judges of pre-trial detention and conditions of bail. Under the new rules, only judges may determine the necessity of holding suspects in custody and to set bail.

In the event of a conviction, the time spent in pretrial detention is credited toward the sentence. The Constitution provides for bail, and some detainees have been released under this provision, although bail is not used widely.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—Under the Constitution, the judiciary is granted independent and coequal status with the legislature and executive branches; however, the judiciary continues to struggle with problems such as low salaries, understaffing, antiquated procedures, corruption, and a heavy backlog of cases. Partly as a legacy of communism and partly because of the court system's structural and personnel problems, many citizens have little confidence in the judicial system. Human rights groups complain that local prosecutors and magistrates sometimes fail to pursue vigorously crimes committed against minorities. Many observers believe that reforms are essential to establish a fair and impartial, as well as efficient, judicial system. The Government began an ambitious training program to upgrade the expertise of the judiciary with the help of international donor organizations during the year.

The court system consists of regional courts, district courts, and Supreme Courts of Cassation (civil and criminal appeal) and Administration. A Constitutional Court, which is separate from the rest of the court system, is empowered to rescind legislation that it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers between the various branches of government. Military courts handle cases involving military personnel (including police personnel) and some cases involving national security matters. The Constitutional Court does not have specific jurisdiction in matters of military justice.

Local observers contend that organized crime influences the prosecutor's office. Few organized crime figures have been prosecuted to date, but in 1997 the Government made the battle against organized crime a priority and reformed the Penal

Code to that end. The Ministry of Interior has requested and received assistance from Western countries in its efforts to close legal loopholes and strengthen enforcement capabilities against criminal economic groupings engaged in racketeering and other illegal activities.

Judges are appointed by the 25-member Supreme Judicial Council and, after serving for 3 years, may not be removed except under limited, specified circumstances. The difficulty and rarity of replacing judges virtually regardless of performance often has been cited as a hindrance to effective law enforcement. The 12 justices on the Constitutional Court are chosen for 9-year terms as follows: One-third are elected by the National Assembly, one-third appointed by the President, and one-third elected by judicial authorities.

The Constitution stipulates that all courts shall conduct hearings in public unless the proceedings involve state security or national secrets. There were no reported complaints about limited access to courtroom proceedings. Defendants have the right to know the charges against them and are given ample time to prepare a defense. The right of appeal is provided for and is used widely. Defendants in criminal proceedings have the right to confront witnesses and to have an attorney, provided by the state if necessary in serious cases.

Human rights observers consider "Educational Boarding Schools" (formerly known as "Labor Education Schools") to which problem children can be sent as little different from penal institutions. However, since the schools are not considered prisons under the law, the procedures by which children are confined in these schools are not subject to minimal due process. Several human rights organizations have criticized this denial of due process. Children sometimes appear alone despite the requirement that parents must attend hearings; the right to an attorney at the hearing is prohibited expressly by law. Decisions in these cases are not subject to judicial review, and children typically stay in the Educational Boarding Schools for 3 years or until they reach majority age, whichever occurs first. In late 1996, the Parliament enacted legislation that provided for court review of sentencing to such schools, set a limit of a 3-year stay, and addressed other problems in these institutions (see Section 5). Human rights activists dismiss this court review provision as a formality, since the child is not present to speak on his or her own behalf (nor is the defense lawyer or the child's parents).

There was no progress in a case begun in 1993 relating to the forced assimilation and expulsion of ethnic Turks in 1984–85 and 1989. Further action on this case now appears unlikely ever to take place.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, the right to choose one's place of work and residence, and the freedom and confidentiality of correspondence, and government authorities generally respect these provisions.

One NGO complained that the Minister of Interior's discretionary authority to authorize telephone wiretaps and electronic listening devices without judicial review in certain instances is excessive. Although it is unknown to what extent this authority is employed, highly-publicized media accounts during the year highlighted the Government's employment of electronic surveillance. A public scandal ensued when a listening device was discovered in the home of the Prosecutor General, although the government denied that the device had ever been actively employed.

The Bulgaria Helsinki Committee also has alleged that warrants to investigate suspects' private financial records sometimes are abused to give police broad and openended authority to engage in far-ranging investigations of a suspect's family and associates. There are regular, albeit not conclusive or systematic, reports of mail, especially foreign mail, being delayed or opened.

Traffickers in persons use threats against women's families and family reputations to ensure obedience (see Sections 6.c. and 6.f.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. A variety of media outlets presents a broad spectrum of opinion; however, the Government exerts an undue influence on the media via official channels such as the National Council for Radio and Television (NCRT), a quasi-governmental body that governs national media and regulates private broadcasters, and through less direct means such as steering advertising revenue away from media outlets that are critical of government policies. Surveys show that significant numbers of journalists feel constrained in their reporting because of government influence. One-third of journalists surveyed claimed that they had received outside pressure of some sort, whether from government officials or business interests, in response to material they had

written or broadcast. Prosecutors are regarded widely as wielding an intimidating influence over journalists who are critical of the judicial process. A variety of newspapers are published freely by political parties and other organizations representing the full spectrum of public opinion. Journalists frequently color their reports to conform with the views of their owners.

There were several instances of violent attacks on journalists, including physical assaults and bombings of newspaper offices, although no individuals have been seriously injured. In none of the cases have the perpetrators or their motives been uncovered. In February a reporter for the news weekly *Kapital* who frequently reports on the judicial system and on military affairs had his car blown up in front of his home; no one was injured in the explosion.

Libel is punishable under the Criminal Code. In March the Parliament enacted modified amendments to the Penal Code, after President Petar Stoyanov had vetoed the original version in January. Responding to the President's concerns, the Parliament reduced the fines for libel and defamation by half to approximately \$7,000 (15,000 leva). Even this reduced fine remains a heavy penalty in the context of the country's economy. The new provisions did eliminate imprisonment as a penalty for libel. Journalists charged with libel or defamation also have reduced rights of appeal for libel sentences under the new law. Libel remains, under the new law, a criminal offense, as opposed to a matter of civil law, and makes losing defendants criminal convicts. However, press freedom monitors reported that the courts generally are embracing a more enlightened view of libel than in the past and are recognizing the principle of "true facts and free comment" as being legitimately within the bounds of journalistic expression.

In February the Interior Minister filed a libel suit against the editor in chief of the Kyustendil-based newspaper *Nova Bulgaria*, which had alleged in print that the Minister, prior to assuming office in the Interior Ministry, had defended a company involved in illegal activities. The Minister later withdrew the charges.

In June Parliament enacted a new Law on Access to Public Information, with the ostensible purpose of establishing broader public access to government information. The law has been criticized widely; however, for being vague in its provisions and enabling arbitrary denials of information. A majority of journalists believe that the new law actually hampers rather than facilitates public access to information.

There are 261 electronic media outlets in Bulgaria, which represents a 60 percent increase in the number of radio and TV stations since last year. The number of television outlets that broadcast news and public affairs programming has more than doubled from 54 in 1999 to 124 during the year, and the number of radio stations reached 123. In April the Government awarded a license for the first privately-owned television channel with nationwide coverage to the Balkan News Corporation, a company owned by Rupert Murdoch. The appearance of the new station, though still in its infancy, reanimated the competitive market for broadcast journalism talent in the country, and has spurred new programming initiatives from Bulgarian National Television (BNT). In August the State Telecommunications Commission (STC) launched a competition for a second nationwide private TV channel. The new license was awarded in October. The STC also launched a competition for licensing the first nationwide private radio station. The procedure for licensing private radio stations is undergoing regulatory changes expected to be finalized in early 2001. Some private radio stations complained that government policies allocating transmission strength on the monopoly state-owned radio transmission network gives the Bulgarian National Radio programming an unfair advantage.

Television and radio news programs on the state-owned media present opposition views, but opposition members claim that their activities and views are given less broadcast time and exposure than the those of the ruling party. There are no formal restrictions on programming; both television and radio provide a variety of news and public interest programming.

Bulgarian National Television launched Turkish-language newscasts for the first time on October 2, for the benefit of the country's ethnic Turkish minority. Local affiliates of Bulgarian National Radio broadcast limited Turkish-language programming in regions with ethnic-Turkish populations.

Foreign government radio programs such as the British Broadcasting Corporation, Deutsche Welle, Radio Free Europe, and the Voice of America have good access to commercial radio frequencies.

Private book publishing remained unhindered by political considerations.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to peaceful assembly, and the Government generally respected this right in practice. The authorities require permits for rallies and assemblies held outdoors, but most legally registered organizations routinely were granted permission to as-

semble. Vigorous political rallies and demonstrations were a common occurrence and generally took place without government interference.

The Government has undertaken to respect the rights of individuals and groups to establish freely their own political parties or other political organizations; however, there are constitutional and statutory restrictions that restrict the right of association and limit meaningful participation in the political process. For example, the Constitution forbids the formation of political parties along religious, ethnic, or racial lines and prohibits "citizens' associations" from engaging in political activity. This provision is designed to prevent the development of parties based on a single ethnic or other group that could prove divisive for national unity by stirring up ethnic tension for political purposes. Nonetheless, the mainly ethnic Turkish Movement for Rights and Freedoms (MRF) is represented in Parliament. The other major political parties generally accept the MRF's right to participate in the political process. Additionally, the mainly ethnic Roma "Free Bulgaria" party has been allowed to operate freely and has achieved some success in local elections.

The Constitution also prohibits organizations that threaten the country's territorial integrity or unity, or that incite racial, ethnic, or religious hatred. The Government has refused since 1990 to register a self-proclaimed Macedonian rights group, OMO-Ilinden, on the grounds that it is separatist. Aside from its symbolic importance, lack of registration denies the group the status of being a legal entity. This makes it impossible for the organization (in its own name) to make contracts, hire staff, rent or buy office space or meeting space, or other such normal administrative functions. There were no reports of any prosecutions for membership in this group.

On February 29, the Constitutional Court, Bulgaria's final authority on the matter, ruled that the political party United Macedonian Organization (OMO)-Ilinden-Pirin (not the same organization as the similarly named OMO-Ilinden noted above, although there are links between the groups) was unconstitutional on separatist grounds. The court ruled that leaders of OMO-Ilinden-Pirin have advocated the secession of the Pirin-Macedonia region of southwest Bulgaria and its annexation by the former Yugoslav Republic of Macedonia. OMO-Ilinden-Pirin leaders plan to appeal to the European Court of Human Rights.

Notwithstanding the Constitutional Court decision, the Government allowed OMO-Ilinden-Pirin to hold public celebrations on Macedonian holidays in April and again in August; however, a similar event was prohibited in September by an order of the regional prosecutor's office.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricts this right in practice for some non-Orthodox religious groups. The legal requirement that groups whose activities have a religious element register with the Council of Ministers restricted the activities of some religious groups prior to or in the absence of registration. Affected groups included the Unification Church and the Church of the Nazarene (which has tried repeatedly to register for more than 5 years). Furthermore, several municipal governments established local registration requirements for religious groups, despite the lack of clear legal authority to do so. In some cases, local authorities used the lack of registration as a pretext for interference with some groups and employed arbitrary harassment tactics against others. Some church groups circumvent the administrative obstacles created by a lack of registration by registering as NGO's. Technically it remains illegal for a church to conduct any religious activities through its NGO-registered organization, although the Government sometimes tacitly allows such groups to conduct worship so long as they keep a very low profile. There are periodic reports of police using lack of local or national registration as a pretext to confiscate signboards and materials, detain or expel religious workers, and deny visas or residence permits to foreign-national missionaries. During the year, the ability of a small number of religious groups to conduct services freely came under occasional attack, both as a result of action by local government authorities and because of public intolerance.

The Constitution designates Eastern Orthodox Christianity as the "traditional" religion. The Government provides financial support for the Eastern Orthodox Church, as well as several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths. These groups benefit from a relatively high degree of governmental and public tolerance.

Religious freedom NGO's note with concern a tendency by certain municipalities to enact regulations that may be used to limit religious freedoms if a perceived need arises. For example, the Sofia municipality forbids references to miracles and healing during religious services, a provision that many fear may be employed as a pretext to ban or interrupt services by charismatic evangelical groups. The regulation cites a Communist-era law dating from 1949, which technically still is in effect and which forbids foreigners from proselytizing and administering religious services in

the country. The decree, although subsequently modified in response to NGO objections, is still criticized by religious rights groups as containing provisions that are either discriminatory or ambiguous and open to abuse. Other municipalities have enacted similar regulations. The City Council in Burgas maintained its refusal to register the local branch of Jehovah's Witnesses, despite the fact that they were registered by the central government. The council asked the group to prove that they had not been banned in any European Union country in order to be registered. Plovdiv municipality passed an ordinance that forbade the distribution in public places of "religious materials or pornography." The 1949 law also has been criticized in its own right as an outmoded potential impediment to free religious activity. However, despite the law's continued technical validity, foreign missionaries can and do receive permission to proselytize in the country. A new law on religious activity was pending in Parliament but had not yet been moved to the floor of the National Assembly for a vote by year's end.

In March two members of Jehovah's Witnesses in Turgovishte were detained briefly by police and charged with disruption of public order under a city ordinance for public proselytizing.

In April several missionaries of the Church of Jesus Christ of Latter Day Saints (aka the Mormon Church) in Plovdiv were challenged by police while distributing literature and were required to go to the police station. They were charged with distributing brochures without a license. Also in April, border police refused a member of the Jehovah's Witnesses entry into the country, reportedly on the grounds that she had been deported from the country in 1997 for practicing her then-unregistered faith.

In May a volunteer worker for the Christian Unity Foundation was beaten severely in Maritsa when he attempted to conduct a scheduled screening of a documentary-style film of the life of Jesus Christ. The film itself was stolen from his car. The attack was carried out by six to eight youths, under the apparent direction of a Bulgarian Orthodox priest.

On June 21, members of the Jehovah's Witnesses were expelled from the city of Petrich for distributing literature without being registered with the municipality, although the church does have central government registration.

In July and August, the Mormon Church encountered a number of politically inspired legal and administrative obstacles at the local and regional levels to its efforts to build a new church and administrative center in Plovdiv. One political party in particular, which has several seats on the city council in Plovdiv, led protest marches as well as filing several administrative challenges to the construction. Ultimately with the support of the local mayor, the building was completed.

On December 13, about 2,000 Orthodox clergy and Church members marched in Sofia to protest the Government's refusal to register the Holy Synod headed by Patriarch Maxim. The Government refuses to register the synod citing an administrative court ruling that there are two Orthodox Churches in the country.

There were no developments in the ongoing lawsuit of the Gabrovo schoolteacher who claims that she was pressured to resign because of her Pentecostal faith.

A number of religious groups have complained that foreign missionaries and religious leaders experience difficulties in obtaining and renewing residence visas in the country. The issuance of residence permits appears to be subject to the whim of local authorities. Human rights groups also have protested the cancellation of residence status of several persons on undisclosed national security grounds, alleging that the action was a pretext for religious discrimination.

For most registered religious groups there were no restrictions on attendance at religious services or on private religious instruction. A school for imams, a Muslim cultural center, university-level theological faculties, and religious primary schools operated freely. In December 1999, the Ministry of Education announced that schools would begin offering classes on Islam in regions with a significant Muslim minority, and in December 2000 the implementing decree took effect, with classes beginning in 80 schools starting in January 2001. However, some ethnic Turkish activists have complained that the implementing decree requires that these classes be taught in Bulgarian rather than Turkish. Since 1997 religious classes on the Bible have been available to students whose parents approve such instruction. Bibles and other religious materials in the Bulgarian language were imported and printed freely, and Muslim, Catholic, and Jewish publications were published on a regular basis.

Although previously during compulsory military service most Muslim conscripts were placed in construction units rather than serving in combat-role military units, these units were converted into a state-owned construction firm in August, which no longer employs conscript military labor. It is unclear how this will affect military assignments of Muslim conscripts (see Section 5).

There were no indications that the Government discriminated against members of any religious group in making restitution to previous owners of properties that were nationalized during the Communist regime. The Government in general actively has supported property restitution for the legally recognized organization representing the Jewish community, although the return of two lucrative commercial Jewish communal properties continues to encounter administrative obstacles and legal challenges.

At the Department of Theology of Sofia University, all students are required to present a certificate of baptism from the Orthodox Church, and married couples must present a marriage certificate from the Church in order to enroll in the Department's classes. It remains impossible for non-Orthodox applicants to be admitted to the Department of Theology.

The Government refused to recognize an alternative Patriarch elected by supporters in 1996, and the schism that opened in the Orthodox Church in 1992 continued, despite the death of this alternative Patriarch in April 1999. The Government nevertheless encouraged the feuding factions to heal their prolonged rift. By year's end, these efforts had not met with success.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country and the right to leave it, and these rights are generally not limited in practice; however, there are two exceptions. One exception relates to border zones where access is limited for nonresidents (the border zones extend 1.2 to 3 miles inward from each border). Another exception is the Ministry of Interior policy that denies issuance of an international passport to any Bulgarian citizen who has ever been convicted of any crime, with no statute of limitations. This policy effectively prevents such persons from travelling abroad.

Every citizen has the right to return to the country, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth.

The Government grants asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Law on Refugees, which went into effect August 1, 1999, regulates the procedure for granting refugee status as well as the rights and obligations of refugees. The Agency for Refugees, formerly the National Bureau for Territorial Asylum and Refugees, is charged with following this procedure and cooperating with the U.N. High Commission for Refugees (UNHCR).

The Government provides first asylum. In recent years, domestic and international human rights organizations have expressed concern over the Government's handling of asylum claims and reported that there may have been cases in which bona fide refugees were turned away at the border. No such cases were reported during the year. However, because NGO's lack institutionalized access to the country's borders, it is often difficult for them to monitor the Government's handling of asylum cases. For the first 6 months of the year, the Ministry of Interior reported that 703 persons applied for refugee status. Authorities granted 76 applicants refugee status, while 14 persons were granted temporary humanitarian status. Refugee applications came predominantly from citizens of Armenia (186), Afghanistan (178), and Iraq (130).

The Agency for Refugees reports that it has received 5,938 applications for asylum from its inception in 1993 through December. Of these, 902 persons currently are listed as holding approved asylum or other humanitarian residence status. Domestic and international human rights organizations complain that the adjudication process is slow, but the UNHCR notes that the Agency for Refugees has begun a major restructuring project to reduce the adjudication time to a period of 3 months. The restructuring project itself is expected to take 4 years. In 1997 and 1998, the UNHCR, in cooperation with an NGO, opened three transit centers near the Greek, Turkish, and Romanian borders and assisted the Government with opening a small reception center in Banya. Plans to open a reception center at the Sofia airport continue to be delayed due to a lack of funding. However, the UNHCR currently is working on plans to open a transit center in Kapitan Andreevo, on the border with Turkey.

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

Citizens have the right to change their government and head of state through the election of the President and of the members of the National Assembly, although the constitutional prohibition of parties formed on ethnic, racial, or religious lines has the effect of circumscribing access to the political party process for some groups (see Section 2.b.). Suffrage is universal at the age of 18.

No legal restrictions hinder the participation of women in government and politics; however, they are underrepresented. Women hold just under 11 percent of the seats in the current Parliament. However, a number of women hold elective and appointive office at high levels, including three cabinet-level posts and several key positions in Parliament. The Minister of Foreign Affairs and the leader of the United Democratic Forces parliamentary group (the dominant party in the Government) are both women.

No legal restrictions hinder the participation of minorities in politics, apart from the prohibition of ethnically, racially, or religiously based parties. However, while ethnic Turks' representation in the National Assembly is close to commensurate with their share of population, there was only one Romani Member of Parliament. Both groups are underrepresented in appointed governmental positions, especially leadership positions.

Roma groups are demanding that existing political parties adopt platforms pledging more representation and other improvements for Roma in return for Roma support.

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

Domestic and international human rights groups operate freely, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year. The new Law on Access to Public Information has opened new channels of information which have sometimes proved quite helpful to human rights monitors. In other cases, NGO's have found government offices completely unresponsive to information requests under the public information law. Human rights observers also have experienced some new difficulties in getting information previously easy to obtain, from prosecutors for example, and have reported greater procedural difficulties than in the previous year in gaining access to SIS detention facilities.

The police demonstrated a new level of cooperation with human rights NGO's in providing human rights training to police officers. The National Police Service invited the Bulgaria Helsinki Committee (BHC) to conduct a human rights awareness training seminar with 500 senior police officers (precinct commander and above), with the active participation of the deputy commander of the National Police. Subsequently BHC, the Human Rights Project (HRP), and representatives of the Council of Europe, conducted a smaller training seminar on International Law and Police Practice. In general human rights monitors detected a new receptivity and a more meaningful dialogue on the part of the Government and police officials toward human rights concerns, with one NGO crediting the Interior Minister personally with demonstrating greater openness and attention to the issue. However, this change at senior levels, has not yet resulted in noticeable changes in police practice at the working level.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against Roma and women.

Women.—Violence against women is a serious and common problem, but there are no official statistics on its occurrence. The Animus Association Foundation (AAF), an NGO that offers assistance and support to female victims of violence, estimates that one in five women suffers from spousal abuse. Spousal rape is a crime, but it rarely is prosecuted. According to a survey by a local polling agency, 80 percent of rapes involve a known assailant. The law exempts from state prosecution certain types of assault if committed by a family member, and the Government generally does not assist in prosecuting crimes of domestic assault unless the woman has been killed or injured permanently. Courts and prosecutors tend to view domestic abuse as a family rather than criminal problem, and in most cases, victims of domestic violence take refuge with family or friends rather than approach the authorities. Police often are reluctant to intervene in cases of domestic abuse, even if a woman calls them seeking protection or assistance. No government agencies provide shelter or counseling for victims. In Sofia the NGO Nadya De Center provides shelter to battered women, and AAF opened a new crisis center that provides short-term emergency shelter for female victims of violence. There were 15 crisis centers around the country which provide assistance to women victims of violence at year's end.

NGO observers report a generally improved public attitude toward issues of violence against women in recent years. After several years of activism on the part of various NGO groups, the taboo against acknowledging and talking about domestic violence and violence against women has been broken. Observers also note some increased sensitivity on the part of police to the issue. AAF reports that it now periodically receives client referrals from police, which was unknown in the recent past.

The courts prosecute rape, although it remains an underreported crime because of the stigma which society attaches to the victim. The maximum sentence for rape is 8 years; convicted offenders often receive a lesser sentence or early parole. According to the Ministry of Interior, 254 rapes and 30 attempted rapes were reported during the first half of the year.

During the year, AAF reported that it handled 1,089 cases of domestic violence, 86 cases of sexual violence, and 534 cases or inquiries related to trafficking in women. AAF directly counseled 24 actual returned victims of trafficking. The large increase in the number of cases related to trafficking in women is the result of a major information campaign, organized by the International Organization for Migration, which has publicized more widely the AAF's counseling services (see Section 6.f.). However, the actual incidents of each form of violence is certainly much higher, as these represent those cases in which the victims (or, in some trafficking cases, an overseas women's group) was willing and able to contact AAF. The Association also operates a 24-hour hot line for women in crisis that is staffed by the Association's volunteer counselors, backed up by 13 full-time professional therapists.

In 1997 the Government enacted a law against trafficking in women, and trafficking in women and girls is a serious problem (see Sections 6.c and 6.f.).

Sexual harassment is a problem; it is not illegal.

Many of the approximately 30 women's organizations are associated closely with political parties or have primarily professional agendas. Some observers believe that women's organizations tend to be associated with political parties or professional groups because feminism has negative societal connotations. Of those organizations that exist mainly to defend women's interests, the two largest are the Women's Democratic Union in Bulgaria, heir to the group that existed under the Communist dictatorship, and the Bulgarian Women's Association, which disappeared under communism but has reemerged with chapters in a number of cities.

The Constitution forbids privileges or restrictions of rights on the basis of sex, and women are not impeded from owning or managing businesses, land, or other real property and do not suffer from discrimination under inheritance laws. However, women face discrimination both in terms of job recruitment and the likelihood of layoffs. Official figures show the rate of unemployment for women to be higher than that for men. Women are much more likely than men to be employed in low-wage jobs requiring little education, and the National Statistical Institute reports that as of November, the average salary of a woman was 76.8 percent of the average salary of a man. Statistics show that women are equally likely to attend universities, but they have less opportunity to upgrade their qualifications and generally end up in lower-ranking and lower-paying positions than their male counterparts. Fewer girls than boys are attending school, especially among minorities. Women generally continue to have primary responsibility for child rearing and housekeeping even if they are employed outside the home. Since 80 percent of employed women work in the lowest-paying sectors of the labor force, they often must work at two jobs in addition to their household duties in order to provide for their families. Female-headed households frequently live below the poverty line. There are liberal provisions for paid maternity leave; however, these actually may work against employers' willingness to hire and retain female employees. This is especially noticeable in higher-paying positions in the private sector, where many women with engineering degrees are compelled to work as secretaries.

No special government programs seek to address economic discrimination or integrate women better into the mainstream of society and the economy, although much NGO activity is focused on these activities.

Children.—The Government generally is committed to protecting children's welfare but, with limited resources, falls short in several areas. For example, it maintains a sizable network of orphanages throughout the country. However, many of the orphanages are in disrepair and lack proper facilities. Human rights monitors are sharply critical of the serious deficiencies in all government-run institutions for children, including orphanages, "educational boarding schools" (reform schools), and facilities for the mentally handicapped. These facilities are plagued by inadequate budgets, poorly-trained and unqualified staff, and inadequate oversight. NGO monitors further allege that even food budgets are highly deficient, with many institutions dependent on the uneven flow of private donations to feed their charges.

Government efforts in education and health have been constrained by serious budgetary limitations and by outmoded social care structures. The Constitution provides for mandatory school attendance until the age of 16. However, fewer girls than boys are attending school, especially among minorities.

On September 15, approximately 300 Romani children from the Nov Put Romani neighborhood began the school year by being bussed to one of seven mixed regular schools in the town of Vidin. Starting in the school year 2000/01, Romani children from the settlement have attended nonsegregated schools as a result of local and international nongovernmental initiatives. Educational standards in the all-Romani school in Nov Pat are low, according to NGO reports.

There are few provisions for due process of law for Romani and other juveniles when they are detained in Educational Boarding Schools (formerly Labor Education Schools) run by the Ministry of Education. Living conditions at these reform schools are poor, offering few medical, educational, or social services. Generally, staff members at many such institutions lack the proper qualifications and training to care for the children adequately. Degrading and severe punishment, such as the shaving of a child's head, reduction in diet, severe beatings, and long periods of solitary confinement, are common at the schools. In 1996 the Ministry of Education acknowledged problems at the schools and attributed the cause to a lack of funding. In late 1996, Parliament enacted legislation providing for court review of sentencing to such schools and addressing other problems in the reform school system (see Section 1.e.), but these provisions do not seem to function. The decision to commit a child to an Educational Boarding School is made by a local Commission for Combating Juvenile Delinquency, which is generally not held accountable in any meaningful way to any higher authority. Standards differ among these local commissions in how closely prescribed procedures are followed. Human rights monitors report that in many localities, contrary to law, a child may be held in such a facility for months on the basis of a police referral, before the local commission convenes to make a decision on the case. The U.N.'s Common Country Assessment for Bulgaria reports that children in these facilities "might be subject to physical abuse" and upon leaving these homes "may be emotionally scarred and ill-prepared to face the outside world."

The vast majority of children are free from societal abuse, although some Romani children are targets of frequent skinhead violence and arbitrary police detention; the homeless or abandoned particularly were vulnerable. There are reports that family or community members forced some minors into prostitution (see Sections 6.c. and 6.d.). Police made little effort to address these problems. Some observers believe that there is a growing trend toward the use of children in prostitution, burglaries, and narcotics distribution. Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c., 6.d., and 6.f.).

People with Disabilities.—Disabled persons by law receive a range of financial assistance, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs. However, as in other areas, budgetary constraints mean that such payments occasionally fall behind. Disabled individuals have access to university training (since 1999 students with disabilities must pay the university's initial application fee but are exempt from semester fees if accepted) and to housing and employment; however, architectural barriers are a great hindrance in most older buildings, including schools and universities. Problems of general unemployment and economy undermine initiatives aimed at advancing equal opportunity for the disabled. The great majority of the disabled are unemployed.

Labor laws intended to protect the interests of the disabled and create greater employment opportunity sometimes have a mixed effect. On one hand, the law provides incentives for small firms to hire disabled workers. For example, the Bureau of Labor pays the first year's salary of a disabled employee. On the other hand, workers with disabilities are entitled to shorter working hours, which often leads to discrimination against them in hiring practices. According to the law, any enterprise employing more than 50 persons must hire a certain number of disabled workers (between 3 and 10 percent, depending on the industry). Those who fail to do so must pay a fine, the proceeds of which go to a fund for the disabled. Nevertheless, due to low fines and delays in the judicial system, compliance rates are extremely low.

Recent public works have taken the needs of persons with disabilities into account. Sofia's new subway system was designed with wheelchair access to stations. Nevertheless, enforcement of a 1995 law requiring improved structural access for the disabled has lagged in existing, unrenovated buildings.

Policies and public attitudes prevalent during the Communist era, which separated mentally and physically disabled persons, including very young children, from the rest of society have persisted. Some complain that the effective segregation of disabled children into special schools has lowered the quality of their education.

However, in a recent positive development, construction of a training and rehabilitation center for the disabled youth in Pomorie began in 1999. The center aims to improve the overall physical and intellectual state of disabled youth and to encourage them to acquire new skills and participate more actively in the social life of the country.

Religious Minorities.—Discrimination, harassment, and general public intolerance of “nontraditional” religious minorities (i.e., the great majority of Protestant Christian denominations) remained a problem, although the number of reported incidents decreased during the past 2 years. Strongly held suspicion of evangelical denominations among the Orthodox populace is widespread and pervasive across the political spectrum and has resulted in discrimination. Often cloaked in a veneer of “patriotism,” intolerance of the religious beliefs of others enjoys widespread popularity. Such mainstream public pressure for containment of “foreign religious sects” inevitably influences policymakers. Nevertheless, there were fewer reported incidents of harassment of religious groups during the past 2 years as society appeared to have become more accepting of previously unfamiliar religions.

Certain religions, including both groups denied registration and those officially registered, such as Jehovah’s Witnesses, faced discriminatory practices, as did other groups, which despite full compliance with the law, were greeted with hostility by the press, segments of the public, and certain government officials (see Section 2.c.).

Non-Orthodox religious groups, including Jehovah’s Witnesses, the Church of Jesus Christ of Latter Day Saints, and the Open Bible Fellowship, have been affected adversely by societal attitudes. Numerous articles in a broad range of newspapers as well as television documentaries, drew lurid and inaccurate pictures of the activities of non-Orthodox religious groups, attributing the breakup of families and drug abuse by youths to the practices of these groups and alleging that evangelicals were drugging young children.

National/Racial/Ethnic Minorities.—Ethnic Turks constitute almost 10 percent of the population. In the 1992 census, 3.7 percent of the population identified itself as Romani; however, the real figure probably is closer to 6 or 7 percent, since many persons of Romani descent tend to identify themselves to the authorities as ethnic Turks or Bulgarians. Ethnic Bulgarian Muslims or “Pomaks” are a distinct group of Slavic descent, constituting 2 to 3 percent of the population, whose ancestors converted from Orthodox Christianity to Islam. Most are Muslim, although a number have become atheists or converted back to Christianity. These are the country’s largest minorities. There are no restrictions on speaking Turkish in public or the use of non-Slavic names.

Voluntary Turkish-language classes in public schools, funded by the Government, continued in areas with significant Turkish-speaking populations, although some observers complained that the Government was discouraging optional language classes in areas with large concentrations of Muslims. The Ministry of Education has estimated that approximately 40,000 children now study Turkish. Some ethnic Turkish leaders, mainly in the MRF, demanded that Turkish-language classes be made compulsory in areas with significant ethnic Turkish populations, but the Government has resisted this effort.

Roma activists and NGO’s were disappointed broadly with the relative lack of progress demonstrated by the Government in implementing its framework program for Roma integration, the Program for Social Integration of Roma, which was unveiled in 1999. Aside from the hiring of a number of individual Roma representatives in various institutions of local, regional, and the national government, there has been little discernible progress in delivering on the program.

Attacks by private citizens on Roma continued, and Roma continued to suffer incidents of discrimination. There were numerous accusations of police and private citizen assaults on Roma.

In the village of Mechka, near Pleven, the February murder of an ethnic-Bulgarian man poisoned relations between the ethnic-Bulgarian and Roma communities. Ethnic Bulgarian residents widely blamed the Roma for the killing, as well as for a spree of petty crimes, which had swept the neighborhood for several years. For several weeks, ethnic Roma were prevented from entering the city center, and a complete boycott against doing any business—buying or selling—with the Roma persisted for some months. This boycott created economic hardship for the Roma community, particularly because of the lack of opportunities to sell the dairy products, which form the livelihood of the Roma villagers in Mechka. The situation was further exacerbated when a Roma man in the act of breaking into a carpentry shop was shot in the leg by a booby trap, which had been set by the shop owner. The shop owner was arrested for the illegal use of a firearm. However, by September the situation in Mechka had calmed considerably and returned more or less to normal, after police arrested two non-local ethnic-Bulgarians for the February murder.

Human rights NGO's closely following the case commended the Pleven police for handling the investigation in a professional and restrained manner, despite the highly inflamed local passions. Although the Roma villagers complained that they were detained disproportionately for questioning in the murder investigation, there were no allegations of any mistreatment or abuse.

According to unconfirmed NGO reports, on August 23 in Gradishte, two Roma men, Paskal Paskalev and Ognyan Milenov, were hospitalized after Tsvetan Tsvetanov shot them with a homemade shotgun. Tsvetanov later claimed he shot the men accidentally while shooting at stray dogs, although the victims allege that Tsvetanov attacked them in their woodworking shop.

On November 11, in Botevgrad, Asen Sashev, a 14-year-old Roma youth, was shot and injured by his neighbor Marko Markov during an altercation. Markov, a fireman, shot Sashev with his government-issue handgun. The Sofia Military Court ruled Markov blameless in the incident; an appeal to the Military Appellate Court was pending at year's end.

Beginning on November 4, 1999, and continuing throughout the year, a group of ethnic Bulgarian residents of a Burgas neighborhood persisted in a petition drive and periodic calls for the expulsion of Roma and the demolition of Romani houses in the neighborhood.

Police harass, physically abuse, and arbitrarily arrest Romani street children (see Sections 1.c. and 1.d.). There was one arrest in the 1998 attack on eight Romani boys by skinheads in Sofia. Little progress has been made in other cases of violence against Roma during previous years, and these largely remain in the investigatory phase.

As individuals and as an ethnic group, Roma faced high levels of discrimination. Roma encounter difficulties applying for social benefits, and rural Roma are discouraged by local officials from claiming land to which they are entitled under the law disbanding agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children is inferior to that afforded most other students. The Government largely has been unsuccessful in attracting and keeping many Romani children in school. Schools in most Romani neighborhoods suffer from chronic absenteeism and very low graduation rates. However, an ethnic reintegration effort began in schools in Vidin in September. The program, with the help of international donor funding, uses a voluntary busing plan to enroll Romani children in various higher-quality, predominantly ethnic Bulgarian schools around the district. Many Romani children arrive relatively unprepared for schooling; many of them are not proficient in the Bulgarian language. Poverty has led to widespread school truancy as many children in Romani ghettos cannot afford shoes or basic school supplies and instead turn to begging, prostitution, and petty crime on the streets. A social milieu that often does not highly value formal education also is a contributing factor. Lack of effective government infrastructure and programs and economic and social factors thus combine to deprive increasing numbers of Romani youths of an education and a better future. Early indications are that some recent initiatives undertaken by the Government and by Romani NGO's are achieving some small successes in mitigating these problems, for example by providing free lunches and subsidizing textbook and tuition costs.

Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justify such discrimination on the basis that most Roma only have elementary training and little education.

Previously it had been common for ethnic Turkish and Romani conscripts to be shunted into military construction battalions during compulsory military service. This practice raised serious concerns both of discrimination and forced labor, particularly since the units sometimes accepted commercial construction contracts in addition to military construction projects. However, in August the Government completed the transformation of these units into a state-owned company that no longer employs conscript labor. It remains to be seen how future ethnic minority conscripts will be integrated into the mainstream of the military. There are only a few ethnic Turkish, Pomak, and Romani officers in the military, and an insignificant number of high-ranking officers of the Muslim faith.

Ethnic Turkish politicians maintain that, although their community's popularly-elected representation in the National Assembly is roughly commensurate with its size, ethnic Turks are underrepresented significantly in appointed positions in the state administration. Ethnic Turks and Roma are also seriously underrepresented in the ranks of the police agencies, and virtually non-existent in senior law enforcement positions.

Both ethnic Turks and Bulgarian Muslims complain that the procedures for restoring their original names (after their forcible re-naming to Slavic names during the 1970s and 80s) is excessively burdensome and difficult to accomplish.

Several thousand persons, mainly in the southwest, identify themselves as ethnic Macedonians, most for historical and geographic reasons. Members of the two organizations that purport to defend their interests, OMO-Ilinden and TMO-Ilinden, are believed to number in the hundreds (see Section 2.b.). The Government does not recognize Macedonians as a distinct ethnic group, and the group is not enumerated in official government statistics.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all workers to form or join trade unions of their own choice, and this right was generally exercised freely. Estimates of the unionized share of the work force range from 30 to 50 percent. This share continues to shrink as large firms lay off workers, and most new positions appear in small, nonunionized businesses.

The two largest trade union confederations are the Confederation of Independent Trade Unions of Bulgaria (CITUB) and Podkrepa, which together represent the overwhelming majority of organized workers. Trade unions are required to demonstrate their membership strength through a periodic census of their members; however, employer representative organizations are not similarly required to demonstrate whom they represent in the trilateral process. The unions have called for new legislation requiring employer organizations also to demonstrate membership strength.

Doctors and dentists expressed dissatisfaction with a new union structure that they claim the Government imposed upon them in 1998, an action which some maintain violates an ILO convention. The trade unions allege that this organization is not truly a labor representative organization, but simply a government-mandated fee collection agency. They also believe it impedes the opportunity for a genuine trade union to represent medical professionals.

The 1992 Labor Code recognizes the right to strike when other means of conflict resolution have been exhausted, but “political strikes” are forbidden. Workers in essential services (primarily the military and the police) also are subject to a blanket prohibition against striking, although such workers on occasion held an “effective strike” in which they stop or slow their activities for 1 or 2 hours. The CITUB confederation argues that the number of workers classified as essential and ineligible to strike is excessive and unfairly restricts the right of many ordinary civil servants to exercise their worker rights.

The Government generally does not interfere with legal labor strikes, and a number of work stoppages took place.

The Podkrepa labor union has complained that an amendment to a 1990 law, passed in March 1998, facilitated the Government’s ability to declare a strike illegal. Under this amendment, workers no longer have the right to appeal when a strike is declared illegal. Podkrepa maintains that this provision is unconstitutional and violates an ILO convention. The union has raised these concerns repeatedly to the Government in the context of negotiations over proposed changes to the Labor Code. A complaint has been made to the ILO Committee of Experts.

Another serious concern for the labor movement is the widespread use of temporary contracts to evade the worker protections of permanent staff. Many workers, who are effectively permanent staff, are hired under short-term contracts that are renewed at the end of each month or each quarter. When an employer decides to fire someone, it is legally simply a non-renewal of contract, rather than a severance action that would entail payment of benefits.

No restrictions limit affiliation or contact with international labor organizations, and unions actively exercise this right.

b. The Right to Organize and Bargain Collectively.—The Labor Code institutes collective bargaining, which was practiced nationally, regionally, and on the local level. The legal prohibition against striking for key public sector employees weakens their bargaining position; however, these groups were able to influence negotiations by staging protests and engaging in other pressure tactics without going on strike. Labor unions have complained that while the legal structure for collective bargaining was adequate, many employers failed to bargain in good faith or to adhere to agreements that were concluded. Labor observers viewed the Government’s enforcement of labor contracts as inadequate.

The Labor Code’s prohibitions against antiunion discrimination include a 6-month period for redress against dismissal as a form of retribution. However, there is no mechanism other than the courts for resolving complaints, and the burden of proof in such a case rests entirely on the employee.

In several instances, an employer was found guilty of antiunion discrimination, but the employers appealed the decisions. The backlog of cases in the legal system

delayed further action, effectively postponing, perhaps indefinitely, redress of workers' grievances.

The same obligation of collective bargaining and adherence to labor standards prevails in the six export processing zones, and unions may organize workers in these areas.

On November 1, about 5,000 demonstrators in Sofia protested draft changes in the country's labor legislation that many workers felt would reduce their rights.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.). The Slavovitsa Boys' Reform School, which had been found to use forced child labor to produce goods for sale, has been closed by the Ministry of Education.

The previous practice of shunting minority and conscientious objector military draftees into work units that often carried out commercial construction and maintenance projects was a form of compulsory labor; however, these units have been converted into a state-owned enterprise which does not use conscript labor (see Sections 2.c. and 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 16 years; the minimum age for dangerous work is 18. Employers and the Ministry of Labor and Social Policy (MLSP) are responsible for enforcing these provisions. Child labor laws are enforced well in the formal sector, but NGO's believe that children increasingly are exploited in certain industries (especially small family-owned shops, family farms, construction, and periodical sales) and by organized crime (notably for prostitution and distribution of narcotics). A soon-to-be-published ILO-commissioned report on "Problems of Child Labor in the Conditions of Transition in Bulgaria" reports on the results of a study conducted during the summer. The study found that 6.4 percent of children between the ages of 5 and 17, or about 80,000 children, were involved in paid employment in the informal sector. Of these, 55 percent were between the ages of 15 and 17, while 45 percent were younger than 15 years old. These figures exclude children performing unpaid work within the household or on a family farm. Underage employment in the informal and agricultural sectors is believed to be increasing as collective farms are broken up and the private sector continues to grow. In addition children are known to work on family-owned tobacco farms, and local NGO's reported children working on nonfamily-owned farms for meager monetary or in-kind wages (e.g., food). NGO observers also report that institutionalized children often hire themselves out to do agriculture labor for a modest income, during periods when they are allowed out of the residential facility.

Forced and bonded labor by children also is forbidden by law; however, trafficking in young girls for the purpose of forced prostitution is a problem (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The national monthly minimum wage is approximately \$31 (73 leva), which is not enough to provide a decent standard of living for a worker and family (the average industrial wage is approximately \$107 or 246 leva). Nonpayment of wages and wage payments in arrears has been a growing problem with certain employers, including state enterprises. The CITUB labor confederation estimates that there is an overall backlog of \$50 million in unpaid wage arrears owed to public sector workers and workers in enterprises which are wholly or partly state-owned. The Constitution stipulates the right to social security and welfare aid assistance for the temporarily unemployed, although in practice such assistance often is late.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP is responsible for enforcing both the minimum wage and the standard workweek. Enforcement generally is effective in the state sector (aside from wage arrears), but is weaker in the private sector.

A national labor safety program exists, with standards established by the Labor Code. The Constitution states that employees are entitled to healthy and nonhazardous working conditions. The MLSP is responsible for enforcing these provisions. Conditions in many cases worsened due to budget stringencies and a growing private sector that labor inspectors do not yet supervise effectively. Protective clothing often is absent from hazardous areas (goggles for welders and helmets for construction workers, for example). The overall standard of living of workers stabilized in 1998 after suffering a severe downturn during the economic crisis of late 1996 and early 1997. The pervasive economic crisis and imminent, long-overdue privatizations continue to create a heightened fear of unemployment, leading to a reluctance on the part of workers to pursue wage and safety demands. Joint employer/labor health and safety committees to monitor workplace conditions, required by new legislation passed in 1999, remained in developmental stages at year's end.

Under the Labor Code, employees have the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardizing their continued employment. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems would result in the loss of employment for many workers.

f. Trafficking in Persons.—In 1997 the Government enacted a law against trafficking in women; however, trafficking in women and girls remains a serious problem. The country is both a source and a transit country for human trafficking. A 1997 amendment to the Penal Code on trafficking in women introduced longer prison sentences (to existing kidnaping penalties already in force) in those cases where the victim is under 18 years of age, is offered to another person for sexual abuse, or is trafficked abroad for sexual abuse. However, no suspected traffickers have been brought to trial, possibly because victims are afraid to confront their former criminal controllers when there are no government-sponsored programs to assist or protect victims of trafficking. Some judges and prosecutors also report that they feared reprisals from organized crime figures. There are two police units that specifically address the problem of trafficking in persons. One is part of the border police and the other is in the Ministry of Interior's organized crime fighting agency. High-level Ministry of Interior officials cooperated closely with foreign governments and the International Organization for Migration to support a research project and information campaign to combat trafficking.

La Strada, a Netherlands-based NGO, reports that Bulgarian women constitute one of the largest groups of victims of forced prostitution in Western and Central Europe. Approximately 10,000 Bulgarian women, many under the age of 18, may be involved in international trafficking operations, but no official statistics are available. Village girls as young as 14 years of age have been kidnaped and smuggled over the border. This is a very lucrative business for Bulgarian criminal organizations, and there have been widespread albeit unconfirmed reports of local police involvement in trafficking in some areas. Victims of trafficking range from those who were duped into the belief that they would have good and respectable employment, to those who expected to work as prostitutes but were unprepared for the degree of violence and exploitation to which they would be subjected. A factor contributing to the high number of trafficking victims from the country is the high unemployment rate among young women. Furthermore, because it may be very difficult for young women to obtain visas to work in Western Europe, false job agencies that promise to simplify the process can be very successful in luring trafficking victims. The process of transforming girls into prostitutes generally takes place before they even leave the country. The women typically are taken to a large town, isolated, beaten, and subjected to severe physical and psychological torture. Some trafficking victims from countries to the east are kept in Bulgaria for several weeks where they are subjected to psychological and physical abuse to make them more submissive before they are shipped to their destination points. Once the women leave the country, their identity documents are taken away, and they find themselves forced to work as prostitutes in cities across Europe. Victims routinely report that traffickers took away their passports and visas, and forced them to stay illegally in countries. The women may be required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in virtual indentured servitude. Traffickers punish women severely for acts of disobedience. Traffickers also use threats against the women's families and family reputations to ensure obedience.

Relevant authorities and NGO observers report that thousands of Bulgarian women have been trafficked to Poland, the Netherlands and the Czech Republic, while others are trafficked to Germany, Belgium, France, Canada, the Federal Republic of Yugoslavia (including Kosovo), Romania, Hungary, Macedonia, Italy, Greece, Cyprus, and Turkey. Women reportedly have been trafficked into Bulgaria from the former Soviet Union and Macedonia, also for forced prostitution. The country also is a transit point for traffickers bringing women to Greece. The northeast and southwest border regions are where most trafficking occurs, since women are sent more easily to former socialist countries with less strict visa requirements.

The AAF reported handling 24 cases of returned victims of trafficking in women during the first half of the year.

Technical and bureaucratic obstacles hamper governmental assistance to female victims of violence. Many victims of trafficking and forced prostitution are too young to have worked previously; the lack of previous work experience disqualifies them from receiving social security assistance. If they are runaways with no registered address to which they can return, they are ineligible for humanitarian assistance. They also are largely ineligible for government assistance programs, most of which are in some way tied to previous employment status. Victims are not encouraged to file complaints, as there is no mechanism in place to protect witnesses.

Prevailing public attitudes often stigmatize victims, although there are some signs that this may be changing slowly. There is one NGO-sponsored 24-hour hot line for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The NGO also coordinates with government agencies and other NGO's to find assistance for trafficking victims.

On April 18, the International Organization for Migration (IOM) launched a trafficking awareness campaign. The campaign publicized the availability of NGO counseling facilities, and AAF reported an increase in cases related to trafficking during the year.

The Government increased its efforts during the year to address the problem of trafficking on an interagency effort involving all relevant government agencies, including law enforcement and social policy agencies. The Government also has increased its international cooperation in this area, both through the Southeast Europe Cooperation Initiative (SECI) Anti-Crime Center in Bucharest and in bilateral efforts.

CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with a strong presidency. President Stjepan Mesic of the Croatian People's Party (HNS) was elected in February to a 5-year term to replace President Franjo Tudjman who died in office in December 1999; Ivica Racan is the Prime Minister. International observers characterized the elections as "calm and orderly," noting that in general, "voters were able to express their political will freely," although some problems remained. The President serves as Head of State and commander of the armed forces, nominates the Prime Minister who leads the Government, and approves certain appointments in local and regional government. On January 3, an opposition coalition defeated the ruling Croatian Democratic Union (HDZ) party in voting for the lower house of Parliament. The Organization for Security and Cooperation in Europe (OSCE) observers stated that the parliamentary elections represented "marked progress" toward meeting OSCE standards. The combination of a new President and a new democratic coalition in Parliament helped to increase the transparency of the role of the President and to end the blurring of the powers of the Presidency with those of the Government and the ruling party. The judiciary increased its independence as the Government reduced efforts to exert political influence over court decisions. The judiciary continued to suffer from bureaucratic and funding problems, as well as instances of political influence at the local level.

The Ministry of Interior oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police have primary responsibility for internal security but, in times of disorder, the Government may call upon the army to provide security. Civilian authorities generally maintained effective control of the professional security forces; however, the police occasionally committed human rights abuses.

The new Government embarked on essential economic reforms, but the transition to a market-based, free enterprise economy continued to proceed slowly. While agriculture is mostly in private hands and the number of small enterprises is increasing, industry and media enterprises largely are either still controlled by the State or deliberately were transferred under the Tudjman regime in nontransparent, non-competitive processes to individuals sympathetic to the HDZ. In July an investment law was passed to remove some obstacles to foreign direct investment. Government spending, although lower than in previous years, remained high. Unemployment reached 22.4 percent at year's end, was much higher in the war-affected areas, and may rise further as nonproductive, formerly state-run enterprises are liquidated. The standard of living for most of the population has yet to recover to prewar levels. Per capita gross domestic product (GDP) was \$4,100 (33,210 kuna). Nonpayment of wages continued to be a serious problem. Banks began lending again following a liquidity crisis of previous years. Economic growth resumed after several years of decline, and the exchange rate and prices remained stable. Income from tourism was up over 30 percent over 1999, nearly reaching prewar levels.

The Government generally respected the human rights of its citizens; its human rights record improved during the year, but serious problems remained in some areas. The Government's conduct of the January and February elections improved citizens' ability to change their Government peacefully. Police occasionally abused prisoners. The Government continued to charge and arrest persons for war crimes committed during the 1991-95 conflicts in Bosnia and Croatia. Lengthy pretrial detention, particularly for ethnic Serbs indicted for war crimes, continued to be a prob-

lem. The judiciary remained a problem as a pattern of arrests of ethnic Serbs for war crimes apparently based on extremely weak evidence continued from previous years. The courts continued to be subject to occasional political influence on the local level and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. The Government's respect for citizens' privacy rights improved; however, the restitution of occupied property to (mostly ethnic Serb) refugees returning to the country remained problematic.

The Government's respect for freedom of speech and press improved markedly, but some problems remained. Reports of the harassment of journalists and censorship virtually ceased. However, reform in public broadcasting has been slow, and an estimated 900 libel lawsuits against journalists remained pending due to backlogs in the judicial system. Parliament did not pass legislation to amend the law on state-owned television and radio (HRT) during the year. The Government respected academic freedom. The Constitutional Court struck down laws that allowed excessive governmental interference in the operation of associations and nongovernmental organizations (NGO's). Respect for freedom of religion improved somewhat during the year; however, restitution of nationalized property remains a high, and unaddressed, priority for several religious communities.

The Government took some steps to facilitate the return of refugee citizens (mostly ethnic Serbs) and the return of persons internally displaced by the 1991-95 conflict, including the establishment of a coordinative commission to address issues in war-affected areas and the reform of laws that previously discriminated against ethnic Serb refugees. Although the number of refugees returning to their homes accelerated during the year, serious problems remained. The coordinative commission lapsed into inactivity by year's end, and no significant progress was made on the restitution of private property or resolution of the right to previously socially owned property, and this continued to be the greatest obstacle to refugee returns.

Two rounds of presidential elections and one round of parliamentary voting were conducted in a calm and orderly fashion, and the Government addressed some irregularities and improved the process with each round. However, the OSCE noted continuing problems: While many refugees in neighboring countries, mostly ethnic Serbs, continued to be unable to assert their citizenship and exercise their right to vote, the Law on Citizenship grants voting rights to ethnic Croats born abroad but who have no permanent residence in Croatia.

The Government's record of cooperation with international human rights and monitoring organizations improved somewhat, although problems remained. The Council of Europe, citing progress on human rights, decided to terminate its permanent monitoring of Croatia in September, and the OSCE terminated its police monitoring group in the Danubian region (Eastern Slavonia) in October. In the first half of the year, the Government took steps to improve cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY); however, cooperation slowed in the second half of the year, and the Government was reluctant and slow in providing timely access to witnesses and documentary evidence. Some of the Tribunal's requests for cooperation remained outstanding at year's end. The Government's Ombudsman for Human Rights met periodically with human rights groups and investigated, upon receipt of complaints, individual cases of human rights violations.

Violence and discrimination against women remained problems. Ethnic minorities, particularly Serbs and Roma, faced serious discrimination. While some progress was made, ethnic tensions in the war-affected areas remained high, and abuses, including ethnically motivated harassment and assaults, continued to occur. There were two ethnically motivated murders during the year. The country is a transit point and lesser source and destination country for trafficking in persons.

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

a. Political and Other Extrajudicial Killings.—There were no reports of political killings.

There were two ethnically motivated killings of Serbs during the year (see Section 5).

In August Milan Levar, a former police officer who previously provided information to the ICTY about the 1991 massacre of civilians in the town of Gospic, was killed at his Gospic home. Government leaders condemned the killing, but an intensive police investigation had not led to any arrests by December.

During the year nine persons were killed by landmines laid by Croatian and Serb forces during the 1991-95 war. Three persons also were killed in related demining incidents. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,320 mine incidents were recorded in which 365 persons were killed (see Section 1.c.).

In July the Croatian Helsinki Committee for Human Rights released its second report on human rights violations during the 1995 military operation "Storm" in which Croatian forces recaptured rebel Serb areas in the Krajina region. The report identifies over 600 ethnic Serb civilians who were killed or reported missing in "sector north." No indictments have ever been brought for the events described in the report.

Courts continued adjudicating war crimes cases arising from the 1991–95 conflicts in Bosnia and Croatia. In an improvement over the record of the previous Government, which prosecuted very few ethnic Croats and then in often politicized trials, several ethnic Croats were detained during the year for war crimes or other crimes committed during the conflict. Five persons, including Tihomir Oreskovic, were arrested in September on suspicion of war crimes committed during the 1991 Gaspic massacre. A sixth suspect was arrested in December. At year's end, four were in pretrial detention and two were released but remained under investigation. In September two military intelligence officers were arrested in Zadar for suspicion of involvement in the 1993 Ahmici massacre in Bosnia and Herzegovina. Four others were arrested but later released on suspicion of providing the officers with false identities to facilitate their escape. At year's end, the two arrestees remained in detention as the investigation proceeded. In May the long-delayed retrial of soldier Mihajlo Hrastov began. The Supreme Court in 1993 ordered the retrial after Hrastov was acquitted in 1992 of the massacre of 13 Serb prisoners in Karlovac in September 1991. At year's end, the trial was adjourned while the prosecution sought witnesses to the massacre. Also at year's end, the retrial was beginning in the case of 6 soldiers originally acquitted in the 1995 massacre of 16 elderly Serbs in the villages of Varivode and Goscici. In November the Supreme Court admitted committing an error in 1997 when it amnestied Antun Gudelj, who had been convicted of the July 1991 murder of moderate Osijek police chief Josip Reichl-Kir (see Section 1.e.).

Trials of ethnic Serbs continued; however, a pattern of arresting Serbs for war crimes based on extremely weak evidence continued from previous years (see Section 1.e.). In May a Vukovar court convicted 11 ethnic Serbs of 22 indictments for war crimes committed during the fall of Vukovar in 1991; 21 of the defendants were tried in absentia (see Section 1.e.). The only individual to defend himself in person was Stefan Curnic, who was convicted and received a 15-year sentence. International observers assessed the evidence against Curnic as credible but noted that he had been incarcerated since December 1998 without a trial (see Section 1.d.). In July five ethnic Serbs (the "Sodolovci group"), whose 1999 conviction for war crimes was overturned by the Supreme Court and remanded to a lower court for a retrial, were acquitted for lack of evidence (see Section 1.e.). In Osijek in October, 15 ethnic Serbs (the "Baranja group") were arrested on 1991 war crimes indictments despite the fact that those indictments had little or no supporting evidence. Eight of these individuals remained incarcerated at year's end. There were at least 19 arrests of ethnic Serb refugees returning to Croatia after they had been cleared for return, in violation of return procedures established between the Government and UNHCR (see Section 2.d.).

Progress was made on the exhumation of graves and identification of persons missing from the 1991–95 war at a number of sites in the Danubian region. Throughout the country, the bodies of 3,197 victims have been exhumed from mass and individual graves since the war (see Section 1.b.).

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

Government figures in December showed that 1,567 persons (mostly ethnic Croats) remained missing in cases unresolved from the 1991–95 military conflict. However, this number does not reflect approximately 900 additional persons (mostly ethnic Serbs) believed to be missing since mid-1995, who were reported to the Government of the Federal Republic of Yugoslavia (Yugoslavia) or to international organizations. There has been significant progress on the recovery and identification of the remains of ethnic Croats; but efforts to identify missing ethnic Serbs continued to be hampered by political and bureaucratic obstacles. Throughout the country, 3,197 victims have been exhumed from mass and individual graves since the war, including 73 during the year. The remains of 110 persons were identified positively during the year. In July and November the government commission charged with responsibility for locating missing persons held a meeting with its Yugoslav counterpart to exchange information on the missing and detained; these meetings had been suspended since March 1999. In September the Government formalized the status of the commission by legalizing it as a government office with a separate budget. The September changes also integrated the Danubian Subcommittee for Missing Persons into the office as a working group. In the past, the lack of transparency regarding the commission's authority and budget hampered its efficient operation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, mistreatment, or cruel or degrading punishment; however, police occasionally abused prisoners.

In October the OSCE terminated its uniformed Police Monitoring Group (PMG) in the Danubian region (Eastern Slavonia), assessing that the local police performance was satisfactory and the security situation in the region was stable. The PMG was replaced by a smaller cadre of civilian police observers. There were periodic reports of ethnic tensions between ethnic Serb and Croat police officers in the Danubian region. For example, one ethnic Croat police officer “dry-fired” his unloaded pistol into the face of an ethnic Serb colleague. The officer received a short suspension from duty, and credible observers expressed concern that mid-level police supervisors failed to take the incident seriously or adequately punish the perpetrator. However, upon being informed of the incident, the assistant Interior Minister ordered a thorough investigation. The commander of the station where the incident took place was replaced by year’s end.

The number of reported ethnic incidents in the Danubian region fell to less than half its 1999 level. This development largely was due to a real decrease in the number of ethnic incidents. However, there were reports of the failure of some police officers to regularly classify ethnic incidents as such, and of a reluctance of ethnic Serbs to report harassment because of a sense that such incidents have become commonplace. Continuing problems include poor police investigative techniques, acute social sensitivity to ethnic issues, indecisive middle management in the police, and pressure from hard-line local politicians. These factors impede development of local police capability. In the Danubian region in particular, and depending upon the ethnicity of the complainant, inconsistent police response to housing disputes remained a problem. In May in consultation with OSCE, the Interior Ministry began a reform and restructuring of its field police presence that is intended to close 106 substations and, through attrition, reduce the country’s uniformed police-to-population ratio to a level closer to that of other European countries. In December the Government passed a new law on police, creating the position of Director of Police and providing senior police officials more authority to implement reforms at the precinct level.

During the year, 13 persons were injured by landmines laid by Croatian and Serb forces during the 1991–95 war. Five persons also were injured in related demining incidents. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,320 mine incidents were recorded, in which 1,281 persons were injured (see Section 1.a.).

In October judge Marko Rogulja, an ethnic Serb judge on the Vukovar municipal bench in the Danubian region, was threatened by a mob (that included the county prefect) shortly after he had issued a decision to evict an ethnic Croat police officer from a home he was occupying that was owned by an ethnic Serb. The eviction never was carried out and the case later was transferred to another judge. No public officials, either at the municipal or national level, made any public statement about the incident or otherwise condemned the harassment of a judge.

Prison conditions meet minimum international standards. Police reportedly occasionally abused prisoners. Jails are crowded, but not excessively so, and family visits and access to counsel generally are available, albeit not consistently at all phases of the criminal proceedings (see Section 1.d.).

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for rights of accused persons, but the Government does not always respect due process provisions for arrest and detention. Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes; such cases of warrantless arrest are not uncommon. The police then have 24 hours to justify the arrest to a magistrate.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years’ imprisonment, the magistrate appoints counsel. The magistrate must, within 48 hours of the arrest, decide whether to extend the detention for further investigation. Investigative detention generally lasts up to 30 days, but the Supreme Court may extend the period (for a total of not more than 6 months) in exceptional cases. Once the investigation is complete, detainees can be released on their own recognizance pending trial unless the crime is a serious offense, or the accused is considered a public danger, may influence witnesses, or is a flight risk.

Lengthy pretrial detention remained a serious problem, particularly for ethnic Serbs accused of war crimes. Suspects generally are held in custody pending trial, and there have been several cases of pretrial detention lasting for several months

or years, including individuals awaiting the prosecutor's appeal of their acquittal. For example, in the case of Stefan Curnic, who was convicted for war crimes, international observers noted that he had been incarcerated since December 1998 without a trial (see Sections 1.a. and 1.e.). The practice of posting bail after an indictment is available but is not common.

The Government continued to apply the 1996 Amnesty Law (which amnestied acts of rebellion by ethnic Serbs) in an arbitrary and unfair manner. While some improvement was noted early in the year, in October the state prosecutor directed local prosecutors to reopen old war crimes cases and execute dormant arrest warrants, although there appeared to be no new evidence to justify the arrests. As a result, although there only were 7 such arrests during the first 9 months of the year, there were at least 36 during the final 3 months. For example, in October 15 ethnic Serbs were arrested in Baranja in the Danubian region (8 of whom still were incarcerated at year's end) for 1991 indictments for war crimes, despite the fact that those indictments had little or no supporting evidence (see Sections 1.a. and 5). Because the arrests were not based upon new evidence, they violated letters of agreement between the U.N. Transitional Authority in Eastern Slavonia (UNTAES) and the Government reached under the auspices of the 1995 Erdut Agreement. Government officials later justified the arrests by calling these agreements "gentlemen's agreements" and "merely verbal agreements."

Several ethnic Serb defendants continued to be held in detention for extended periods as their cases slowly progressed through the overburdened judicial system. In April in the Lepoglava Prison, 27 ethnic Serb prisoners engaged in a 2-week hunger strike to protest shortcomings in the application of the Amnesty Law, particularly the slow pace of their proceedings and the Government's failure to reexamine previous convictions based on unfair procedures or weak and contradictory evidence.

There were at least 19 cases of ethnic Serb refugees being arrested upon return to the country, in violation of clearance procedures agreed upon by the Government and the UNHCR. In four of these cases the subject later was released after being amnestied under the Amnesty Act or when charges were dropped. In August Dusan Jokic was arrested on a warrant for a 1995 robbery conviction while on a U.N.-organized visit to his prewar home in Obrovac. In September charges were dropped under the Amnesty Law and Jokic was released. Also in August, Slavko Drobnjak was arrested in Petrinja based on a previous conviction in absentia for 1991 war crimes. In October Miljan Strunjas was arrested in Karlovac, a week after returning to the country, on suspicion of committing 1991 war crimes. International observers did not question the Government's right to prosecute criminals but expressed concern that arrests of persons who had been cleared for return and informed by authorities that there were no outstanding charges against them would harm the process of refugee returns. In the autumn, the Government streamlined its clearance procedure to process requests more efficiently for refugees intending to return.

In the Danubian region monitors noted that police occasionally called ethnic Serbs to police stations for "voluntary informative talks," which amounted to brief warrantless detentions intended to harass Serb citizens.

Two Serb police officers in Borovo Selo and Ilok (both in the Danubian region) were arrested in 1999 for war crimes despite the fact that they previously were cleared for police duty by the Ministry of Interior. One of the officers was convicted of war crimes and sentenced to 15 years in prison. The other remained in investigative detention at year's end, pending trial. At least four Serb police officers were arrested during the year on war crimes charges and remained in detention. There were no reports of Serb officers fleeing to Yugoslavia when they learned they were the subject of investigations.

The Constitution prohibits the exile of citizens. In 1998 the Government established procedures for Croatian Serbs who fled the country during the conflict to have their citizenship recognized, obtain personal documentation, return to Croatia, and reclaim their property and social benefits. Implementation of these procedures continued to be slow and uneven (see Section 2.d.). During the year, 27,900 persons who were refugees in Yugoslavia and Bosnia-Herzegovina were able to return to Croatia in returns organized by the U.N. High Commissioner for Refugees (UNHCR). The pace of organized returns during the year was 50 percent higher than in 1999, in large part because of the new Government's commitment to facilitate the process. Of approximately 250,000 ethnic Serbs who fled their homes, organized returns since the end of the conflict in 1995 through December totaled 37,144. In addition an estimated 30,000 persons returned outside of official programs.

Ethnic Serbs requiring personal documentation to return to or regularize their status within the country continued to report difficulties, delays, and contradictory requirements from local officials charged with issuing documents. However the number of such reports was lower than in the past. Several NGO's reported that despite

the central Government's commitment to facilitate the documentation process, obstructions often were caused by recalcitrant local officials.

e. Denial of Fair Public Trial.—The judiciary is autonomous and independent under the Constitution; however, it suffers from instances of political influence at the local level, and a large backlog of over 1.1 million cases and funding shortfalls remain.

The judicial system consists of municipal and county courts, the Administrative court, and the Supreme Court. The independent Constitutional Court both determines the constitutionality of laws, governmental acts, and elections and serves as the court of final appeal for individual cases. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of a president and 14 members serving 8-year terms) is a body independent of both the judiciary and the Ministry of Justice. It is charged with the appointment and discipline, including removal, of judges and public prosecutors. The lower house of Parliament nominates and elects persons for membership on the Council. The 11 judges of the Constitutional Court are elected for 8-year terms in the same manner, while all other judges are appointed for life.

In the past, the State Judicial Council was criticized for the politicization of its decisions. In March the Constitutional Court struck down some provisions of the Law on the State Judicial Council and criticized the Council for failing to abide by several court decisions and for lack of transparency in making judicial appointments. The Constitutional Court also directed the Council to repeat the confirmation process for 16 judges (including 5 Supreme Court nominations) that were improperly rejected by the council. However, because four members resigned from the Council during the year in protest over its politicization, the Council was not able to convene to act on this court order. Amendments to the Law on the State Judicial Council passed in December, in response to the Supreme Court ruling, were designed to depoliticize the Council and judicial appointments and, by extension, improve the quality and the number of sitting judges. The amendments empower the Minister of Justice (rather than the Council) to nominate and discipline Court presidents. They also introduce more transparency into the appointment and discipline of judges by, *inter alia*, providing for the Constitutional Court to review such proceedings.

Judges are constitutionally prohibited from being members of any political party. Under the new Government, the judiciary has been subject to less political influence than was the case under the previous regime, although reports of political influence at the local level continued. The politicization of hard-line judges appointed by the previous Government, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, also continued to be a problem. The Constitutional Court in particular has demonstrated during the year a commitment to impartial and nonpolitical rulings that have helped to overcome the legacy of the previous regime and to lay the foundation for an increased respect for the rule of law.

The greatest problems facing the judiciary are inexperienced judges and bureaucratic inefficiencies and funding shortfalls which, over the years, have created a massive backlog estimated at over 1.1 million cases, some dating back 30 years or more. Cases may drag on for years. The inexperience of young and recently appointed judges continued to be a problem. There continued to be areas of the country without a permanent judge. In August and September, three convicted felons were released because they did not receive their second instance (Supreme Court) decisions within the statutory limit of 30 months. Justice Ministry and Supreme Court officials noted that cases often would languish for extended periods at the first instance court and then be passed to the Supreme Court just days or weeks before the 30-month limit expired. Compounding this problem were scheduling inefficiencies at the Supreme Court, where there is a 10,000 case backlog and only 35 judges who do not have access to modern court technologies and case management techniques. As a result of these prisoner releases, the Supreme Court streamlined its procedures in the autumn and no more such releases were reported. According to the president of the Association of Croatian Judges, the Government failed to provide the financial means necessary for the regular operation of the courts.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, citizens were sometimes denied fair trials. Courts tried and convicted in absentia persons for war crimes. In May a Vukovar court convicted 11 ethnic Serbs out of a total of 22 Serb indictees for war crimes committed during and after the fall of Vukovar in 1991; 21 of the defendants were tried in absentia. The only individual to defend himself in person was Stefan Curnic, who was convicted and received a 15-year sentence. International observers assessed the evidence against Curnic as credible but noted that he had been incarcerated since

December 1998 without a trial (see Sections 1.a. and 1.d.). In August and October, authorities arrested at least 19 ethnic Serbs for war crimes, in an apparent breach of established return procedures (see Sections 1.a. and 1.d.).

In July five ethnic Serbs (the "Sodolovci group"), whose 1999 convictions for war crimes were overturned by the Supreme Court and remanded to the Osijek court for a retrial, were acquitted for lack of evidence. The 1999 convictions were, according to international observers and ethnic Serbs, based on improper judicial procedures and weak evidence. In October the Minister of Justice reported that 69 ethnic Serbs were in Croatian jails for charges relating to wartime events, including 61 held for war crimes.

In November the Supreme Court admitted committing an error in 1997 when it annested Antun Gudelj, who had been convicted of the July 1991 murder of moderate Osijek police chief Josip Reichl-Kir. At year's end, the Constitutional Court had not ruled yet on whether to order Gudelj rearrested and retried.

Little or no progress was made in thousands of cases of illegal occupancy in which the legal property owner (typically a returning Serb refugee) had a positive court decision and legal right but was unable to recover occupied property. Judicial decisions overwhelmingly favored ethnic Croats in property claims involving returning refugees and displaced persons. In those cases in which the court ruled in favor of a non-Croat, only a handful of judicial orders for the eviction of a Croat occupant of a Serb-owned home have ever been carried out by the police (see Section 1.f.). Many cases of illegal occupancy involve current or former members of the Croatian military or police forces, and local authorities systematically refused to act against them on behalf of lawful owners. The only recourse for the lawful owner was to return to court to demand implementation of the first decision, a time-consuming and costly procedure that only rarely resulted in implementation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution declares the home inviolable; however, at times the Government infringed on these rights. Only a court may issue a search warrant, which must justify the search. Police may enter a home without a warrant or the owner's consent only to enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or property. The Government's respect for citizens' privacy improved measurably; however, the restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem. Very few property owners and apartment tenants were able to recover their prewar dwellings.

Despite a 1997 Constitutional Court ruling that several elements of the Law on the Temporary Takeover of Specified Property were unconstitutional, the vast majority of the thousands of ethnic Serb property owners who fled homes that later were occupied by ethnic Croats remained unable to access their property. A 1998 program for the return of refugees and displaced persons, which included mechanisms for property restitution and reconstruction, did not have the full force of law. The program was implemented very slowly, and only a handful of cases of property restitution were recorded during the year, as both national and local authorities declined to take steps to displace temporary occupants in favor of the original owners. Backlogs in the judicial system represented a further impediment to timely resolution of housing disputes. Governmental promises made in the autumn to reform and streamline the housing commissions were unfulfilled at year's end. Further, only a handful of claims by ethnic Serbs for reconstruction have been considered.

Despite orders from the national Government, local authorities (including local housing commissions) often did not take steps to regulate occupancy rights or to initiate lawsuits against individuals who refused to vacate occupied premises. This situation largely remained unchanged from the previous year. Thousands of returning ethnic Serb displaced persons and refugees continued to remain shut out of their homes, although in many cases the occupier's house had been reconstructed so there was no impediment to the occupier's return home. In some cases, the Government failed to furnish reconstructed houses with basic utilities, discouraging returns. In other instances, returnees who gained access to their property were held responsible for water and power bills accumulated by temporary occupants, and authorities refused to reconnect the services until the bills were paid. Local housing commissions often were purposefully dysfunctional and failed to resolve housing disputes, or when functional legally were powerless to implement their own decisions under an existing legal framework that still was unaddressed by the Government.

An ongoing problem was the continued occupation of homes belonging to Croatian Serbs by refugees from neighboring Bosnia-Herzegovina and Yugoslavia, as well as "priority category" ethnic Croat citizens, i.e., active duty or former members of the military, widows, and orphans. Meanwhile, ethnic Croats wishing to return to their homes in the Danubian region (Eastern Slavonia) generally were able to recover

their homes by evicting ethnic Serbs occupying them. Many Serb returnees were unable to move into looted and devastated homes that the Government defined as habitable. Of the total 7,123 applications for repossession of property recorded by the government Office for Displaced Persons and Refugees at the end of August 1999, less than one-fourth were listed as returned to their owners. No update was available at year's end.

No progress was made to resolve the thousands of cases of persons (mostly ethnic Serbs) who lost their claims to their prewar socially-owned apartments due to their absence for more than 6 months during the conflict. Ethnic Serbs were affected disproportionately because no mechanism existed by which they could return to the country in order to claim their property or because they had lived in the occupied parts of the country and missed the chance to purchase their prewar apartments.

Incidents of grenade attacks against property and arson related to housing disputes were reported during the year (see Section 5).

The Constitution provides for the secrecy and safety of personal data, and this provision generally was respected. In line with a March Constitutional Court ruling, the Parliament in May adopted amendments to the internal affairs law that revoked the Interior Minister's sweeping discretionary powers to wiretap. The amendments grant wiretapping authority only in cases where the Criminal Code may be violated or there is a threat to the country's sovereignty, and they establish an independent board to oversee all wiretapping. In July the three members of the independent board were appointed; they are nonpartisan nonparliamentarians who will report to the parliamentary Intelligence Committee. In September the Interior Minister announced that several intelligence officials were disciplined and prosecuted for illegal wiretapping.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of thought and expression, and the Government generally respected this right in practice, although some problems remained. The Constitutional provisions specifically include freedom of the press and other media, speech, and public expression, as well as the free establishment of institutions of public communication. Since the new Government took office in January, there has been a marked improvement in respect for freedom of speech and the media.

Reports of harassment including threats, wiretapping, surveillance, and beatings of journalists largely ceased. Official harassment in the form of job loss, banishment from the air (for nonpayment of excessive fees), and overzealous tax enforcement has stopped. Self-censorship (not covering controversial stories for fear of libel lawsuits) largely has ceased. No incidents of censorship of the electronic media were reported. The government campaign of harassment of the independent media through the use of libel suits stopped, although the estimated 900 libel cases from previous years (including 70 lawsuits filed against the satirical weekly *Feral Tribune*) have not concluded due to a slow and overburdened judicial system.

In February the Constitutional Court struck down legal provisions that allowed defamation cases against journalists to be tried under "urgent proceedings," meaning that the case would come to trial within 8 days, seriously prejudicing the defendant's ability to prepare a case. In May the Constitutional Court struck down a law that allowed prosecutors to file criminal charges against journalists for defamation of certain senior state officials. In June Parliament passed a bill amending the law to bring it in line with this ruling by formally rescinding the provision the court had struck down. However, by year's end, the Government still had not amended the Penal Code articles authorizing the prosecution of journalists who publish "state secrets," articles that were abused in the past. The Government continued to control the regulatory framework and licensing of radio and television, including the selection of members of the managing council and the Council for Radio and Television. By year's end, the Government had not passed legislation to address these issues. While management changes at government-controlled radio and television (HRT) in the spring improved the quality of news programming, the Government was slow to fulfill its overall reform commitments (primarily due to the difficulty in reducing the bloated HRT workforce). A truly independent nationwide television station did not yet exist by year's end.

The population continued to rely on government-run radio and television for news; however, a network of independent local television stations is producing *Vijesti*, a competing nightly news program. As a result of the 1999 Telecommunications Law, "networking" allowed independent media to achieve national coverage. Croatian Cable Network, an independent network of 8 television stations, was able to broadcast *Vijesti*, offering the first real competition to HRT's *Dnevnik* program. The latter still was the most widely watched national news program, and was more bal-

anced than in the past. HRT continued to enjoy an overwhelming advantage as the recipient of the bulk of advertising revenues and subsidies from government taxes on television users. These subsidies create an unfair advantage for the HRT over any independent television station that tries to compete, since the independents' ability to purchase programming, etc., is far less than that of the HRT. Similar problems exist in radio broadcasting. The Catholic Church operates the only private national radio station, but it invites other denominations to participate in ecumenical programming (see Section 2.c.). The new Government (unlike the previous regime) did not close independent media outlets for nonpayment of (often exorbitant) licensing fees.

Nearly all distribution of newspapers and magazines continued to be controlled by Tisak, a once-profitable firm that operates 1,700 news kiosks. Due to mismanagement, Tisak faced bankruptcy proceedings and still owed large debts to print media publishers. These debts, and the fact that the bankruptcy case is unlikely to be resolved quickly, put severe financial pressure on newspaper and magazine publishers. The trial of Tisak chief Miroslav Kutle for forgery and abuse of power in Tisak's collapse was ongoing at year's end. Tisak is now administered by the Government's Privatization Fund and there are no longer complaints that Tisak manipulates the distribution of print media by leaving some areas oversupplied with publications and others undersupplied. Foreign newspapers and journals continue to be available in the larger urban areas throughout the country; however, because of their high cost they remain largely inaccessible to many.

Academic freedom was respected. Under the new Government, there have been no reports of restraints on academic freedom through control of research funds or otherwise. The previous dean of the University of Zagreb's philosophy faculty, a hard-liner closely associated with the previous Government, was replaced in October.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government respected this right in practice. A 1999 law permits assembly for registered demonstrations at approved locations, and while this law was less restrictive, it does not make transparent the process for approving or denying the registration of an assembly, there were no reports that it was used discriminatorily.

In March, thousands peacefully marched to protest the 45-year sentence served on General Tihomir Blaskic by the ICTY.

The Constitution provides for the right of association. In February the Constitutional Court struck down provisions of the 1997 Law on Associations that had increased the Government's ability to restrict the right of association through interference in the registration and operation of associations and nongovernmental organizations. Parliament did not pass new proposed legislation by year's end to comply with this ruling and to reduce governmental interference and make registration less onerous.

The Government continued to operate an office for cooperation with NGO's that coordinates NGO efforts with government initiatives on human rights and civil society. Budget cuts reduced this office's disbursements to NGO's and civic organizations from \$3.7 million (31.6 million kuna) in 1999 to \$2.5 million (20.5 million kuna) during the year.

c. Freedom of Religion.—The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government respects these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions. Roman Catholicism is the majority faith, and there are smaller Eastern Orthodox, Christian, Muslim, and Jewish communities. Croatian Protestants from a number of denominations and foreign clergy and missionaries actively practice and proselytize.

The overall situation for freedom of religion improved somewhat during the year. Government officials have expressed publicly a commitment to improving the climate for religious freedom, but their approach during the year was ad hoc, addressing problems as they arose rather than setting uniform nondiscriminatory standards for all communities. Early in the year, the Government established a "Commission for Relations with Religious Communities" whose purview includes the rights of minority religions, religious instruction in schools, and restitution of nationalized property. This commission replaced a similar office under the previous government. However, leaders of minority religious communities, who would like to use the commission to secure the same benefits as those enjoyed by the Catholic Church, reported that no substantive progress was made by year's end.

While there is no official state religion, the Roman Catholic Church is one of the most powerful national symbols and enjoys a historic relationship with the state not

shared by other denominations. Approximately 85 percent of the population are Catholic. This relationship is codified in the "concordats", a series of 1997 bilateral treaties between the Government and the Vatican that regulate many aspects of church/state relations from the recognition of marriages to state subsidies for the church. The Catholic Church receives state financing to support pensions for priests and nuns through government-managed pension and health funds. Other religious communities still do not have such an agreement with the State, nor is there a law that regulates these issues. (Orthodox priests and imams have been paying their contributions to the health and pension funds from their own resources, in order to be covered by a pension plan.) In July the Catholic Church signed an agreement with the state-run broadcaster (HRT) to provide regular, extensive coverage of Catholic events (as much as 10 hours per month). Other denominations receive about 10 minutes broadcast time per month. Separately the Catholic Church operates the only private national radio station, but it invites other denominations to participate in ecumenical programming (see Section 2.a.).

The previous HDZ Government implemented restitution of religious property in a discriminatory manner. The Government signed a concordat with the Vatican in 1998 that provided for the return of all Catholic Church property confiscated by the Communist regime after 1945. This agreement stipulates that the Government would return seized properties or compensate the Church where return is impossible. Some progress has been made with some returnable properties being restituted, but there has been no compensation to date for nonreturnable properties.

No such agreements exist between the Government and other religious groups. The Orthodox community filed several requests for the return of seized properties, and some cases have been resolved successfully, particularly cases involving buildings in urban centers. However, several buildings in downtown Zagreb have not been returned, nor have properties that belonged to monasteries, such as arable land and forest. In December 1999, the Government returned to the Jewish community a site in downtown Zagreb where the main synagogue was located until its destruction in World War II. However, other Jewish properties, including some Zagreb buildings, have not been returned. The Jewish community identifies property return as one of its top priorities.

Catholic marriages are recognized by the State, eliminating the need to register them in the civil registry office. The Muslim and Jewish communities, seeking similar status, have raised this issue repeatedly with the Government, but there has been no resolution by year's end.

Zagreb Archbishop Josip Bozanic took office in 1997 and has sought a role for the Catholic Church independent of the Government. Bozanic has been active in publicly promoting ethnic reconciliation and the return of refugees. The Catholic Church consolidated its privileged position among the several religious communities, but at the same time has improved ecumenical dialogue, particularly with the Serb Orthodox Community. In February Orthodox and Catholic bishops met in Yugoslavia, in June Orthodox Patriarch Pavle visited Croatia and met with Bozanic, and in August they met again in Belgrade.

Notions of religion and ethnicity are linked closely in society, but the majority of incidents of discrimination are motivated by ethnicity rather than religion or religious doctrine. There were persistent reports of vandalism to Serb Orthodox cemeteries and structures, as well as to a Jewish community center (see Section 5).

The Ministry of Defense employs 19 Catholic Priests to tend to Catholics in the military. However, neither Orthodox nor Muslim clerics were given this opportunity. A Catholic priest is present and gives a blessing at the oath-giving ceremony upon entering the army, but other clerics have not been invited to participate. The Government requires that religious training be provided in schools, although attendance is optional. Schools filling the necessary quota of seven minority students per class are allowed to offer separate religion classes for these students. In classes not meeting this quota, minority students may fulfill the religion requirement by bringing a certificate that they received classes from their religious community. Generally the lack of resources, minority students, and qualified teachers impeded religious instruction in minority faiths. Jewish officials noted that basic information provided to students about Judaism was inaccurate, and their offers to improve the material continued to go unheeded.

Foreign missionaries occasionally reported difficulty in obtaining appropriate working visas, but under the new Government immigration authorities have made a conscious effort to process their visa requests more expeditiously than in the past. Missionaries do not operate registered schools, but the Church of Jesus Christ of Latter-Day Saints (Mormon) community provides free English lessons, normally followed by religion class. The Muslim community has a secondary school in Zagreb, but the Ministry of Education continued to refuse to recognize its diploma; a lawsuit

to resolve the matter was pending at year's end. About 20 students per year graduate from the school.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution generally provides for these rights, with certain restrictions. All persons must register their residence with the local authorities. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others."

There were at least 19 arrests of ethnic Serb refugees returning to Croatia after they had been cleared for return, in violation of return procedures established between the Government and UNHCR (see Sections 1.a. and 1.d.).

There were no reports that the Government revoked citizenship for political reasons. The Government's procedures to verify and document the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military operations in 1995 improved slightly during the year; however, this process for the most part has remained slow and uneven. International observers assessed that delays and obstacles more often were created by limited resources and overburdened consular offices in Bosnia-Herzegovina and Yugoslavia than by willful discrimination.

During the year, 27,900 persons who were refugees in Yugoslavia and Bosnia-Herzegovina were able to return to Croatia in returns organized by the UNHCR (see Section 1.d.).

A significant number of internally displaced persons remains in the country, although not all are under the Government's direct care. While the government reported some 57,000 persons (34,000 internally displaced and 23,000 refugees, mostly from Bosnia-Herzegovina and Yugoslavia) with refugee or displaced person status at year's end, this number does not reflect fully an additional 140,000 former refugees (nearly all ethnic Croats from Bosnia-Herzegovina) who have become citizens of Croatia.

International monitors and NGO's assessed that the emigration of ethnic Serbs from the Danubian region to third countries continued, but at a much slower pace than in previous years. Despite the fact that the Government continued an intensive program to repair thousands of damaged homes in the Danubian region, government officials, NGO's, and international observers assessed that the reduction of population movements into and out of the region to a trickle indicates that the returns process is nearing its completion there. In the first 9 months of the year, only 3,004 (mostly ethnic Croat) displaced persons returned to their prewar homes within the region, and 2,688 (mostly ethnic Serb) displaced persons left the region for prewar homes elsewhere in Croatia. Of 70,000 (mostly ethnic Croats) who fled the region during the conflict, 49,000 have returned. Overall the ethnic Serb population in the region has fallen from a prewar number of 70,000 to an estimated 55,000 persons. While ethnic tensions continued in the Danubian region, the overall security situation was stable. The most salient disincentive to returns was the poor state of the regional economy.

President Mesic and Prime Minister Racan made frequent public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. These commitments were supported by several initiatives. In March the Government established a commission to address issues in the war-affected areas. While the commission largely had concentrated its efforts on the Danubian region, it made little progress effecting return and reintegration throughout the other war-affected regions of the country and lapsed into inactivity at year's end. Also in March, the Government signed a joint declaration with the Republika Srpska entity of Bosnia-Herzegovina to cooperate in a number of technical areas to facilitate two-way refugee returns. Some efforts were made to help register the return of 2,000 refugees from Bosnia; however, the other provisions of the declaration remained unfulfilled at year's end. In June the Government brokered the signing of a joint statement by leaders of the Croatian Serb and Bosnian Croat communities in Croatia that encourages returns and repossession of private property in an atmosphere of respect for human and civil rights; however, little progress was made during the year on property restitution. In June and July, the Government reformed two laws that previously discriminated against ethnic Serb returnees. The Law on Reconstruction regulates access to reconstruction assistance and the Law on Areas of Special State Concern provides incentives to revitalize war-affected areas.

Notwithstanding the reform of the two laws, there has been no significant administrative or legislative progress on restitution of property. The greatest outstanding obstacle to the return of all Croatian citizens is their inability to regain access to their prewar homes and properties. Existing mechanisms for the return of private property have worked best in the Danubian region where returnees tend to be ethnic Croats seeking to regain their homes from ethnic Serbs who are occupying them.

Nearly every other instance of restituted property occurred pursuant to a private agreement between the owner and occupier.

In May the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation was provided for the evictee. This provision had the effect of reinforcing the legal precedence of temporary occupants over that of property owners, and it provided an easy means for hard-line officials to obstruct the process of minority returns. The law continued to contain other discriminatory language, notably the failure of positive amendments enacted in November 1999 to be applied retroactively, and that therefore allowed existing discriminatory definitions of "displaced person" and "refugee" to remain in effect.

There were persistent reports that humanitarian and reconstruction assistance was not distributed fairly by government agencies. The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance. However, the Government at times accused international organizations of bias in providing assistance only to ethnic Serb returnees.

The Government cooperated with UNHCR and other humanitarian and international organizations assisting refugees. The Government began implementation of the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Thus persons seeking refuge (notably from Kosovo and Yugoslavia) are given "temporary protection." Separately asylum seekers are processed by the Interior Ministry under the Law on Residence of Aliens. A working group of Interior Ministry and UNHCR officials continued its work drafting new legislation on asylum to meet international standards. The country provides first asylum and there were no reports of persons claiming asylum being returned to countries where they feared persecution.

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

All citizens over 18 years of age have the right to vote by secret ballot. The President is limited by the Constitution to two 5-year terms. President Stjepan Mesic was elected in two rounds of voting in January and February to a 5-year term to replace President Franjo Tudjman, who died in office in December 1999. The elections generally were well conducted, and irregularities (particularly at out-of-country polling stations) during the first round were addressed at the second round. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely;" however, problems remained. The Citizenship Law and electoral legislation grant citizenship, and thereby the franchise, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country. Meanwhile the Government failed to ensure that many Croatian Serbs, who fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, were able to document their Croatian citizenship in order to vote and ultimately to return. Progress on the documentation and return of ethnic Serb refugees continued to be slow (see Sections 1.d and 2.d.).

The Parliament comprises the (lower) House of Representatives and the (upper) House of Counties. During the January elections, an opposition coalition led by the Social Democratic Party (SDP) and the Croatian Social Liberal Party (HSLs) won a majority of the lower house, ending 9 years of HDZ party rule. OSCE monitors characterized the voting as having made "marked progress" toward meeting OSCE standards. The 1999 electoral law that regulated the voting allowed independent monitoring by NGO's and the establishment of multiparty voting commissions.

Other concerns about the electoral process remained. The electoral law reduced the number of lower house seats reserved for ethnic minorities from seven to five (although minorities make up about 15 percent of the population). Previous legislation more closely matched the minority representation to the size of the minority population, and the 1999 reduction in minority seats was especially disadvantageous to ethnic Serbs.

Women and minorities were underrepresented in government and politics, although there were no legal restrictions on their participation. After the January lower house elections, 32 of 151 lower house seats were held by women, and 11 by ethnic (non-Croat) minorities. Of the upper house's 68 seats, 4 were held by women and 3 by ethnic minorities. On the local level, Milan Djukic, an ethnic Serb member of Parliament, was elected mayor of the town of Donji Lapac in September. Djukic thus became the first member of an ethnic Serb party to win a mayoralty outside of the Danubian region.

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

A variety of domestic and international human rights NGO's operate without government interference, investigating and publishing their findings on human rights cases. The Government generally is cooperative. The Parliamentary Ombudsman for Human Rights received over 1,500 individual complaints during the year. The Ombudsman met periodically with human rights groups and NGO representatives who reported that the Ombudsman is largely reactive, responding to individual complaints rather than setting an agenda for greater respect for human rights. Because it is a parliamentary rather than governmental office, the Ombudsman's authority to order compliance from government ministries is limited.

A number of NGO's, the largest being Citizens Organized to Monitor Elections (GONG) and Voice 99 (Glas 99), were active in organizing pre-electoral informational campaigns and in election monitoring at the January and February elections.

NGO's have difficulty soliciting contributions or donations to support their work, in part because there is no tax benefit for donors. NGO's also must pay taxes on contributions classified as income. Thus many human rights groups rely on international donations and government funding to pursue their work. NGO representatives reported that the new Government's attitude towards NGO's was improved significantly over that of the previous regime. NGO's were no longer harassed for criticizing the Government, and the Government's office for cooperation with NGO's, while operating with limited resources, was active in coordinating NGO and governmental efforts on human rights and civil society. However, while cooperation with government officials in Zagreb improved, a lack of follow-through on central government commitments by local authorities continued to be a problem.

International organizations, including the European Community Monitoring Mission, the OSCE, and the UNHCR among others, operated freely. In March the Government established a commission to address refugee returns and housing reconstruction in war-affected areas. This commission met periodically with NGO's, representatives of ethnic communities, and international organizations. However, after early promise, the commission lapsed into inactivity by year's end (see Section 2.d.). The Council of Europe (COE) in September, citing progress on human rights, decided to end its permanent monitoring of Croatia. Of 21 obligations which Croatia assumed when it joined the COE in 1996, 4 remained outstanding: The abolishment of discriminatory laws regulating refugee returns, full cooperation with ICTY, transformation of HTV into a private television station, and amending the constitutional law on minorities. In October the OSCE, citing a stable security environment in the Danubian region (Eastern Slavonia) and satisfactory local police performance there, terminated its police monitoring group in the region. The police monitoring function was assumed by a smaller cadre of civilian observers.

Committees in the Parliament and in the Government were tasked specifically with human and minority rights issues, and they met periodically throughout the year to discuss topics and legislation within their purview. The parliamentary Committee participated in several legislative initiatives including the package of laws on minority rights passed in May.

The Government's record of cooperation with the ICTY improved during the year; however, problems remained and several of the ICTY's requests remained unfulfilled at year's end. In February the Government formalized the status of the ICTY office in Zagreb (pending since 1996) and conceded the tribunal's jurisdiction to investigate possible war crimes committed during the 1995 military operations "Flash" and "Storm" (disputed by the previous regime). In March indictee Mladen Naletelic ("Tuta") was transferred to The Hague; he was the only publicly indicted war criminal known to be in Croatia (ICTY requested his extradition beginning in December 1998). In April tribunal investigators conducted a field investigation in Gospic with full governmental support; in 1999 the previous regime refused ICTY's request to conduct this investigation. In April the Parliament passed a declaration of cooperation with ICTY that confirmed the tribunal's jurisdiction and supported the punishment of all war criminals regardless of ethnicity or level of responsibility. In May the Government granted ICTY researchers long-sought access to archives. However, the authorities remained reluctant and were slow to provide timely access to witnesses and documentary evidence. Each time the Government fulfilled a tribunal request, hard-liners both within the Government and in society responded with harsh criticism.

In November ICTY Chief Prosecutor Carla del Ponte commented on the Government's cooperation in a report to the UN Security Council, noting, "there has indeed been an improvement in relations when compared with the previous policy of obstruction and delay adopted by the former Government." However, she continued, "where Croatia perceives cooperation to be against its political or narrow security

interests, a real difficulty still exists." Del Ponte went on to list a series of unfulfilled requests and disappointing developments, including the failure to provide requested materials in the trial of Dario Kordic, government leaks of ICTY documents, and a negative media campaign against the Tribunal fueled by these leaks. In December the Government passed a 13-point statement outlining its concerns and objections to some elements of its relationship with the ICTY. At year's end, both sides were working to resolve these difficulties.

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

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. Additionally members of all national groups and minorities shall have equal rights. While most of these rights were observed in practice, serious deficiencies continued, particularly with regard to ethnic discrimination of Serbs and Roma.

Women.—Although the Government collected only limited statistics on the problem, credible NGO observers reported that violence against women, including spousal abuse, remained a widespread and underreported problem. Alcohol abuse and poor economic circumstances for veterans of the military conflict were cited as contributing factors. Rape and spousal rape are illegal under the Penal Code; however, NGO's report that many women do not report rape or spousal rape.

During the autumn session of Parliament, the Government revoked 1997 Penal Code amendments that removed domestic violence from the categories of crimes to be prosecuted automatically by the state attorney. Thus a domestic violence case can again be initiated based on, for example, suspicions of health care workers or police rather than requiring the victim to press charges. Legislation passed in the autumn created a specific Penal Code provision for family violence to replace inadequate existing provisions, and to direct that perpetrators of family violence, in addition to punishment, be placed under supervision and receive psychiatric treatment. Amendments to the Law on Misdemeanors passed in the autumn are designed to protect victims by extending detention (for up to 30 days) of perpetrators of family violence, even during the defendant's appeal. There is only one women's shelter, in Zagreb.

The Government's Commission for Gender Equality participated in U.N.-sponsored Beijing Plus Five activities in June but overall was not very effective, according to NGO's and women's activists. Failing to collect statistical data on violence and discrimination against women, the Commission relied on data from 1996 and 1997 during Beijing Plus Five activities. The Commission's already small budget was slashed to 60 percent of its 1999 level and planned initiatives to encourage women's employment were not implemented for lack of resources.

The country is a transit point and lesser source and destination country for trafficking in women for the purposes of sexual exploitation (see Sections 6.c. and 6.f.).

Workplace sexual harassment is a violation of the Penal Code's section on abuse of power but is not specifically included in the employment law. NGO's reported that in practice, women often did not resort to the Penal Code for relief for fear of losing their jobs.

The law does not discriminate by gender. However, in practice women generally hold lower paying positions in the work force. Government statistics from previous years showed that, while women constituted roughly 50 percent of the work force, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the workers. Considerable anecdotal evidence suggested that women hold by far the preponderance of low-level clerical, labor, and shopkeeping positions. Women in these positions often are among the first to be fired or laid off, particularly in times of corporate restructuring. NGO's and labor organizations reported a practice in which women received short-term work contracts renewable every 3 to 6 months, creating a climate of job insecurity for them. While men occasionally suffered from this practice, it was used disproportionately against women to dissuade them from taking maternity leave, although there were fewer reports of this practice during the year than in the previous year. Legislation was passed in 1999 limiting the use of short-term work contracts to a maximum of 3 years.

While there is no national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities. Among the most active were B.A.B.E. ("Be Active, Be Emancipated") and the Center for Women Victims of War.

Children.—The Government is committed to the welfare of children. Education is free and mandatory through grade 8 (generally age 14). Schools provide free meals for children, subsidized daycare facilities are available in most communities even for

infants, medical care for children is free, and the Labor Code authorizes 1 full year of maternity leave and 3 years' leave for women with twins or more than two children. The majority of students continue their education to the age of 18, with Roma being the only group reporting any notable exception. Romani children face serious discrimination in schools, and nearly all drop out by grade 8. While there is no societal pattern of abuse of children, 1 NGO operating hotlines for sexual abuse victims recorded 62 cases of abuse of children in 1 month in the city of Split.

People with Disabilities.—The 1997 Law on Social Welfare and the Law on Construction specify access to public services and buildings for persons with disabilities; however, the construction rules do not mandate retro-fitting of facilities and are not always enforced, so access to such facilities is often difficult. While people with disabilities face no openly discriminatory measures, job opportunities generally are limited. Special education also is limited and poorly funded.

Religious Minorities.—Religion and ethnicity are closely linked in society, and religion sometimes was used to identify and single out non-Croats for discriminatory practices. However, most such incidents appeared to be motivated by ethnicity and not religion or religious doctrine. The close identification of religion with ethnicity periodically caused religious institutions to be targets of violence (see Section 2.c.), and there were persistent reports of vandalism to Serb Orthodox cemeteries and structures. In January two crucifixes were damaged on the property of the local Orthodox priest in Tenja, and windows were broken at an Orthodox Church in Borovo. In April swastikas were painted on the walls of the Jewish community center in Zagreb. No arrests were made in these incidents. In August unidentified perpetrators broke into the Orthodox Church in the Danubian town of Branjina and wrote anti-Serb messages on the walls; no arrests were made.

There were no further developments in the case of an August 1999 attack on the home of Mufti Sevk Omerbasic, the head of the Islamic community in the country. No one was charged in the August 1999 desecration of a memorial plaque in Cakovec marking the site of the synagogue destroyed during the Hungarian occupation in World War II.

National/Racial/Ethnic Minorities.—Constitutionally, ethnic minorities enjoy the same protection as other self-identified ethnic and religious groups; however, in practice a pattern of open and sometimes severe discrimination continued against ethnic Serbs and other minorities in a wide number of areas, including the administration of justice, employment, housing, and freedom of movement. A pattern of persistent and sometimes violent harassment and intimidation of ethnic Serbs in the war-affected regions continued to be a serious problem. Early in the year, senior government officials emphasized their commitment to non-discriminatory treatment of minorities; however, in some instances, government leaders failed to condemn highly-publicized incidents of discrimination and harassment of ethnic Serbs.

In May the Government passed a package of laws on minority rights, including a Constitutional law, that added nine new recognized minorities to the existing list of seven in the Constitution, including Muslims, Albanians, and Slovenes. Some observers, including ethnic Serb leaders, criticized the apparent haste and secrecy with which the constitutional law was passed. Government officials indicated that further amendments on minorities and local self-government would complement the Constitutional law; however, these amendments were not passed by year's end. Two other laws passed in May guaranteed equal status for minority languages and delineated minority educational rights. Nevertheless ethnic minorities, particularly Serbs and Roma, continued disproportionately to suffer discrimination. Ethnic Serb leaders reported improved communication with government officials, in contrast to the often tense relations under the previous Government.

There were two ethnically motivated killings, symptomatic of ethnic tensions throughout the country and particularly in the war-affected areas. In March on the Adriatic island of Vir, a 38-year-old ethnic Serb, who had returned to Croatia a week earlier after spending 8 years as a refugee in Yugoslavia, was beaten to death by three ethnic Croats shouting anti-Serb slogans. The perpetrators were arrested quickly, and international monitors assessed the police performance as satisfactory. However, the Government did not issue a statement condemning the incidents until several days had passed. At their October trial, two suspects were convicted of murder (receiving 10 and 9-year sentences) and the third was acquitted. During the same week, a 73-year-old ethnic Serb woman was stabbed to death in the western Slavonian town of Slatina by an ethnic Croat after an argument about war-related issues. The perpetrator was arrested quickly, was convicted of aggravated murder, and was sentenced to 9 years in prison.

Intimidation and violence against Serbs continued in war-affected areas during the year. In May about 50 ethnic Croats disrupted a ceremony in Veljun of mostly ethnic Serbs commemorating victims of a World War II Fascist massacre; one

woman urinated on the memorial, and Serb leader Dr. Milorad Pupovac was escorted out of the area for his own protection. Two weeks later, five ethnic Croats entered the area at night and damaged the memorial; all were arrested, but in August the charges against them were dropped for lack of evidence. In June in nearby Slunj, a group of ethnic Croats unveiled a memorial to a notorious World War II Fascist Colonel. President Mesic and Prime Minister Racan condemned these incidents. During the summer, anti-Serb posters appeared in several areas (Karlovac, Sisak, and Erdut) containing photos and the names of local ethnic Serbs and accusing them of war crimes. Police investigated these incidents and identified suspects, but prosecutors did not press charges and police did not always make arrests. The poster incidents, in particular, appeared designed to intimidate returning Serb refugees.

In the autumn, vigilante "wanted" lists (similar to the anti-Serb posters that appeared during the summer) accusing ethnic Serbs of war crimes appeared in the Danubian region. Some lists appeared on the Internet and others were posted in public places and delivered to ethnic Serb homes in the area. These lists both reflected and exacerbated ethnic tensions in the region. No senior government official condemned them. In October 15 ethnic Serbs (the "Baranja group") were arrested in Osijek on 1991 war crimes widely believed to be based on weak evidence (see Sections 1.a. and 1.d.). This led to speculation that the Osijek prosecutor was responding to the vigilante lists in pursuing the cases. Also in October, Judge Rogulja, an ethnic Serb on the Vukovar bench, was threatened by a mob of local Croats (that included county prefect Petar Cobankovic) shortly after he had issued a ruling to evict a Croat police commander who was occupying a home belonging to an ethnic Serb. The eviction never was carried out and the case later was transferred to another judge. No public officials, either at the municipal or national level, made any public statement about the incident or otherwise condemned the harassment of a judge (see Section 1.c.).

Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. The number of ethnic incidents reported to the police in the Danubian region fell to less than half its 1999 level. This development likely was due to a number of factors: A real decrease in the number of ethnic incidents, the failure of some police officers to regularly classify ethnic incidents as such, and a reluctance of ethnic Serbs to report harassment because of a sense that such incidents have become commonplace. Verbal and legal harassment, forcible evictions, and assaults occurred regularly (see Section 2.d.). The number of incidents in the Danubian city of Vukovar and the nearby town of Tenja remained particularly high. An ongoing problem was the accessibility of weapons left over from the war, including firearms and explosives, which frequently were used in incidents of harassment during the year. Ethnically motivated incidents of various levels of severity occurred at a rate of over 50 per month. In about two-thirds of these cases, the victim was an ethnic Serb. In addition to the two murders, serious incidents included several assaults and throwing of hand grenades onto private property. In March a group of ethnic Croats went from house to house in the Danubian town of Erdut terrorizing ethnic Serbs, including the local Orthodox priest and the local mayor. The 1,270 member police force in the Danubian region comprised 42 percent ethnic Serb and 53 percent ethnic Croat officers. There were periodic reports of tensions and incidents between ethnic Serb and Croat officers.

The situation was similar in other war-affected regions, with high levels of ethnic tension, particularly in areas where ethnic Serb refugees were returning to their prewar homes in large numbers. Observers expressed particular concern about the town of Benkovac in the Dalmatia region, where local Serbs expressed a lack of confidence in the performance and the impartiality of the local police force. In response the assistant Interior Minister investigated the Benkovac situation during the summer and replaced two senior local police officials. In April a hand grenade exploded in the garden of an ethnic Serb in the Dalmatian town of Imotski causing minor damages but no injuries; no arrests were made. In May in Cista Mala in the Dalmatian region, a 68-year-old ethnic Serb was beaten by four ethnic Croats, one of whom cut the victim with a knife and urinated on him. Local police apprehended the perpetrators quickly. The main perpetrator was convicted of assault and was serving a 1-year sentence at year's end. The ethnic Croat mayor of the neighboring town of Cista Velika expressed his regret over the incident.

The Constitution and the package of minority laws passed in May provide the legal basis and right for education in the languages of recognized minorities. However, problems remained. For example, in textbooks the history of the former Yugoslavia has been omitted in favor of a more nationalistic Croat interpretation, and new textbooks have used derogatory adjectives in reference to minorities. Government pledges to provide more balanced textbooks went unfulfilled. In July the Edu-

cation Minister directed five county prefects outside the Danubian region to survey their students to determine how many would be interested in classes conducted in Serbian. Such classes already are available in the Danubian region.

The Citizenship Law distinguishes between those who have a claim to Croatian ethnicity and those who do not. Ethnic Croats are eligible to become citizens, even if they were not citizens of the former Socialist Republic of Croatia, as long as they submit a written statement that they consider themselves Croatian citizens. Persons who are not ethnic Croats must satisfy more stringent requirements through naturalization in order to obtain citizenship. Even those who previously were lawful residents of Croatia in the former Yugoslavia (see Section 1.d.) were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. NGO's assisting ethnic Serbs with documentation issues continued to report local officials applying this legal double standard. These obstacles to ethnic Serbs' ability to document their citizenship led to discrimination in other areas, including the right to vote (see Section 3). While a citizenship application is pending, the applicant is denied social benefits including medical care, pensions, free education, and employment in the civil service. Denials frequently were based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a permanent residence on the territory of Croatia for the 5 years preceding the application for citizenship). However, the Interior Ministry began recognizing the period that (mostly ethnic Serbs) spent outside the country as refugees as applicable to the 5-year residency requirement.

In March the Government established a commission led by Deputy Prime Minister Goran Granic to address issues in the war-affected areas. It met several times in various formats, bringing together government ministries, the international community, NGO's, and representatives of the ethnic communities. However, the commission lapsed into inactivity by year's end.

A serious and ongoing impediment to the return and reintegration of ethnic Serb refugees is the failure of the Government to recognize or "convalidate" their legal and administrative documents from the period of the 1991-1995 conflict. Despite the 1997 adoption of a convalidation law to allow the recognition of documents issued by the rebel Serb para-State, this legislation was not put into practice fully because several ministries failed to adopt implementing instructions. While the law itself did not include a deadline for filing applications, a decree issued by the previous regime did fix an April 1999 filing deadline (impossible to meet for many ethnic Serbs who still were refugees outside the country). Even persons who filed before this deadline experienced arbitrary delays and obstructions. Without the recognition conferred by the law, citizens (almost exclusively ethnic Serbs) continued to be unable to resolve a wide range of problems including pensions, disability insurance, unemployment benefits, the recognition of births, deaths, and marriages, and even confirmation of time served in prison. The majority of requests are from elderly persons and relate to pension and employment histories from occupied territories during the conflict. This made resumption of a normal life almost impossible for this group. Also, contrary to the law, the state pension fund unilaterally and improperly denied some pension applications from ethnic Serbs. In 1999 one NGO providing legal assistance had files on 9,000 unresolved convalidation cases in Osijek alone.

Serb property owners whose homes were occupied by ethnic Croat refugees from elsewhere in the former Yugoslavia, mostly from Bosnia and Kosovo, remained unable to access their property, despite the 1998 program for returns, which mandated multiethnic "housing commissions" to implement property restitution. A lack of alternative housing in many areas and the lack of political will to evict ethnic Croat occupiers without alternative housing in favor of Serb homeowners resulted in only a handful of restituted properties outside of the Danubian region (see Section 1.f.).

Discrimination and violence against Roma continued. The 1991 Yugoslav census counted only 6,700 Roma in Croatia, but government officials and NGO's agree that this was a serious undercount and that the true number of Croatian Roma may be 30,000 to 40,000. Protective of their culture and reluctant to assimilate, Roma faced a host of obstacles, including language (many, especially women, have only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and societal discrimination, and lack of Government will to address such abuses. There were no reports of police beatings of Roma during the year.

The European Roma Rights Center (ERRC) reported that on April 23, a group of 15 ethnic Croats beat a 23-year-old Romani man in Luka, northwest of Zagreb. Human Rights Watch reported that in May, local authorities in Varazdin County ordered 420 Roma to move from their settlement in the village of Strmec Prodravski

after refusing to allow them to build more permanent homes and a water and electricity supply. The ERRC also reported that on June 1, a group of youths allegedly beat and threatened to rape a 9-year-old Romani girl in Zagreb. After her family confronted the attackers, a larger group of youths reportedly went to the Romani family's house, threw a brick through a window, damaged their car, and yelled insults at the family. The police then intervened and detained three of the attackers and four Roma.

An estimated 10 percent of Croatian Romani children begin primary school, and of these only 10 percent go on to secondary school. There were only an estimated 50 Romani students in secondary school throughout the country during the year. Those individuals going beyond secondary school tended to leave the settlements and assimilate into mainstream society, depriving Romani communities of valuable skills. In several instances, including in Varazdin and Zagreb, local officials segregated Romani students into separate classes without the same level of materials or instructors available to regular students.

The situation of other minority groups—such as Slovaks, Czechs, Italians, and Hungarians—did not reflect discrimination to the same extent as that of the Serb and Roma communities.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled to form or join unions of their own choosing without prior authorization. There is an active labor movement with one major and four minor national labor federations and independent associations of both blue- and white-collar members. Approximately 64 percent of workers are members of unions. In general unions are independent of the Government and political parties.

The law prohibits retaliation against strikers participating in legal strikes. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. The Supreme Court has ruled in the past that workers may not strike for nonpayment of wages.

In December facing budget cuts, the Government unilaterally abrogated collective bargaining agreements with five public sector unions. While this action was legal under the terms of the agreements, it sparked protests and created concerns about the Government's respect for employment rights.

When negotiating a new contract, workers are required to go through mediation before they can strike. Labor and management choose the mediator together. If they cannot agree, the Labor Law calls for a tripartite commission of labor, business, and government representatives to appoint one. The tripartite commission began to meet regularly during the year and prepared its first list of mediators. Arbitration never is mandatory but can be used if both sides agree. Only after submitting to mediation and formally filing a statement that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant can be dismissed, and the union held liable for damages. No strikes were found to be illegal during the year.

The right to strike is provided for in the Constitution with these limitations and with additional limits on members of the armed forces, police, government administration, and public services. During the year, authorities permitted frequent labor demonstrations both in Zagreb's main square and in front of the Parliament. The strikes were nearly all over nonpayment of wages. The employees of NAMA, a department store chain, staged several demonstrations during the year over this issue. In addition farmers in eastern Slavonia staged several demonstrations over nonpayment for their produce. On December 8, the public employee unions held a non-violent nationwide strike calling for higher wages.

Laws limiting the right to assembly were not used against labor demonstrations during the year.

The ILO Committee of Experts in 1999 requested the Government, in consultation with trade unions, to set criteria and a time frame for the division of office space and property formerly owned by the unions during the Communist era. While the five labor confederations signed the preliminary agreement, there was no further progress on this issue by year's end. In April the Ministry of Defense returned a Zagreb-area facility that had been used since 1990 as an army training site to the UATUC confederation.

Unions may affiliate freely internationally.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law and practiced freely. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The transition to private enterprise and a free market economy kept labor unions under pressure at the same time that they were making progress towards estab-

lishing themselves as genuine trade unions, representative of their members rather than the Government. Unemployment remained high at 22.4 percent at year's end overall and much higher in some war-affected areas. The nonpayment of wages continued to be a serious problem; over 100,000 workers (10 percent of the workforce) failed to receive their salaries on time. During the summer, the Government signed an agreement with unions providing that all state-owned companies (the assets of which were controlled by the Croatian privatization fund) would pay salaries on time; however, some unions complained that the Government did not abide by this commitment. A further problem was that when salaries were not paid, associated contributions into the social welfare system also lagged, with the result that unpaid workers also were denied health coverage.

The Labor Code deals directly with antiunion discrimination issues. It expressly allows unions to challenge firings in court. No reports of systematic firings on grounds of ethnicity were reported during the year. However, in the high-profile "Magma" case, violations of labor rights were alleged. The Minister of Economy, Goranko Fizulic, his wife, and a U.K.-based investment company were co-owners of the "Magma" company in Zagreb. When workers unionized early in the year, Fizulic assured them that he would respect their wishes. Soon after, the union's president, all eight members of the executive board, and three union organizers were fired. The workers still were challenging the firings in court at year's end. Generally citizens' attempts to seek redress through the legal system were hampered seriously by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.). There were no reports of the Government employing coercion or other illegal methods to induce striking employees to return to work. There were no further developments in the investigation of the beating of the vice president of the Locomotive Engineers Union by unknown assailants during tense contract negotiations in 1999.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and there were no reports of these practices; however, there were occasional instances of women trafficked through the country for the purpose of forced prostitution (see Section 6.f.). While legislation does not explicitly cover children, the constitutional ban is comprehensive in this area, and the Government enforces this prohibition effectively. The Ministry of Labor and Social Welfare is the agency charged with enforcing the ban on coerced or forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 15 years (the same as the ILO Convention standard), and it is enforced by the Ministry of Labor and Social Welfare. Children may not be employed before reaching the legal age and are not allowed to perform work that is harmful to their health or morality. There is no reported pattern of abuse of child labor. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. Education is free, universal, and mandatory up to the age of 14, generally. Children usually finish secondary school, and a high proportion go on to university. The broad constitutional prohibition against forced or compulsory labor encompasses children, and there were no reported instances of such cases.

e. Acceptable Conditions of Work.—In 1999 the Government signed a collective bargaining agreement establishing a minimum wage of about \$210 (1,700 kuna) per month. In July the government Bureau of Statistics estimated that the average net monthly wage was approximately \$400 (3,275 kuna), which is not sufficient to provide a decent standard of living for a worker and family.

National regulations provide for a 42-hour workweek including a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers receive time-and-a-half pay for any hours worked beyond 42. However, most unions have negotiated a 40-hour workweek.

Health and safety standards are set by the Government and are enforced by the Ministry of Health. The 1997 Health and Safety Law allowed unions to appoint health and safety stewards in companies, but their activities are regulated by collective agreements. In practice industries are not diligent in meeting standards for worker protection. It is common, for example, to find workers without hardhats on construction sites and for workers to remove safety devices from dangerous equipment. Workers can in theory remove themselves from hazardous conditions at work and would have recourse through the courts if they felt that they had been dismissed wrongfully for doing so; there were no reports of wrongful dismissal complaints over workplace safety during the year.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons. However, existing laws can be used to prosecute traffickers. No statistical information on trafficking exists, although U.N. officials tracking the issue re-

gionally and local NGO's indicate that Croatia is primarily a transit country, as well as a lesser source and destination country for women trafficked to other parts of Europe for forced prostitution (see Sections 5 and 6.c.). Women reportedly were trafficked through Bosnia-Herzegovina and Yugoslavia to Croatia, where some remained to work as prostitutes or are trafficked to other destinations.

Public awareness of trafficking is low. There were no government or NGO programs to deal with the prevention of trafficking during the year; however, government officials and NGO's are working to develop an antitrafficking strategy.

There were few support services available for trafficking victims. There is one women's shelter that occasionally helps trafficked women.

CYPRUS

Prior to 1974, Cyprus experienced a long period of intercommunal strife between its Greek Cypriot and Turkish Cypriot communities. In response the United Nations Force in Cyprus (UNFICYP) began peacekeeping operations in March 1964. The island has been divided since the Turkish military intervention of 1974, following a coup d'etat directed from Greece. Since 1974 the southern part of the island has been under the control of the Government of the Republic of Cyprus. The northern part is ruled by a Turkish Cypriot administration. In 1983 that administration proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC"). The "TRNC" is not recognized by the United States or any other country except Turkey. The two parts are separated by a buffer zone patrolled by the UNFICYP. A substantial number of Turkish troops remain on the island. In both the government-controlled areas and in the Turkish Cypriot community democratic principles generally are respected. Glafcos Clerides was reelected President of the Republic of Cyprus in 1998; in April 2000 Rauf Denktash was declared "President" after "Prime Minister" Dervish Eroglu withdrew following the first round of Turkish Cypriot elections. The judiciary is independent in both communities.

Police in the government-controlled area and in the Turkish Cypriot community are responsible for law enforcement. Police forces operating in the government-controlled area are under civilian control, while military authorities direct Turkish Cypriot police forces. In general the police forces of both sides respect the rule of law, but instances of police abuse of power continued.

Both Cypriot economies operate on the basis of free market principles, although in each community there are significant administrative controls. The government-controlled part of the island has a robust, service-oriented economy, with a declining manufacturing base and a small agricultural sector. Tourism and trade generate 22 percent of gross domestic product and employ 29 percent of the labor force. In 2000 per capita income was approximately \$12,902, inflation was 4.5 percent, and unemployment was 3.5 percent. Growth was 4.8 percent, compared with 4.5 percent in 1999. The Turkish Cypriot economy is handicapped by restrictions imposed by the Government of Cyprus and other international institutions. In addition it relies heavily on subsidies from Turkey and is burdened by an overly large public sector. It, too, is basically service-oriented, but has a smaller tourism and trade base—accounting for 14 percent of gross domestic product employing 10 percent of the workforce—and a larger agricultural sector. During the year, per capita income in the north was approximately \$5,263, and inflation was 60 percent. Growth in the north was 5.3 percent in 2000, compared with 4.9 percent in 1999.

The Government of the Republic of Cyprus generally respected human rights; however, instances of police brutality continued to be a problem.

The Turkish Cypriot authorities generally respected human rights; however, police abuse of suspects' and detainees' rights continued. The authorities also continued to restrict freedom of movement. Since December 1997, the Turkish Cypriot authorities have banned most bicomunal contacts between Turkish Cypriots and Greek Cypriots, including previously frequent meetings in Nicosia's buffer zone. They sometimes attempted to prevent Turkish Cypriots from travelling to bicomunal meetings off the island as well. In May Turkish Cypriot officials lowered the "visa" fees for crossing the buffer zone. The Turkish Cypriot authorities have taken some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but the treatment of these groups still falls short of Turkish Cypriot obligations under the Vienna III Agreement of 1975.

Violence against women and trafficking in women for forced prostitution remained problems in both areas.

RESPECT FOR HUMAN RIGHTS

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

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

Turkish Cypriot authorities still have not conducted a credible investigation of the 1996 murder of a prominent leftist Turkish Cypriot journalist, Kutlu Adali, who wrote articles critical of Turkey's role in the north.

In 1996 Turkish Cypriot civilian police killed a Greek Cypriot demonstrator who had entered the U.N. buffer zone, and the police participated in the beating death of another. Again, there has not been any significant investigation by Turkish Cypriot authorities of the killings. The family of one of the deceased filed a case against Turkey in the European Court of Human Rights (ECHR), which declared the case admissible in June 1999. The case was pending at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Both the Constitution of the Republic of Cyprus and the basic law governing the Turkish Cypriot community specifically prohibit torture, the law in both communities prohibits such practices, and the authorities generally respect these provisions in practice; however, instances of Cypriot police brutality against suspects in detention continued, mostly involving non-Cypriots. One officer was tried and acquitted in March in connection with the October 1998 beating of illegal immigrant detainees by members of a special police unit (see Section 2.d.).

On December 21, the ECHR found the Cypriot Government guilty of police abuse during the 1995 arrest for drug smuggling of Turkish Cypriot Erkan Egmez and ordered the Government to pay Egmez \$16,000 (10,400 pounds sterling) in compensation.

The former European Commission on Human Rights agreed in January 1998 to investigate complaints by nine Turkish Cypriots that Greek Cypriot police mistreated them in 1994 and expelled them to the north. The complainants allege they were threatened with death if they returned to the south and that Greek Cypriot police were responsible for the death of one complainant's son, who did return to the south later in 1994. The Cypriot Government denies all the charges; the Commission took oral evidence in the case in Nicosia in September 1998. The case was pending at year's end.

While there were no public allegations of police brutality in the Turkish Cypriot community, there were credible reports of pervasive police abuse of power and routine harsh treatment of detainees (see Section 1.d.).

Prison conditions in general meet minimum international standards. According to a report issued in May by the government Ombudsman, prisoners with psychiatric problems in the south do not receive proper medical care. Persons incarcerated in jails in the south on minor charges are mixed with more hardened, violent criminals.

The Cypriot Government and the Turkish Cypriot authorities permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Throughout Cyprus the police respect laws providing for freedom from arbitrary arrest and detention. Judicially issued arrest warrants are required. No one may be detained for more than a day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 to 10 days before formal charges are filed. Attorneys generally have access to detainees; bail is permitted. The Government of Cyprus claims the right to deport foreign nationals for reasons of public interest whether or not they have been charged with or convicted of a crime.

Some abuses of power occur at the hands of the Turkish Cypriot police, generally at the time of arrest. Suspects sometimes are not permitted to have their lawyers present when testimony is being taken, a right provided under the Turkish Cypriot basic law. Suspects who demand the presence of a lawyer may be threatened with stiffer charges or even physically intimidated. A high percentage of convictions in the Turkish Cypriot community are obtained with confessions made during initial police interrogation under these conditions. According to credible reports, police are known to abuse their right to hold persons up to 24 hours before having to go before a judge. Police officers use this tactic against persons suspected of serious crimes or believed to have behaved in a manner deemed insulting to the officer. The suspects are then released within 24 hours without charges having been filed.

On December 1, Greek Cypriot police arrested Omer Gazi Tekogul for possession of 2 kilograms of heroin near the village of Pyla, located in the United Nations Buffer Zone. Shortly after Tekogul's arrest, a Turkish Cypriot official told UNFICYP that Greek Cypriots would "disappear" in retaliation for Tekogul's arrest (this state-

ment was later repudiated by Rauf Denktash). On December 13, Turkish Cypriot authorities arrested Greek Cypriot Panicos Tziakourmas for possession of marijuana. An SBA police investigation points to Tziakourmas being seized by Turkish Cypriots on SBA territory and found no evidence of marijuana. Turkish Cypriot authorities claim that Tziakourmas was arrested in the north. Both cases were pending at year's end.

Exile is prohibited specifically by the Constitution and by the basic law governing the Turkish Cypriot community, and is not used.

e. Denial of Fair Public Trial.—The judiciary is legally independent of executive or military influence in both communities, and it is independent in practice.

On both sides, most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. No special courts exist for security or political offenses.

Cyprus inherited many elements of its legal system from the United Kingdom, including the presumption of innocence, the right to due process, and the right of appeal. Throughout Cyprus, a fair public trial is provided for in law and accorded in practice. Defendants have the right to be present at their trials, to be represented by counsel (at government expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense.

On the Turkish Cypriot side, civilians deemed to have violated military zones or military regulations are subject to trial in a military court. These courts consist of one military and two civilian judges and a civilian prosecutor. Members of the Turkish Cypriot bar have complained that civilian judges tend to defer to their military colleagues in such hearings.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Both the Cyprus Constitution and the basic law governing the Turkish Cypriot community include provisions to protect the individual against arbitrary interference by the authorities, and a judicial warrant is required for a police official to enter a private residence. Although authorities on both sides generally respected these provisions in practice, police on both sides have subjected members of the other community resident in their area to surveillance (see Section 5).

The Turkish Cypriot authorities restrict the ability of Greek Cypriots and Maronites living in the north to change their place of residence at will (see Section 5).

In May Turkish Cypriot authorities announced that Greek Cypriots and Maronites resident in the north may bring their spouses to reside with them in the north. Greek Cypriot marriage certificates will be recognized as proof of marriage. Previously this required special permission, which was difficult to obtain. One such marriage took place during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Freedom of speech and of the press are provided for by law, and these rights are respected in practice throughout the island. The proliferation of party and independent newspapers and periodicals in both communities enables ideas and arguments to circulate freely. Opposition papers frequently criticize the authorities. Several private television and radio stations in the Greek Cypriot community compete effectively with the government-controlled stations. In addition to 2 smaller, university-run radio stations, 11 private radio stations operate in the Turkish Cypriot community along with 4 private television stations. International broadcasts are available without interference throughout the island, including telecasts from Turkey and Greece.

In 1998 Turkish Cypriot officials filed a number of court actions against newspapers and journalists, alleging that certain articles "damaged the prestige of the state." Five complaints against the Turkish Cypriot daily newspaper *Avrupa* were consolidated into one court action. In December 1999, a court ruled that the newspaper was liable and fined it approximately \$215,000 (120 billion Turkish lira). In May 2000 court bailiffs seized the newspaper's computers and other equipment to satisfy partially the court judgement. The newspaper was closed for a day until alternate production facilities were found. In July the owner-editor of the same newspaper, two journalists and a photographer from the newspaper, and a Turkish Cypriot "security forces officer" and his wife were taken into custody on suspicion of espionage. The journalists and photographer were released later without being charged. The owner-editor and the "officer" and his wife were released but barred from leaving the north. They were not formally charged and faced rearrest at any time. The same newspaper was acquitted in September of charges based on a 1998 story alleging that Turkish Cypriot soldiers assaulted a Turkish Cypriot family after a dispute over housing.

Restrictions sometimes were imposed on the ability of journalists to cross the buffer zone to cover news events. The Cypriot Government denied entry to the south for visiting Turkish journalists who arrived in Cyprus through ports of entry in the north. In retaliation Turkish Cypriot authorities sometimes required Greek Cypriot journalists to purchase a "visa" to enter the north, which the journalists refused to do. Current Turkish Cypriot policy, while applied inconsistently, is to permit Greek Cypriot journalists travelling as a group to cover events in the north without paying a "visa" fee, but not to allow Greek journalists entry unless they pay the fee. Individual Greek Cypriot journalists usually also must pay the fees.

Academic freedom generally is respected throughout the island.

b. Freedom of Peaceful Assembly and Association.—The freedom to hold meetings, associate, and organize is protected by law, and the Government respects these rights in practice.

Although Turkish Cypriot authorities also generally respected these rights, they imposed restrictions on bicomunal meetings (see Section 2.d.).

c. Freedom of Religion.—Freedom of religion generally is respected. The Constitution of the Republic of Cyprus recognizes five religions that are exempt from taxes and receive government subsidies. Other religions may register routinely as non-profit organizations and receive tax exemptions, but not subsidies. In the Turkish Cypriot area, no religion is recognized in the basic law, but Islamic institutions receive tax exemptions and subsidies through the Wakf religious trust; no other church receives exemptions or subsidies. Although missionaries have the legal right to proselytize in both communities, missionary activities are monitored closely by the Greek Cypriot Orthodox Church and by both Greek Cypriot and Turkish Cypriot authorities.

Turkish Cypriots residing in the southern part of the island and non-Muslims in the north are allowed to practice their religions. Restrictions on the right of Greek Cypriots resident in the north to visit Apostolos Andreas monastery were eased in 1998; they now may visit the monastery without restriction. Maronites may not visit certain religious sites in the north located in military zones. Armenians may not visit any religious sites in the north. A Greek Cypriot application to allow a second priest to reside in the north to assist the elderly Orthodox priest already in the north has been pending for more than 3 years.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Greek Cypriots and Turkish Cypriots enjoy freedom of movement within their respective areas. Both authorities respect the right to travel abroad and to emigrate. Turkish Cypriots have difficulty traveling to most countries because travel documents issued by the "Turkish Republic of Northern Cyprus" are recognized only by Turkey. Most Turkish Cypriots use Turkish travel documents instead.

Republic of Cyprus authorities discourage travel to the northern part of the island. They permit only day travel by tourists to the north, sometimes arbitrarily refuse permission to non-Cypriots to cross to the north, and pressure foreigners working in Cyprus not to cross to the north. They have declared that it is illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who have entered Cyprus from the north. Turkish Cypriots traveling to the south must seek prior permission from the Turkish Cypriot authorities and must provide the Turkish Cypriot authorities with an itinerary and the purpose of their travel. To pass the Greek Cypriot checkpoint, Turkish Cypriots must provide their planned itinerary to the checkpoint police. They do not need to notify the checkpoint police in advance but do need to prove they are Turkish Cypriots. There is no limit on how long they may remain in the south.

Turkish Cypriot authorities generally allow visits to the north by persons who initially enter Cyprus in the south, but they have denied entry to foreigners of Turkish Cypriot origin who enter Cyprus in the south. In 1995 the Turkish Cypriot authorities instituted a policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-controlled areas. However, implementation of the procedures has remained inconsistent, and visitors of Greek Cypriot or Armenian origin, or even persons having Greek or Armenian names, may face considerable difficulties entering the north.

In May Turkish Cypriot authorities lowered "visa" fees at the main Nicosia checkpoint to 1 pound sterling. Greeks and Greek Cypriots still must obtain a formal "TRNC visa" to visit the north. Maronites are charged the same 1 pound sterling fee each time they cross. Requests to cross into the north must be submitted 48 hours in advance.

Following an agreement in 1997 on reciprocal visits to religious sites, a number of visits again occurred during the year. The Cypriot Government permitted over 1,400 Turkish Cypriots to make a pilgrimage to a Moslem shrine in the south in

March and allowed another 1,300 to travel in June. In April a group of approximately 1,950 Greek Cypriots visited the Apostolos Andreas monastery in the north.

On July 1, Turkish forces established a new manned checkpoint in a location adjacent to the Greek Cypriot village of Strovilia and the British eastern SBA. Although access to Strovilia has been largely unimpeded, the checkpoint now provides Turkish forces the ability to control the approach to the village. Despite protests from UNFICYP and others, Turkish forces remained at the contested checkpoint in violation of the status quo.

On July 31, Greek Cypriot officials denied Turkish Cypriots land passage to Kokkina. Visits to this pocket of land—surrounded by the government-controlled area—that contains a memorial are included in the 1997 reciprocal visit agreement. In August and November Turkish Cypriot officials denied access to southern Greek Cypriots to visit the Apostolos Andreas monastery.

In 1996 the ECHR ruled 11 to 6 that Turkey committed a continuing violation of the rights of a Greek Cypriot woman by preventing her from going to her property located in north Cyprus. The ruling reaffirmed the validity of property deeds issued prior to 1974. The Court also found in this case that “it was obvious from the large number of troops engaged in active duties in northern Cyprus that the Turkish army exercised effective overall control there. In the circumstances of the case, this entailed Turkey’s responsibility for the policies and actions of the “TRNC.” In July 1998 the court ordered Turkey to pay the woman approximately \$915,000 in damages and costs by October 28, 1998. The Turkish Government stated that it cannot implement the Court’s decision, which it contends is a political decision, and argued that the land in question is not Turkish but is part of the “Turkish Republic of Northern Cyprus.” The Council of Europe (COE) during 2000 continued to call on the Turkish Government to comply with the Court’s decision. In July the COE Committee of Ministers issued a resolution deploring Turkey’s lack of compliance and strongly urging it to comply fully and without further delay with the ECHR judgment. About 150 similar cases filed by Greek Cypriots against Turkey have been declared admissible by the ECHR, but no judgement was issued on any of the other cases by year’s end.

Turkish Cypriot authorities in the past had approved most applications for Turkish Cypriots to participate in bicomunal meetings in the U.N.-controlled buffer zone, but on December 27, 1997, they suspended Turkish Cypriot participation in these meetings pending a reevaluation of bicomunal activities. The “suspension” soon became an effective Turkish Cypriot ban on bicomunal contacts on Cyprus. Whereas in 1997 thousands of Greek Cypriots and Turkish Cypriots participated in bicomunal events, in which mixed groups met to discuss such topics as the environment, family violence, management techniques, business operations, and legal questions, the Turkish Cypriot ban halted almost all of those contacts. However, since June Turkish Cypriot authorities have eased the ban. On a case-by-case basis, the Turkish Cypriot authorities allowed some Turkish Cypriots to participate in bicomunal events in and across the buffer zone. Greek Cypriots still must obtain a Turkish Cypriot “visa” to visit the north. Turkish Cypriot authorities also attempted to interfere with some bicomunal events taking place outside Cyprus by requiring civil servants to seek permission from their respective employer and the Turkish Cypriot “Ministry of Foreign Affairs” before confirming their participation. Enforcement of the policy has been inconsistent, with some public officials permitted to attend off-island bicomunal events. Private citizens have been allowed to travel to off-island bicomunal events.

In recent years, Turkish Cypriot authorities have announced the easing of restrictions on the approximately 580 Greek Cypriots and Maronites living in the north. Turkish Cypriot authorities usually grant the applications of Greek Cypriot residents in the north to visit the government-controlled area. The limit on visits to the south was extended in 1998 from 15 days per month to a total of 6 months per year. The applicants must return within the designated period or risk losing their right to return and to keep their property, although this rule rarely is enforced in practice. In 1997 Turkish Cypriot authorities also eliminated the previous monthly limit on visits by close family relatives of Greek Cypriots and Maronites resident in the north (it was once per month until 1996 and twice per month thereafter). A limit on overnight stays also was increased from 2 days and 3 nights, to a “reasonable period” (said period to be determined by Turkish Cypriot authorities), with extensions possible. However, there are reports that Turkish Cypriot authorities have prevented family relatives from extending their stays in the north. There are also reports that Turkish Cypriot authorities have prevented unlimited travel to the north (as accorded by the 1997 elimination of a limit on visits) by family relatives. Greek Cypriots visiting from the south still may not travel in the north in their personal vehicles but must use taxis or buses and pay the crossing fee. In September,

after a 4-year wait, Turkish Cypriot authorities allowed the wife of the Orthodox priest resident in the north to rejoin her husband. The wife had left the north to care for the couple's children.

Similar restrictions exist for visits by Maronite residents of the north to the government-controlled areas, but they are applied much more loosely than restrictions on Greek Cypriots, and Maronite travel is relatively free. However, Maronite residents also must pay the required crossing fees.

While in the past the Turkish Cypriot authorities permitted school holiday and weekend visits to the north only by children under the ages of 16 (male) and 18 (female), the age limits for Maronite students and female Greek Cypriot students were lifted entirely in 1998. In May Turkish Cypriot officials announced that male Greek Cypriot students of military draft age who can show documentation proving they are full-time students, and therefore not yet performing military duties, may continue to visit the north.

According to regulations announced in October 1998, the Turkish Cypriot authorities no longer require Greek Cypriots or Maronites resident in the north to obtain police permits for internal travel in the north. They may use private vehicles registered and insured in the north. Implementation of the new policy has been inconsistent.

The Government generally cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). With the increasing number of illegal immigrants finding their way to Cyprus in small boats, the Government of Cyprus is receiving a growing number of asylum applications: 300 to 400 per year. These cases are referred to the local UNHCR office for evaluation. If recognized as a refugee, the applicant is granted a 3-year residence permit renewable for 3 additional years. If applicants meet the criteria for refugee status, they are permitted to remain and are given temporary work permits. However, applicants generally are not granted permanent resettlement rights. Applicants are permitted to remain until resettlement in a third country can be arranged.

In January, in accordance with the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol, the Cyprus legislature passed an asylum law designed to grant temporary residence to asylum applicants until their applications are reviewed by the competent government authority. The law is designed to transfer responsibility for the asylum application process from the UNHCR to the Government. However, there have been delays in establishing a relevant government authority, and the UNHCR continues to review asylum applications. In July the Government established a 130-bed detention facility for housing arriving immigrants until their cases can be evaluated. In the north, authorities generally cooperated with refugee authorities. Working with the assistance of a local nongovernmental organization (NGO), the UNHCR recognized 2 persons as refugees in 1999 and 15 persons as refugees in 2000.

In 1998–2000 groups of illegal immigrants attempting to reach Western Europe instead landed on Cyprus after their overcrowded vessels encountered problems at sea. A group of 34 Syrian Kurds, all of whom applied for asylum with the UNHCR, arrived on November 15. On December 12, the UNHCR notified the Government of the 34 pending asylum applications. The same day, under a bilateral agreement between Cyprus and Syria for the return of all illegal immigrants departing from Syrian ports, the Government returned the immigrants to Syria. The Government did not consult with the UNHCR prior to the return of the Syrian Kurds.

On September 13, 266 persons arrived on Cyprus from Lebanon after Greek Cypriot authorities rescued them from a sinking boat. The immigrants were held on a boat in Limassol port until Cypriot authorities, under an agreement between Cyprus and Lebanon calling for the return of illegal immigrants departing from any Lebanese port, transported them to Lebanon October 3. Despite requests to the Government, representatives of the UNHCR did not meet with the immigrants and were unable to determine their asylum status.

According to the Government, no individuals recognized as refugees were returned to countries where they credibly feared persecution.

A group of 100 persons, all of whom applied for political asylum, arrived in June 1998. Only 23 were granted asylum. Most of those who did not receive asylum were detained and then deported against their will in late 1998 and early 1999. Prior to that, in October 1998, a special police unit was filmed by local television cameras kicking and beating the detainees with batons, while stopping a protest during which the detainees burned their bedding. An examination of the immigrants, mostly Africans, by a forensic pathologist revealed that most were injured, some seriously. The Attorney General ordered an investigation, and charges were brought against the officer in charge. In July the officer was acquitted of using excessive

force in quelling the protest. Later in July, the Attorney General appealed the court's decision; the appeal was pending at year's end.

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

Multiparty political systems exist throughout Cyprus. Under the Republic's Constitution, political parties compete for popular support actively and without restriction. Suffrage is universal, and elections are held by secret ballot. Elections for the office of President are held every 5 years; in February 1998 President Clerides won reelection to a new 5-year term. Elections for members of the House of Representatives are held every 5 years or less.

The Turkish Cypriots living in northern Cyprus elect a leader and a representative body every 5 years or less; in December 1998 they chose a new "National Assembly." In April 2000 Rauf Denktash was named Turkish Cypriot leader after his opponent, "Prime Minister" Dervish Eroglu, withdrew between the first and second round of voting.

Under the 1960 Constitution, voting took place on a communal basis. Therefore, since the breakdown in 1963 of bicomunal governing arrangements, and since the 1974 de facto partition of the island, Turkish Cypriots living in the government-controlled area are barred from voting there, although they may travel to the north to vote in elections. Similarly, Greek Cypriots and Maronites living in the north are barred by law from participating in Turkish Cypriot elections. They are eligible to vote in Greek Cypriot elections but must travel to the south to exercise that right. Officials in the north representing Greek Cypriots and Maronites are appointed by the Government of Cyprus and are not recognized by Turkish Cypriot authorities.

In both communities, women are underrepresented in government and politics, although they face no legal obstacles to participating in the political process. Women hold some cabinet-level, judicial, and other senior positions. In the House of Representatives, women hold 4 of 56 seats; in the "National Assembly" in the north, women hold 4 of 50 seats.

In addition to their normal voting rights, the small Maronite, Armenian, and Latin (Roman Catholic) communities also elect special nonvoting representatives from their respective communities who sit in the respective legislative bodies.

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

A number of organizations in both parts of the island consider themselves human rights groups; however, they generally are concerned with alleged violations of the rights of their community's members by the other community. Groups with a broad human rights mission include organizations promoting awareness of domestic violence and others concerned with alleged police brutality.

No restrictions prevent the formation of human rights groups. Representatives of international human rights organizations have access throughout the island. Government officials are generally cooperative and responsive to their views.

The United Nations, through the autonomous tripartite (United Nations, Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), is attempting to resolve the problem of missing persons who remain unaccounted for since the intercommunal violence beginning in 1963-64 and the events of July 1974 and afterwards. The CMP has made little progress. However, in November 1999 the CMP met formally for the first time since early 1996 and agreed in principle to resume investigations in 2000. However, no resumption of meetings occurred during the year. In July 1997, the leaders of the Greek Cypriot and Turkish Cypriot communities agreed to collect and share information on missing persons by the end of September 1997, outside of the CMP process. Information finally was exchanged in January 1998. Further progress has been delayed due to Turkish Cypriot reluctance to proceed without first fully accounting for those who may have been killed in internal Greek Cypriot fighting in July 1974 prior to the landing of Turkish forces on Cyprus.

Since June 1999 the Government of Cyprus has been conducting exhumations of gravesites in the south that may contain the remains of persons missing since 1974. So far 46 Greek Cypriots have been identified through DNA testing. Of those, 17 were listed among the missing since 1974; the remaining 29 were known to be dead, but the locations of their graves were unknown. In July 2000 the Government of Cyprus released a list of 1,493 Greek Cypriot missing persons whose cases have been submitted to the CMP for investigation.

A report by the former European Commission of Human Rights, released in September 1999, held Turkey responsible for violations of human rights in Cyprus stemming from the 1974 Turkish military intervention. The result of a complaint

by the Government of Cyprus, the report rejected the Turkish argument that the "TRNC" is an independent state and instead ruled that it is "a subordinate local administration of Turkey operating in northern Cyprus." Turkey was held responsible for continuing human rights violations against Greek Cypriots missing since 1974, and their surviving relatives, and for violations concerning the homes and properties of displaced Greek Cypriots from 1974, as well as violations of the rights of Greek Cypriots still living in north Cyprus. In a September 20 hearing before the European Court of Human Rights, the Court reserved judgement on the report until a future undetermined date.

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

Legislation in both communities provides for protection against discrimination based on sex, religion, or national, racial or ethnic origin. While each community generally respects such laws, significant problems remain with the treatment of the Greek Cypriots and Maronites living in the north and, to a lesser extent, with the treatment of Turkish Cypriots living in the government-controlled area.

Women.—Spousal abuse in the Greek Cypriot community is receiving increasing attention, and the problem is believed to be significant. An NGO formed to address the domestic abuse problem reported 591 cases during 2000, compared with 747 cases in 1999, with 83.2 percent of the reported victims women, 14.3 percent children, and 2.3 percent men. The NGO notes that the decrease in cases in 2000 should not be interpreted as an actual decrease in the incidence of domestic violence. A shortage in volunteer staff during the year decreased the number of the organization's domestic abuse hot line operating hours. A shelter for battered women opened in 1998.

A 1994 law aimed at making spousal abuse easier to report and prosecute initially had little effect because key provisions were unfunded and unimplemented. However, funding increased and progress was made in implementation during the year, with all cases reported to the police being referred to the courts and measures taken to ensure that such cases are treated as serious criminal charges, not simply as family disputes. Additionally amendments to the law during the year have facilitated the prosecution of suspected offenders. Many suspected cases of domestic violence still do not reach the courts, largely because of family pressure and the wife's economic dependence on her husband. Very few cases tried in the courts result in convictions. Little public discussion of domestic violence occurs in the Turkish Cypriot community, although a report issued by the NGO Women's Research Center described such violence as common. A women's shelter that opened in 1994 closed in 2000 due to lack of use. The shelter's location was well known in the community, and women seeking assistance feared being discovered by their spouses. Domestic violence cases are rare in the Turkish Cypriot legal system, since they often are considered a "family matter."

"Honor" crimes, in which women are victimized and even killed by relatives for alleged acts that dishonor the family, occur in the government-controlled area and in the north and are prosecuted in both areas. However, no such deaths have occurred in recent years on the island.

There is no law against sexual harassment law in the government-controlled area. Although prohibited by law in the north, sexual harassment is not widely discussed, and any such incidents are largely unreported. Republic of Cyprus law forbids forced (but not voluntary) prostitution. However, credible reports continue that women, generally East Asian or Eastern European night club performers, are trafficked and forced into prostitution in both communities (see Sections 6.c. and 6.f.).

The Greek Cypriot press frequently reported on the mistreatment of some maids and other foreign workers (see Sections 6.c. and 6.e.).

Throughout Cyprus, women generally have the same legal status as men. Greek Cypriot women married to foreign husbands were given the right to transmit citizenship to their children automatically in 1998 legislation. A 1998 Turkish Cypriot law on marriage and divorce provides for more equal treatment of husbands and wives. Under the law, the man no longer is considered legally the head of the family and does not have the exclusive right to decide the family's place of residence. The wife may retain her surname but must add the husband's surname. Turkish Cypriot women may now marry non-Muslim men. In cases of divorce, the court decides on a fair distribution of the family's assets, with each partner assured a minimum of 30 percent. In dividing assets, the judge must take into account which partner is receiving custody of the children and provide sufficient means to support them.

Legal provisions in both communities requiring equal pay for men and women performing the same job are enforced effectively at the white collar level, but Turk-

ish Cypriot women employed in the agricultural and textile sectors routinely are paid less than their male counterparts.

Children.—Both the Government and the Turkish Cypriot authorities demonstrate a strong commitment to children's welfare. There is no difference in the health care and educational opportunities available to boys and girls. Free education through age 15 is compulsory in both communities.

There is no societal pattern of abuse of children.

People with Disabilities.—In Cyprus generally, disabled persons do not appear to be discriminated against in education or the provision of state services. In the Greek Cypriot community, disabled persons who apply for a public sector position are entitled to preference if they are deemed able to perform the required duties and their qualifications equal those of other applicants. Legislation also mandates that new public building and tourist facilities provide access for the disabled, although little has been done to enforce this law. In the Turkish Cypriot community, regulations require businesses to employ 1 disabled person for every 25 positions they fill, although enforcement is inconsistent. While there is increasing awareness of the issue, the Turkish Cypriot community has not yet enacted legislation to mandate access for the disabled to public buildings and other facilities.

Religious Minorities.—Greek Cypriots living in the north report that unused Orthodox churches continue to be vandalized. An Orthodox Church in the north is located in the center of an as yet unopened resort hotel constructed during the year on the grounds surrounding the Church. Turkish Cypriots complain that unused mosques in the south have been treated similarly. A previously unknown Greek Cypriot nationalist organization claimed responsibility for an arson attack on a mosque in the south in August 1999. Damage was light. The authorities repaired and built a fence around the mosque and pledged to increase protection of Muslim sites. No one had been arrested for the attack by year's end.

National/Racial/Ethnic Minorities.—Both the Government of Cyprus and the Turkish Cypriot administration have constitutional or legal bars against discrimination. The basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south remains the 1975 Vienna III Agreement. This agreement provides for voluntary transfer of populations, free and unhindered access by the UNFICYP to Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south, and facilities for education, medical care, and religious worship. Turkish Cypriot noncompliance with some of the provisions of the Vienna III Agreement made daily life difficult for Greek Cypriots and Maronites living in the north. At year's end, there were 427 Greek Cypriots and 154 Maronites resident in the north.

Some of the approximately 300 Turkish Cypriots living in the government-controlled area face difficulties in obtaining identification cards and other government documents, especially if they were born after 1974. Turkish Cypriots also appear to be subjected to surveillance by the Greek Cypriot police. However, they make few formal complaints to the UNFICYP.

UNFICYP access to Greek Cypriots and Maronites living in the north remains limited. Despite recent improvements in living conditions for Greek Cypriots and Maronites, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond elementary level. Parents thus are forced in many instances to choose between keeping their children with them or sending them to the south for further education (in which case Turkish Cypriot authorities no longer allow them to return permanently to the north). Turkish Cypriot authorities screen all textbooks sent from the south to the Greek Cypriot schools, causing lengthy delays and shortages of up-to-date texts. Turkish Cypriot authorities did not approve about 20 percent of the books sent to the north in September, and the books were returned. A request by the Government of Cyprus to send a fourth teacher to the Greek Cypriot school in the north was rejected by Turkish Cypriot authorities. Both Greek Cypriots and Maronites living in the north are unable to change their place of residence at will. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care by a Turkish Cypriot doctor registered with Turkish Cypriot authorities is permitted. Additional telephones have been installed for Greek Cypriots living in the north, although they, like Turkish Cypriots, must pay higher, "international" fees to call the south.

In May 1999 a Maronite house in the village of Asomatos was demolished by the Turkish military. Military officials indicated that the action was an error and promised to rebuild the house. However, it had not yet been rebuilt by year's end. Maronites still lack some public services available in most other Turkish Cypriot areas.

In 1998 Turkish Cypriot authorities announced they were reviewing legislation that bans Greek Cypriots and Maronites in the north from bequeathing real prop-

erty to heirs residing in the south. Such property would no longer be seized by the Turkish Cypriot authorities but would be taken into temporary custody pending probate of the will. However, it is not clear whether Turkish Cypriot legal provisions exist to facilitate the transfer of Greek Cypriot- and Maronite-owned property in the north to heirs in the south. Therefore, the practical effect of the 1998 announcement remains unrealized.

Section 6. Worker Rights

a. The Right of Association.—All workers, except for members of the police and military forces, have the legal right to form and join trade unions of their own choosing without prior authorization. However, in the government-controlled area, police officers are permitted to join associations that have the right to bargain collectively, although not to strike. More than 70 percent of the Greek Cypriot work force belongs to independent trade unions. Approximately 50 to 60 percent of Turkish Cypriot private sector workers, and all public sector workers, belong to labor unions.

In the Turkish Cypriot community, union officials allege that various firms have been successful in establishing “company” organizations and then applying pressure on workers to join these unions. Officials of independent labor unions also have accused the Turkish Cypriot authorities of creating rival public sector unions to weaken the independent unions. The International Labor Organization (ILO) had not yet acted on these complaints by the end of September 2000.

In both communities, trade unions freely and regularly take stands on public policy issues affecting workers and maintain their independence from the authorities. Two of the major trade unions, one in each community, are affiliated closely with political parties. Both of the other major unions are independent.

All workers have the right to strike, and several strikes occurred. In the south, no major strikes occurred. In December in the north, discontent with a worsening economic situation precipitated a general strike that was supported by the major trade and teachers unions. In the northern part of the island, a 1978 court ruling gives employers an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right to strike. Authorities of both the Greek Cypriot and Turkish Cypriot communities have the power to curtail strikes in what they deem to be “essential services,” although this power rarely is used.

Unions in both parts of Cyprus are able to affiliate with international trade union organizations, although Greek Cypriot unions sometimes object to recognition of Turkish Cypriot unions formed after 1963.

b. The Right to Organize and Bargain Collectively.—Trade unions and confederations by law are free to organize and bargain collectively throughout Cyprus. This right is observed in practice in the government-controlled areas, and most wages and benefits are set by freely negotiated collective agreements. However, Greek Cypriot collective bargaining agreements are not enforceable. In the rare instances when such agreements are believed to have been infringed, the Ministry of Labor is requested to investigate the claim. If the Ministry is unable to resolve the dispute, the union may call a strike to support its demands.

In the Turkish Cypriot community wage levels are reviewed several times a year for both private sector and public sector workers, and a corresponding cost-of-living raise is established. A special commission composed of five representatives each from organized labor, employers, and the authorities conduct the review. Union leaders contend that private sector employers are able to discourage union activity because the enforcement of labor and occupational safety regulations is sporadic, and penalties for antiunion practices are minimal. As in the Greek Cypriot community, parties to a dispute may request mediation by the authorities.

Small export processing zones exist in the port of Larnaca and in Famagusta, but the laws governing working conditions and actual practice are the same as those outside the zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited by law, and this prohibition is generally observed. However, there were credible reports that foreign women were forced into prostitution (see Sections 5 and 6.f.). Foreign maids and illegal foreign workers allegedly are subject to the nonpayment of wages and the threat of deportation (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In both the Greek Cypriot and Turkish Cypriot communities, the minimum age for the employment of children in an “industrial undertaking” is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. There are labor inspectors in both communities. However, in family-run shops it is common to see

younger children working after school, and according to press reports, children as young as 11 or 12 years of age work in orchards during their school holidays in the Turkish Cypriot community. Laws prohibit forced and bonded child labor, and these laws are enforced effectively in both communities (see Section 6.c.).

e. Acceptable Conditions of Work.—The legislated minimum wage in the Greek Cypriot community, which is reviewed every year, is approximately \$426 (266 Cyprus pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants, rising to \$459 (287 Cyprus pounds) after 6 months' employment. This amount is insufficient to provide a decent standard of living for a worker and family. All other occupations are covered under collective bargaining agreements between trade unions and employers within the same economic sector, and the wages set in these agreements are significantly higher than the legislated minimum wage. The legislated minimum wage in the Turkish Cypriot area, while subject to frequent review because of high inflation, was approximately \$253 (158 Cyprus pounds) per month as of September. This amount is insufficient to provide a decent standard of living for a worker and family. Unskilled workers typically earn about \$416 (260 Cyprus pounds) per month, which is barely adequate to support a family.

In the Greek Cypriot community, the standard workweek in the private sector is an average of 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, it is 38 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the standard workweek is 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforce these laws.

Reports on the mistreatment of maids and other foreign workers are frequent in the Greek Cypriot press. These reports usually involve allegations that maids, often from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Many women do not complain to authorities, fearing retribution from their employers. Those who do file charges run the risk of being fired and then deported.

A significant percentage of the labor force in the north consists of illegal workers, mostly from Turkey. According to some estimates, illegal workers constitute as much as 25 percent of the total work force there. There are frequent allegations that such workers are subject to mistreatment, including nonpayment of wages and threats of deportation.

In recent years, steps were taken to improve health and safety standards in the workplace in the government-controlled area. A 1997 law harmonized health and safety standards with those in the European Union (EU). The law incorporates EU principles and standards for health and safety in the workplace and complies fully with the 1981 ILO convention on occupational health and safety. A second 1997 law requires employers to provide insurance liability coverage for work-related injuries. According to labor union officials, these laws are effectively enforced.

Occupational safety and health regulations are administered sporadically at best in the Turkish Cypriot area. In both areas, factory inspectors process complaints and inspect businesses in order to ensure that occupational safety laws are observed. Workers in the government-controlled area can remove themselves from dangerous work conditions without risking loss of employment. Turkish Cypriot workers who file complaints do not receive satisfactory legal protection and may face dismissal.

f. Trafficking in Persons.—In January the Cypriot legislature passed a law making it a felony to engage in the sexual exploitation and trafficking of adults (with or without their consent) and children. The law obligates the State to provide protection and support for victims and provides for punishment of up to 20 years' imprisonment. No cases were reported by year's end. In January the Turkish Cypriot "National Assembly" passed a law designed to regulate the hiring of women in nightclubs, including penalties for women and employers that engage in prostitution. The law does not prohibit trafficking. A holdover from British preindependence law currently makes it illegal in both communities to procure a woman for prostitution, although the crime is only a misdemeanor. Corruption among law enforcement and immigration personnel is an obstacle to the effective policing of trafficking in both communities. For example, the Chief of the Immigration Department in the government-controlled area was arrested in September 1999 for illegally issuing visas to female nightclub workers and pub owners and was on trial at year's end.

During the year credible reports continued that women were trafficked into both communities for the purpose of prostitution. Agents in Eastern Europe recruited young women for prostitution in the Greek Cypriot community. The women entered either illegally after authorities were bribed or on temporary 3-month work permits. They then sometimes were forced to surrender their passports or forced to stay beyond the period of their work permits and in some cases were not paid their full

salaries. The authorities arrested nightclub operators for profiting from prostitution, and the Government made some effort to protect women who bring complaints against employers by allowing them to remain to press charges or facilitate their return home. However, many of the women are reluctant to press charges, fearing retaliation by employers or deportation. A similar pattern exists of the recruitment and hiring of Eastern European women to work in the Turkish Cypriot community, and reports persist of restrictions on nightclub workers, such as confiscation of their passports by employers.

CZECH REPUBLIC

The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June 1998, Prime Minister Milos Zeman formed a minority government comprised almost exclusively of members of his left-of-center Social Democratic Party. The Parliament elects the President for a 5-year term. President Vaclav Havel was reelected in January 1998 by a narrow margin and remains an internationally recognized advocate of human rights and social justice. Although the country essentially has completed the reform of political structures initiated after the 1989 "Velvet Revolution," some institutions are still in a state of transformation. The judiciary is legally independent but is hampered by structural and procedural deficiencies and a lack of resources.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service (BIS), reports to the Parliament and the Prime Minister's office through the Foreign Minister, who is a Deputy Prime Minister. Police and BIS authorities generally observe constitutional and legal protection of individual rights in carrying out their responsibilities. However, some members of the police committed human rights abuses.

The economy is market-based, with over 80 percent of the gross domestic product (GDP) produced by the private sector. After 2 years of contraction, the economy grew by 2.8 percent during the first three quarters of the year. Inflation dropped to 3.9 percent, while unemployment leveled off at 8.8 percent. The work force is employed primarily in industry, retail trade, and construction. Leading exports are machinery and transport equipment, and intermediate manufactured products. The GDP per capita in 1999 stood at approximately \$5,400 (186,300 Czech crowns).

The Government generally respects the human rights of its citizens; however, problems remain in several areas. Occasional police violence remains a problem. Lengthy pretrial detention and long delays in trials are problems, due to a lack of resources for the judicial system. There is some violence and discrimination against women. Discrimination and sporadic skinhead violence against the Romani community remain problems. Trafficking in women and children is a problem. Since January 1999, the Human Rights Council, headed by the Commissioner for Human Rights, has advised the Government on human rights issues and prepared legislative proposals for improving human rights in the country. In December the Parliament named former Justice Minister Otakar Motejl as Ombudsman for Human Rights.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and there were no reports of such practices; however, police occasionally used excessive force and abused their authority.

In May police clashed with anarchists attempting to disrupt a skinhead rally; the anarchists complained of being singled out for arbitrary arrest and beatings. Similar allegations were made after police prevented anarchists from disrupting neofascist rallies in October and November.

During violent antiglobalization protests surrounding the September International Monetary Fund (IMF)/World Bank meetings in Prague, 123 police officers were injured, many by cobblestones thrown by rioters (see Section 2.b.). Police arrested 900 protesters for destruction of property, disturbing the peace, blocking roadways, and attempting to disrupt the meetings. Most were released within 1 or 2 days. Police brought charges against 20 persons; by December 6 all had been released on bail.

After their release, many of those detained complained of poor treatment and abuse before and during their detention. Most complaints were of illegal detention; overcrowded cells; lack of food and toilet facilities; no immediate access to lawyers or telephones; and rough treatment, strip searches, and intimidation by police and prison officials. Some protesters stated to NGO's monitoring police behavior that they had seen numerous people whom they believed had been beaten by the police and prison officials. One Spanish and two Danish protesters claimed police beat them while they were in custody. A Polish protester, who is suing the Czech police, stated that uniformed police had beaten him repeatedly over the course of his 24-hour detention, during which he had been chained in his cell, denied access to a lawyer, and not allowed to use toilet facilities. Numerous foreign demonstrators claimed that they were arrested despite behaving peacefully. Arrested protesters also reported that police and prison officials were wearing masks and were not wearing or were covering their identification numbers. A South Korean scientist and visiting professor at Charles University not participating in the protest was arrested and held for 24 hours. He complained of abuse while in detention.

Government officials expressed satisfaction with overall police conduct during the protests, although they did not reject the possibility of misconduct by individual officers. However, local and international human rights organizations expressed concern about police behavior during the protests; 15 members of the European Parliament sent an open letter to government leaders urging a thorough investigation. In October the Ministry of the Interior initiated an investigation into complaints of police misconduct. By year's end, the Ministry of the Interior had received 373 complaints, 60 of which led to investigations. Only two cases of possible police misconduct were found (one for illegal fingerprinting and one for a covered identification number). No misconduct was found in the case of the Danes, the Spaniard, or the South Korean; the case of the Polish protester was still ongoing. Several other cases were still under investigation at year's end, including that of a police officer photographed standing over a fallen protester wielding a club. Other cases were suspended for lack of evidence. An NGO monitoring the police gathered testimony of police misconduct from over 50 protesters and filed at least 2 lawsuits against the police. That organization has expressed dissatisfaction with the Ministry of the Interior's investigations.

According to press reports, an American/Austrian dual citizen detained during the riots jumped from a police station window, breaking her leg. She stated through her attorney that she had paid a fine for participating in the riots but had not been released at that time. In addition she complained of "aggressive and improper" police behavior toward her during detention. The Ministry of the Interior investigation into her complaint found no police misconduct.

The police force has been restructured significantly; the majority of officers have been recruited since the 1989 revolution. Public approval ratings for the police reached a 10-year high after their overall good performance during the IMF/World Bank meetings. Petty police corruption remains a problem, although enforcement against it has improved. During the year, 389 members of the police force were charged with criminal offenses, a 12 percent increase over 1999, which the authorities credit to better enforcement efforts. The most common offenses cited were police officers fining motorists for traffic offenses, then keeping the money, and auto accident insurance fraud. Punishments include suspension from duty, fines, and prison sentences. Police sometimes failed to take sufficient action in cases of threats or attacks against Roma.

In December police officer Marian Telega was sentenced to 18 months in prison and 2-and-a-half years' probation for his involvement in the 1998 death of Rom Milan Lacko. Telega drove the car that hit and killed Lacko after he was beaten by skinheads and left in the road (see Section 5). In September Rom Martin Tomko accused a Brno police officer of stopping him in the street and, after an argument, beating him and leaving him unconscious in a park. Three police officers have been charged with inflicting bodily harm.

In October a Prague court rejected a complaint against a special police unit alleged to have used excessive force to contain a group of anarchists and radical environmentalists rioting in downtown Prague in 1998.

The case of a Brno city police officer charged with using excessive force to break up a late night party outside a theater in 1995 still was awaiting a formal court decision at year's end. In the meantime, the officer continues to serve on the police force but faces suspension or other internal disciplinary action if convicted.

The trial of one of the three Communist-era investigators charged with torturing political prisoners in the 1950's ended in acquittal in January. The trial of the other two was postponed for health reasons (see Section 1.e.). The case of two former secret police officers accused of torturing dissident Vladimir Hucin was still being in-

vestigated at year's end. The Office for the Documentation and Investigation of the Crimes of Communism (UDV) continued to investigate cases of torture and misconduct from the Communist era (see Section 1.e.).

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Prison conditions meet minimum international standards. There is overcrowding in many prisons, but it declined during the course of the year. In March the general director of the prison service announced that the country's prisons would temporarily refuse entry to convicts who have been sentenced to 2 years in prison or less. In February and March, prisoners in several facilities rioted and staged hunger strikes to protest overcrowding, deteriorating facilities, and insufficient food and clothing. The protests ended after a week. In May the prison system was at 120 percent of capacity, in some areas as high as 180 percent; there were approximately 23,000 prisoners in the country. By year's end, the system was at 110 percent of capacity; some prisons were at 135 percent. There were 21,547 prisoners and 9,890 prison guards. Women and men are housed separately. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

The Government permits visits by human rights monitors. However, during the IMF/World Bank protests, observers were not allowed into two detention facilities in Branik and Ocelarska Street (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The law forbids arbitrary arrest and detention, and the Government observes this prohibition in practice. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The lack of experienced police investigators and qualified judges, combined with a still evolving legal environment, have contributed to a backlog of court cases. The Ministry of Justice estimates that 300 judges and 88 prosecutors are needed to fill vacant positions. Pretrial detention may last legally as long as 4 years for cases considered "exceptionally grave" under the Criminal Code. Pretrial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court does not approve continued detention during a judicial review, the suspect must be released. In practice few pretrial detainees are held for longer than 2 years. The law does not allow bail for certain serious crimes. A suspect may petition the appropriate investigating authorities at any time for release from detention. The average length of pretrial detention is now 195 days. As of November, the number of pretrial detainees was 6,353, about one third of the prison population.

The law prohibits exile, and the Government observes this prohibition in practice.

Since 1993 local courts and foreign police have expelled to Slovakia "Slovaks" without proper citizenship or residency papers. Some of these expulsions involve "Slovak" Roma who have never been in Slovakia. By the first half of 1997 (latest available statistics), a total of 851 "Slovaks" had been expelled administratively or judicially by the authorities. A February 1998 presidential amnesty (that was expected to affect three-fourths of all expulsion sentences issued between January 1, 1993 and February 2, 1998) granted amnesty to those receiving expulsion sentences for crimes in which the punishment was less than 5 years' imprisonment. However, according to one NGO that follows this issue, some courts have not implemented this amnesty. Courts have not imposed expulsion sentences since the implementation of a new citizenship law in 1999, which allows "Slovaks" and others to legalize their status. There have, however, been complaints from Roma activists that local officials in some areas are refusing to process Czech citizenship applications for "Slovak" or stateless Roma families (see Section 5).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is impartial and independent in practice. Judges are not fired or transferred for political reasons. Structural and procedural deficiencies as well as a lack of training and resources hamper the effectiveness of the judiciary. Ministry of Justice proposals for judicial reform, including term limits for Constitutional Court judges, a mandatory retirement age for judges, and measures to streamline the legal process, failed in Parliament at several points throughout the year. In October Justice Minister Otakar Motejl resigned after Parliament repeatedly rejected his attempts at broad judicial reform.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. In addition the separate Constitutional Court has final authority for cases concerning the constitutionality of legislation.

The law stipulates that persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The State provides lawyers for indigent defendants in criminal and some civil cases through the bar association. All defendants enjoy a presumption of innocence and

have the right to refuse to testify against themselves. They may appeal any judgments decided against them. The authorities observe these rights in practice.

The 1991 lustration (vetting) law, passed to prevent Communist-era collaborators from taking up senior government responsibilities, continues to bar many former Communist Party officials, members of the people's militia, and suspected secret police collaborators from holding a wide range of elective and appointive offices for 5 years, including appointive positions in state-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to December 31, 2000, overriding a veto of President Havel. In February the Chairman of the Government's privatization agency was dismissed after presenting a falsified lustration certificate clearing him of cooperation with Communist-era state security. In November the Chamber of Deputies again extended the validity of the law over the veto of President Havel until a new civil service law and security law are passed and implemented. The extended law exempts from the lustration process people born after December 1, 1971, an exemption not included in the earlier version. Some private employers also have required applicants to produce lustration certificates proving non-collaboration. By October the special section of the Interior Ministry handling lustration requests had processed 8,200 lustration certificates, bringing the total since 1991 to 395,500. During the year, 3 percent of the applications did not receive confirmation of a clear record, in line with the average of 3.2 percent since 1991. Those who did not receive confirmation of a clear record may file a civil suit against the Interior Ministry for a charge similar to slander. Twenty such suits were filed during the year; court decisions were still pending at year's end.

Defenders of the lustration law argue that individuals who systematically destroyed the lives of others in order to gain advantages for themselves within the Communist system should not be entrusted with high state responsibilities. However, the law has been criticized for violating human rights principles prohibiting discrimination in employment and assigning collective guilt. It also has been criticized because the screening process is based on the records of the Communist secret police, which many believe are incomplete or unreliable. Citizens unjustly accused of collaboration may suffer diminished career prospects and damaged personal reputations. In its November assessment report on the Czech Republic for European Union (EU) accession, the European Commission again noted the need to eliminate the law.

Some actions taken by state authorities and the Communist Party during the 1948 to 1989 Communist regime are being investigated as criminal acts under a 1993 law by a government office, UDV, established for this purpose. The UDV was established in 1995 and is an independent part of the Czech Police Office of Investigations. The UDV is empowered to launch and conduct prosecutions and propose filing suits to state attorney's offices. As of October, the UDV had investigated 2,756 cases under its jurisdiction, and recommended action against 152 individuals. Charges have been filed in court against 44 persons. Nine of those have been sentenced; five were placed on probation and four received unconditional sentences, the longest of which was 5 years' imprisonment. Nearly 2,000 cases have been dropped due to the death of suspects or witnesses, various presidential amnesties, or statutes of limitation. The trial in Uherske Hradiste of three Communist officials charged with torturing political prisoners in the 1950's ended in January. One of the three was acquitted; the case was postponed against the other two for health reasons (see Section 1.c.). The UDV is still working with Charles University to prepare "moral trials" to discuss crimes whose offenders cannot be punished due to their death or to the expired statute of limitations on the cases. It targets primarily cases of: Torture (see Section 1.c.); border shootings; treason connected with the 1968 Warsaw Pact invasion of Czechoslovakia; state persecution of opponents of the Communist regime; and investigation of Czech authorities who negligently allowed exposure of citizens to hazardous waste after the nuclear accident in Chernobyl. Although the statute of limitations for many of the Communist-era crimes under investigation by the UDV was set to expire this year, Parliament voted in December 1999 to suspend the statute of limitations for serious crimes committed during the Communist regime and enabled the UDV to continue investigating these cases. In September the Interior Ministry extended the UDV's mandate indefinitely and broadened the period of years it should investigate to include 1945 through 1948.

In July the case of Communist-era judge Pavel Vitek was submitted to a regional prosecutor. A district court ruled earlier that Pavel Vitek, who was one of the judges in a show trial against seven persons who were accused falsely of murdering Communist officials in 1951, could not be tried for his role in the case because the statute of limitations had expired. However, the Supreme Court ruled in December 1999 that he could be tried for aiding and abetting murder. The prosecutor had not yet returned the case to trial by year's end.

In February the Prosecutor General returned the case of former Communist officials Milos Jakes and Jozek Lenart to the UDV for further investigation. The two were to be charged with high treason for attending a meeting at the Soviet Embassy in Prague on the day after the Warsaw Pact invasion and for discussing the creation of a new "workers' and farmers'" government; they were not indicted by year's end.

The UDV also opened three new high-profile cases: The unexplained death in August 1967 of American citizen Charles Jordan, in which involvement of the Czech state security service is suspected; Communist officials' responsibility for and attempts to cover up a 1981 mining accident in which 65 miners were killed; and the alleged attempts of two former Communist officials to conceal and protect Nazi war criminal Werner Tutter in the 1960's. Prosecution of former Czechoslovak Premier and Interior Minister Lubomir Strougal relating to the arming of the People's Militia, a paramilitary force of the former Communist Party, was halted; he still faced charges of abuse of public office at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Electronic surveillance, the tapping of telephones, and the interception of mail require a court order; government authorities generally respect these prohibitions in practice, and violations are subject to effective legal sanction.

Unlike in 1999, there were no reports of Roma filing complaints against the police for illegal searches during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. Individuals can and do speak out on political issues and freely criticize the Government and public figures. A wide variety of newspapers, magazines, and journals owned by a variety of Czech and foreign investors are published without government interference. The press law was updated in February to conform to EU norms.

The electronic media are independent. There are 3 national television stations—1 public (with 2 separate channels) and 2 private—and more than 61 private radio stations in addition to Czech Public Radio. A third private television station, TV3, can be viewed only in certain regions or through cable and satellite. The leading television channel, Nova, is privately owned. International arbitration continues on a dispute over its ownership and alleged fraud and commercial misconduct by the station's license holder; several courts found in his favor during the course of the year. Citizens also have access to foreign broadcasts via satellite, cable, and the Internet.

On January 1, a new Freedom of Information Act took effect. The law provides for freedom of access to information under the control of state and local authorities as well as other institutions affecting the rights of citizens.

In November President Havel signed an amendment to the Penal Code that imposes prison terms of between 6 months and 3 years for denying the Nazi Holocaust and the Communist genocide. The amendment also outlawed the incitement of hatred based on race, religion, class, nationality, or other group.

In February the lower house of Parliament approved a press bill, minus its most controversial provision requiring that the press present responses from persons or parties who believed their reputations had been sullied by media reports, even if the information were correct. Opponents of the measure maintained that this provision would create an unfair burden on the press and represented an unwise regulation of free expression.

A 13-member Television and Radio Council has limited regulatory responsibility for policymaking and answers to the parliamentary media committee, which exercises broad oversight of the Council and must approve its members. The Council can issue and revoke radio and television licenses and monitors programming. The Council continued to be the target of criticism during the year for its lack of initiative and ineffective action in addressing a high profile ownership dispute at the country's largest private television channel. There is also a nine-member Czech Television (CTV) Council charged with oversight of the Public Czech Television. The Council became embroiled in a controversy over political influence on CTV in mid-December when it dismissed the CTV general manager. The council hired a new manager 8 days later who was alleged to be subject to political influence. In protest, news staff began producing their own version of the principal CTV and public affairs programs. The newly appointed management was prevented from entering CTV studios and began simultaneous broadcast of its own news and public affairs programs. By year's end, the situation had not been resolved.

In January a Prague court dropped charges of defaming a people and inciting racial hatred against far-right National Alliance leader Vladimir Skoupy, who had questioned whether the Nazi Holocaust had taken place (see Section 5).

Charges of slander, assault on a public office, and inciting racial discord filed against prominent national Romani leader Ondrej Gina in November 1999 were dropped in March. The mayor and city council of Rokycany formally had pressed charges against Gina for remarks that he had published about the mayor and the city on an Internet site about discrimination against Roma. Local police had concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The mayor and city council had argued that Gina's remarks were malicious enough to constitute "defamation of the Czech nation" and "harm to the reputation of the city of Rokycany at home and abroad (see Sections 1.f. and 5.)."

In September police brought charges of abetting in the commission of a crime against two journalists who refused to reveal their source of information in a case involving an alleged slander campaign against a member of the Government. Such charges are usually brought only in cases in which police have no other means of solving a serious crime, such as murder. Journalists and journalists' professional organizations criticized the charges as an attempt to stifle freedom of the press. In October President Havel pardoned the two journalists, who then called for the case to continue in order to establish a legal precedent on the press' right to protect sources. A state attorney in November agreed to proceed with the prosecution; however, no trial had begun by year's end.

The closely watched false accusation and libel case of Zdenek Zukal continued. Zukal faces three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. Originally Zukal had been charged with slander for publishing documents he knew—or should have known—to be forgeries. Local authorities later changed the charge to false accusation 1 day before a planned presidential pardon. Zukal's trial has been delayed on numerous occasions and was ongoing at year's end.

At year's end, former television reporter Tomas Smrcek was awaiting trial on charges of deliberately endangering classified data. In a 1999 report on possible Czech intelligence service coverup of one of its official's drunk driving offense, Smrcek allegedly showed a classified document on the air. Smrcek faces up to 8 years in prison.

In October the far-right Republican Party (SPR-RSC) brought suit against the Human Rights Commissioner and the Ministry of the Interior for incitement to racial and ethnic hatred. The Ministry, at the proposal of the Human Rights Commission, has made a public tender for grant proposals for a study of the Republican Party (SPR-RSC) and its racist and anti-Semitic policies.

In September a member of the far-right Republican Party (SPRRSC) was sentenced to 10 months in prison and 2 years' probation for spreading racial and national hatred. The man had placed photos of current Czech leaders in a display case with anti-Semitic labels (see Section 5).

In December publisher Michal Zitko was fined approximately \$53,000 (2 million Czech crowns) and given a 3-year suspended sentence and 5 years' probation for supporting and disseminating hate speech. Zitko had translated and published Adolf Hitler's "Mein Kampf" with no editorial commentary. The police seized 300 copies of the book. Also in December, a state attorney brought similar charges against Vit Varak for selling "Mein Kampf" on the Internet.

In December 1999, President Havel pardoned a Romani woman accused of defaming the Czech nation for comments she allegedly made about the construction of a wall dividing Roma and Czech communities in Usti nad Labem (see Section 5).

The law provides for academic freedom but forbids activities by established political parties at universities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of persons to assemble peacefully, and the Government respects these rights in practice; however, it may restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of the participants. Permits are normally required for demonstrations, but police generally do not interfere with spontaneous, peaceful demonstrations. In October police detained around 900 antiglobalization protesters rioting outside the IMF/World Bank meetings (see Section 1.c.) and pressed charges against 20 of them.

The law forbids political party activity at universities (see Section 2.a.).

The Constitution provides for the right of persons to associate freely and to form political parties, and the Government respects this right in practice. Either the Government or the President may submit a proposal to the Supreme Court calling for

a political party to be disbanded. Organizations, associations, foundations, and political parties are required to register with local officials or at the Interior Ministry, but there is no evidence that this registration is either coercive or arbitrarily withheld. Prime Minister Zeman has called periodically for the Interior Ministry to reexamine or cancel the official registration of skinhead organizations and others propagating racial hatred or fascism. In March the Ministry of the Interior cancelled the registration of a neo-Nazi organization that had propagated anti-Semitic sentiment (see Section 5). In October the Ministry also refused to register the National Party, an extreme right-wing organization, as a civic association (see Section 3). It also started an investigation into the charter and program of the far-right Patriotic Republican Party.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The State subsidizes all religions that are registered officially with the Ministry of Culture. There are 21 state-recognized religions. To register a church must have at least 10,000 adult members permanently residing in the country. For any churches that the World Council of Churches already has recognized, only 500 adult members permanently residing in the country are necessary. Churches registered prior to 1991 are not required to meet these conditions. The Jewish community, which numbers only a few thousand, constitutes one such exception. One group, the Unification Church (UC), was denied registration in January 1999 when the Department of Churches determined that it had obtained the required proof of membership by fraud; the UC is contesting the decision in court. In July the Ministry of Culture requested a clarification from the Jehovah's Witnesses addressing their beliefs concerning blood transfusions. The Society for the Study of Sects and New Religious Trends, a religious observer NGO, accused the Jehovah's Witnesses of concealing the religion's restrictions on blood transfusions during its 1993 registration process. Unregistered religious groups, such as the small Muslim minority, may not own community property legally, although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference.

In March and May 1999, the Government established two commissions to improve church-state relations. One is a "political" commission with representation from the main parties currently in the lower chamber of Parliament, and the second is a "specialist" commission composed of experts including lawyers, economists, and church representatives. The commissions advise the Government on church-state relations, the status of churches and methods of their financing, as well as church-related property questions. Members of the commissions also have advised the Ministry of Culture on a proposed new Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies. The proposal being considered is modeled on the religious registration law in effect in Austria. It would impose a two-tiered registration system, lowering the membership requirement for the first tier (non-profit religious association with limited tax benefits) to 300, but raising the membership requirement for the second tier (full religious association with benefit of state funding and property rights) to approximately 20,000. The new law would also impose a 10-year observation period on all first-tier organizations wishing to obtain second-tier status. Currently registered churches would automatically receive second-tier status. The proposed changes have been criticized by some unregistered religious groups (including the Muslims and the Church of Scientology) and non-governmental observers as prejudicial against minority religions. Some argue that government agencies for the dissemination of information on "harmful sects" assume that the groups on which they maintain such information are automatically suspect, when in fact they are legitimate religious organizations.

Missionaries for various religious groups, including the Church of Jesus Christ of Latter-day Saints and Jehovah's Witnesses, are present in the country. Although they proselytize without hindrance within the country, a more restrictive law on visas for resident foreigners has complicated their efforts and drawn criticism. The new law went into effect January 1. It requires that aliens apply for work visas before entering the country and provide financial information when doing so. The law is aimed at stopping illegal workers and does not specifically prohibit religious workers.

In March the Government negotiated a framework agreement on the protection and preservation of the remnants of a medieval Jewish cemetery uncovered in 1997 at a commercial construction site in downtown Prague. More than 100 sets of remains removed by archaeologists in 1999 were to be reburied at the site. The remaining graves on the site were to be encased in cement. The Government agreed to pay \$1.2 million (45 million Czech crowns) in compensation to the Czech Insurance Company, owner of the site. Twenty-five adjacent parcels believed to contain intact graves from the same cemetery were designated a national cultural monu-

ment. Minister of Culture Pavel Dostal published an editorial piece in July concerning the negotiations over the cemetery that many observers considered anti-Semitic. Dostal denied any anti-Semitic intent. In September the remains were buried in the New Jewish Cemetery in Prague instead. Although the local Jewish community considers the matter settled, some international Jewish groups expressed dissatisfaction at the manner in which the Czech Insurance Company implemented the March agreement.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement to travel domestically and abroad, as well as for emigration and repatriation, and the Government respects these rights in practice. Czechs who emigrated during the period of Communist rule frequently return to visit or live. A law passed in September 1999 permits such persons to regain citizenship without having to relinquish a foreign citizenship that they acquired during that time. Citizenship is not revoked for political reasons.

The law includes provisions for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A legal and institutional framework is in place for the processing of refugees and asylees. A new law on asylum that came into effect on January 1 improves refugee processing. It establishes a list of "safe countries of origin" from which applicants are unlikely to receive asylum, provides financial support for towns with refugee camps, and increases access to legal advice for asylum seekers. No independent body has been established to handle the appeals of those denied refugee status. The Government provides first asylum and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Czech Republic is both a transit and destination country for migrants. The Government fully funds an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers are provided for recognized refugees. As of the end of 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries. The new citizenship law passed in September 1999 enabled thousands more "Slovaks" to become citizens (see Section 5).

From 1993 to 1999, 20,434 asylum applications were filed, of which 838 received formal refugee status for resettlement. During the year, 8,773 applications for asylum were filed. Through August, 100 applications were approved. In 1999, 79 persons received refugee status out of a total of 7,217 applications. Persons from Afghanistan, Russia, Slovakia, Ukraine, Sri Lanka, and India submitted the most asylum requests during the first half of the year. Of the 441 asylum applicants from the Russian Federation, 212 are Chechens. In addition migrants from economically disadvantaged countries in Central and Eastern Europe often enter the country to take up illegal residency or in transit to the West. In 1999 border police prevented 32,325 illegal entry attempts, down by 25 percent from 1998. Through the end of November, 30,651 illegal migrants were stopped at the borders. The camps set up in 1999 for Kosovar Albanian refugees are closed and there is not a significant number of Kosovar Albanian refugees who remain in the country.

A growing concern is the smuggling of large groups of refugees and economic migrants into and across the country, which lacks specific laws criminalizing alien smuggling. Organized rings promoting illegal employment abroad operate with impunity, freely advertising their services in dozens of local papers and on the Internet. In spite of existing legislative gaps, the police are taking action against large-scale trafficking rings under organized crime statutes and a law criminalizing the "illegal crossing of the state border." The authorities are working with neighboring countries to tighten border controls. In December 1999, Parliament passed new legislation on residence and visas. The new law considerably tightens previous rules for change of status and extension of stay and requires visas in advance for everyone but tourists. The number of illegal migrants detained by Czech authorities declined by 25 percent from 1998 to 1999, a result of stepped-up efforts and international cooperation. The number of illegal migrants detained by Czech authorities through September is roughly the same as over the same period in 1999. Illegal migrant groups were composed primarily of persons from Romania, Moldova, Ukraine, Afghanistan, India, Bulgaria, and Vietnam. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government by democratic means, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens above the age of 18 are eligible to vote by secret ballot in national, regional, and local elections. Elec-

tions for 14 new regional governors and parliaments were held November 12. These were the first elections for the new regional-level administration, created to improve citizens' access to democratically elected institutions. The elections were free and fair but turnout was low. Opposition groups, including political parties, function openly and participate without hindrance in the political process. Citizens may join political organizations or vote for the political party of their choice without government interference. Political parties must register with the Ministry of the Interior. In October the Ministry denied registration to the far-right National Party because its constitution granted its leader a veto and prohibited its members from joining other associations. In December the Ministry publicly announced that it was conducting an investigation of the constitution of the far right Patriotic Republican Party to determine if the party should be deregistered. A new citizenship law passed in September 1999 remedied the situation for some persons, predominantly Roma, who were enfranchised under the former Czechoslovakia but who were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic. They lacked voting and other rights due to restrictions under the previous citizenship laws (see Section 5). Amendments to the election law passed in July make it possible for nonresident Czechs to vote in national elections for the first time.

The Government of Prime Minister Milos Zeman took office in July 1998. The Government consists almost exclusively of members of the Prime Minister's left-of-center Social Democratic party, the first nonrightist government since 1989. In addition to the largest opposition party, former Prime Minister Vaclav Klaus' Civil Democratic Party, which has formally agreed to support the minority Social Democratic Government under certain conditions, the opposition consists of the Communist Party and a coalition of four small centrist and center-right parties. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation. In July the Parliament approved a new system with 35 smaller electoral districts in place of the former 8 large electoral districts. The new law also lowers government subsidies to political parties and raises the percentage of votes needed for parties running in coalition to enter Parliament. To enter Parliament, a single party must obtain 5 percent of the votes cast in the election; however, coalitions must obtain 5 percent of the votes per party (i.e. a three-party coalition would have to receive 15 percent of the votes cast to enter Parliament). The President and a group of opposition senators have challenged the law's constitutionality, complaining that the new law discriminates against small parties and prevents free political competition. An amendment to the party financing law enacted in September over a presidential veto increases the government subsidy to Members of Parliament and Senators. The President is elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may use a suspense veto to return legislation to Parliament, which then can override that veto by a simple majority of all members.

There are no restrictions, in law or practice, on women's participation in politics; however, they are underrepresented, and relatively few women hold high public office. None of the 16 cabinet ministers in the Government at year's end was a woman. A "shadow" cabinet comprised of prominent women politicians and activists was formed in March. The 200-member Chamber of Deputies has only 30 female deputies, including 1 deputy speaker. There are 10 female senators in the 81-member Senate.

No seats are reserved in either house for ethnic minorities. Slovaks, of whom there are an estimated 300,000, are almost all "Czechoslovaks" who elected to live in the Czech Republic after the split. For the most part, these Slovaks define their interests in the context of national politics, not along ethnic lines; there is no Slovak party in Parliament.

Most of the estimated 200,000 to 250,000 Roma have not been fully integrated into political life (see Section 5). Roma themselves have been unable to unite behind a program or set of goals to advance their interests within the democratic structures of the country. Few Roma serve in local government structures, although some have been appointed to advisory positions in government ministries. There is currently one representative of Romani background in the Parliament.

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

Human rights groups operate without government restriction, and government officials generally are cooperative and responsive to their views. The best-known human rights groups are the Czech Helsinki Committee and the Tolerance Foundation (an umbrella organization). There are also many single-issue groups.

During the IMF/World Bank protests in September, members of the nongovernmental legal observer teams (OPH) were not allowed into two facilities where arrestees were being held. Despite agreeing before the protests to an access procedure for OPH observers, police at stations in Branik and Ocelarska Street refused entry to observers. During the investigation of possible police misconduct that followed (see Section 1.c. and 2.b.), the police and Ministries of Justice and Interior were responsive to OPH's views.

In July 1999, Parliament passed legislation needed to create a \$14 million (500 million Czech crowns) endowment to be used by 39 NGO's that work on issues of social welfare, health, culture, education, human rights protection, and the environment. In June the Government's Council for Nongovernmental Organizations announced it would be dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organizations focusing on human rights and the environment.

Former U.N. Human Rights Commission expert Petr Uhl has served as the Government's Commissioner for Human Rights since 1999. The Human Rights Commissioner serves as head of the government Committee for Nationalities and of the Interministerial Commission for Romani Community Affairs, established in 1997 (see Section 5). A Council for Human Rights with 10 representatives of government ministries and 10 human rights activists was established in January 1999. The Council for Human Rights advises the Government on human rights issues and proposes legislation to improve the observation of human rights in the country.

On December 12, pursuant to legislation passed a year earlier, the Chamber of Deputies elected former Justice Minister Otakar Motejl "Public Rights Protector" or Ombudsman. Motejl, a political independent, resigned from the justice post in October. No Deputy Ombudsman was selected. By year's end, Motejl was still hiring and training staff, opening his office, and beginning public outreach. The Ombudsman will address citizens' complaints of violations of civil and human rights and freedoms by government entities. However, he will have no legal power to sanction offending individuals or offices.

In each house of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. A government-sponsored Council for Nationalities advises the Cabinet on minority affairs. In this body, Slovaks and Roma have three representatives each; Poles and Germans, two each; and Hungarians and Ukrainians, one each. In November the Government signed the European Charter on Minority and Regional Languages; the Chamber of Deputies continued debate on a law on ethnic minorities at year's end. There is also a government commission staffed by members of the NGO and journalist communities that monitors interethnic violence.

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

The Constitution provides for the equality of citizens and prohibits discrimination. Health care, education, retirement, and other social services generally are provided without regard to race, sex, religion, disability, or social status. In practice Roma face discrimination in such areas as education, employment, and housing, and women face discrimination in employment.

Women.—The actual extent of violence against women is unknown; however, some studies by experts indicate that it is more common than publicly acknowledged. Public debate about it is rare, despite the efforts of women's groups to focus public attention on the problem. The Government maintains a comprehensive awareness and prevention program designed to address issues of trafficking, abuse, and violence against women. ROSA, an NGO that helps women in trouble, estimates that 1 in 10 women in domestic situations suffer from emotional or physical abuse, and that 30 percent of the abusers are university educated. The press occasionally reported on the problem of violence against women and trafficking in prostitutes. A 1998 research study conducted by Prague's Sexological Institute indicated that 13 percent of women are forced into sexual intercourse under threat of violence. Spouses or partners are responsible for 51 percent of rapes, with an additional 37 percent of the attacks committed by men known to the victims. Only 12 percent of rape victims are attacked by strangers. According to police statistics, there were 500 rapes reported countrywide during the year, although researchers at the Institute estimate that only 3.3 percent of rape victims report the crime to the police. Approximately 80 percent of criminal rape cases are solved. Gender studies experts reported that women were ashamed to report rape or speak about it, and that the police were not equipped to help, either by attitude or training. However, to improve police responsiveness and prosecution efforts, the Ministry of the Interior runs a training program in protocols for investigating family violence and sexual crime cases.

According to Elektra, a help center for abused women, rape victims can seek psychological help through any help line or crisis center. Crisis centers that help rape victims include White Circle of Safety, an association for crime victims that provides free psychiatric and legal help, and Riaps, a help line that counsels persons who experience any kind of trauma. A total of 54 state-supported shelters with 771 beds are located in most major cities and towns and accept women who have been raped or abused; local NGO's provide medical and social assistance to women. According to NGO's, the situation has improved in recent years, but there are still not enough shelter spaces to meet the demand.

Legislation does not address spousal abuse specifically; however, the Criminal Code covers other forms of domestic violence. An attack is considered criminal if the victim's condition warrants medical treatment (incapacity to work) for 7 or more days. If medical treatment lasts less than 7 days, the attack is classified as a misdemeanor and punished by a fine not exceeding approximately \$100 (3,000 Czech crowns—approximately one fourth of the average monthly wage). Repeated misdemeanor attacks do not result in stricter sanctions on the abuser. The police are training specialized personnel to handle domestic violence; however, they do not yet engage in regular contact with welfare and medical services. However, in 1998 the Police Academy and secondary police schools introduced, into both the introductory and continuing education curriculums, instructional material to improve the identification and investigation of domestic violence and sexual abuse cases and to sensitize police to the treatment of victims.

Forced prostitution (pimping) is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. The Interior Ministry estimates that up to 25,000 persons currently earn a living from the sex industry. Prostitution and sex shops are particularly prevalent in the border regions with Germany and Austria, where international vehicular traffic is heaviest. Trafficking in prostitutes is forbidden by law, and trafficking in women is a problem (see Section 6.f.).

Sexual harassment, long ignored by the media and by society, was the focus of more attention during the year. A new labor law approved in May includes a definition of and prohibition against sexual harassment. The law defines sexual harassment as unwanted, inappropriate or offensive sexual behavior, acceptance or rejection of which could be interpreted by another employee as affecting her status in the workplace. A recent study commissioned by the newspaper Lidove Noviny noted that nearly half of the country's working women have been subjected to sexual harassment in the workplace. A study by the Defense Ministry in 1996 found that nearly half of female soldiers experienced harassment on duty. The concerns of women's groups over workplace sexual harassment have previously been ignored or dismissed. In 1999, however, a university student became the first woman to win a civil sexual harassment lawsuit.

Women are equal under the law and in principle receive the same pay for the same job. Women represent roughly half of the labor force, though they are employed disproportionately in professions where the median salary is relatively low. Women's median wages lag behind those of men by roughly 20 percent, although the gap is narrowing. In May Parliament approved legislation banning discrimination in hiring and employment based on sex. Women enjoy equal property, inheritance, and other rights with men. The unemployment rate for women exceeds that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women hold senior positions.

A 1991 employment law bans discrimination on the basis of sex; however, in practice employers remained free to consider sex, age, or even attractiveness when making hiring decisions, since this did not necessarily constitute "discrimination" under then current legal interpretation. Employers often openly used such factors as age, sex, and lifestyle in their employment solicitations. July 1999 and May 2000 amendments to the law explicitly prohibit employment discrimination based on a variety of factors, including sex, race, skin color, sexual orientation, language, faith, health and family status. Repeated offenses are punishable by fines of up to one million Czech crowns. By midyear, the employment office in Plzen had warned around three dozen companies of discriminatory language in their classified job listings. No fines were levied; the discriminatory passages were removed in each case.

Children.—The Government demonstrated its commitment to children's welfare through its programs for health care, compulsory education through age 15 (through age 14 in special schools), and basic nutrition. Girls and boys enjoy equal access to health care and education at all levels. Education is free and compulsory from age 6 to age 15.

Child abuse and trafficking in children (see Sections 6.c. and 6.f.) continued to receive press attention during the year. The conviction of a group of foreigners for

pedophilia was covered widely as were reports of pedophile activities in border areas with Germany. A British disc jockey and three other foreigners were convicted in May on charges of pedophilia and sentenced to 33 months in prison. Press and government reports throughout the year indicated that Central Europe is still a popular destination for pedophiles due to its convenient location and low risk of sexually transmitted disease. Some experts estimate that the number of visits to the country, primarily by West Europeans, for the purpose of abusing children has increased 20 percent since 1997. Dissemination of child pornography, whether by print, video, CD-ROM, or the Internet is a criminal act. In July the Government approved a National Plan Combating Commercial Sexual Abuse, giving the Ministry of the Interior coordinating responsibilities. Laws against child pornography are enforced; in January a Czech was sentenced to 1 year in prison for offering a child pornography CD-ROM on the Internet. Court convictions against persons guilty of child sex abuse are reported routinely in the media.

Since 1990 the number of reported cases of child abuse roughly doubled; this increase appears to be the result of increased awareness of the problem and more effective police training and action. Laws criminalize family violence, physical restraint, sexual activity, and other abuse of a minor. A Children's Crisis Center was established in 1995 and is 70 percent state supported. The Fund for Endangered Children estimates that the total number of children suffering from physical, psychological, and sexual abuse is 20,000 to 40,000, but only about one-tenth of such cases are registered by the police. Between 50 and 100 children die each year as a result of abuse and violence within the family. According to NGO's, there are approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGO's.

Romani children often are relegated to "special schools" for the mentally disabled and socially maladjusted. Both a government program and various private initiatives exist to prepare Romani children for mainstream schools. In June 1999, the European Roma Rights Center (ERRC) filed a lawsuit with the Constitutional Court on behalf of 12 Romani families in Ostrava, alleging that the disproportionate number of Romani children in special schools constitutes de facto segregation throughout the educational system. The Ostrava Court in October 1999 dismissed the case, stating that despite evidence of a pattern of discrimination, individual cases of discrimination had not been proved since due process with respect to psychological evaluation and testing with parental consent had been followed in each child's case. The Court also ruled that it was not competent to force the Ministry of Education to provide nondiscriminatory education. In April the ERRC took the case to the European Court of Human Rights in Strasbourg; a decision is pending. In February an amendment to the law governing schools eliminated the restriction on "special school" graduates from applying to regular secondary schools (see Section 5).

People with Disabilities.—The disabled suffer disproportionately from unemployment, and the physically disabled experience difficulty in obtaining access to buildings and public transport. Access to education can be a problem, due to the lack of barrier-free access to public schools, although there is at least one barrier-free school in each district. Many buildings and means of public transportation remain inaccessible to those in wheelchairs, although access is improving. In Prague 22 of 48 metro stations and 4 bus lines are accessible to the disabled. A 1994 Economic Ministry regulation and an update to the 1998 Construction Code require architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration. These regulations are applied in practice. In July the Government passed a law requiring access for the disabled to all museums. Also in July the Government required the State Fund for Transportation to provide transportation subsidies for the disabled. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks. Numerous NGO's support social assistance programs to diminish the disadvantages faced by the disabled. These NGO's report that, although problems persist, the situation of the disabled is receiving more attention and is vastly improved from that of only a few years ago. The integration of the disabled into society has not been the subject of significant policy or public debate.

Religious Minorities.—In January a court in Jeseník sentenced Jiri Tuma to 10 months in prison for displaying racist and anti-Semitic symbols in public and propagating a movement that suppresses citizens' freedoms and rights. Also in January a court dropped charges of inciting racial hatred against Vladimir Skoupy, a leader of the National Alliance. At an October 1999 rally, Skoupy had questioned whether the Holocaust had ever occurred. A local prosecutor stated that because Holocaust denial was not illegal (a law passed in September criminalizes Holocaust denial) and because Skoupy's comments were not insulting or belittling, he could not be convicted (see Section 2.a.).

In March Minister of Interior Vaclav Grulich officially disbanded and canceled the registration of the National Alliance, an extreme right-wing, neo-Nazi organization whose leaders consistently have propagated anti-Semitic sentiment and publicly questioned the occurrence of the Holocaust (see Section 2.b.). The Patriotic Front, an extreme right-wing association accused of denying the Holocaust, was warned by the Interior Ministry in November 1999 that it was violating human rights and fundamental freedoms. A month later, the Association changed its charter to eliminate offending sections and has made no further public anti-Semitic statements.

At an April rally, members of the National Alliance and another extreme right-wing entity, the Patriotic Front, threatened to deface or remove explanatory plaques installed at the urging of the North American Boards of Rabbis in March on the historic Charles Bridge in Prague. The plaques, in Czech, English, and Hebrew, describe the origin of a medieval sculpture of Christ on the Cross—one of many sculptures on the bridge—that bears an offensive Hebrew inscription.

In December 1999, as part of a display on the struggles of the extremist right-wing Republican Party (SPR-RSC) that was hung in front of the local party headquarters in Decin, photographs of President Havel, Prime Minister Zeman, Civic Democratic Party Leader Klaus, and Freedom Union chairman Jan Ruml were labeled “Jewish Free Masons and Murderers of the Czech Nation.” The exhibit also included a list of “Jews and Jewish Half-Breeds” in politics that included the names of Havel, Zeman, and Klaus. The list was removed a few days later. A member of the Republican Party responsible for the display was arrested in January and in September sentenced to 10 months in prison and with 2 years’ probation for spreading hatred and racism (see Section 2.a.). In December a publisher, Michal Zitko, was fined \$53,000 (2 million Czech crowns) and given a 3-year suspended sentence and 5 years’ probation for supporting and disseminating hate speech. He had published without editorial comment or annotation a Czech-language version of Hitler’s “Mein Kampf.” (See Section 2.a.) In December a state attorney brought charges of disseminating hate speech and propagation of a movement aimed at suppressing rights and freedoms against Vit Varak for selling “Mein Kampf” on the Internet.

The case of a man charged with organizing a ring in Plzen that produced and distributed racist, fascist, and anti-Semitic materials was ongoing at year’s end. In February 1999, police arrested 12 members of the ring and confiscated numerous racist publications, along with membership lists, indicating that the group was part of a large, well-organized movement with ties to groups in several other European countries. Charges were dropped against all others involved, but the leader still faces up to 8 years in prison for supporting and propagating a movement aimed at suppressing rights and freedoms. In December police in Zlin uncovered another group distributing neo-Nazi recordings, publications, and badges. A 21-year-old woman was charged with suppressing rights and freedoms. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

In February 1999, police in Plzen arrested 12 leaders, producers, and distributors of racist, fascist, and anti-Semitic materials. The raid netted large amounts of fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to groups in several other European countries. Those arrested were charged with supporting and propagating a movement dedicated to the suppression of the rights and liberties of citizens, an offense punishable by up to 8 years in prison. The owners of the firms charged with having produced the fascist and anti-Semitic materials face the loss of their operating licenses. The case against those arrested is still pending. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

National/Racial/Ethnic Minorities.—After ethnic Slovaks, the largest minority is the Romani population, officially estimated to number between 200,000 and 250,000. Roma live throughout the country but are concentrated in the industrial towns along the northern border, where many eastern Slovak Roma were encouraged to settle in the homes of Sudeten Germans transferred to the West more than 40 years ago.

Roma suffer disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease. They are subject to popular prejudice, as is affirmed repeatedly by public opinion polls. Nearly 65 percent of the respondents in a September opinion poll admitted to an unfavorable opinion of Roma and to racial intolerance, with more than 50 percent saying that there were too many non-Czechs living in the country. A court case charging editors of a Republican Party (SPR-PSC) magazine (leaders of this extreme right-wing party espouse anti-German and anti-Romani policies) with publishing offensive statements against Roma was filed with a Prague district court in January 1998 and was still before the court at year’s end.

The State funds television and radio programs for Roma on public stations and also supports Romani press publications. Until July there was one full-time Romani anchorman on television. He was placed on administrative leave after being charged with tax and welfare fraud and after the resolution of his case did not return to the air. There is one full-time anchorman of Ghanaian background on TV Nova. During the year, more and better information on Romani issues became available in the mainstream press and other sources. A November poll showed that a majority of Czechs (53 percent) believe that the media cover Romani issues well. To improve media reporting on Romani issues, a Romani journalism course was established in the College of Publicity, and the first students graduated in February of 1999. There has been a Department of Romani Language Studies at Charles University in Prague since 1991, and additional university-level Romani language study program exist in Usti nad Labem and Brno.

However, efforts by NGO's and individuals in the health and education fields to improve living conditions for the Roma have had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves have had limited success in organizing their local communities, which often are disunited and where many are reluctant to foster contacts with the majority.

Members of skinhead organizations and their sympathizers most often perpetrate interethnic violence. Roma are the most likely targets of such crimes, although other "dark-skinned" individuals come under the same attacks. An estimated 5,000 skinheads are active in the country. The Documentation Center for Human Rights recorded more than 1,800 racially motivated attacks over the past 8 years, in which nearly 32 persons died. Last year police recorded 364 "racially-motivated or extremist crimes," up from 316 in 1999. However, police and courts sometimes are reluctant to classify crimes against Roma as racially motivated, and the actual figures likely are higher.

In November 1999, some 30 skinheads attacked between 60 and 70 Roma in a restaurant in Ceske Budejovice; 6 persons were injured. Police subsequently charged 23 skinheads with racially motivated violence; they now face sentences of up to 3 years in prison. In July the trial of the 23 skinheads began; the process is currently ongoing.

In August 1999, some 30 skinheads attacked several Romani homes in a village near Jaromerice nad Rokytinou, which resulted in injuries to 2 Roma and damage to several cars and houses. The raid lasted approximately 1 hour. The skinheads threw bricks and stones at the Roma while yelling racist epithets. Police charged 12 persons with rioting, property damage, and violence, although they were not charged with racially motivated crimes. A decision in the case was still pending at year's end.

In July 1999, a group of skinheads attacked a 27-year-old Rom in a bar in Jesenik with pool cues, pool balls, and other objects, as they shouted racial epithets at him. Police charged six persons involved in the attack with defamation of race and disturbing the peace. In January a court ruled that the assault was not an organized attack and therefore the six could not be tried as a group. The court then found four of the attackers not guilty and placed two of them on probation. In July the Justice Ministry filed a complaint before the Supreme Court against the court's decision to try each defendant separately. In August the court overturned the previous verdict and criticized the lower court for its ruling that the attack was not an organized one. The case returned to the lower court for a new decision based on the Supreme Court's instructions.

In a November 1998 incident in the city of Hodonin, a group of skinheads attacked an elderly American citizen for apparently defending a young Rom whom the skinheads were harassing while dining in the same restaurant. After exchanging words with the man, the skinheads waited for him outside, and after a short chase, attacked him and left him seriously injured and unconscious on the ground. The incident was captured by the security cameras of a nearby gasoline station. Charges later were filed against the main attacker. During the trial, the prosecution presented evidence that the defendant had a previous conviction for shooting a pistol into a group of Romani youth in front of a nightclub (he was subsequently pardoned by President Havel). On July 19, a judge convicted him of attempted bodily harm and disturbing the peace, rejecting the more serious charge of assault with racial motivation. He was given a 2-year suspended sentence, the most lenient allowable. The judge also declined to impose any monetary sanction on the defendant. The judge ruled that as the victim had, according to testimony by an expert medical witness, suffered no permanent physical damage (a claim disputed by the victim), a stiffer sentence was unwarranted. In November an appeals court again rejected the prosecutor's contention that race had been a motive in the attack. The court lengthened the sentence by 6 months, still suspended, and 3 years' probation. The court

also imposed on the defendant a fine of \$3,000 (12,000 Czech crowns) to cover the victim's medical expenses.

The sentences of three skinheads found guilty of the 1995 murder of Rom Tibor Danihel were confirmed. The Justice Minister had filed a complaint in 1999 against the High Court for annulling the convictions on technical grounds.

Rom Milan Lacko died in 1998 after being beaten by a group of skinheads, then being hit and killed by a vehicle driven by police officer Marian Telega (see Section 1.c.). In 1998 the skinheads charged with beating Lacko then leaving him in the road were given suspended sentences. The court absolved the attackers of responsibility for Lacko's death, placing the blame on the truck that allegedly hit him. After that acquittal, five skinheads were fined and given prison terms of 12 to 14 months for appearing at the trial wearing swastikas and making racial jokes and insults to the media, the victim's family, and supporters in the courthouse. The case was re-opened in October when experts testified that Lacko had died as a result of being hit by a car driven by a police officer. In December the court sentenced four young men to sentences of 3 years in prison, 1 year in prison, 2 years of probation, and 1^o years of probation. All four were found to be indirectly responsible for Lacko's death; the one defendant who admitted to attacking the victim was convicted of attempting to cause bodily harm and given the longest sentence. Police officer Marian Telega was given an 18-month sentence and 2-and-a-half-years' probation.

Prime Minister Zeman consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement. In March the Minister of Interior officially disbanded and canceled the registration of the National Alliance, an extreme right-wing, neo-Nazi organization whose leaders consistently have propagated anti-Semitic and anti-Roma sentiment (see Section 2.b.). A 1999 police raid in Plzen led to the arrest of 12 skinhead leaders, distributors, and producers of Nazi materials. Another extreme right wing group, the Patriotic Front, changed its charter to eliminate offending sections after being warned in November 1999 by the Interior Ministry that it was violating human rights and fundamental freedoms. The raid also netted large amounts of fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to the United Kingdom, Sweden, Hungary, and Slovenia. Those arrested were charged with dissemination of fascist propaganda, an offense with a maximum penalty of 8 years in prison. The raid was executed prior to a planned skinhead rally in Line, near Plzen, and forced the cancellation of the event. Charges were dropped against all but the leader, who faces up to 8 years in prison for supporting and propagating a movement aimed at suppressing rights and freedoms.

In July a series of attacks against Roma and Romani homes and facilities took place in Rokycany. On July 5, three young men attacked a group of six Roma in Osek, near Rokycany. Two victims were slightly injured. The attackers were charged with race defamation and organized assault. On July 14, an unknown perpetrator broke a window at a Romani community center run by Romani activist Ondrej Gina and threw gasoline into the facility; no fire ignited. The same night, Gina received anonymous racist phone calls and a bomb threat at his home. Also that night, a group of young men on motorbikes threw Molotov cocktails at the house of another Rom, Jiri Gina (no relation to Ondrej Gina). Three 17-year-old members of a previously unknown group, Czech Lion (Cesky Lev), were arrested and charged with a racially motivated attack. At year's end, investigation of the case continued; the three accused were not in police custody.

In August a state prosecutor filed charges of tax evasion and welfare fraud against Ondrej Gina; his son, Ondrej Gina Jr.; and Gina Jr.'s wife. Gina Jr., the only Romani anchorman on Czech television, took administrative leave from his job. In October a court halted proceeding against Gina Jr. and his wife after they admitted to having presented false information on their tax return and fraudulently collecting social benefit payments. They agreed to pay back around \$650 (25,000 Czech crowns). Gina Jr. did not return to his previous anchorman position. In November additional charges of fraud relating to management of Romani Community funds were filed against the elder Gina. The investigation against him was ongoing at year's end. Several Romani organizations have accused Rokycany authorities of racism and selective prosecution.

In September three policemen in Brno allegedly stopped Rom Martin Tomko arbitrarily on the street, asked for his identity documents, then, after an argument, beat Tomko and left him unconscious in a park (see Section 1.c.). In December two of the policemen were charged with abuse of public office and inflicting bodily harm. The third, who was off duty at the time of the attack, was charged with disturbing the peace and inflicting bodily harm.

Other attacks were reported throughout the year. In January in Novy Jicin a man attacked two Roma men at a disco while shouting racial slurs. He was charged with

defamation of a nation or race and with rioting. The case was still pending at year's end. In February a group of approximately 15 skinheads, cheered on by bar patrons, attacked and beat five Roma in a bar in Nachod while shouting racial epithets. One attacker was charged with rioting, but no racial motive was ascribed to the attack by investigators. In July on a road near the village of Osek, three men followed, verbally harassed, and then attacked six Roma. Police charged the three with rioting and defamation of race. Both cases are still pending.

In November media reported on a Romani family in Ostrozská Nova Ves that received racist threats during the year. On one occasion an unknown person broke a window in their home, leaving a letter with a swastika threatening to kill them unless they moved out of town. Police were still investigating the case at year's end.

There were reports of racially motivated Roma-instigated attacks on others during the year. In October a Rom attacked townspeople with a hatchet while shouting racist insults. A July Ministry of Interior report indicated that Roma were the perpetrators in 12 percent of racially motivated attacks in 1999.

In August the founder of an NGO dedicated to improving Czech attitudes towards ethnic minorities received violent, racist threats via e-mail and telephone. In September thousands of Czech mobile phone users received electronic messages on their phones promising free phone time for every Roma they killed.

Racial and ethnic tensions and discrimination in society continued to be the object of much media attention during the year. Even when federal authorities have spoken out on these issues, local attitudes often have proven impervious to change. In October 1999, local authorities in Usti nad Labem built a wall dividing a Romani apartment complex from its non-Romani neighbors across the street. After a national and international outcry against the wall, the Government negotiated its removal in November 1999, agreeing to provide a grant of \$250,000 (10 million Czech crowns) to improve social conditions in the area. The houses of Czechs who refused to live near the Romani community were bought for \$79,000 (three million crowns); one of the houses was converted into a new police station; the others remain unoccupied. A playground was opened on the street in September and trash is now collected regularly there (neighbors' complaints of children playing in the street and uncollected trash littering the area had led to the proposal of the wall's construction). A portion of the dismantled wall now stands in the municipal zoo. In a February opinion poll, however, threefourths of those surveyed blamed the wall controversy on the Roma's inability to adapt to rules of normal social behavior. Several NGO-supported projects aimed at improving Czech/Roma relations in the area were started during the year.

In October the Committee for the Compensation of Romani Holocaust Victims unveiled commemorative plaques at the site of a Romani concentration camp in Lety. In 1999 the Government provided \$12,500 (500,000 Czech crowns) for the project when a poll showed that only 11 percent of respondents were willing to assist in financing the Lety Project (and less than one-fourth were aware that Roma were persecuted under the Nazi regime). The Government completed the transfer of archives related to the site to the U.S. Holocaust Memorial Museum. In 1999 the Human Rights Commission recommended the removal of the pig farm built on the site in 1974, yet it remains.

Roma wishing to integrate face practical difficulties in the areas of employment and education. Estimated unemployment among Roma is 70 percent, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refuse to hire Roma and ask local labor offices not to send Romani applicants for advertised positions. An amendment to the Labor Code prohibits hiring and employment discrimination based on ethnic origin, but no enforcement statistics are yet available. Under the law, individual Roma do not have the right to file discrimination complaints; action must come from governmental authorities. Many Roma are qualified only for lowpaying jobs as manual laborers, since very few complete secondary education. A higher-than-average share of the Romani population applies for partial or full disability pensions due to the occurrence of advanced-stage malignant diseases resulting from the neglect of preventive health practices or the lack of available medical care in areas with above-average Romani populations. In June the Government approved a Plan for Roma Integration aimed at combating discrimination against the Romani community. The plan tasked the Human Rights Commissioner with proposing legislation in 2001 designed to give advantage to Romani firms in placing public orders.

The integration of Romani children into mainstream schools frequently is impeded by language and cultural barriers. Official estimates indicate that less than 20 percent of the Romani population completed the ninth grade, and less than 5 percent completed high school. A significant number of Romani children are transferred at an early age, after a psychological exam, to "special schools" for the mentally dis-

abled and socially maladjusted. According to unofficial government estimates, Romani children make up 60 percent or more of pupils placed in these special schools, although Roma constitute less than 3 percent of the population. Some Romani parents do not send their children to school regularly due to a fear of violence, the expense of books and supplies, or the lack of a strong cultural emphasis on education among some Roma. In 1999 12 Romani families filed suit in the Constitutional Court to protest the "de facto segregation" of Romani children into special schools. The lawsuit requested the establishment of a compensatory educational fund, an end to racial segregation within 3 years, and the development of an educational reform plan. However, the Constitutional Court rejected the complaint in November 1999 and stated that it did not have the power to order the Ministry of Education to create programs to end racial discrimination. In April the families took the case to the European Court of Human Rights in Strasbourg; a decision is pending. The Ministry of Education later took steps independently to implement some of the recommended changes. In December 1999, the Parliament revoked the restriction on students in special schools from applying to attend mainstream secondary or upper-level public schools. The legislation was drafted by Parliament's sole Romani representative and constituted a significant step in opening access to higher education to the Romani minority. In addition the Ministry of Education is working on changes to the psychological exam given to Czech children that many claim is culturally biased against Romani children. Children are assigned to "special schools" based on poor results on the exam.

In 1993 the Government created the framework for a number of year-long programs (so-called zero grades) to prepare disadvantaged youths for their first year in school. Many districts with high concentrations of Roma participate in the program, which is funded solely by local authorities. More than 100 zero grades now operate throughout the country. Some districts tracking local Romani students report that up to 70 percent of the children who attend zero-grade training successfully enter and remain in mainstream schools. Another educational initiative continued placing Romani "assistant teachers" into the primary and special school system. Their function is to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. According to the Ministry of Education, there are now 200 Romani assistant teachers in the school system, which is an increase from 144 last year. In 1999 the Education Ministry began using joint Romani-Czech language textbooks in 60 elementary schools to help overcome the barrier in the early school years between Romani children and non-Romani speaking teachers. The Ministry of Education ordered a textbook for use in schools on the cultural and historical roots of the Romani minority and on successful members of the Romani community. Local NGO's support additional studies and private initiatives to prepare Romani children for mainstream schools. Some Roma refuse to cooperate with compulsory vaccinations for children or are refused treatment by general practitioners who have full quotas of subsidized patients.

"Roma advisors" or "Roma assistants," created by the Interior Ministry to advise local authorities on Romani issues, now serve in all 73 of the country's district offices and at the Prague, Brno, Ostrava, and Plzen town halls. Over 60 percent of the advisors are Roma. The positions, originally slated for elimination at the time of a scheduled federal restructuring, will continue under the title of "regional advisors for ethnic minorities" beginning in 2003. Many advisors have made a significant contribution to their communities, but some Romani communities have complained of advisors' ineffectiveness and called for their removal. The advisors themselves have in some cases felt hindered by the lack of procedural instructions for carrying out their duties and a clear legal mandate.

Roma also face discrimination in housing and other areas of everyday life. Despite constitutional prohibitions on discrimination, a civil law framework to implement these provisions has not been incorporated into specific offenses under the Criminal Code. Some restaurants, pubs, and other venues refuse service to Roma and post signs prohibiting their entry. The only Romani Member of Parliament reported having been denied entry to restaurants and clubs on numerous occasions. A civil court awarded her damages this year from a club owner in Brno who had refused her entry. Rokycany pub owner, Ivo Blahout, who in 1995 refused to serve Romani patrons, was fined \$200 (8,000 Czech crowns) in May. He had been acquitted previously three times; he appealed the sentence but no decision had been made by year's end.

There were occasional reports of anti-Roma petitions, which complained that Roma are noisy on the street, listen to loud music, make messes, and spoil the neighborhood. In January 400 residents of Karlovy Vary signed a petition against a plan to open a Romani cultural center in the Doubi town district.

Beginning in 1997, when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Romani families have continued to emigrate. The numbers applying to the United Kingdom have decreased; most requests for asylum there are denied. Roma began applying in greater numbers for asylum in other European countries such as Belgium, Finland, and the Netherlands, and in New Zealand. An estimated 10,000 Czech Roma have emigrated in the last 3 years. Roma activists state that the motive for the increased emigration is fear of racism, violence, and discrimination. A February poll indicated that 62 percent of Czechs believe the Roma are departing for economic reasons. In December the Government of New Zealand announced the imposition of a visa regime with the Czech Republic effective in 2001 in response to the growing number of Romani asylum applicants. The Honorary Czech Consul in New Zealand reacted by declaring that the Roma were not Czechs. The Ministry of Foreign Affairs strongly condemned his comment.

The Government and some local municipalities reported some success with programs designed to deal with drug addiction and crime prevention in the Romani community during 1999. In December 1998, the Interministerial Commission for Romani Community Affairs was expanded to include 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy. The revamped Commission has taken an increasingly active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany, as well as promoting positive initiatives in housing, education, and discrimination. The Commission was budgeted \$625,000 (25 million Czech crowns) for projects to assist in integration of Roma. There also was an active effort underway during the year to identify, train, and recruit qualified Roma to serve in law enforcement. The first group of police trainees completed the national police academy's course in Romani language and culture, designed to facilitate police officers' improved communication and response to the Romani communities in their precincts. One government initiative, the three "Romani-inspector" positions authorized to penalize shop and restaurant owners who refuse service to Roma, has been criticized for ineffectiveness and lack of resources.

In June the Human Rights Commission concluded its seven-month "Project Tolerance" campaign. The \$250,000 (10 million Czech crowns) project consisted of public opinion polls on Czech attitudes towards ethnic minorities and foreigners; "tolerance rides" (information campaigns in which Romani and non-Romani educators visited schools to talk about racism and the history of the different ethnic groups in the country); teacher training; funding for Romani cultural events; and a webpage. The campaign also included a series of billboards, radio, newspaper, and television advertisements designed to promote public discussion of racial tolerance and to improve public opinion toward Roma. In September the commission announced that the project would continue for another year.

In September 1999, Parliament passed a law to allow former Czechoslovak citizens who have lived in the country since 1993 to claim citizenship by simple declaration. This bill was created to remedy the de facto stateless situation of some Czech Roma, who were estimated to number between 10,000 and 20,000 persons. The law also regularizes the status of children in foster care who lacked citizenship or permanent residency status. However, the law only provides for citizenship for those who have resided continuously in the country since 1993. Certain persons who went abroad for extended periods, including some asylum seekers and those expelled from the country by authorities, may face added difficulty in filing for citizenship under the new law. Roma activists claimed that some local officials are refusing to process Czech citizenship applications for "Slovak" or stateless Roma families in violation of the law. In one case a "Slovak" applicant was denied Czech citizenship illegally then required to leave the Czech Republic, thus losing his continuous resident status and voiding his citizenship claim. The law does not provide benefits to those who were denied citizenship and benefits and expelled between 1993 and 1999. Many local authorities and Roma are also apparently unaware that any changes to the citizenship law have been made.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their own choice without prior authorization, and the Government respects this right in practice. Union membership continued to decline during the year.

Most workers are members of unions affiliated with the Czech/Moravian Chamber of Trade Unions (CMKOS). The CMKOS is a democratically oriented, republic-wide

umbrella organization for branch unions. It is not affiliated with any political party and carefully maintains its independence.

Workers have the right to strike, except for those whose role in public order or public safety is deemed crucial. The law requires that labor disputes be subject first to mediation and that strikes take place only after mediation efforts fail.

There were no major strikes during the year. The Association of Independent Trade Unions, comprised of seven unions, staged a token strike protesting unpaid wages, unemployment, and pension reform in March, blocking a Prague road and halting train service in some areas.

Unions are free to form or join federations and confederations and affiliate with and participate in international bodies. This freedom was exercised fully.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, which generally is carried out by unions and employers on a company basis. The scope for collective bargaining is more limited in the government sector, where wages are regulated by law.

The 2000 ICFTU Annual Survey of Trade Union Rights alleges that some employers refused to bargain or used obstructive tactics to prevent collective agreements from being concluded.

There are 11 free trade zones. Their workers possess and practice the same right to organize and bargain collectively as other workers in the country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that performed by children, and it generally is not used; however, trafficking in women and children for the purpose of forced prostitution is a problem (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (schools for the mentally disabled and socially maladjusted) may work at the age of 14. These prohibitions are enforced in practice. The law prohibits forced or bonded labor by children, and the Government effectively enforces this prohibition (see Sections 6.c. and 6.f.). However, trafficking in children is a problem. Employment conditions for children aged 15 to 18 are subject to strict safety standards.

e. Acceptable Conditions of Work.—The Government sets minimum wage standards. In June the Government increased the minimum wage by 500 Czech crowns to 4,500 per month, about \$113. Due to currency exchange rate shifts, this represented no change in dollar terms from the minimum wage of a year ago (approximately \$115 or 3,600 Czech crowns). The monthly average is approximately \$337 (13,473 Czech crowns) per month. Average net wages are 2.8 times as high as official sustenance costs. The minimum wage provides a sparse standard of living for a worker and family, although allowances are available to families with children. Retraining efforts, carried out by district labor offices, seek to provide labor mobility for those at the lower end of the wage scale. The enforcement of minimum wage standards was not a problem during the year.

In May the standard workweek was reduced to 40 hours from 42, effective January 1, 2001. It also requires paid rest of at least 30 minutes during the standard 8-hour workday, as well as annual leave of 4 to 8 weeks, depending on the profession. Overtime ordered by the employer may not exceed 150 hours per year of 8 hours per week as a standard practice, although the local employment office may permit overtime above this limit. The Labor Ministry enforces standards for working hours, rest periods, and annual leave.

Government, unions, and employers promote worker safety and health, but conditions in some sectors of heavy industry are problematic, especially those awaiting privatization. Industrial accident rates are not unusually high. The Office of Labor Safety is responsible for enforcement of health and safety standards. Workers have the right to refuse work endangering their life or health without risk of loss of employment.

f. Trafficking in Persons.—Specific laws prohibit trafficking in women and children, and trafficking in women and girls for the purpose of forced prostitution is a problem. The Czech Republic is a source, transit, and destination country for trafficking in persons from the former Soviet Union, Africa, Asia, and the Middle East. Czech women and girls are trafficked to Western Europe, such as to Germany. Organizing prostitution or pimping also is illegal and punishable by a prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults can be prosecuted for engaging in sexual activity with a minor under the age of 15.) There have been numerous convictions of traffickers as a result of proactive investigative efforts on the part of law enforcement officers. The Czech Police Organized Crime Division includes a Unit on Trafficking in Persons, established in 1995, which cooperates with other nations to enforce these laws. In February the

Czech office of the International Organization on Migration (IOM) completed the first stage of an extensive information and media campaign aimed at educating women about avoiding entrapment in trafficking for prostitution schemes and providing information on organizations that assist victims of trafficking.

In March, 13 people were arrested in West Bohemia for luring women from Russia, Bulgaria, and Ukraine and forcing them into prostitution, among other charges. Also in March, a raid in Austria broke up an international ring that trafficked Czech and Hungarian women into prostitution. Police maintain close contact with the IOM and other NGO's in order to provide services to women left penniless and homeless after trafficking arrests.

The full extent of trafficking in children is unknown; however, convictions of child sex offenders are reported routinely in the media. For example, the May conviction of a group of foreigners for pedophilia was covered widely, as were the cases of several German citizens who were detained in cities near the Czech-German border and who reportedly had traveled regularly to the Czech Republic for the purpose of soliciting sexual activity from adolescents (particularly young Roma). Following these incidents, police personnel took measures to prevent this type of "sex tourism" more effectively. Police maintain patrols in high-risk areas, enforce curfew-type policies more actively, and work to raise public awareness of the issue through the media. In two separate cases in February, men in the Teplice region were arrested for providing Czech children to German pedophiles. Despite increased police efforts, press reports still indicate that in many border regions sexual tourism with adolescents continues. In November police conducted raids at 7 nightclubs in 4 districts of the country, arresting 10 persons.

DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule. Queen Margrethe II is Head of State. The Cabinet, accountable to the unicameral Parliament (Folketing), leads the Government. A Social Democrat-led minority coalition remained in power following a narrow election victory in 1998. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintain effective control of the security forces.

Denmark has an advanced, market-based industrial economy. One-half of the work force is employed in the public sector. The key industries are food processing and metalworking. A broad range of industrial goods is exported. The economy provides residents with a high standard of living.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. The Government is taking serious steps to deal with violence against women. Trafficking in women is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors. But in July the U.N. Committee Against Torture criticized the Government for the number of prisoners held in isolation and the length of time spent in isolation. In response the Government revised prison rules on the length of isolation permitted and the reasons for assigning isolation. Previously all prisoners who refused to participate in work programs were isolated. Under the new rules, the percentage of prisoners in isolation dropped from 9.8 percent in 1999 to 3.7 percent in 2000.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system consists of a series of local and regional courts, with the Supreme Court at the apex.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

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

A permit is required for public demonstrations, but the Government uses objective criteria in evaluating requests and does not discriminate in issuing permits.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government respects this right in practice. It also provides for an official state religion, the Evangelical Lutheran Church, which is subsidized by the Government. The Evangelical Lutheran faith is taught in public schools, but students may withdraw from religious classes with parental consent.

The Government does not require that religious groups be licensed, but the State's permission is required for religious ceremonies, for example, weddings, if they are to have civil validity. And registered religions enjoy certain tax exemptions. In 1999 an independent, government-appointed Council published guidelines for future approval of religious organizations that are linked to the 1969 Marriage Act. The guidelines established clear requirements that religious organizations must fulfill, which include providing a written text of the religion's central traditions; descriptions of its most important rituals; an organizational structure accessible for public control and approval; and constitutionally elected representatives who can be held responsible by authorities. Additionally, the organization must "not teach or perform actions inconsistent with public morality or order."

Scientologists continued to seek official approval as a religious organization. Their first application for approval was made in the early 1980's and rejected; the second application was made in mid-1997 and withdrawn in early 1998. The second application was resubmitted in 1999 and withdrawn again in early 2000, shortly before a decision by the Government was expected. In withdrawing the application, the Church of Scientology asked the Ministry of Ecclesiastical Affairs for additional time to respond to reports about Scientology that had appeared in the media. By year's end the application had not been resubmitted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The law provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to 2,099 persons in the first 6 months of 2000 and to 4,526 persons in 1999. A total of 9,627 asylum applications were filed during the year, compared with 6,950 in 1999. There were no reports of the forced expulsion of refugees to a country where they feared persecution or of those having a valid claim to refugee status.

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

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments whose powers encompass all matters except foreign affairs, monetary affairs, and national security. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Folketing.

Women are increasingly well represented at all levels of government. In the current government, 9 of 20 ministers are women, as are 67 of the parliament's 179

members. There are two parliamentarians of mixed ancestry from Greenland and an ethnic Turkish parliamentarian.

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

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

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

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. The law prohibits discrimination on the basis of sex, and the Government enforces it effectively. Discrimination on the basis of race is covered by two laws, which prohibit racial slander and denial of access to public places on the basis of race. The rights of indigenous people are protected carefully.

Women.—Violence against women is a problem, and the Government is taking steps to combat it. An umbrella nongovernmental organization reports that in 1998, women's crisis shelters were contacted approximately 9,000 times, compared with 9,961 times in 1997. A total of 2,054 women stayed at shelters during 1999, compared with 1,934 women in 1998. There were 355 reported rapes in the first 9 months of 1999, compared with 346 in all of 1999. Rape, spousal abuse, and spousal rape are all criminal offenses.

The law requires equal pay for equal work, but some wage inequality still exists. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those so affected. Women hold positions of authority throughout society, although they are underrepresented in senior business positions. Women's rights groups effectively lobby the Government in their areas of concern, such as wage disparities and parental leave.

Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

Children.—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. Education is compulsory through the age of 16 and is free through the university level. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children.

There is no societal pattern of abuse against children. In 1997 the Folketing passed legislation that banned the physical punishment of children by adults, including their parents.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Building regulations require special facilities for the disabled in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government enforces these provisions in practice.

Indigenous People.—The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs. Accordingly, it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they are encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In 1999 a court ruled that the government unjustly resettled Greenland Inuits in 1953 in order to accommodate the expansion of a U.S. Air Force base in northwest Greenland. The court ordered the government to pay compensation to the displaced Greenlanders and their descendants. The compensation is substantially less than the defendants sued for, and the case was still under appeal in the Supreme Court at year's end. In 1999 the office of Prime Minister Poul Nyrup Rasmussen issued a joint declaration with the home rule chairman of Greenland apologizing for the way the decision on the resettlement was reached and the manner in which it was carried out.

National/Racial/Ethnic Minorities.—The inflow of ethnically and racially diverse refugees and immigrants has provoked a degree of tension between Danes and immigrants (mostly Iranians, Palestinians, Pakistanis, and Sri Lankans until 1992; more recently refugees are overwhelmingly from Somalia or the former Yugoslavia). In response to publicity concerning the involvement of foreigners in street crime and allegations of social welfare fraud committed by refugees, Parliament passed tighter immigration laws, which took effect in 1999. Family reunification is now more difficult, and immigrants and refugees can no longer acquire permanent residence by living in the country for 18 months; rather they must now reside for 3 years and

demonstrate that they have integrated into society. Additionally, they receive a special integration allowance that is 20 percent lower than the social benefits that citizens receive. Critics claim that this provision violates the 1951 U.N. Convention Relating to the Status of Refugees. In response to a perception of high criminality by asylum applicants, in September the Interior Minister suggested that convicted offenders (who did not receive jail time for their offenses) be isolated on one of the country's deserted islands. The proposal provoked a mixed response from parliamentarians but an overwhelmingly positive approval rating from average citizens. At year's end, the subject still was being debated, but the Government had taken no action.

Incidents of racial discrimination and racially motivated violence occur but are rare. The Government effectively investigates and deals with cases of racially motivated violence. On September 9, two persons threw firebombs at an asylum center in the town of Holeby. The fire was brought under control, and no one was injured, but the event nonetheless upset the asylum applicant community. No one was arrested or charged in the crime.

Section 6. Worker Rights

a. The Right of Association.—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 80 percent of wage earners belong to unions that are independent of the Government and political parties. All unions except those representing civil servants or the military have the right to strike.

Unions may affiliate freely with international organizations, and they do so actively.

b. The Right to Organize and Bargain Collectively.—Workers and employers acknowledge each other's right to organize. Collective bargaining is protected by law and is widespread in practice. The law prohibits antiunion discrimination by employers against union members and organizers, and there are mechanisms to resolve disputes. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between the various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and its proposal is voted on by management and labor. If the proposal is rejected, the Government may force a legislated solution on the parties (usually based upon the mediators' proposal). The agreements, in turn, are used as guidelines throughout the public as well as the private sector. In the public sector, collective bargaining is conducted between the employees' unions and a government group led by the Finance Ministry.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engage in periodic collective bargaining with employers. Disputes are settled by mediation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or bonded labor, by adults or children, is prohibited by law, and this prohibition is enforced effectively by the Government. However, women are trafficked for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries do not use child labor. Forced and bonded child labor is prohibited and does not occur (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in August.

e. Acceptable Conditions of Work.—No national minimum wage is mandated legally, but national labor agreements effectively set a wage floor. The lowest wage paid is currently about \$10 (82 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The law provides for 5 weeks of paid vacation per year. A 37-hour workweek is the norm, established by contract, not by law. However, the law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons pro-

duction without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar conditions of work are found in Greenland and the Faroes, except that the workweek is 40 hours. As in Denmark, the workweek is established by contract, not by law.

f. Trafficking in Persons.—The law prohibits trafficking in persons, but the penalties are not severe. Trafficking in women for the purpose of forced prostitution is a problem. In October the Government rejected a proposal to harmonize trafficking penalties in the European Union at 8 years' imprisonment because it believed Danish sentencing rules were sufficient. The authorities cooperate with international investigations.

Trafficking involved the importation of women mostly from Eastern Europe and Southeast Asia, some of whom were lured by the prospect of higher wages and a better life, but found themselves forced into prostitution. The perpetrators usually were suspected of being part of organized crime. No statistics were available on how many women are involved in prostitution.

In June a regional conference on trafficking generated considerable public debate that carried over into the Parliament. In December, the Government set up a working group in the Ministry of Gender and Equality to address trafficking; a report is expected in 2001. Several Parliamentarians proposed changing the law regarding trafficking to make the penalties much more severe. To illustrate the light sentences, in the spring, a trafficker who received his second conviction for trafficking several Colombian women into the country was sentenced to only 8 months in jail.

The Government does not provide medical or legal assistance directly to victims, and there is no governmental or nongovernmental entity specifically concerned with victims of trafficking. Several government-supported organizations provide these services on an ad hoc basis. In July one nongovernmental organization assisted a Colombian trafficking victim in a precedent-setting case in which the woman testified against her traffickers and subsequently received asylum in Denmark.

ESTONIA

Estonia is a parliamentary democracy. The Constitution established a 101-member unicameral legislature (State Assembly), a prime minister as Head of Government, and a president as Head of State. The judiciary is independent.

Efforts to develop and strengthen a Western-type police force committed to procedures and safeguards appropriate to a democratic society are proceeding, with police leadership actively working to professionalize the force. The police, who are ethnically mixed, are subordinate to the Ministry of Internal Affairs. Corrections personnel are subordinate to the Ministry of Justice. The security service, called Security Police, is subordinate to the Interior Ministry but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

Estonia has a market economy. Reflecting the extent of post-1992 reforms, the European Union in 1998 invited Estonia to begin accession negotiations. Services, especially financial and tourism, are growing in importance compared to historically more prominent light industry and food production. The privatization of firms, including small, medium, and large-scale enterprises, is virtually complete. The Government is working on privatizing the remaining state-owned infrastructure enterprises.

Economic growth increased after a slowdown due to the 1998 Russian financial collapse, with experts predicting gross domestic product (GDP) growth of between 3 and 5 percent in 2000. Per capita GDP is about \$3,536 per year. Some 90 percent of exports (textiles, food products, wood, and timber products) now are directed to western markets. Unemployment is about 14 percent but is significantly higher in rural areas and in the northeast.

The Government generally respected the human rights of its citizens and the large ethnic Russian noncitizen community; however, problems remained in some areas. The major human rights abuses continued to be mistreatment of prisoners and detainees and the use of excessive force by the police. Prison conditions are poor; however, the Government began a multiyear program to improve them. While some officials in the United Nations, the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements, the OSCE as well as other international fact-finding organizations, including the Finnish Helsinki Committee, confirmed that the Citizenship Law conforms to international standards.

RESPECT FOR HUMAN RIGHTS

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

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

In 1998 President Lennart Meri created an international commission for research into crimes against humanity perpetrated in the country from 1940–91. The Commission began work in 1999 and held three formal meetings during the year. In November 1999 the Commission authorized sending an investigator to study materials in the Russian and German archives on this subject; it met again in June and November 2000.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there continued to be credible reports that police used excessive force and verbal abuse during the arrest and questioning of suspects. Punishment cells (“kartsers”) continued to be used, in contravention of international standards.

Prison conditions remained poor, although there were some improvements. By mid-year the prison population was a record 4,800 inmates. A lack of funds and trained staff continued to be serious problems. Overcrowding was reported in every major prison except one. The percentage of prisoners suffering from tuberculosis was much higher than in the general population. The Government refurbished some prison buildings. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners increased slightly since the Government implemented new programs. As of August, 162 prisoners were released in the calendar year under the Government’s early release program for prisoners. One prisoner was killed by another during the year.

The Government began to implement a multiyear plan to refurbish and restructure all of the country’s prisons. The State Assembly, in addition, adopted a law authorizing the construction of a prison in Tartu that will be largely financed by the Nordic Investment Bank. However, a plan to close the overcrowded and antiquated Tallinn Central Prison was scrapped.

The Government permits human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and laws forbid arbitrary arrest and detention, and the Government generally observes these prohibitions. Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. If a person cannot afford counsel, the State will provide one. A person may be held for 48 hours without formally being charged; further detention requires a court order. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order. Police rarely violate these limits. By late August, 1,382 of the 4,744 prisoners were awaiting trial.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution establishes an independent judicial branch, and the judiciary is independent in practice. The judiciary operates through a three-tier court system: Rural and city courts; district courts; and the State Court (which functions as a supreme court). The district and State Courts are also courts for “constitutional supervision.” At the rural and city levels, court decisions are made by a majority vote with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges who then are appointed by the President. Judges are appointed for life.

The role of the Chancellor of Justice and the ombudsman were combined under legislation passed by the State Assembly in 1999. The State Assembly rejected a proposal for an independent ombudsman. The chancellor-ombudsman is to handle complaints by private citizens against state institutions; however, the position of chancellor was vacant at mid-year.

The Constitution provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence.

The Government continued to overhaul the country’s criminal and civil procedural codes. An interim Criminal Code that went into effect in 1992 basically revised the

Soviet Criminal Code by eliminating, for example, political and economic crimes. This code has been amended several times, most recently in June. The Code of Criminal Procedure was adopted in 1994.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires a search warrant for the search and seizure of property. During the investigative stage, warrants are issued by the prosecutor upon a showing of probable cause. Once a case has gone to court, the court issues warrants. The Constitution provides for secrecy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept communications. Illegally obtained evidence is not admissible in court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government respects constitutional provisions providing for freedom of speech and of the press. Four major national Estonian language and two Russian-language dailies are published, in addition to important weeklies. Foreign newspapers and magazines are available widely. All newsprint, printing, and distribution facilities are private companies.

In a well-reported 1997 case, a prominent journalist was tried and convicted for insulting the spouse of a prominent politician in a newspaper interview and was fined. All levels of the judiciary upheld the sentence. The European Court of Human Rights agreed in 1998 to hear the case, but it was still pending at mid-year.

The Law on Language prohibits the use of any foreign language on public signs, advertisements, and notices, including election posters. The prohibition on campaign posters written in a language other than Estonian resulted in protests by one political party.

State (public) broadcast media, including one nationwide television channel (Estonian Television/ETV), continue to receive large government subsidies. At the same time, ETV broadcasts commercials. Although a basic decision has been made to combine ETV and Estonian (state/public) Radio into one entity, no real movement toward that end has taken place. The Estonian Broadcasting Council fired the director of ETV in 1999 for management failures, because of ETV's financial difficulties, and for "undisciplined behavior." The courts said that he could not be fired, whereupon he returned to work but finally resigned during the year. A new general director, with a background in banking, was appointed in the summer.

There are several major independent television and radio stations. Several Russian-language programs, mostly produced in Estonia, are broadcast over state and private/commercial television channels. The Government has played a key role in encouraging Russian-language programs on state television. Over the past 3 budgetary years, the ability of ETV's Russian-language department to create self-produced, high-quality programs has been reduced greatly due to the Government's large cuts in the department's budget. Russian state television, Ostankino programs, and commercial channels in Russia are widely available by cable.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assemble freely, but noncitizens are prohibited from joining political parties, although they may form social groups. Permits for all public gatherings must be obtained 3 weeks prior to the date of the gathering. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom do so. There were no reports of government interference in mass gatherings or political rallies.

The Constitution provides for the right of free association, and the Government respects this right in practice.

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

The 1993 Law on Churches and Religious Organizations requires all religious organizations to have at least 12 members and to be registered with the Interior Ministry and the Board of Religion. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

The majority of citizens are nominally Lutheran, but following deep-seated tradition, there is wide tolerance of other denominations and religions. Persons of varying ethnic backgrounds profess Orthodoxy, including communities of the descendants of Russian Old Believers who found refuge in Estonia in the 17th century. The Estonian Apostolic Orthodox Church (EAOC), independent since 1919, subordinate to Constantinople since 1923, and exiled under the Soviet occupation, reregistered under its 1935 statute in August 1993. Since then, a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure imposed during the Soviet occupation has insisted that it should

have claim to the EAOC name. Representatives of the Moscow and Constantinople Patriarchates agreed in 1999 that the Moscow Patriarchate would register under a new name. In July the Moscow Patriarchate submitted a new name proposal, but the Interior Ministry rejected it on the grounds that a close reading of the registration papers revealed variations of the name. Throughout the dispute, worship has occurred freely in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law permits free movement within the country, and it is honored in practice. The law also provides for the right of foreign travel, emigration, and repatriation for citizens. Passports serve as identification but do not have to be carried at all times. There are no exit visas.

The Government does not restrict the right of noncitizen residents—persons who are citizens of another country or stateless persons—to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The majority of noncitizens are ethnic Russians. In 1994 the Government began issuing alien passports, which are issued to resident aliens not in possession of any other valid travel document. Such aliens included: (1) Persons who are designated as stateless; (2) foreign citizens who lack the opportunity to obtain travel documents from their country of origin or from another state; (3) persons who file for Estonian citizenship and pass the language examination if required; and (4) aliens who are permanently departing Estonia. The Government already has approved the issuance of alien passports to noncitizens intending to study abroad and has agreed to issue them to former military personnel who cannot or do not want to take out Russian citizenship. By November 30, 108,982 persons had applied for alien passports, and 122,152 alien passports were issued, including prior years.

The Government deported a relatively small number of illegal aliens, usually those caught in criminal acts. A total of 10 illegal aliens were held as internees by September, pending deportation or a court order granting them residence. Internees are held in a wing of a regular prison. In 1999 Finland and Estonia entered into a cooperation agreement to construct a new facility for illegal aliens and asylum seekers in East Viru County.

Domestic law is in conformity with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1999 the State Assembly passed amendments to domestic refugee law that delegated authority from the Government to the Citizenship and Migration Board, clarified the refusal of refugee status, and established a state registry for asylum. Also, starting on October 1, 1999, temporary residence permits may be granted to persons whose applications for a residence permit are based on an international agreement. Asylum applicants come under the overall annual 0.1 percent quota for immigrants (not including Westerners, who are exempt from the quota). The program began as scheduled, and as of December 1, 2000, 47 persons had applied for asylum, of whom 10 were still waiting for a reply. Of the applicants processed, 4 were granted asylum, 15 left the country, and 1 died. The Citizenship and Migration Board turned down the remaining 18 applications on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention.

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

Citizens have the right to change their government. In March 1999, free and fair elections to the State Assembly were held. The new Government is a coalition of the Pro Patria, Moderate, and Reform Parties. Four ethnic Russians are Members of the State Assembly. Indirect presidential elections were held in 1996. When the State Assembly failed to muster the required two-thirds majority to elect the President, an Electoral Assembly consisting of Members of the State Assembly and representatives of local governments convened and reelected the incumbent, Lennart Meri.

Only citizens can vote in parliamentary elections and be members of political parties. However, according to law, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election can vote but not run for office in local elections.

Approximately 1.1 million of the total population of 1.43 million are citizens. Of those, approximately 113,000 received their citizenship through the naturalization process. Holders of permanent or temporary residence permits number approximately 300,000, 80 percent of whom are ethnic Russians. Illegal residents number 30,000 to 50,000 persons, mostly ethnic Russians; they are not included in the census figures.

In 1995 the State Assembly adopted a new Citizenship Law that extended the residency requirement for naturalization from 2 to 5 years and added a requirement

for knowledge of the Constitution and the Citizenship Law to the requirement for Estonian language capability. Persons who were legal residents in the country prior to July 1, 1990, are exempt from the 5-year legal residence and 1-year waiting period requirements. The law allows the Government to waive the language requirement but not the civic knowledge requirement for applicants who have Estonian-language elementary or higher education, or who have performed valuable service to Estonia. In 1998 the Citizenship Law was amended to grant citizenship to stateless children born after February 26, 1992, to legally resident stateless parents (upon the parents' or guardians' application). As of September 1, parents had applied for citizenship for 539 such children: 427 of the applications were approved.

On October 1, 1999, the Government dropped the immigration quota on the issuance of residence permits to those noncitizens who settled in the country prior to July 1, 1990, and who have not departed the country subsequently. In April the State Assembly approved an amendment to the law on aliens under which the annual immigration quota will not be applied to non-Estonian spouses of Estonian citizens if the spouses have a common child up to 15 years of age or if the female spouse is more than 12 weeks pregnant. In addition the amendment also states that the quota will not apply to children up to 15 years of age if the parents are applying for a residence permit.

By law the following classes of persons are ineligible for naturalization: Those filing on the basis of false data or documents; those not abiding by the constitutional system or not fulfilling the laws; those who have acted against the State and its security; those convicted of felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who have served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. (The latter includes spouses who have come to Estonia in connection with the service member's assignment to a posting, the reserves, or retirement.) A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years.

Between 1992 and August 1, 112,822 persons received citizenship through naturalization. The vast majority of these persons, 87,712, were naturalized by the end of 1996. In 1997 the Russian embassy reported that some 120,000 persons had obtained Russian citizenship; however, the Embassy declined to supply the Government with a list. The number of Russian citizens may be lower since the Russian Embassy does not appear to keep records of those who die or leave the country. As of November 30, the Government had issued 116,289 permanent and 29,482 temporary residence permits. During the year a surge in noncitizens filing for or renewing residency permits resulted in long lines and delays at overtaxed registration offices. The problems precipitated the dismissal of the director of the Citizenship and Migration Board.

While some officials in the United Nations, the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements, the OSCE as well as other international fact-finding organizations, including the Finnish Helsinki Committee, confirmed that the Citizenship Law conforms to international standards.

Bureaucratic delays and the Estonian language requirement are also cited as disincentives for securing citizenship. The Government has established language-training centers, but there is a lack of qualified teachers, financial resources, and training materials. Some allege that the examination process, which 75 to 90 percent of persons pass, is arbitrary.

There are no legal impediments to women's participation in government or politics. However, women are underrepresented in government and politics. Among the 101 Members of Parliament are 18 women. Two ministers are women. There are four ethnic Russian deputies in the State Assembly. The law was amended in 1999 to place language requirements on Members of Parliament; Russian speakers protested.

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

The Government does not restrict the formation or functioning of human rights organizations. In response to allegations of the poor treatment of ethnic minorities, the President established a Human Rights Institute, which first convened in 1992. The purpose of the Institute is to monitor human rights in the country and to provide information to the international community. It investigates reports of human rights violations, such as allegations of police abuse and the inhuman treatment of detainees. In 1997 the Institute established an information center in the heavily ethnic Russian town of Kohtla-Järve. In addition, because of tensions surrounding

the adoption of the Elections Law and the Aliens Law in 1993, the President established a roundtable composed of representatives of the State Assembly, the Union of Estonian Nationalities, and the Russianspeaking population's Representative Assembly. An analogous but independent roundtable meets in the county of East Virumaa. Also, with initial funding from the Danish Government, a nongovernmental legal information center in Tallinn provides free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

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

The Constitution prohibits discrimination for any reason; however, reports continued of discrimination against ethnic Russian residents. The Government reports that no court cases charging discrimination were filed during the year.

Women.—Violence against women, including spousal abuse, continued to be the subject of increasing discussion and media coverage and is reportedly common. Rape and attempted rape occur relatively infrequently. In the first 8 months of the year, there were reports of 29 rapes and 7 attempted rapes, compared with 50 rapes and 29 attempted rapes for all of 1999. However, studies show that 40 percent of crime in the country goes unreported, including domestic violence. Even when the police are called, the abused spouse often declines to press charges.

Both the Center of Women Citizens and a roundtable of women's organizations were established in 1998. Although women have the same legal rights as men and, in theory, are entitled to equal pay for equal work, this is not true in practice. While women's average educational level was higher than that of men, their average pay in general was lower, and the trend did not seem to be improving. There continue to be female- and male-dominated professions. Women constitute slightly more than half of the work force. They also carry major household responsibilities.

Children.—The Government's strong commitment to education is evidenced by the high priority that it gives to building and refurbishing schools. The Government provides free medical care for children and subsidizes school meals.

There is no societal pattern of child abuse, but studies, including one published by the local U.N. Development Program office during the year, found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first 7 months of the year, police registered 22 cases of sexual abuse involving 13 female victims and 9 male victims, all below age 16. In the same period, there were 31 cases of procurement for prostitution of victims younger than 16. Also in the first 6 months of the year, there were 2 rape cases in which the victim was younger than 14.

People with Disabilities.—While the Constitution contains provisions to protect disabled persons against discrimination, and both the Government and some private organizations provide them with financial assistance, little has been done to enable the disabled to participate normally in public life. There is no public access law, but some effort to accommodate the disabled is evident in the inclusion of ramps at curbs on new urban sidewalk construction. Public transportation firms have acquired some vehicles that are accessible to the disabled, as have some taxi companies. In June the State Assembly adopted amendments to the Citizenship and Aliens Law that make it possible for persons with serious sight, hearing, or speech impediments to become naturalized citizens without having to pass an examination on the Estonian Constitution and language.

National/Racial/Ethnic Minorities.—The country's population is 1.43 million. Ethnic Russians total approximately 29 percent, and nonethnic Estonians total approximately 37 percent. During the years of the country's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to Estonia to work as laborers and administrators. These immigrants and their descendants now compose approximately one-third of the total population; about 40 percent of them were born in Estonia. Approximately 8 percent of the population of the pre-1940 Republic was ethnic Russian.

The OSCE mission in Estonia, established in 1993, continued to promote stability, dialog, and understanding among communities. The President's Roundtable also continued to work toward finding practical solutions to the problems of noncitizens. The Government during the year instituted an integration program for the years 2000–07 aimed at fostering the integration the non-Estonian-speaking portion of the population into Estonian society.

The Law on Cultural Autonomy for citizens belonging to minority groups went into effect in 1993. The tradition of protection for cultural autonomy dates from a 1925 law. Some noncitizens termed the law discriminatory, since it restricts cultural autonomy only to citizens. The Government replied that noncitizens can participate

fully in ethnic organizations and that the law includes subsidies for cultural organizations.

Some noncitizens, especially Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. Despite repeated Russian allegations of human rights violations against the noncitizen population, both the OSCE mission in Estonia and the OSCE High Commissioner on National Minorities declared that they could not find a pattern of human rights violations or abuses in the country. The Government in 1998 addressed two outstanding recommendations of the OSCE High Commissioner on National Minorities, by simplifying the civic knowledge portion of the naturalization process and passing legislation to grant automatic citizenship to children born after February 26, 1992, to resident stateless persons upon parental application. Also, at least 10 nongovernmental organizations develop and implement local programs to assist the integration of non-Estonians into society.

Russian government officials and parliamentarians echoed these charges of discrimination in a variety of forums. In 1998 the Government accepted a Russian Government proposal to establish a high-level commission to examine all aspects of bilateral relations. One of the subgroups of the commission would examine the humanitarian aspects of the Russian minority in Estonia and possibly of the Estonian minority in Russia. Although there has yet to be a formal session of the commission, its cochair met in St. Petersburg in July.

Other than for land ownership, the 1993 Property Ownership Law does not distinguish between citizens and noncitizens for purposes of business or property ownership. A 1996 law on land ownership further liberalized land ownership by foreigners; such ownership now is restricted only in certain strategic areas. All legal residents of Estonia may participate equally in the privatization of state-owned housing.

Estonian language requirements for those employed in the civil service went into effect in 1993. As originally passed, the Law on Public Service required state employees to be proficient in Estonian in 1995. In December 1995, the State Assembly amended the Law on Public Service to allow noncitizen local and national government employees without adequate Estonian to continue working until February 1, 1997. No noncitizens were to be hired after January 1, 1996. This amendment reflected the Government's awareness that in some sectors, the number of employees with inadequate Estonian remained high. On February 9, 1999, the State Assembly again amended the Law on Language, requiring that all public servants, service personnel, and sole proprietors be able to use the Estonian language. While the Government is to establish regulations pertaining to and describing the level of proficiency, the actual proficiency is to be determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. On July 27, 1999, the Government issued the implementation decree for the amendments to the language law regarding public sector employees as well as those employed in the medical profession. Some 150 ethnic Russian prison officials are expected to be fired in January for noncompliance with the language requirement.

Following several rounds of consultations with European Commission experts, the Government presented, and the State Assembly approved on June 14, amendments to the Language Law that brought it into conformity with European Union (EU) recommendations regarding language requirements for persons working in the private sector. For employees of private enterprises, nonprofit organizations, and foundations, as well as sole proprietors, the amended law established a requirement of proficiency in the Estonian language if it was in the public interest. The OSCE Commissioner for National Minorities concluded that the amended law was largely in conformity with Estonia's international obligations and commitments.

The language office liberally grants extensions to persons who can explain their failure to meet the requisite competence level in 4 years. Estonian language training is available; however, some claim that it is too costly. Some Russian representatives have asked for free language training. They have charged also that the language requirement for citizenship is too difficult. There has been a proposal to make the language requirement less rigorous. The examination fee for either language test—for employment or citizenship—is 15 percent of the monthly minimum wage, although it is waived for the unemployed. The government office that conducts language examinations was forced to close for several months because of funding shortfalls. An EU program exists to reimburse language training costs for those who pass the examination.

In districts where more than one-half of the population speak a language other than Estonian, the inhabitants are entitled by law to receive official information in that language.

All residents, whether or not they are citizens, can complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case and have decided in favor of complainants. All decisions are in Estonian, but if a complaint is received in a language other than Estonian (usually Russian), the court provides a translation.

Two court cases begun in 1998 were resolved in May, when a court acquitted the leader of a Russian military pensioners' group in northeast Estonia and three other activists of charges that they fomented racial hatred by staging demonstrations. The pensioners' leader organized an unauthorized assembly in the city of Sillamae and claimed that the human rights of the Russian pensioners in the region were abused by the Government.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join a union or employee association. The Central Organization of Estonian Trade Unions (EAKL) came into being as a wholly voluntary and purely Estonian organization in 1990 to replace the Estonian branch of the official Soviet labor confederation, the All-Union Central Council of Trade Unions. The EAKL has 58,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL in 1993 and has 45,000 members. A central union of food processing and rural workers was established in 1997. About one-third of the country's labor force belongs to one of the three labor federations.

The right to strike is legal, and unions are independent of the Government and political parties. The Constitution and statutes prohibit retribution against strikers. In June 5,000 energy, metal, and mining union workers staged a protest action in Ida-Virumaa county.

Unions may join federations freely and affiliate internationally.

b. The Right to Organize and Bargain Collectively.—While workers have the legally acquired right to bargain collectively, collective bargaining is still in its infancy. According to EAKL leaders, few collective bargaining agreements have been concluded between the management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage. The EAKL also was involved with developing the country's post-Soviet era Labor Code covering employment contracts, vacation, and occupational safety. The Labor Code principles prohibit antiunion discrimination, and employees have the right to go to court to enforce their rights. In 1993 laws covering collective bargaining, collective dispute resolution, and shop stewards were enacted.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor although it does not specifically prohibit forced and bonded labor by children (see Section 6.d.). The Labor Inspections Office effectively enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution forbids forced or bonded labor. The statutory minimum age for employment is 16 years. Minors 13 to 15 years of age may work provided that they have the written permission of a parent or guardian and the local labor inspector. The work may not endanger the minor's health or be considered immoral, cannot interfere with studies, and must be included on a Government-prepared list. Government authorities effectively enforce minimum age laws through inspections. There were no reports of forced or bonded labor by children in enterprises (see Section 6.c.); however, there were instances of families forcing their children to engage in peddling or begging.

e. Acceptable Conditions of Work.—The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage is \$82 (EEK 1,400). The minimum wage is not sufficient to provide a worker and family with a decent standard of living. About 5 to 6 percent of the work force receive the minimum wage. The average monthly wage in the second quarter was about \$296.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period. According to EAKL sources, legal occupational health and safety standards are satisfactory, but they are extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective to date. The labor unions also have occupational health and safety experts who assist workers to bring employers in compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, the existing criminal codes regarding kidnaping, extortion, and involuntary prostitution are used to address this problem. There were no official reports during the year that persons were trafficked in, to, or from the country. However, it is generally understood that job advertisements placed from abroad that request females are in some cases associated with international prostitution rings.

The Government concluded several interstate cooperation agreements concerning fighting crime including human trafficking. It also concluded several bilateral agreements on the extradition of Estonian citizens accused of trafficking in other countries.

FINLAND

Finland is a constitutional republic with an elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary.

The security apparatus is controlled effectively by elected officials and supervised by the courts.

The economy is mixed but primarily market based. It provides citizens with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government is taking serious steps to address the problem of violence against women. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

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

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges.

The law provides for the right to fair public trial, and the judiciary vigorously enforces this right. Local courts may conduct a closed trial in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the security of the state. In national security cases, the judge may withhold from the public any or all information pertaining to charges, verdicts, and sentences. The law provides for sanctions against violators of such restrictions.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Nontraditional religious groups freely profess and propagate their beliefs. Such groups are eligible for some tax relief (e.g., they may receive tax-free donations), provided they are registered with the Government as religious communities. The Government's procedures for recognizing religious communities remained under review at year's end. About 87 percent of the population belongs to two state churches, the Lutheran and the Orthodox. All citi-

zens belonging to one of these state churches pay, as part of their income tax, a church tax. These church taxes are used to defray the costs of operating the state churches. Those who do not want to pay the tax must notify the tax office.

Such groups as Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints have been active in the country for decades. In 1998 the Ministry of Education turned down the application of the Finnish Association of Scientologists to be registered as a religious community. This was the first time that an applicant had been denied church status. The Scientologists' application was pending for nearly 3 years while the Government awaited additional information that it had requested from the association. The association acknowledged that it had not responded to the Government's request. The Education Ministry's decision can be appealed to the Supreme Administrative Court. The Scientologists have not yet done so, but they have indicated that they may begin the process anew and reapply for recognition as a church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers are processed directly for residence. The issue of the provision of first asylum has never arisen. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

A total of 3,106 persons applied for asylum in 1999, up from 1,272 in 1998. As many as 1,516 of them were Slovakian Roma. By August 20, 2000, 2,472 persons had already submitted their applications for asylum. Of these applications, 1,192 were submitted by Polish Roma. In 1999 the Directorate of Immigration processed 2,725 applications, awarding asylum to 29 persons and residence permits to 467. Government officials attribute the sharp increase in the number of asylum seekers from 1998 to the first half of 2000 to two factors: the 1999 fighting in Kosovo and the increase in 1999–2000 asylum applications from Slovakian and Polish Roma. The Government imposed a visa regime on Slovakian citizens in July 1999. Although the restriction was lifted in November of that year, it was reimposed in January 2000 for 6 additional months after a large number of Slovakian Roma again entered the country and requested asylum.

On July 10, a new asylum law took effect, under which immigration authorities must process an application within 7 days of the initial asylum examination. Asylum seekers who are rejected have 8 days in which to appeal the decision, after which time they are deported. This law is expected to decrease the number of asylum seekers substantially. Under the previous system, the processing of applications could take over a year. If the applicant received a negative decision, the processing of the appeal could take several years. Some members of the public and even politicians within the ruling coalition opposed the new law, citing the short period during which asylum seekers can appeal the rejection of their application. However, the Government defended the law by stating that it only can provide public resources and services to asylum seekers who have legitimate concerns about their safety and welfare in their home countries. Particularly in regard to Slovakian and Polish Roma, officials noted that the two source countries were aspirants for European Union (EU) membership and pointed out the contradiction of supporting Slovakia and Poland for EU membership while also offering asylum to their citizens.

In 1999 a law went into effect to promote the integration of immigrants into society. This law is unrelated to the new statute governing asylum procedures; it is aimed instead at assisting those who have been granted asylum.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are increasingly well represented at all levels of government. There are 75 women in the 200-member Parliament, and 7 in the 18-member Cabinet. The President, who is elected directly, and the Speaker of Parliament are women. A 1995 law requires a minimum of 40 percent membership from each sex on all state committees, commissions, and appointed municipal bodies.

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

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

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

The Constitution prohibits discrimination based on sex, age, origin, language, religion, conviction, opinion, or disability, and the Government effectively enforces these provisions.

Women.—Violence against women is a problem, and the Government is taking steps to combat it. Police statistics for 1999 recorded 2,825 cases of domestic violence, 117 more than the previous year. Of the victims, 2,290 were women, and 535 were men. A total of 514 cases of rape were reported to the police in 1999, compared with 463 in 1998. Government experts say that as many as half, if not more, of all rape cases may go unreported. The law specifically criminalizes rape, spousal rape, and domestic abuse. The law provides for stringent penalties for violence against women; the police and the courts vigorously enforce this provision.

The number of calls to the police concerned with domestic violence is not compiled centrally but is estimated at 10,000 to 12,000 annually. Shelter officials state that the figure represents less than half of the number of actual incidents. Most of the persons seeking shelter are women between 25 and 35 years of age, either married or in a common-law relationship. Nearly one-third are immigrants.

The Union of Shelter Homes as well as the municipalities maintain homes all over the country for female, male, adult, and child victims of violence. The total number of shelters is around 20. The criteria for what counts as a shelter has changed. In the past battered persons in need of shelter could be given keys to apartments where they could spend the necessary length of time prior to returning home. These apartments were included in the 1999 statistics. Now, the minimum requirement for a shelter is 24-hour staff.

A study published in 1998 indicated that the typical victim of family violence is a young woman between 18 and 24 years of age who is married or is living in a common law relationship. The study concluded that every fifth married woman or woman involved in a common law relationship has suffered from violent behavior at the hands of her partner. The study also concludes that as many as 40 percent of all women over the age of 15 have experienced some form of family violence. (The study considers psychological and verbal abuse as "violence.")

In 1997 the Government began a special program to promote women's equality during the period from 1997 to 1999. This program consisted of 30 projects, 1 of which focused on violence against women and domestic violence. The project against violence offered nationwide support for women in need and for men to combat their own tendencies to resort to violence. This project has been regarded as the most significant component of the women's equality program in that it has helped to break the taboo about the subject. The program may be renewed once the Government evaluates the results. The Government also promised to maintain a program against prostitution and violence until 2002.

The government-established Council for Equality coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, or retirees.

The Constitution calls for the promotion of equality of the sexes in social activities and working life, the latter particularly in the determination of remuneration. In 1985 the Parliament passed a more detailed comprehensive equal rights law that mandates equal treatment for women in the workplace, including equal pay for "comparable" jobs. In practice comparable worth has not been implemented because of the difficulty of establishing criteria, but the Government, employers, unions, and others continued to work on implementation plans. Women's average earnings are 82 percent of those of men, and women still tend to be segregated in lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there are disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some government ministries remain male dominated. Some 60 percent of physicians are women. Women serve in the armed forces. The Government's equality ombudsman monitors compliance with regulations against sexual discrimination. Of the 63 complaints processed by the Ombudsman between January 1 and June 30, 10 cases were judged to be violations of the law. In such cases, the law provides for correction of the situation as well as compensation for the complainant.

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

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. There is no pattern of societal abuse of children, and the national consensus supporting children's rights is enshrined in law.

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

People with Disabilities.—Although since the 1970's the law has required that new public buildings be accessible to people with physical disabilities, many older buildings remain inaccessible. No such law applies to public transportation, but each municipality subsidizes measures to improve accessibility to vehicles. Local governments maintain a free transport service that provides a minimum of 18 free trips per month for a disabled person. The deaf and the mute are provided interpretation services ranging from 120 to 240 hours annually. The Government provides subsidized public housing to the severely disabled.

Indigenous People.—Sami (Lapps), who constitute less than 0.1 percent of the population, benefit from legal provisions that provide for the protection of minority rights and customs. Sami language and culture are supported in the Constitution and financially by the Government. Sami receive subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have political and civil rights and are able to participate in decisions affecting their economic and cultural interests.

In 1998 the President issued instructions on implementing an EU directive on the use of minority and regional languages. The directive's purpose is to ensure that the use of minority languages is permitted in school, the media, dealings with administrative and judicial authorities, economic and commercial life, and cultural activities. The Sami language belongs to the category of a minority language used regionally.

National/Racial/Ethnic Minorities.—The number of immigrants rose from 18,000 in 1987 to 90,000 in 2000. Concurrent with this increase, concern has arisen about increasing expressions of racist and xenophobic behavior. Antiforeigner or racist violence has been reported. Leading government figures, including the President, have condemned such violence. The Government is attempting to address this problem in part through an indepth study of attitudes toward different ethnic groups. The government study examines discrimination in working life, looks into popular attitudes toward foreigners, and charts the attitudes of those authorities involved in immigration affairs—police, teachers, social workers, border guards, and employment office personnel. The popular attitudes survey found that half of those interviewed acknowledged some feelings of xenophobia or prejudice. The study continued at year's end.

While the Government implemented new legislation during the year making it somewhat more difficult to gain political asylum (see Section 2.d.), other government-sponsored initiatives were aimed at improving the situation of noncitizens. In 1999 a law promoting the enhanced integration of immigrants into society went into effect. In addition the Government in 1997 issued policy guidelines for promoting tolerance and combating racism.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the rights of trade unions to organize, to assemble peacefully, and to strike, and the Government respects these provisions. About 87 percent of the work force is organized. All unions are independent of the Government and political parties. The law grants public sector employees the right to strike, with some exceptions for the provision of essential services. In the first half of the year, there were 72 strikes (most of them minor and brief), of which 58 were wildcat strikes.

Trade unions freely affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Collective bargaining agreements usually are based on income policy agreements between employee and employer central organizations and the Government. The law protects workers against antiunion discrimination. Complaint resolution is governed by collective bargaining agreements as well as labor law, both of which are enforced adequately.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and this prohibition generally is observed in practice; however, there were reports of trafficking in persons (see Section 6.f.). The law prohibits forced and bonded labor by children and adults, and such practices do not exist. The Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children (see Section 6.c.). Youths under 16

years of age cannot work more than 6 hours a day or at night, and education is compulsory for children from 7 to 16 years of age. The Labor Ministry enforces child labor regulations. There are virtually no complaints of the exploitation of children in the work force. The Government ratified ILO Convention 182 on the worst forms of child labor in January.

e. Acceptable Conditions of Work.—There is no legislated minimum wage, but the law requires all employers—including nonunionized ones—to meet the minimum wages agreed to in collective bargaining agreements in the respective industrial sector. These minimum wages generally afford a decent standard of living for workers and their families.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law is enforced effectively as a minimum, and many workers enjoy even stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforces them. Workers can refuse dangerous work situations without risk of penalty.

f. Trafficking in Persons.—The law does not explicitly prohibit trafficking in persons, although existing statutes address a range of trafficking-related crimes, and there were reports that trafficking occurred. Finland is a secondary destination-transit country for such trafficking. The Government believes that most such trafficking involves women and girls for prostitution. The Government and nongovernmental organizations are making a considerable effort to counter trafficking, e.g., through the Government's leading role in the EU's antitrafficking "STOP" project.

FRANCE

France is a constitutional democracy with a directly elected president and National Assembly and an independent judiciary.

The law enforcement and internal security apparatus consists of the Gendarmerie, the national police, and municipal police forces in major cities, all of which are under effective civilian control. Members of those police forces committed some human rights abuses.

The highly developed, diversified, and primarily market-based economy provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide a means of dealing with individual instances of abuse. The police committed one extrajudicial killing. There were instances of the abuse of detainees, particularly foreigners, by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention are problems. Violence and threats against ethnic and religious minorities continued to decline; however, in October there were over 100 anti-Semitic incidents, including firebombings. The Government has taken important steps to deal with violence against women and children. The Government took steps to combat trafficking in women.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings by government officials.

Law enforcement officers have used excessive force particularly directed against immigrants—resulting in deaths, although there is no evidence of a pattern of such abuses.

In April a police officer shot and killed 25-year-old Ryad Hamlaoui while he was attempting to steal a car in Lille-Sud. The police officer believed that Hamlaoui was armed and that he was firing in self-defense, but the authorities later determined that Hamlaoui was unarmed. The officer was suspended from duty, detained, and was charged with murder. The case was under investigation at year's end. The incident was followed by peaceful daytime demonstrations in Lille to protest the killing, and 3 nights of rioting.

There were no developments in the judicial investigation of a police officer who shot and killed 17-year-old Habib Mohamed in Toulouse in 1998. Mohamed allegedly staggered away injured after being shot. The police officers involved reportedly failed to follow him, and also failed to follow required procedures to report that their weapons were fired. The investigation continued at year's end.

A judicial investigation into the 1998 death of Mohammed Ali Saoud, who died following police intervention in a violent domestic disturbance, continued at year's end. The police had fired rubber bullets at Saoud and restrained him physically.

In February the public prosecutor recommended to the investigating judge that no charges be brought against two of the police officers involved in the 1997 fatal shooting of 16-year-old Abdel-Kader Bouziane. In March the investigating judge disagreed, and ruled that the police officers should be tried by the Court of Assizes. In October the chambre d'accusation (the prosecuting chamber of the criminal court) of the Paris Court of Appeals ruled that the charges against two of the officers should be dropped. The same court charged a third policeman in December; he is expected to be tried by the Court of Assizes. An appeal was pending at year's end.

In November 1997, the gendarme who shot and killed Franck Moret was released by the correctional court in Valence, prompting the family of the deceased to appeal the judgment. In July 1998, the appeals court overturned the decision of the correctional court and sentenced the officer to an 18-month suspended prison term. The officer appealed the court's decision, and on January 5, the Court of Cassation ruled in his favor and reversed the decision of the appeals court.

The trial of three police officers involved in the 1991 death of 18-year-old Aissa Ihich, who allegedly was beaten by police officers and subsequently died of an asthmatic attack because he allegedly was refused medication, was scheduled to begin in January 2001. A case against a doctor still was pending at year's end.

On April 19, a bomb exploded at a restaurant near Dinan, and killed a female employee. The "Breton Resistance Army" claimed responsibility for an earlier bomb in Pornic, which damaged buildings but caused no injuries, but denied responsibility for the Dinan bombing; however, the police determined that similar explosives were used in both incidents. According to press reports, the investigation was at a standstill by year's end.

The investigation into the 1998 killing of Corsican Prefet Claude Erignac continued at year's end. According to press reports, a total of nine persons have been detained in connection the killing. Yvan Colonna, who is presumed to have fired the shots that killed Erignac, was still at large and was believed to be hiding on the island at year's end.

In June 1999, SOS-Attentats organization (the nongovernmental organization (NGO) which represents the 170 persons who were killed in the 1989 bombing of UTA Flight 772) brought a civil case against Libyan leader Mu'ammar alQadhafi for "aiding and abetting voluntary homicide." In October 1999, the Paris prosecutor's office challenged the antiterrorism magistrate's decision to investigate the civil complaint, and the case reached the Court of Appeals on September 8. The Court ruled that Qadhafi had no sovereign immunity for terrorist acts. In October the Paris prosecutor's office appealed this decision to the Court of Cassation. A final decision is expected in May or June 2001.

In September 1999, an investigating judge decided that Nazi war criminal Alois Brunner should be tried in absentia on charges of crimes against humanity. Brunner previously was sentenced to death in absentia by a French military court in 1954, but vanished and was believed to have been living in Syria. According to press reports, in 1992 the Damascus publication *Lettre d'Orient* announced that Brunner had died, but Syrian authorities and Brunner's ex-wife and daughter refused to confirm or deny the report. The Chambre d'Accusation reviewed the investigating judge's decision in November 1999 and agreed in December 1999 that the case should be sent to the Court of Assizes for a trial. The deliberations of the Court of Assizes continued at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the authorities punish officials who employ them. There were reports that law enforcement officers used excessive force, particularly against immigrants; however, no complaints or criminal reports were filed. Isolated instances of police abuse occurred, but there is no evidence of a pattern of abuse.

In May the European Committee for the Prevention of Torture (CPT), an organ of the Council of Europe, visited the country as part of its regular program of periodic visits to member states. A report is expected in 2001.

The Government is in the process of instituting certain judicial and administrative reforms that address mistreatment of detainees by law enforcement officials. In June Parliament passed a law that created a national commission on security ethics to oversee the actions of law enforcement officials and to investigate complaints of police abuse from witnesses or victims; the commission subsequently was established.

An administrative investigation into a March 1997 incident in which riot police beat a few dozen persons demonstrating against the National Front (FN) in Marseille continued at year's end. According to eyewitnesses, the police allegedly used excessive force by beating demonstrators and using tear gas grenades to keep the anti-FN demonstrators away from their FN counterparts.

In July 1999, the authorities arrested Mauritanian army Captain Ely Ould Dah in Montpellier, in response to accusations by two Mauritanian refugees living in France. The refugees alleged that Dah was responsible for torture inflicted upon them when they were soldiers in Mauritania in 1990 and 1991 and were suspected of taking part in an attempted coup d'etat against Mauritanian President Maaouya Ould Taya. Dah was arrested pursuant to a complaint filed by the International Federation of Human Rights Leagues and the French League of Human Rights under the International Convention Against Torture. The authorities detained him for questioning; the Montpellier Court of Appeal released him in September 1999, but required that he remain in the country. In April Dah violated the terms of his release and returned to Mauritania. According to the International Federation of Human Rights Leagues, the Court of Appeals continued to investigate the allegations at year's end.

In December 1999 and January, the main Corsican separatist groups agreed to a "cease fire" in order to allow elected Corsican officials to engage in a dialog with the Government. In July the Government and Corsican officials agreed to a plan that would give more legislative authority to Corsica's elected officials. Although the cease fire is still in effect, after the July agreement there were several bombings in Corsica (with some minor injuries) and one shooting attack in which Jean-Michel Rossi, a writer and former Corsica nationalist militant, and his bodyguard, Jean-Claude Fratacci, were killed. In December a bomb exploded at the police barracks in Corsica; a policeman was injured.

Prison conditions generally exceed minimum international standards; however, public debate continued on the adequacy of prison conditions. According to the Ministry of Justice, there were 262 deaths of persons in custody in 1999, of which 125 were suicides. In May the NGO International Observer of Prisons (IOP) published a report that criticized prison conditions. The report concluded that prisons are overcrowded, have unacceptable hygienic conditions, and provide inadequate food to inmates. The report focused on the problems that result from overcrowded prison cells and stated that as of December 1, 1999, the average rate of occupation in prisons was 119 percent of intended capacity. There were no reports of incidents of alleged brutality by prison guards during the year; however, the IOP reported in May that two such incidents occurred in 1999.

On July 5, the National Assembly and Senate each released the conclusions of a special investigation that each body performed concerning prison conditions. The investigations were prompted by a book written by Veronique Vasseur, the head medical officer at La Sante prison in Paris, which was published in January. Vasseur's book criticized living conditions and the availability of health care in La Sante prison, and led to public debate over general prison conditions. After 5 months of investigations, the National Assembly and Senate each concluded that prison reforms were necessary; however, their reform proposals differed. The National Assembly noted a vast difference in prison conditions across the country and concluded that a prison reform law was needed to mandate universal standards for all prisons. The Senate, noting more specific problems such as overcrowded cells and inadequate numbers of guards, concluded that a universal law would not be effective and instead recommended that the Government focus on specific problems requiring more immediate attention.

Observers have criticized the current prison oversight mechanism as being ineffective because there is no external administrative oversight outside of the Ministry of Justice, which is responsible for both prison administration and the discipline of prison officials. In March the working group known as the Canivet Commission delivered its report on a draft code of ethics for prison guards to the Minister of Justice. Among other things, the commission recommended creating an office of prison inspectors, headed by a person named by the President, which would have the power to conduct investigations and to evaluate prison conditions and policies. The Government was considering this recommendation and the possibility of a code of ethics for prison guards at year's end.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government observes these prohibitions.

The judicial system has been criticized by credible sources for its inability to process suspects quickly. Some suspects spend many years in prison before a trial even starts. According to the Prison Administration, as of January 1, approximately

18,100 of the 51,411 persons held in jails and prisons were awaiting trial. A system of bail exists.

In June Parliament passed the “presumption of innocence” bill, which includes provisions that address pretrial detention and which are designed to reduce the number of persons held in jails and prisons awaiting trial; however, none of the bill’s provisions were in effect at year’s end. The bill establishes a new system of “detention judges” (to be implemented in 2001), who are to decide if a suspect is to be kept in detention pending trial. Generally pretrial detention only is allowed if there is a possibility that the suspect may be sentenced (if convicted) to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. The bill also gives detainees the right to see their lawyer 1 hour after being detained by the police.

On October 31, the Paris correctional court released the last of the 53 suspects who had been arrested in May 1998 in a roundup of suspected Islamic terrorists. The court cited insufficient evidence.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. In January the Court of Cassation announced that defendants no longer would be required to present themselves to be taken into custody in order to pursue an appeal to the Court of Cassation. The “presumption of innocence” bill, passed by the Parliament in June (see Section 1.d.) contains a provision that allows defendants to seek “reexamination” of a court decision that has been found by the European Court of Human Rights (ECHR) to have violated the European Convention on Human Rights.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (see Section 1.d.).

On May 23, the ECHR ruled that the Government violated Article 6 of the European Convention on Human Rights in the case of Leonardus Van Pelt. Van Pelt was arrested for drug trafficking in Spain in January 1987, extradited to France in November 1987, tried, and convicted in February 1990 by the Bobigny District Court. He challenged aspects of subsequent appeals proceedings, including the requirement that he present himself to be taken into custody by law enforcement officials in order to pursue an appeal before the Court of Cassation. The ECHR ruled that some of these proceedings violated Van Pelt’s right to a fair trial.

On July 20, the ECHR ruled that the Government violated Article 6 of the European Convention on Human Rights in the case of Adrian Caloc. The Court rejected Caloc’s argument that he had been “treated in an inhuman or degrading manner” by police authorities when he was arrested in 1998, but the Court ruled that Caloc’s complaint against the police was not heard and decided within a “reasonable amount of time.” Because of lengthy police investigations and numerous appeals, it took more than 7 years for Caloc to obtain a final decision on his complaint.

In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. In some cases this procedure has resulted in lengthy detentions of suspects before they are tried (see Section 1.d.). The *chambre d’accusation* reviews the investigating judge’s investigation to determine whether the charge established by the investigating judge is appropriate. The Court of Assizes investigates and decides cases involving the most serious offenses.

In March the Paris Court of Appeal reconsidered the convictions of 33 of the 138 persons tried in the October 1998 “Chalabi network” case. The court cleared four persons of all charges and released them; it upheld the convictions and sentences of the other persons.

As a result of the motion for retrial submitted in January 1999, new evidence was discovered in the case of Omar Raddad, who was convicted of killing his employer in 1994. The resulting reports are scheduled to be released in the spring of 2001, at which time the Court of Cassation may decide to revise the original verdict.

Raddad’s attorney had argued that a key defense witness in the original trial was expelled on a technicality.

There were no reports of political prisoners.

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

The judge investigating the wiretapping cases deemed inappropriate by the National Commission for the Regulation of Wiretapping (NCRWT) completed his inves-

tigation at the end of 1999 and presented his findings to the Paris public prosecutor's office in February; the office was considering the matter at year's end. According to the annual report of the NCRWT, the number of administrative wiretaps put in place in 1999 remained constant. The quota on the number of administrative wiretaps, which was set by the Prime Minister in 1997, did not change during 1999, and the number of administrative wiretaps put in place during 1999 was below the quota. Wiretapping is recognized legally as a right of the Government.

Debate continues over whether Muslim girls have the right to wear headscarves in public schools (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

On May 22, the Paris district court ruled that an Internet company violated the law by permitting the public display of Nazi artifacts for sale on the Internet (see Section 5).

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice. There are regular demonstrations on various issues, which occur generally without incident. In October the Paris prefecture denied a request by the Church of Scientology for a permit for a demonstration involving 10,000 participants. The Church alleged discrimination; however, the prefecture justified the denial based upon the proposed size and duration of the demonstration, which would make it difficult to maintain public order. The group rented a private park outside Paris in which to hold their gathering.

In December police clashed with demonstrators protesting the European Union summit held in Nice. The protesters used Molotov cocktail bombs, stones, and steel police barriers; police responded with tear gas, water cannons, and clubs. More than 20 persons were injured in clashes between police and protesters. On December 6, approximately 12 persons were injured when police officers used tear gas to prevent demonstrators in Ventimiglia from travelling to the summit.

c. Freedom of Religion.—The law provides for freedom of religion and the separation of church and state, and the Government generally respects this right in practice; however, the Government took some actions during the year that affected religious minorities that it describes as "sects." The 1905 law on separation of church and state—the foundation of current legislation on religious freedom—makes it illegal to discriminate on the basis of faith.

Religious groups may register as "associations culturelles" (associations of worship) or as "associations culturelles" (cultural associations); religious groups normally register in both of these categories. Associations in these two categories are subject to certain management and financial disclosure requirements. An association of worship is exempt from taxes, but can organize only religious activities; it may not operate a school, print publications, or employ a board president. A cultural association is a type of for-profit association whose goal is to promote the culture of a certain group; although not exempt from taxes, it may receive government subsidies for its cultural and educational operations (such as schools). Religious groups must apply with the local prefecture to be recognized as an association of worship and therefore receive tax-exempt status under a 1905 statute. The prefecture, upon reviewing the documentation supplied regarding the association's purpose for existence, then can grant that status; however, the prefecture can decide to review a group's status if the association receives a large donation or legacy that comes to the attention of the tax authorities. If the prefecture determines that the association is not in fact in conformity with the 1905 law, its status can be changed, and it can be required to pay a 60 percent tax rate on present and past donations.

For historical reasons, contrary to practice in the rest of the country, the Jewish, Lutheran, Reformed (Protestant), and Roman Catholic religions in three departments of Alsace and Lorraine enjoy special legal status. Adherents of these four religions may choose to have a portion of their income tax allocated to their church in a system administered by the central Government.

The State subsidizes private schools, including those that are church affiliated. Central or local governments also own and provide upkeep for other religious buildings constructed before 1905, the date of the law separating church and state.

Some religious minorities have experienced problems with the wearing of special religious clothing. For example, debate continued over whether denying some Muslim girls the right to wear headscarves in public schools constituted a violation of the right to practice their religion. Various courts and government bodies have considered the question; however, there has been no definitive national decision on the

issue. In June 1999, the Government Commissioner recommended that the administrative court repeal its October 1998 to expel a girl who refused to remove her headscarf. The Government Commissioner stated that no threat to public order was posed and that the school administrator was incompetent to make the definitive decision. In October 1999, the Conseil d'Etat reaffirmed a ban on headscarves in public schools.

The Government's response to some minority groups that it views as "sects" or "cults" has been to continue to encourage public caution. In 1996 the National Assembly's parliamentary commission, also known as the Gest or the Guyard Commission, issued a report that defined sects as groups that place inordinate importance on finances; cause a rupture between adherents and their families; are responsible for physical as well as psychological attacks on members; recruit children; profess "antisocial" ideas; disturb public order; have "judiciary problems;" and/or attempt to infiltrate organs of the State. Government officials have stated that "sects" are "associations whose structure is ideological and totalitarian and whose behavior seriously oppresses fundamental liberties as well as social equilibrium." (These attributes are in addition to specific criminal behavior prohibited by law.) The Commission's report identified 173 groups as sects, including Jehovah's Witnesses and the Church of Scientology. The report was prepared without the benefit of full and complete hearings regarding the groups identified on the list. Groups were not told why they were placed on the list, and, because the document exists as a commission report to the National Assembly, there is no mechanism for changing or amending the list short of a new National Assembly commission inquiry and report.

The Government has not outlawed any of the groups on the list; however, the ensuing publicity contributed to an atmosphere of intolerance and bias against minority religions. Some religious groups reported that their members suffered increased intolerance after having been identified on the list. A number of individuals who belong to groups on the list continued to report discrimination during the year—for example, the loss of a job or the denial of a bank loan—which they believe occurred because of their affiliation with a "sect." In a November 1998 report, the International Helsinki Federation criticized the identification of the 173 groups, which it stated "resulted in media reports libeling minority religions, the circulation of rumors and false information, and incitement of religious intolerance." The Commission's findings also led to calls for legislative action to restrict the activities of sects, which the Government rejected on grounds of religious freedom. Instead, the Justice Ministry issued a directive to all government entities to be vigilant against possible abuses by sects, and all government offices were instructed to monitor potentially abusive sect activities.

In 1996 the Government created an interministerial working group on sects (known as the Observatory on Sects) to analyze the phenomenon of sects and to develop proposals for dealing with them. The working group's final report in 1996 made several proposals, including the granting of legal standing to organizations that oppose sects; a modification of the law requiring associations to divulge information regarding the sources and management of their finances related to their effort to obtain tax-exempt status; a limit on the allocation of public campaign funds in order to limit public financial support for small fringe groups; the creation of a representative in each prefecture to provide information on sects to local officials; the creation of a permanent commission at the European Union level to reinforce international cooperation in controlling sect activities; and measures to restrict group members' entry into professional training programs.

In March a Paris Correctional Court fined Jacques Guyard, the president of the parliamentary commission and a drafter of the 1996 National Assembly report on so-called sects, approximately \$2,850 (20,000 francs) in response to complaints by three groups that were named in a parliamentary commission's June 1999 report on the financing of religious groups named in the original report. The court also ordered Guyard to pay approximately \$12,850 (90,000 francs) in damages. The Federation of Steiner Schools, the New Brotherly Economy, and "le Mercure Federale" (an anthroposophical medical association) had filed a complaint against Guyard for slander for calling the groups "sects" in a June 1999 television interview. The court found that Guyard had made accusations against these groups when existing evidence did not warrant even a serious inquiry into their activities. The court noted that the parliamentary commission's report resulted from written declarations from persons claiming to be victims of anthroposophy, but that the parliamentary commission had not heard any of the claims in person, and that there was no supporting documentation for accusations that the groups had used mental manipulation, pressured persons to give them money, or used practical medicine that endangered lives. The court rejected Guyard's attempts to qualify his statements, and also rejected a request from Guyard's lawyer for parliamentary immunity. The 1999 re-

port in question focused on multinational groups, especially Jehovah's Witnesses and Scientologists. The stated basis of concern was that these groups may use excessive or dishonest means to obtain donations, which then are transferred out of the country and beyond the reach of French tax authorities.

In October 1998, the Government issued a new decree disbanding the Observatory on Sects and creating an "Interministerial Mission to Battle Against Sects" (mission interministerielle de lutte contre les sectes). Although the decree instructs the commission to "analyze the phenomenon of sects," it does not define what is meant by the term "sect," or how sects differ from religions. The Interministerial Mission also is charged with serving as a coordinator of periodic interministerial meetings, at which government officials are to exchange information and coordinate their actions against sects. In December 1998, the Ministry of Justice issued a circular urging state prosecutors to cooperate with the Interministerial Mission in bringing actions against sects.

On February 7, the Interministerial Mission submitted its 1999 annual report to the Prime Minister, which addressed the perceived problem of sects or cults. The report specifically raised the possibility of the dissolution of movements which, being "in essence and in action totalitarian" are dangerous to their members and to democracy in general. The report urges government action to deal with sects or cults according to their degrees of dangerousness, such as groups that limit personal freedoms of members, "new age" groups, and "absolutist" groups which are totalitarian in nature. However, the report does not advocate new legislation to abolish groups considered to be dangerous. The report presents two options: The use of criminal cases against individuals for violating existing laws, which rarely is done; and the use of existing administrative and political means—a 1936 decree against "factious leagues"—which would require action by the Council of Ministers and the assent of the President. The report specifically cites concerns regarding the Church of Scientology and the "Solar Temple" group.

On December 21, the Interministerial Mission against Sects submitted its 2000 annual report. The report highlighted the globalization of sect/cult influence, specifically in underdeveloped countries and focused on the "infiltration" of NGO's by sects/cults. Within the context of developments within the country, the report evaluated the influence of sect/cult movements in the three overseas departments (Guyana, Guadeloupe, and Martinique). A case study examined the anthroposophical movement, founded by Austrian Rudolf Steiner, and recommended sustained vigilance over the Steiner schools.

On June 22, the National Assembly passed on its first reading a private bill that would tighten restrictions on religious and other organizations. This bill—which amended an earlier version that had originated in and had been passed by the Senate in December 1999—included the following clauses: (1) criteria for the dissolution of so-called "sects," (2) the prohibition of sect publicity in "vulnerable" areas (i.e., near schools and hospitals), (3) prohibition of the reconstitution of dissolved "sects" under a different name, and (4) establishment of the new crime of "mental manipulation." The Justice Minister at the time, who attended the National Assembly vote, noted that certain provisions of the bill would help "victims" of "sects," but warned that other provisions might threaten fundamental liberties, such as freedom of association and belief. She questioned whether certain clauses were in conformity with the European Convention on Human Rights and called for a "parallel reflection" on these points to be organized by human rights groups when the Senate reconsidered the bill. On November 8, the Senate held hearings on the bill. Representatives from the Catholic, Protestant, Jewish, and Muslim faiths, who had not been consulted previously, expressed their concerns that the provisions of the bill could be abused. The Senate was not expected to schedule the next reading of the bill until April 2001.

In December 1998, the National Assembly debated and passed a private bill that would allow two specific antisect groups, both classified as "public utilities," to become parties to court actions involving sects. Its main provisions, with some modifications, were integrated into a separate bill on legal reform aimed at strengthening the presumption of innocence and victims' rights (see Section 1.d.). In June Parliament passed that bill, which contains a provision that allows some associations that aid individuals against groups that "create or exploit psychological or physical dependence" to become civil parties to certain criminal proceedings involving such groups. This provision is intended to allow antisect groups to become civil parties in certain proceedings involving sects.

Some observers are concerned about the scrutiny with which tax authorities have examined the financial records of some religious groups. The Government currently does not recognize all branches of Jehovah's Witnesses or the Church of Scientology as qualifying religious associations for tax purposes, and therefore subjects them to

a 60 percent tax on all funds they receive. In June the Conseil d'Etat decided that 2 branches of the 11 branches of Jehovah's Witnesses could be recognized as religious associations according to the 1905 law and thus be exonerated from certain tax obligations.

In January 1996, the tax authorities began an audit of the French Association of Jehovah's Witnesses, and in May 1998, the tax authorities formally assessed the 60 percent tax against donations received by Jehovah's Witnesses from September 1992 through August 1996. In June 1998, tax authorities began proceedings to collect the assessed tax, including steps to place a lien on the property of the National Consistory of Jehovah's Witnesses. The tax proceedings continued at year's end. In July a Nanterre court decided against the French Association of Jehovah's Witnesses, ruling that the Jehovah's Witnesses would have to pay over \$42 million (300 million francs) in back taxes to the fiscal authorities. In the same month the Jehovah's Witnesses appealed the Nanterre court's decision to the Versailles Court of Appeals, the appeal was pending at year's end.

The authorities previously took similar action against the Church of Scientology. In the case of the Paris church, the Ministry of Finance refused to grant the church authorization to import funds to pay the claimed taxes although the church offered to pay the total amount of all taxes assessed, a percentage of which would have come from outside the country. Subsequently in December 1997, the Government filed legal action for the claimed amount against the former officers of the Paris church and against the Church of Scientology International (a California nonprofit organization). The hearing in this legal action was deferred pending a decision regarding a 1998 administrative claim filed with the Conseil d'Etat by the Paris church that the Minister of Finance acted improperly in refusing to allow the church to import funds to pay the assessed taxes. In January 1999, the Conseil d'Etat requested the advice of the European Court of Justice. On March 14, the Court ruled that French law was incompatible with European Union laws regulating the free flow of capital; however, the Court ruled that such regulations could be allowed if required on the grounds of a threat to public security or public policy. The Court ruled the French laws were not sufficiently detailed and, on December 8, the Conseil d'Etat found the State at fault and upheld the decision of the European Court of Justice. However, the judgment's practical effect was limited because the affected churches had dissolved themselves and been reconstituted in the intervening period under different names.

In July 1997, a Court of Appeals in Lyon recognized Scientology as a religion in its opinion in the conviction of Jean-Jacques Mazier, a former leader of the Scientologists, for contributing to the 1988 suicide of a church member. In response the Minister of the Interior stated that the court had exceeded its authority and that the Government does not recognize Scientology as a religion. The Government appealed the Court of Appeals decision, but in June 1999, the Court of Cassation rejected the Government's appeal, but the Court stated that it lacked the authority to decide if Scientology was a religion.

There have been a number of court cases against the Church of Scientology, which generally involved former members who sue the Church for fraud, and sometimes for the practice of medicine without a license. In October the Paris prefecture denied a request by the Church of Scientology for a permit for a demonstration (see Section 2.b.); the group held their gathering in a private park.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The law provides for the grant of refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum. In 1999 the Government received 30,907 requests for asylum and issued 4,659 refugee certificates (a document issued to successful asylum applicants). The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. On September 24, voters approved a referendum to shorten the term of the President from 7 years to 5 years. Abstention rates for the vote were almost 70 percent.

There are no legal restrictions on the participation of women in politics or government; however, they remain significantly underrepresented in public offices, especially at the national level. Eleven of 32 cabinet members, 20 of 321 senators, and 57 of 577 deputies in the National Assembly are women. The European Union Parliament includes a larger French female presence—40 percent of the country's elected representatives are female. To increase women's participation, some parties have established quotas for them on electoral lists or in party management. In June 1999, a joint session of both the Senate and the National Assembly approved a constitutional amendment on the principle of "equal access of men and women to electoral mandates and elective functions." In May the Parliament adopted a law that implemented the constitutional amendment. The law provides that, starting with the municipal elections in March 2001, political parties are to have equal numbers of women and men on their lists of candidates. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The citizens of the "collective territory" of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums, and they elect deputies and senators to the French Parliament, along with the overseas departments.

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

A wide variety of local and international human rights organizations operate freely, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)—which has nongovernmental as well as government members—also monitors complaints and advises the Government on policies and legislation. It is an independent body in the Office of the Prime Minister.

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

Statutes ban discrimination based on race, religion, sex, ethnic background, or political opinion, and the Government effectively enforces them.

Women.—The Penal Code prohibits rape and spousal abuse, and law enforcement authorities vigorously enforce these laws; however, violence against women remains a problem. The Ministry of Interior reported that in 1999 there were 7,958 rapes and 12,732 instances of other criminal sexual assault. The penalties for domestic violence vary according to the type of crime and range from 3 years imprisonment and a fine of approximately \$42,450 (300,000 francs) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsors and funds programs for women who are victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assist abused women.

Trafficking in women is a problem (see Section 6.f.). Prostitution is legal; acting as a pimp is not. A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace; however, these laws have encountered difficulties in implementation. Women's rights groups criticize the scope of the law as narrow and the fines and compensatory damages as often modest. For example, the law limits sexual harassment claims to circumstances where there is a supervisorsubordinate relationship but fails to address harassment by colleagues or a hostile work environment.

The law requires that women receive equal pay for equal work, but this requirement often is not implemented in practice. Reports by various governmental organizations and NGO's indicates that men continue to earn more than women, and unemployment rates continue to be higher for women than for men. For example, a report released in September 1999 by National Assembly Deputy Catherine Genisson indicated that in the country's 5,000 largest firms, the average difference in salary between men and women is 27 percent. A study by the National Institute of Statistics and Economic Studies indicated that in March the unemployment rate for women was 11.9 percent, compared with 8.5 percent for men.

Children.—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical

care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian. In 1999 there were approximately 18,500 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children. Approximately 4,800 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. The Government provides counseling, financial aid, foster homes, and orphanages, depending on the extent of the problem. Various associations also help minors seek justice in cases of mistreatment by parents.

Some immigrants from countries where female genital mutilation (FGM) is customary subject their children to this practice, which is condemned widely by international health experts as damaging to both physical and psychological health. Authorities prosecute FGM cases under the provisions of the Penal Code, which states that acts of violence towards children that result in mutilation shall be tried in the highest criminal court. Since 1993 the Government and private associations have undertaken a campaign to inform immigrants that FGM is contrary to the law and would be prosecuted.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1991 law requires new public buildings to be accessible to the physically disabled, but most older buildings and public transportation are not accessible.

Religious Minorities.—The number of anti-Semitic incidents increased in the fall, due in part to increased unrest in the Middle East. According to the annual NCCHR report on racism and xenophobia, released in the spring, there were a total of 51 threats and 9 acts of violence in 1999, compared with 73 threats and 1 act of violence in 1998.

During October more than 100 anti-Semitic incidents, ranging from graffiti to harassment to firebombing, occurred across the country, mainly as a result of increasing tensions in the Middle East. For example, on October 10, a synagogue in Trappes was set on fire and destroyed. The city government allowed the congregation to use a city hall for the celebration of one of the Jewish high holy days. On October 12–14, local authorities in Strasbourg recovered several Molotov cocktails that had been planted in a synagogue. On October 14, a synagogue in Lyon was rammed by a car and then caught fire. Three synagogues in the Paris suburb of Bagnolet and a Jewish shop in Toulon were firebombed. On October 17, six incendiary devices were discovered outside a Jewish school in Paris. On October 23, a synagogue in Marseille was firebombed. It appeared that youths were responsible for many of these incidents, and some arrests were made. Government leaders, members of the Jewish community, the Paris Grand Mosque, the Protestant Federation, and the French Conference of Bishops strongly criticized the violence. The Government increased police security for Jewish institutions.

On May 22, the Paris district court ruled that an Internet company violated a law prohibiting defamation and incitement to hate crimes when it permitted the public display of Nazi artifacts for sale on the Internet. Following a hearing on July 24, the judge postponed implementation of the order. On November 21, a judge upheld the verdict, and ordered the company to block access from the country to sites offering Nazi memorabilia within 3 months.

In October 1999, the Court of Cassation upheld a Bordeaux court's 1998 conviction of Maurice Papon for his actions as secretary general of the Prefecture of Gironde from 1942 to 1944. Papon was found guilty of complicity in committing crimes against humanity for his role in the deportation of hundreds of Jews to Nazi concentration camps during the World War II German occupation. The Bordeaux court had sentenced him to 10 years' imprisonment; however, he had not been detained because he had appealed to the Court of Cassation, and just before that court's ruling, Papon fled from his home. His failure to appear resulted in an automatic rejection of his appeal. On October 22, 1999, he was arrested in Switzerland and returned to France; he remained in prison at year's end. In April Papon filed an appeal to the European Court of Human Rights; the appeal was pending at year's end.

National/Racial/Ethnic Minorities.—Anti-immigrant sentiments led to various incidents, including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted a continuing decrease in the number of reported incidents of racist threats; 79 threats were reported in 1999, a decrease from 91 in 1998. However, the number of reported incidents of racist violence increased to 12 in 1999 from 8 in 1998. There were no deaths due to racist violence in 1999.

The Government strongly condemns such actions and attacks and has strict antidefamation laws. Government programs attempt to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There are also antiracist educational programs in some public school systems. The annual NCCHR report suggested that the Government continue to strengthen its laws against racist acts.

According to the 1999 public opinion poll reported in the annual NCCHR report, 12 percent of those polled admitted to being "rather racist," 27 percent admitted to being "a little racist," 30 percent said they were "not very racist," 29 percent said that they were "not at all racist," and 2 percent had no response.

Romani asylum seekers often remain in the country after their claims have been denied. They do not have official papers, which limits their access to health care and education. They often live in crowded conditions without proper sanitary facilities.

The Administrative Court in Nantes continued to consider the June 1998 appeal of Moroccan national Khaddouj Tahir at year's end. In 1997 Tahir was refused naturalization because she wore a hejab veil during her final interview. Naturalization officials stated that "her garments showed a refusal to integrate into the French community." According to the law, applicants for naturalization must demonstrate their assimilation into French society as well as their loyalty to the French nation.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association for all workers. Trade unions exercise significant economic and political influence, although less than 10 percent of the work force is unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body.

Unions are independent of the Government, and most are not aligned with any political party. However, many of the leaders of the General Confederation of Labor and its unions belong to the Communist Party.

Workers, including civil servants, are free to strike except when a strike threatens public safety. One-fourth of all salaried employees work for the Government. The number of workdays lost to strike action in the private sector increased during the year, and the number of strikes increased. Most of the widely publicized national strikes or protests occurred in the public sector or affected state-owned companies, and were called principally over implementation of the 35-hour workweek, salaries, privatization or reorganization plans, and working conditions (of which hours, staffing, and personal security were the primary issues). Teachers and health care workers mounted several strikes and protests over pay, personnel levels, and government efforts to reform the health and educational systems. Public transportation workers in Paris and other cities struck repeatedly in support of demands related to the implementation of a 35-hour workweek or the deployment of additional security personnel to deal with violence directed at transportation personnel. Railway workers also mounted strikes in support of demands related to the 35-hour workweek. Unions representing armored car workers mounted numerous strikes, including a 2-week national strike in May, to demand increased compensation and stricter security measures following several robberies in which several union members were killed. Air traffic controllers struck to protest European Union efforts to centralize air traffic control across Europe. Workers at two airlines struck during a busy spring travel period to protest anticipated job losses resulting from the takeover of their company by a foreign carrier. Truck drivers blocked border points and ports early in the year over concerns that European regulations for work-hours in their sector would deprive them of reductions called for under the move to a 35-hour workweek. In September owners of taxis, trucking companies, and fishing boats blockaded roads and ports over rising fuel prices.

The law prohibits retaliation against strikers, strike leaders, and union members, and the Government effectively enforces this provision.

Unions freely join federations and confederations, including international bodies.

b. The Right to Organize and Bargain Collectively.—Workers, including those in the three small export processing zones, have the right to organize and bargain collectively. The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

A 1982 law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels, but does not require that negotiations result in a signed contract. In case of an impasse, gov-

ernment mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force are covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and Government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, are available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and non-union employees, are elected every 2 years.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited by law, and the Government effectively enforces this provision.

d. Status of Child Labor Practices and Minimum Age for Employment.—With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. Generally, work considered arduous or work between the hours of 10 p.m. and 5 a.m. may not be performed by minors under age 18. Laws prohibiting child employment are enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law. The law prohibits forced or bonded child labor, and the Government effectively enforces this prohibition (see Section 6.c.).

e. Acceptable Conditions of Work.—The administratively determined minimum wage, revised whenever the cost-of-living index rises 2 percentage points, is sufficient to provide a decent standard of living for a worker and family. The hourly wage was changed to \$5.60 (42.02 francs) as of July 1. Since February the legal workweek is 35 hours for firms of 20 or more workers. Overtime, under the 35-hour workweek, is capped at 1,600 hours per year for most workers. Firms of less than 20 workers have until January 2002 to reduce their workweek to 35 hours. For these firms, the legal workweek is 39 hours, with a minimum break of 24 hours per week. Overtime work is restricted to 9 hours per week.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards are high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons.—The law prohibits the trafficking of persons; however, trafficking in women is a problem. In the past, the country has been primarily a transit point for women trafficked for sexual purposes from Africa, South America, and Eastern and Southern Europe, despite stringent laws that prohibit such trafficking. The country is now also a destination for trafficked women, as increasing numbers of women from Eastern Europe, the former Soviet Union, and the Balkans are trafficked to work as prostitutes in cities, often under harsh conditions.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another, and the public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually are prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$140,000 (1 million francs). Penalties rise to up to 10 years in prison and up to approximately \$1,400,000 (10 million francs) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$2,800,000 (20 million francs). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$4,200,000 (30 million francs) in fines. These laws are enforced to various degrees—according to one press report, the most visible pimps are arrested, while those who work quietly go unnoticed.

Several law enforcement agencies are involved in the effort to combat trafficking. The Central Office for the Repression of Trafficking in Humans is under the authority of the central criminal investigation directorate of the police judiciaire, which handles organized crime. It centralizes information and coordinates operations to

counter trafficking, and maintains contacts with the police, the Gendarmerie, foreign and international law enforcement authorities, and NGO's. Regional services of the police judiciaire also combat trafficking, and the police judiciaire has brigades to combat pimping in Paris and Marseille. Local police forces also address problems of prostitution and pimping.

In the past, the country was a transit point for victims; however, in 1997 police began to see organized rings of traffickers, primarily from southeast Europe. The number of young women brought to the country to work as prostitutes continues to increase, in part because traffickers throughout Europe have benefited from the open borders under the Schengen Accords. Some victims come as a result of fraud or force; some are brought by a friend, or a friend of a friend; others have worked as prostitutes in their home countries, and are willing to continue the practice to pay for their immigration papers. In 1999 OCRTEH reported investigations into rings operating out of the Czech Republic, Bulgaria, Latvia, Nigeria, Cameroon, Albania, Ecuador, Benin, Poland, and the former Yugoslavia. Much of the flow is now from Eastern Europe and the Balkans, but women from Africa and Latin America, who often enter the country through Marseille or the Spanish border, also have been trafficked into the country.

The number of women from the former Soviet Union, Eastern Europe, and the Balkans has increased markedly, and has received increased press attention. For example, in March French and Belgian police dismantled an international trafficking ring organized in Paris and run from Brussels. This network trafficked women from the former Yugoslavia through Italy into forced prostitution in Brussels and Paris. Police dismantled the ring after French officials noticed that a number of prostitutes were traveling two or three times a week to Brussels on the highspeed train, apparently to pay their "protectors." French officials arrested and extradited three Albanians. In January OCRTEH dismantled an Albanian trafficking ring in Toulouse. After reportedly being sequestered for several weeks and subjected to rape, torture, and threats against their families if they tried to escape, the women reportedly were sold for around \$1,250 (9,000 francs), which included a "guarantee" that they would work as prostitutes for 3 months.

In May the magazine *Le Nouvel Observateur* quoted the Commissaire of OCRTEH as saying that two-thirds of the foreign prostitutes in the country were from Eastern Europe (including the former Soviet Union), whereas in the previous few months, they represented only one-third. The magazine also reported that in Nice, women have responded to advertisements for waitresses or models that appeared in newspapers in Kiev or Moscow; and in Strasbourg, the number of prostitutes has more than doubled in the past 5 years—approximately two-thirds of the women are Czechs or Bulgarians.

There are numerous NGO's that deal with trafficking in persons and prostitution. The Scelles Foundation, which has a center for international research and documentation of sexual exploitation, provides information to the media on the issue, and supports other associations in the country and around the world. The NGO *L'Amicale du Nid* works directly with prostitutes.

GEORGIA

The 1995 Constitution provides for an executive branch that reports to the President and a legislature. The President appoints ministers with the consent of the Parliament. In April Eduard Shevardnadze was reelected to a second 5-year term as President in an election marred by numerous serious irregularities. International observers strongly criticized this election due to interference by state authorities in the electoral process, deficient election legislation, an insufficient representative election administration, and unreliable voter registers. The country's second parliamentary elections under the 1995 Constitution were held in October 1999, which the Organization for Security and Cooperation in Europe (OSCE) characterized as a step toward Georgia's compliance with OSCE commitments. Local elections were held for the first time in November 1998. The country's first multiparty parliamentary elections after independence from the Soviet Union in 1991 followed a military coup in 1992 that ousted the elected government of Zviad Gamsakhurdia and brought Shevardnadze to power as head of a provisional government. The civil war and separatist wars that followed weakened greatly central government authority, not only in separatist Abkhazia and Ossetia, but also in other areas of the country, and the extent of central authority and control remain in question. Central government authority is limited in the autonomous region of Ajara. The Constitution provides for an independent judiciary; however, it is subject to executive pressure.

Internal conflicts in Abkhazia and South Ossetia that erupted in the early 1990's are unresolved. Cease-fires are in effect in both areas, although sporadic incidents of violence occur in Abkhazia. These unresolved conflicts, together with problems created by roughly 300,000 internally displaced persons (IDP's), pose a continuing threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians a large plurality of the population—were expelled from or fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed in Abkhazia with the agreement of the Government and the Abkhaz separatists. Although there has been no agreement on the return of IDP's to Abkhazia, a limited number have returned on their own to the Gali region of southern Abkhazia. As a result of fighting in May 1998, almost all of the 53,000 Georgian IDP's who had returned to the Gali region of Abkhazia again fled. After May 1998, IDP's continue to travel back and forth to the Gali region and as many as 40,000 may be living in the Gali Region on a more or less permanent basis. A Russian peacekeeping force also has been in South Ossetia since 1992 and is part of a joint peacekeeping force with Ossetians and Georgians in South Ossetia. Repatriation of Georgians to South Ossetia and of Ossetians to the rest of Georgia has been slow. The Government has no effective control over Abkhazia or much of South Ossetia. Almost no IDP's have returned to other parts of Abkhazia.

The Ministry of Internal Affairs (MOI) and Procuracy have primary responsibility for law enforcement, and the Ministry of State Security (MSS, formerly the KGB) plays a significant role in internal security. In times of internal disorder, the Government may call on the MOI or the army. Elected civilian authorities do not maintain adequate control over the law enforcement and security forces. Members of the security forces committed an increased number of serious human rights abuses.

The Government made efforts to develop a market-based economy. Key exports are scrap metal, manganese, wine, mineral water, and agricultural products. Agriculture represents approximately 30 percent of gross domestic product (GDP). Per capita GDP for the first 9 months of the year was estimated at \$486. According to the Georgian Department of Statistics, approximately 52.6 percent of the population is living below the poverty level. The rate of economic growth continued to slow and the eastern part of the country suffered a drought. There was a growing fiscal deficit, as revenue collection continued to be very low. Government salaries and pensions were still in arrears.

The Government's human rights record worsened, and was poor in several key areas. Numerous serious irregularities in the April presidential election limited citizens' right to change their government. According to the Government and non-governmental organization (NGO) human rights monitors, security forces continued to beat and otherwise abuse detainees, force confessions, and fabricate or plant evidence. Reports of police brutality increased throughout the year. Several deaths in custody were blamed on physical abuse, torture, or inhuman or life-threatening prison conditions, and most government promises of reforms remain unfulfilled. The Ministry of Justice gained formal jurisdiction over the prison system from the Ministry of Interior in 1999; however, this transfer of responsibility was accomplished without adequate fiscal resources and consequently exacerbated the already harsh conditions. Moreover, the MOI retains a significant role in prison staff and investigations. Minister of Justice Mikheil Saakashvili, appointed in October, acknowledged serious shortcomings in the prison system and initiated steps to address them. Saakashvili fired some corrupt administrators, released some inmates to reduce overcrowding, and took steps toward creating a prison inspection system that would include NGO participation. Authorities allegedly continued to use arbitrary arrest and detention. Corruption in law enforcement agencies is significant and pervasive. In addition, despite numerous investigations, large-scale corruption on the part of lower level and high government officials still is tolerated widely as an inevitable consequence of economic hardship and low salaries. Local human rights groups reported that security force brutality against them, harassment, and arbitrary arrest and detention of their members increased during the year, especially after April. Senior government officials, including the President, acknowledged serious human rights problems and sought international advice and assistance on needed reforms; however, neither the President nor other senior officials took concrete steps to address these problems, and Parliament failed to budget adequately for mandated reforms. Law enforcement agencies made little progress in adapting these practices to democratic norms, and impunity remains a problem.

The judiciary is subject to pressure and corruption and does not always ensure due process; judicial reform efforts to create a more independent judiciary were undercut by failure to pay judges in a timely manner. As a result of the Law on Common Courts, many corrupt and incompetent judges were removed from the bench

and replaced by judges who passed a qualifying exam and vetting process. There were lengthy delays in trials, and prolonged pretrial detention remains a problem. The Criminal Procedures Code, which was passed in 1997, was amended in 1999 and again in the summer in response to complaints by security forces that legislated reforms would hamper criminal investigations. Parliament also repealed provisions in the 1998 Criminal Code that would have allowed citizens under investigation access to the courts prior to trial. Procuracy reform was stalled. Human Rights Watch released a highly critical report in October that detailed new restrictions on due process and other setbacks to judicial reform. Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, security forces and other authorities on occasion intimidated and used violence against journalists. The Government restricted freedom of assembly, and law enforcement authorities dispersed numerous peaceful gatherings. Government officials infringed upon freedom of religion. Discrimination against and harassment of some religious minorities are problems. Violence and discrimination against women are problems. Trafficking in women for the purpose of forced prostitution is a problem.

Growing citizen awareness of civil rights and democratic values and the continued evolution of civil society provided a partial check on the excesses of law enforcement agencies. A number of independent NGO's are active in defense of the rights of individual citizens and religious groups. International observers noted that most NGO activity is concentrated in Tbilisi. Criticism from the press and the NGO community and timely intervention from government and parliamentary human rights monitors, played an important role in halting the abuse of citizens detained by the police in a few specific cases.

There was little information available on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political or extrajudicial killings by government agents. Security force abuses reportedly resulted in several deaths in custody.

The Government stated that 61 prisoners died in prison, and it appears that 5 prisoners died in jail or prison hospitals in pretrial detention during the year. Human rights NGO's and the press report that physical abuse, torture, and inhuman prison or pretrial detention conditions contributed to a number of these deaths. The authorities attributed the majority of these deaths to illness. On May 31, Mamuka Rizhamadze was found hanged in a Kutaisi jail. He was arrested in Tkibuli on May 24 but had not been charged. The official autopsy stated that he committed suicide; however, an independent autopsy, carried out at the request of his relatives, concluded that there were numerous injuries to his body and that a blow to his head killed him before he was hanged. Police claim that Rizhamadze threatened them with a grenade and that they acted in selfdefense.

Authorities attributed nine deaths in 1999 to suicide, including that of Ivane Kolbaya, who in February 1999, fell to his death from a fifth floor window of the Ministry of Internal Affairs while being questioned about his alleged involvement in a theft. An international human rights NGO brought this case to the Government's attention, as well as four others, including the 1998 death of Gulchora Dursunova and the 1997 deaths of Akaki Iacobashvili and Eka Tavartkiladze. In 1999 the National Security Council requested that the Procuracy determine the legality of the decisions made in these cases. The Procuracy upheld decisions affirming the ruling of suicide in all cases. Two police officers were charged in Kolbaya's case, but the court returned the case to the Procuracy for further investigation. On December 4, 1999, Zaza Tsitsilashvili allegedly threw himself to his death from the sixth floor of the Ministry of Internal Affairs. The investigation did not result in any charges. However, family members say that his corpse showed evidence of being beaten.

On October 16, Antonio Russo, a reporter for Radio Radicale was found dead outside of Tbilisi. His colleagues feared that he may have been murdered in reprisal for coverage of the conflict in neighboring Chechnya, Russia. Some persons believe that Russo may have been killed to prevent him from publishing materials on the Russian use of banned chemical weapons in Chechnya. There have been no allegations and there is no evidence implicating the Government in Russo's death. The Government is conducting and ongoing investigation into the murder.

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including by partisan groups and by Abkhaz separatists. The partisan

groups in the past have received government support and training; however, the Government claims that it no longer controls nor supports the partisans. The partisans are viewed by the general public as criminal gangs engaged in smuggling, extortion, and other illegal activities. The number of incidents of abuse decreased from the previous year. Killings and other abuses on both sides of the conflict have not been investigated, prosecuted, or punished.

Both Georgian and Abkhazian forces laid tens of thousands of landmines during the 1992–1993 fighting. The 2000 Landmine Monitor Report states that in 1999 and 2000, there continued to be numerous reports that groups from Georgia, allegedly linked to the Georgian Government infiltrated into Abkhazia and laid antipersonnel mines. The Government criticized these partisan groups and arrested some of their leaders. There has been a reduction in the number of persons killed or injured by landmines, primarily because a large number of persons have left the mined territories.

b. Disappearance.—Georgian partisan/criminal groups active in Abkhazia periodically took hostages, usually in exchange for captured compatriots. Abkhaz and Georgian officials agreed on joint efforts by their law enforcement agencies to prosecute those responsible for this and other criminal activity that threatened to destabilize the cease-fire. The September 12 detention in Zugdidi of David Shengalia, the leader of one of the partisan bands, reduced tensions to some extent through the end of the year. During the year, there were several instances of hostage taking by criminal groups for ransom purposes. All of these kidnappings are believed to have been criminal or economic and not political.

In June two U.N. officials, a foreign businessman, and their Abkhaz interpreter were abducted in Abkhazia's Kodori Gorge. They were handed over to Georgian authorities on June 5 without payment of the \$300,000 ransom demanded by their kidnapers.

Three International Committee of the Red Cross (ICRC) staff members were abducted in the Pankisi Gorge in August. The three staff members were released on August 13, one week later.

On November 30, two Spanish businessmen were abducted and held captive in Pankisi Gorge. Authorities still are searching for them.

Two U.N. observers were abducted in Abkhazia's Kodori Gorge on December 10, and released 3 days later after negotiations with presidential representative Emzar Kvitsiani; reportedly no ransom was paid. Svan bandits are believed to be responsible for the abduction, as well as for a previous abductions of U.N. officials in October 1999 and 2000.

In Abkhazia, an autonomous republic in Georgia, six Georgians were taken hostage in Abkhazia's Gali region on August 23 and were released 3 days later as a result of mediation by members of the U.N. Observer Mission and the CIS peacekeeping forces. The Abkhaz hostage takers did not receive the \$2,050 (5,000 lari) they had demanded initially.

Georgian and Abkhaz commissions on missing persons reported that the fates of more than over 1,000 Georgians and several hundred Abkhaz who disappeared as a result of the war in Abkhazia still are unknown. Abkhaz and Georgian officials agreed on joint efforts to determine the whereabouts and repatriate the remains of missing fighters. The ICRC cooperated in the effort through its Red Cross message system.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids the use of torture; however, members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. International and domestic observers note that incidents of police abuse increased following the April presidential elections. Serious abuses and police misconduct continue and corruption and criminality, such as the fabrication or planting of evidence, remain problems. Widespread impunity remains a problem. Many human rights observers argue that the police increasingly believe that they will not be held accountable for such actions.

The most serious incidents of abuse occur in the investigative phase of pretrial detention when suspects are interrogated by police. Human rights observers and lawyers noted that abuses occur more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, as was previously the case. Human rights advocates noted a growing number of confessions made in police stations. Some observers charge that police also conducted investigations in apartments outside the police stations to avoid registering detainees. According to human rights observers, those who suffer such abuse are held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). For example, David Sturva claimed that in September police tortured him with beatings and

electric shocks, and attempted to suffocate him. Medical examinations confirmed his charges. Police also abused other detainees (see Section 1.d.).

Police agents within the prison population allegedly committed abuses in pretrial detention facilities. For example, Paata Skhirtladze was beaten and his ear was bitten off by another prisoner (see Section 1.d.). Another prisoner initially confessed on video camera that he was ordered to torture another inmate and force narcotics on him. Charges were brought against him for this incident, but he subsequently recanted his confession (see Section 1.e.).

Police misconduct reportedly was worse outside Tbilisi, where awareness of laws and citizens' rights is lower and human rights NGO's are less active. However, one prominent human rights group notes that at the village level personal relationships work to prevent the sorts of abuse found in the larger towns and cities.

Despite an overall culture of impunity, some policemen were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. According to the Ministry of Internal Affairs, 35 administrative inquiries were performed, 21 policemen were reprimanded administratively; and 6 policemen were dismissed in connection with police abuses. However, recent changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). In general, accountability tended to occur only in extreme cases, such as those resulting in death, and even then it is rare (see Section 1.a.). Many observers claimed that prosecutors frequently are reluctant to open a criminal case against the police or close a case for lack of evidence. Observers believe that many instances of abuse go unreported by victims due to fear of reprisals or lack of confidence in the system.

Domestic human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions significantly increased during the year. Human Rights Watch reported in 1999 that mistreatment and physical abuse of detainees continued to be rampant. However, some observers noted that when the Ministry of State Security (as opposed to the Interior Ministry) managed the investigation, allegations of physical abuses were rare.

In the past, security forces have tortured some defendants in politically sensitive cases, such as those involving members of the former Gamsakhurdia government and members of the paramilitary Mkhedrioni (see Section 1.e.). Local human rights observers alleged that abuses continued to occur in two pretrial detention facilities, Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Isolator Five, in the basement of the Ministry of the Internal Affairs headquarters, the facility in which is detainees suspected of a serious crime or whose cases had political overtones incarcerated. As a condition of membership in the Council of Europe, Isolator Five was to be closed as of January 1, 2000; however, domestic human rights organizations claim that the facility remains open and serves the same function, only under a different name. According to local human rights observers, despite calls by senior law enforcement officials for investigators to show restraint, many persons who were detained in Isolator Five afterwards reported that they were beaten or otherwise abused. Often the threat of incarceration in this facility was sufficient to induce a confession.

In contrast to those arrested in connection with the 1995 assassination attempt on President Shevardnadze, in general those persons arrested in May 1999, for plotting against the Government and those arrested for the 1998 assassination attempt against President Shevardnadze reportedly were not mistreated. However, one suspect, Otar Melikadze, reported in June that investigators had tortured him. Although human rights observers noted that the Procuracy collected evidence, for use in the court proceedings, the families and state-appointed advocates of the defendants had limited access to them. Melikadze, Soso Nadiradze, Archil Panjikidze, and David Tsotsoria, who were arrested for plotting against the Government, initiated a hunger strike, claiming that they and their lawyers did not have access to their case files.

Government officials acknowledged that Ministry of Internal Affairs personnel in the past routinely beat and abused prisoners and detainees. Government officials continued to claim that a lack of proper training, poor supervision of investigators and guards, and lack of equipment often resulted in abuse. For example, investigators in the past were trained to obtain confessions rather than use physical evidence to assemble a case. After law enforcement agencies expressed concern that the safeguards contained in the new Criminal Procedures Code would make it difficult for them to combat crime, amendments to the code in 1999 and during the year reinstated many of their powers (see Section 1.e.).

International and local human rights observers expressed concern that corruption is related to the number of police officers nationwide. According to the Ministry of Internal Affairs, there are 13,881 police officers; however, NGO's estimated that

there are 35,000 police officers. The Government was unable to pay the salaries for the police force. Consequently, police solicited bribes from the general population, especially motorists, and also from suspects detained on suspicion of criminal activity. The period between an arrest and a bail hearing was another opportunity for solicitation of bribes. According to international and domestic observers, the police sometimes attempt to extort money from suspects in exchange for not officially registering an arrest. Police reportedly approached suspect's family and offered to drop charges in exchange for a bribe.

Members of Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. There was a significant increase in the number of claims filed; however, fear prevented many persons from filing claims, and not all claimants followed their claims all the way through to trial. The Committee noted that since the presidential election, claims shifted from requests for assistance to complaints about mistreatment and violations by the police and Procuracy, as well about of the Procuracy's failure to pursue criminal investigations of alleged violators. The National Security Council's human rights advisor also has a mandate to investigate claims of abuse. The Constitution mandates a human rights defender or ombudsman. The role of the ombudsman's office is to offer assistance to those who believe that abuse has occurred or a right has been violated; however, the law does not provide the ombudsman with the authority to forward a complaint to a court with a recommendation that it be reviewed prior to trial.

Police officers reportedly sometimes beat and raped prostitutes.

Members of the security forces beat members of religious minorities (see Section 2.c.).

Police reportedly harassed and at times abused street children (see Section 5).

Prison conditions are inhuman and life threatening. Facilities lack adequate cell space, medicine, and food. Infrastructure is crumbling due to lack of resources and corruption in the prison administration. The President pardoned 1,500 prisoners in April 1999, and 1,700 prisoners in October 1999 as a means of alleviating crowding; however, observers still consider the prisons to be overcrowded. The problem was exacerbated by the hasty transfer of responsibility for prison administration to the Ministry of Justice, which was unprepared to take over, according to human rights observers and government officials. The authorities acknowledged that conditions are inhuman and life threatening; however, they did not take effective steps during the year to address the fundamental problems.

On January 20, a riot broke out in Kutaisi's preventive detention Ward 2, reportedly triggered by the rape of a prisoner. As the result of an investigation, nine officials were dismissed, including the head of the ward. Some human rights groups claim that rape by inmates is common in prisons. Khvicha Kvirtia claimed that, while he was in prison, the head of the prison regularly beat him. He also claimed that those prisoners who had no money to bribe officials were tortured.

Torture and physical abuse of prisoners led to deaths in custody. The prison mortality rate reportedly was high; however, human rights NGO's claim that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they are on the verge of death. Additionally, monitors state that deaths of prisoners without families usually went unreported. The OSCE also noted an increase in the number of deaths in prison in the first 3 months after the transfer of authority to the Ministry of Justice. Most of the deaths during the year were attributed officially to medical causes, usually tuberculosis. According to the ICRC, tuberculosis is widespread in the prison system. In recognition of this fact, the ICRC continued a joint program with authorities begun in 1997 to reduce the incidence of the disease. In 1999 a prisoner reportedly weighing just 66 pounds was released from a Rustavi prison; he died within three days. Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem.

Temur Papuashvili, a suspect in an alleged 1999 coup plot, died in custody on January 3, reportedly due to illness. However, the Ministry of State Security began an investigation into the death after allegations that Papuashvili had been poisoned. Two days later, the investigation was closed, apparently at the request of Papuashvili's mother and wife.

In accordance with requirements stipulated by the Council of Europe, the responsibility for the prisons was transferred from the Minister of Internal Affairs (MOI) to the Ministry of Justice on January 1, 2000. Although the Ministry of Justice is responsible for overall administration of the prison system, the law on prisons permits MOI personnel to continue to staff the prisons. The MOI also maintains several

of its own cells in the various prisons. Other legislation also permits the MOI to conduct investigations among inmates to gather evidence for trials without judicial approval. Local and international human rights observers noted little change in prison conditions. No significant personnel changes or restructuring occurred prior to the appointment of Minister of Justice Mikheil Saakashvili in October. However, following a number of officials were removed. Advocates noted an improvement in access for family members and to the telephone since the transfer of authority.

The ICRC had full access to detention facilities, including those in Abkhazia, in accordance with its customary procedures, which include meetings with detainees without the presence of third-party observers and regular repetition of visits. The OSCE mission, whose mandate includes prison visits, reported bureaucratic delays but no serious problems in obtaining access to prisoners and detainees. However, local human rights groups reported that they have increasing difficulty in visiting detainees, especially in cases with political overtones.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution includes provisions to protect citizens against arbitrary arrest and detention; however, authorities frequently violated these provisions. The Constitution provides for a 9 month period of maximum pretrial detention, mandated court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). The old Soviet Criminal Code had been amended to implement these constitutional safeguards and was superseded in 1997 by the Criminal Procedures Code. These amendments generally, although not always, were observed, as prosecutors continue to maintain undue influence over criminal procedures. A new Criminal Code was enacted in June 1999.

Judges issue warrants and detention orders, and suspects must be charged within 3 days. Pretrial investigatory detention is limited to 9 months in accordance with the Constitution, instead of 18 months as allowed by the old Soviet code. Judges may extend pretrial detention by 3 month intervals up to 9 months. Human rights NGO's stated that the amendments to the old Soviet Code made the pretrial detention period less arbitrary; however, international and domestic observers also stated that such detention usually is longer—sometimes as much as 2 years—because this protection routinely is interpreted to include only the Procuracy's investigative period, not the defense's investigative period as well. Reportedly, police frequently detain persons without warrants. At year's end, there were 8,676 persons in custody, including both prisoners serving sentences and suspects held in pretrial detention.

A new Criminal Procedures Code, along with other legislation to implement constitutional protections and restrict the powers of the Procuracy and the police, was passed by Parliament in 1997; however, implementation was delayed until May 1999 (see Section 1.e.). Following enactment of the New Criminal Code in June 1999, the Criminal Procedures Code was amended substantially in July of that year. A number of amendments sought to harmonize the Criminal Procedures Code with the new Criminal Code. However, several amendments significantly weakened protections against arbitrary arrest and detention. Specifically, the changes imposed severe restrictions on a detainee's access to the courts in the pretrial period. According to Human Rights Watch, before these amendments were enacted a defendant could complain directly to the court prior to a trial regarding abusive actions committed by the police or the Procuracy during a criminal investigation and could request a forensic medical examination. Under the amended provisions, a defendant can file a complaint of abusive investigation only with the Procuracy. The Procuracy's decision cannot be appealed to the courts. Human rights NGO's state that this hinders a detainee's ability to substantiate a claim of police misconduct, especially in view of the close ties between the Procuracy and the police and the delays such requests entail. Human Rights Watch and other human rights advocates stated that permission for an independent forensic medical examination rarely is granted. It is difficult for those under criminal investigation to obtain objective medical examinations in a timely manner to substantiate reports of physical abuse. If a medical examination is not conducted within 3 to 4 days of the incident it becomes difficult to establish the cause of a detainee's injuries. In the courts, only a state employed forensic medical examiner—which in the vast majority of the criminal cases is an employee of the Ministry of Health's Judicial Medical Expert Center—can testify about the detainee's injuries. Human rights advocates criticize the state forensic examiners as biased in favor of the Procuracy.

The amendments also eliminated the right of a witness to be accompanied by a lawyer when being questioned by the police. A witness can be held by the police for 12 hours without being charged. Human rights monitors claimed that the police frequently charge witnesses as suspects at the end of this period. Human Rights Watch also reported that police often called in a detainee's lawyer as a witness, thereby denying him access to his client. Human Rights Watch released a highly

critical report in October that detailed new restrictions on due process and other setbacks to judicial reform.

According to observers, including the OSCE and the Association of Former Political Prisoners for Human Rights, police frequently treat individuals in their custody with brutality; however, correct legal procedures were observed more often once a detainee entered officially into the system. Police often failed to inform detainees of their rights and prevented access to family members and lawyers. While officially suspects are charged within 3 days of registration, observers claim that police frequently delay registering detainees for long periods in order to seek bribes in return for dispensing with registration altogether (see Section 1.c.). Authorities often held prisoners who were tortured and abused in police stations and pretrial detention for lengthy periods in order to give their injuries time to heal (see Sections 1.c. and 1.e.). Police often claim that injuries were sustained during or before arrest.

On June 18, Paata Skhirtladze was arrested for "exhibitionism" and later charged with two ritual murders and deaths. He allegedly was subjected to abuse in Isolator Five. His ear was cut off, apparently by a fellow prisoner, and he was forced to swallow it. Skhirtladze apparently confessed to the murders, but human rights observers believe he did so under pressure and connect the abuse of Skhirtladze to his affiliation with the Osho community, a spiritual movement.

In September the police stopped and searched David Sturua in Tbilisi's Saburtelo neighborhood. Upon finding keys in his bag, they charged Sturua and his friends with involvement in multiple burglaries. Sturua was taken to an MOI detention cell. He was not permitted to notify family members or contact a lawyer. He claims that he was subjected to torture, including attempted suffocation, electric shocks, and beatings. Medical examinations confirm Sturua's charges. The ombudsman asked the MOI to investigate (see Section 1.c.).

Lasha Kartvelishvili, arrested for allegedly killing a police officer, claimed he was beaten severely and denied access to his lawyer before being charged. He was charged 14 days after his arrest (the legal limit is 72 hours) following the intervention of government human rights advocates. An independent medical examination found numerous injuries. Police say that he sustained his injuries falling down the stairs. Family members argued that he was tortured. The lawyer that his family retained to defend Kartvelishvili repeatedly was denied access to his client. Kartvelishvili never formally filed a complaint and assented to the official explanation of his injuries. He remained in prison at year's end.

The Criminal Procedures Code established a system of bail; however, observers note that it rarely is employed.

There were no cases of forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary often does not exercise full independence. Judicial impartiality is limited. The judicial reform process, which was completed in 1999, had some success in leading to the appointment of a larger number of more highly qualified judges; however, local and international observers agree that judicial authorities continue to defer to pressures from the executive branch and well-connected special interests. Investigators routinely plant or fabricate evidence and extort confessions in direct violation of the Constitution. Judges are reluctant to exclude evidence obtained illegally over the objection of the Procuracy.

Results of the judicial reform effort were uneven. Judicial incompetence and corruption, including the payment of bribes to judges, is still a significant problem. Although there were reports by several trial attorneys and local NGO's in Tbilisi that some cases were being handled in a more and expeditious manner since the reform, progress outside of Tbilisi was not as marked. Observers commented that although judges were better educated, they are hindered by lack of practical experience. Human rights organizations point to poor access to case law as a further contributing factor. Due to the Government's fiscal crisis, judges' salaries were not paid for a 6-month period, creating an incentive to corruption. Pressure from extensive family and clan networks was extensive.

The 1997 Law on the Courts, which was designed to enhance judicial independence, established a three-tier court system. Implementation of the law was completed in 1999. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional courts of appeal, which serve as appellate courts for district courts; they started functioning in May 1999. The regional ("city") courts also try major criminal and civil cases, review cases, and either confirm verdicts or return cases to the lower courts for retrial. The Supreme Court acts as a higher appellate court and remains the court of first instance for capital crimes and appeals from the Central Election Commission.

A separate Constitutional Court was created in 1996. Its mandate includes arbitrating constitutional disputes between branches of government and ruling on indi-

vidual claims of human rights violations. The Court interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law. The court only considers one case at a time. Since its inception in 1996, many of the cases filed with the court have been heard and decided. The Court's rulings have demonstrated judicial independence.

Administration of the court system was transferred from the Ministry of Justice to the Council of Justice in 1997. The Council has 12 members, 4 selected from within each branch of government. The law established a three-part testing procedure for current and prospective judges to be administered by the council. The testing procedure was designed to reduce judicial incompetence and corruption. The Constitutional Court ruled in November 1998 that sitting judges could not be removed, thereby hampering the Government's attempts at judicial reform. The Parliament responded with a law stating that judges' terms would not be renewed beyond 2001 if they did not take and pass the examination, thereby observing the decision of the Constitutional Court, yet forcing the judges to qualify themselves through examination.

The first judges' examination was administered in February 1998. A total of 5 examinations were administered by the end of 1999, and some 250 judges had passed. A total of 176 judges passed both the exam and a vetting process and replaced judges who had not.

Supreme Court justices also were required to take the examination. They resisted the requirement, arguing that the exam was an infringement on judicial independence and that, since they were confirmed by Parliament, they already were subject to public scrutiny and review. The Court's Chief Justice appointed 12 new justices, 10 of whom had passed the judicial exams. Some observers have alleged that the Supreme Court's decisions are subject to political and other undue influences.

Aside from the judicial system, law enforcement as a whole still has not undergone significant reform. Payment of bribes to policemen and Procuracy officials reportedly is common (see Section 1.c.). The Procuracy is identified as part of the judicial system in the Constitution, and there were calls from legislators and others to move the Procuracy into the executive branch.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and to refuse to make a statement in the absence of counsel. The detaining officer must inform the detainee of his rights and must notify the detainee's family of his location as soon as possible. However, these rights are not observed fully in practice. Authorities frequently do not permit detainees to notify their families of their location. Defense attorneys and family members often have difficulty obtaining permission from investigators to visit clients. Investigators seldom inform individuals of their rights. There were lengthy delays in trials. Human Rights Watch noted that defense counsel is not required to be present at any pretrial hearings and that defendants and their attorneys regularly complained that they were not notified of scheduled hearings.

Under the Criminal Procedures Code, the police are not obliged to allow a lawyer to enter a police station unless hired by a detainee. Local police authorities limited lawyers' access to detainees. In 1999 the Tbilisi city council initiated a project with a local NGO to create a system under which lawyers would be placed in Tbilisi police stations to advise detainees of their rights without charge. The project was implemented intermittently at the beginning of the year, but then was halted due to lack of funding and legal difficulties. Participating lawyers complained that there was low public awareness of the program and that local police authorities limited their access to detainees. For example, in 1999 one lawyer witnessed police beating a detainee; when she began to question the police, she was pushed out of the room. When representatives from NGO's and the Government arrived at the station, the police chief denied that any beating had occurred. While the district prosecutor promised to investigate the case, there had been no investigation by year's end. The Parliamentary Committee on Human Rights and National Minorities also created a card listing a citizen's rights in case of arrest. By year's end, it had distributed 25,000 or 31,000 printed cards to students, NGO's, and visitors to the Committee.

In 1999 the Tbilisi city council initiated a project with a local NGO to create a system under which lawyers would be placed in Tbilisi police stations to advise detainees of their rights without charge. The project was implemented intermittently at the beginning of 2000, but then was halted due to lack of funding and legal difficulties. Participating lawyers complained that there was low public awareness of the program, and that local police authorities were limiting their access to detainees.

Parliament passed the legislation required to implement constitutional protections in 1997. The implementing legislation included the Criminal Procedures Code and

the Law on the Procuracy. These laws were designed to create a legal system with adversarial trials by reducing the powers of the Procuracy, increasing the rights of defense attorneys, and enhancing the independence and authority of the judiciary; however, amendments to the Criminal Procedures Code adopted in 1999 and significantly weakened many of these provisions. As in the Soviet period, prosecutors continue to direct criminal investigations, supervise some judicial functions, and represent the State in trials. Most criminal trials continued to follow the Soviet model. Prosecutors continued to wield disproportionate influence over outcomes. The Criminal Procedures Code prohibits the same judge who signed a warrant from hearing the case; this rule frequently was violated outside of Tbilisi, since few regions have more than one judge.

The Soviet system of state-employed criminal defense attorneys began to break down in 1998. Individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the Procurator's Office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured to accept a state-appointed attorney. The Procuracy not only had control over state-appointed lawyers; it also determined whether a defendant's request to change lawyers was granted. However, several NGO's provided free legal services for those whose human rights were violated in Tbilisi and one NGO was planning to open regional offices in 2001. Human Rights Watch noted that detainees sometimes are coerced by procurators to accept state-appointed attorneys or other attorneys who do not vigorously defend their interests.

The quality of attorneys is uneven. In addition, licensing of forensic medical examiners and other experts is not an assurance of competence.

International and local human rights groups agree that there are some political prisoners but disagree as to the number, giving estimates ranging from 25 to 54. A number of these individuals—including members of the Mkhedrioni, Gamsakhurdia supporters, and state security personnel committed criminal acts and were tried and sentenced for them on criminal grounds, although they may have had political motives. According to some local observers, detained political leaders of Gamsakhurdia's supporters never took up arms and should be considered political prisoners. Several, including Valter Shurgaia, Zviad Dzidziguri, and Zaur Kobalia, were still in prison at year's end. These individuals—political leaders of Gamsakhurdia's movement—were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons. They are serving sentences ranging from seven to twelve years. President Shevardnadze pardoned about ten political prisoners during the year, including former National Guard commander Tengiz Kitovani and Nicholas Kvezereli. The latter was convicted, along with Jaba Ioseliani, of the 1995 assassination attempt on the President. Two others who were imprisoned for attempting to assassinate Shevardnadze also were released. The 1998 trial of Jaba Ioseliani, the head of the Mkhedrioni, and 14 other alleged conspirators in the 1995 assassination attempt on President Shevardnadze was characterized by the same violations found in other recent trials with political overtones. The Government consistently violated due process both during the investigation and the trial. Torture, use of forced confessions, fabricated or planted evidence, denial of legal counsel, and expulsion of defendants from the courtroom took place. Ten of the defendants claimed to have been beaten or tortured and coerced to confess during the investigative stage of the case. They allegedly were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons or have not yet been convicted. Some procedures were violated for those suspected of involvement in the 1998 assassination attempt on the President. The suspects were held beyond the legal maximum period of pretrial detention (see Section 1.d.).

On February 2, four Zviadists (followers of Gamsakhurdia) began a hunger strike demanding amnesty for all political prisoners. They were joined by a number of sympathizers outside the prison. A local NGO, Former Political Prisoners for Human Rights, and journalists were denied permission to visit the hunger strikers in prison. On April 8, the hunger strike ended after Chairman of Parliament Zurab Zhvania promised that the Parliament would deal with the question of strikers' amnesty, as well as the matter of amnesty for all involved in the 1992–93 civil war.

On April 20, President Shevardnadze pardoned or reduced the term for 279 prisoners convicted in connection with the civil war and many participants in the 1995 assassination attempt, including Mkhedrioni leaders Jaba Ioseliani and Dodo Gugeshashvili. On April 22, the Parliament passed a resolution on national reconciliation. The resolution required the Procuracy to review the cases of those convicted in connection with the civil war and to create a list of convicts to be released

by July 30. By year's end, 85 Zviadists were released under the program. Most of those remaining in prison had been charged or convicted of murder.

Tengiz Asanidze, who was pardoned by President Shevardnadze in October 1999, remained in prison in Ajara. The authorities in Ajara refused to release him and later accused him of abduction and of financial crimes. He was awaiting trial at year's end. Asandize ran as a presidential candidate; as a result, the OSCE was able to visit him in prison. The Council of Europe's High Commissioner on Human Rights, Jose Alvaro Gil-Robles, visited Asanidze in June. Both Amnesty International and Gil-Robles have requested Asanidze's release.

On October 1, 12 prisoners escaped from Tbilisi's prison hospital and were subsequently recaptured. Those who escaped included former Finance Minister (in the Gamsakhurdia administration) Guram Absanidze and two others who had been charged with an alleged assassination plot against the President. Observers suspected that the escape involved collusion; it was unclear whether this involved prison staff only or higher authorities as well. The escapees also included Vakhtang "Loti" Kobalia, former leader of military forces loyal to former President Gamsakhurdia in the civil war against the paramilitary Mkhedrioni and the national guard in 1992-93. Kobalia had been sentenced to death for murder and treason in 1996; his sentence later was commuted to 20 years. Their trial, together with eight other defendants, was due to resume on October 2 but was postponed following the escape.

The Government allows international human rights and domestic organizations to visit political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution forbids the wire tapping of telephones and other forms of interference in an individual's private life without court approval or legal necessity; however, in practice law enforcement agencies and other government bodies occasionally monitored private telephone conversations without obtaining court orders. The Government stated that state security police and state tax authorities sometimes entered homes and places of work without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Police sometimes stopped and searched vehicles without probable cause in order to extort bribes (see Section 1.c.). Police misconduct and corruption undermined public confidence in government, especially the law enforcement agencies.

Section 2. Respect for Civil Liberties, including:

a. Freedom of Speech and Press.—The Constitution, the 1991 press law, and other legislation provide for freedom of the press; however, although the independent press was generally free, several instances of intimidation of journalists occurred. According to journalists and NGO's, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions and, in some cases, violence. During the year, journalists were able to publish wide-ranging and extremely critical views of officials and their conduct. However, some journalists practice self-censorship. The Administrative Code enacted in 1999 contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists have employed it. Libel laws inhibit investigative journalism. The Civil Code and other legislation make it a crime to insult the honor and dignity of an individual and place the burden of proof on the accused. Some advocates noted that the Government fails to register freedom of information act requests, as the Administrative Code requires. Moreover, they claimed that since the law contains no time limit for response, the release can be delayed indefinitely and the requesting party has no grounds for appeal.

Some 200 independent newspapers are in circulation. The press increasingly served as a check on government, frequently criticizing the performance of high-level officials. Increasingly, independent newspapers have replaced the government-controlled press as the population's source of information. The highest-circulation independent daily newspaper, *Alia*, has a national circulation nearly 20 percent higher than the government-controlled daily. However, independent newspapers continue to struggle in the regions, due largely to the population's lack of purchasing power. Several newspapers are relatively serious and reputable sources of information, although lack of financial resources hinders overall journalistic development. The circulation of most newspapers is limited to at most a few thousand copies, and usually much less. Few newspapers are editorially independent and commercial viability; they usually are subsidized by and subject to the influence of their patrons in politics and business. High printing costs and general poverty, especially in the countryside, limited the circulation of most newspapers to a few hundred or a few thousand readers. The Government finances and controls one newspaper (which also appears in Russian-, Azeri-, and Armenian-language versions) and

a radio and television network with a national audience; they reflect official viewpoints.

Most persons continue to get their news from television and radio. The Government's monopoly on television news was broken when Rustavi-2, a member of the independent television network TNG, emerged in 1998 as an important alternative to state television, after successfully resisting 2 years of government attempts to shut it down. It now is considered the only station other than the state-run channel with a national audience. In addition to Rustavi-2, there are seven independent television stations in Tbilisi. An international NGO that works with the press estimated that there are more than 45 regional television stations, 17 of which offer daily news. While these stations are ostensibly independent, a lack of advertising revenue often forces them to depend on local government officials for support. Some regions, such as Samtskhe-Javakheti and Kutaisi, have relatively independent media. Rustavi-2 has a network of 15 stations, 5 of which broadcast Rustavi-2's evening news program daily. Independent newspapers and television stations continued to be harassed by state tax authorities. Stations desiring benefits and better working relations with authorities, practice self-censorship.

Journalists stated that they are vulnerable to pressure from the authorities, as well as from business and societal elements. For example, Clara Abramia claimed that the police harassed her after she criticized the Internal Affairs Minister in a series of published articles. According to press reports, the Minister had requested that the Procuracy bring a criminal case against her, but the Procuracy refused citing a lack of evidence. She was granted political asylum in Sweden in February.

Gia Abdalaze, a photographer for Kviris Palitra newspaper, alleged that four police officers beat him and broke his camera outside the Tbilisi Sports Palace on April 8. He was attempting to photograph police beating several youths who were attending a pre-election concert. He filed a complaint with the Saburtelo district police and the Procuracy. He claimed that the police threatened that they would plant narcotics on him and beat his family. The Procuracy never filed charges against the police. A group of NGO's protested the beating.

On May 19, Akaki Gogichaishvili, the lead reporter for "60 Minutes," Rustavi-2's weekly investigative journalism series, announced that he had received a death threat indirectly from the Procurator's office. He was warned to stop broadcasting or face criminal charges, and then via a relative he was told to leave the country for his own safety. Following Gogichaishvili's May 19 announcement, NGO's and members of the public gathered to protest the threats on his life. This threat allegedly was connected to allegations of corruption in the Georgian writers' union broadcast on his February 26 and April 2 programs. In May the President issued a directive to the Ministers of State Security and Internal Affairs, the Procurator, and the Chamber of Control to investigate the allegations made by 60 minutes against the union. On May 11 the union was exonerated of corruption charges. Prior to the incident in May, Gogichaishvili and others on his staff had received death threats and been harassed.

On July 27, in Tbilisi, Vasiko Silagadze, a reporter for Eco Digest was beaten severely and his right thumb and forefinger slashed after he wrote a series of stories about alleged corruption of senior officials in the Ministry of Internal Affairs. Silagadze claimed that he was attacked again on September 7. The Procuracy was investigating the first attack at year's end.

On August 16, a mob led by Orthodox extremists, attacked journalists at a courtroom in Tbilisi (see Section 2.c.).

In October President Shevardnadze publicly criticized the daily newspaper Rezonansi for reporting comments by an opposition politician in Parliament who called for the overthrow of the "Shevardnadze regime." He asked the Procuracy to investigate the newspaper, which he stated had a history of provocative, antigovernment news coverage.

On October 16, Antonio Russo, a reporter for Radio Radicale, was found dead outside of Tbilisi (see Section 1.a.).

On October 14, 1999, George Kupuradze, a reporter for Rezonansi newspaper, and Sergei Belousov, a photographer, alleged that they were beaten severely by Devnoz Gabatashvili and other policemen when they tried to intervene on behalf of another person whom they claim was being beaten by police. Kupuradze suffered a concussion. He lodged a formal complaint and reportedly identified all three police officers involved at an identification procedure in the Gldani procurator's office. Only Gabatashvili was brought to trial and was charged with exceeding his authority and intentionally inflicting injury. Kupuradze alleged that the police officers tried to bribe him not to pursue the case. The Tbilisi court began hearing the case, but found the investigation inconclusive and referred the case back to the Procurator's

office for further investigation. Kupuradze appealed, but the decision was upheld by the Supreme Court in September.

In 1998 the trial of two journalists from the independent newspaper Orioni who reported allegations of sexual harassment and homosexuality in the armed forces was postponed indefinitely in April 1998. At that time, government and military officials reportedly responded by threatening the reporters with arrest, demanding the names of sources, and filing a civil lawsuit that charged defamation. One of the two journalists, Amiran Meskheli, was detained for allegedly having evaded military service. He subsequently was conscripted and assigned to the unit about which he had reported. Human rights monitors considered this an attempt at intimidation and filed a lawsuit to overturn his conscription. Meskheli remained free on bail.

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, especially in the regions, understand the legal protections afforded journalists and few have the resources to hire a lawyer to pursue court cases. Some have enlisted the assistance of the NGO community.

The 1999 Law on Post and Communications removed the telecommunications licensing process (including radio and television) from the direct control of the Minister of Communications and established an independent, self-financed, three-person regulatory commission to create an open and transparent process. However, the commission has not yet become active.

Channel 25 is the only independent television station broadcasting in Ajara, and has been operating since 1998. On February 14, it broadcast its first uncensored news coverage. On February 19, three of the four owners of the station alleged that they were coerced by Ajaran regional government officials and Mikhail Gagoshidze, chairman of Ajaran Television and Radio, to cede 75 percent of the company's shares to Gagoshidze. The owners stated that in return they were forced to take \$50,000 (100,000 laris) in cash. The same day, Batumi mayor Aslan Smirba physically assaulted Avtandil Gvasalia, the station's commercial director. Smirba claimed that he had a right to own the station, as he had helped the company get permission to broadcast. The owners brought suit against Gagoshidze, but lost their case in Ajara regional court. The case was in the appeal process at year's end.

The Government does not limit access to the Internet.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to peaceful assembly without prior permission from the authorities; however, both the national Government and local governments sometimes restrict this right in practice. A 1997 law on freedom of assembly requires political parties and other organizations to give prior notice and obtain permission from local authorities if they intend to assemble on a public thoroughfare. Members of the local NGO community believe that the law violates the Constitution and have sought to have it overturned by the Constitutional Court. However the Court refused to hear the case, explaining that a test case must be brought before it in order for it to consider the challenge, and that, an individual must prove that he has been harmed by this law. Most permits for assembly are granted without arbitrary restriction or discrimination; however, this is not the case for Zviadists, supporters of former President Gamsukhardia. Extreme Zviadists never have accepted any successor to the Gamsakhurdia government as legitimate and held demonstrations demanding that the present Government resign. The Government viewed the public rallies of the Zviadists as a threat because of the publicity they generated for themselves and against the Government. The police broke up one of their rallies held in May 1999 and another in October. A hunger strike involving several hundred persons and conducted in the shell of Gamsakhurdia's burnt-out villa in Tbilisi since mid-June 1999 was not disturbed and continued at year's end.

During the year, numerous rallies were held throughout Tbilisi and in other cities to protest pension and wages arrears. Police did not interfere. In June approximately 300 displaced persons gathered outside the Constitutional Court to demand payment of their overdue allowances. The police prevented the group from protesting in front of the Parliament. During the fall, demonstrations protesting energy shortages were common and allowed to proceed without hindrance. In February Zviadist politician Leila Tsomaia was beaten by two unidentified men in Tbilisi and hospitalized with a concussion. Zviadists claimed that she was beaten in order to prevent a rally the following day. She never filed a complaint. On April 6, Tsomaia and another opposition politician, Luisa Shakashvili, were escorted by the police out of the city, allegedly to prevent them from participating in a rally. In February 1999, she and Tamila Nikoldaze, a fellow Zviadist, had been pardoned and released from prison. They had been incarcerated on charges of civil disorder for attempting to stage a rally in front of Tbilisi university in 1997.

During the year, the police broke up rallies or gatherings and meetings held by various religious groups or watched while members of the public disrupted them (see Section 2.c.). Local authorities several times prevented Jehovah's Witnesses from conducting open-air assemblies on private and public property. In September police did nothing to prevent and allegedly participated in the break-up of two such assemblies in Zugdidi and Marneuli by followers of a radical former Orthodox priest, Father Basil Mkalavishvili. Jehovah's Witnesses reported ongoing threats and harassment by local police and other authorities in the fall (see Section 2.c.). On December 15, in the village of Uraveli, a group of 100–150 persons surrounded a house where 40 Jehovah's Witnesses had gathered and forced them to flee the area. On December 18, Father Mkalavishvili and his followers tried to disrupt construction work on a Pentecostal meeting hall in Tbilisi. On December 19, followers of Father Mkalavishvili tried to enter Guram Markozashvili's Tbilisi residence in order to force him to sign a document stating that he would no longer conduct meetings of Jehovah's Witnesses in his home.

According to press reports, police prevented a group of Chechens from starting a public walk for peace to Azerbaijan from the Akhmeta district on February 14. One participant allegedly was beaten. The authorities reportedly stated that the action was not registered and therefore was illegal.

In the Baghdati region of Imereti, police attempted to prevent a foreign labor union official and representatives of the Free Trade Union of Teachers of Georgia "Solidarity" (FTUTGS) from holding a meeting (see Section 6.a.).

Some rallies of opposition presidential candidate Jumber Patiashvili were disrupted, and in some areas he was denied permission to use public buildings (see Section 3).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination. However, on June 24, the Tbilisi appellate court overturned the registration of two organizations affiliated with Jehovah's Witnesses on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respects this right in practice; however, local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including Jehovah's Witnesses, Baptists, and Hare Krishnas.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history without further defining it, but also stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox church and not for any other religion. The Georgian Orthodox Church has lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from nontraditional religions. Various draft laws, some modeled on the Russian law on religion, have been rejected by Parliament.

Certain members of the Georgian Orthodox Church and the public view non-Orthodox, so-called "sects" as a threat to the Church and Georgian cultural values, a perception that some politicians exploited during elections. Local police and security officials at times harassed foreign missionaries and non-Georgian Orthodox congregations or did not intervene when others harassed them. For example, on September 16, the police and followers of the excommunicated priest Basil Mkalavishvili prevented Jehovah's Witnesses from holding a convention in Marneuli by stopping buses, physically attacking followers and burning and looting the convention site (see Section 2.b.). Jehovah's Witnesses allege that police actively participated in these activities, and at least one eyewitness confirmed that police did not impede the so-called Basilists. The head of the Marneuli district administration was dismissed on September 19 for undisclosed reasons following the incident there. An investigation was being conducted at year's end.

On September 9, police impeded buses from traveling to a Jehovah's Witnesses convention in Zugdidi. The convention began as scheduled, but was cut short due to pressure from local authorities, according to Jehovah's Witnesses. As the convention was dispersing, unidentified persons attacked some followers, looted the private property on which the convention was held, and burned the rostrum. According to Jehovah's Witnesses, the attackers were dressed in special forces uniforms.

On May 29, 1999, the police violently broke up a public prayer meeting of the Assembly of God in the Gldani district of Tbilisi, beating a number of members, pushing a 60-year-old woman to the ground, and screaming threats of murder. Church members sued police and prior to the subsequent civil trial, Ministry of Internal Affairs officials repeatedly harassed the pastor and members of the congregation. At the trial on August 16, 1999, the judge ruled that the police had not violated the

individuals' constitutional rights. The group filed an appeal and incurred further harassment from law enforcement authorities. On August 29, 1999, a riot allegedly instigated by the police broke out at one of the organization's churches. Some members were beaten, and the police confiscated some members' documents, forcing the victims to retrieve them at the police station.

In July and August Customs officials and security officials impounded over 40 tons of religious materials being imported by Jehovah's Witnesses. The materials were not released, despite intervention by the National Security Council official responsible for human rights. The Customs Department stated that it had received notification that the Tbilisi Appellate Court had annulled Jehovah's Witnesses' organizational registration and therefore legally had to hold the literature. Jehovah's Witnesses filed suit against the Customs Department and officials in August; and their literature was released in December.

In September the Government refused to extend the visa of the official representative of the Watchtower Society (Jehovah's Witnesses) to the Caucasus; however, he later was issued a visa.

In October 1999, a Jehovah's Witnesses' worship service of 120 parishioners in the Gldani section of Tbilisi was attacked violently by renegade Georgian Orthodox group (see Section 5). (The leader of this group was excommunicated from the Church due to its radical and confrontational stance). The Gldani police refused to intervene. Sixteen persons were injured in the attack. On December 25, 1999, the case was forwarded to the Gldani prosecutor's office for criminal charges. Despite the advocacy by the National Security Advisor for human rights on behalf of Jehovah's Witnesses, in January the Gldani regional prosecutor's office returned the case to the city prosecutor's office, stating that no violation had occurred. The group continues to press for prosecution of the police's behavior in this and similar subsequent incidents. Instead, the official in charge of the investigation decided in June to charge one of the plaintiffs with hooliganism. On September 28, the two were given suspended sentences of 6 months and 3 years, respectively. The two witnesses are planning to appeal their conviction. The judge also referred for further investigation the case of two followers of excommunicated priest Father Basil Mkalavishvili, who were charged with burning Jehovah's Witnesses literature during the same incident; however, unlike those of Jehovah's Witnesses, these cases were later dismissed.

A member of parliament brought a civil suit in April 1999 to ban Jehovah's Witnesses, arguing that the organization is antiOrthodox, antistate, and antinational. Appeals by Jehovah's Witnesses to an appellate court and then to the Supreme Court contending that the suit was groundless were refused. The Supreme Court stated that the lower court first must hear the case. In November 1999, the lower court judge remanded the issue to an academic study group to study the literature of Jehovah's Witnesses. In February the Isani-Samgori district court dismissed the lawsuit based on the opinion of an academic panel. The case was appealed to the Tbilisi district appeals court, and on June 23, the court ruled in favor of the member of parliament. Jehovah's Witnesses' appealed to the Supreme Court; a hearing was scheduled for January 2001.

On January 16, two members of Jehovah's Witnesses were attacked on the street in Gldani. On February 13, another pair of members was attacked. They filed a complaint with both the police and the prosecutor; both refused to pursue charges.

On August 20, the chief of the Tianeti District police and three other policemen reportedly dispersed a service in a Baptist Church and looted the property. The pastor allegedly was taken to the police station and threatened with future arrests. No action had been taken against the policemen by year's end.

On September 28, police raided a Hare Krishna meeting house in Tbilisi and confiscated a large amount of religious literature.

The Roman Catholic Church and the Armenian Apostolic Church have been unable to secure the return of churches closed during the Soviet period, many of which later were given to the Georgian Orthodox church by Soviet authorities. A prominent Armenian church in Tbilisi remained closed. The Armenian Apostolic Church, the Catholic Church, and Protestant denominations have had difficulty obtaining permission to construct new churches, reportedly in part as a result of pressure from the Georgian Orthodox Church. However, a new Catholic Church opened in Tbilisi in 1999 and another in Batumi during the year.

Regular and reliable information about the "Republic of Abkhazia," which is not recognized by any country and over which the government of Georgia does not exercise control, is difficult to obtain. The Abkhaz "President," Vladislav Ardzimba, issued a decree in 1995 that banned Jehovah's Witnesses in Abkhazia. It remains in effect. A number of members of Jehovah's Witnesses were detained subsequently. Five persons who were detained in April 1999 for violating the decree were released

in early May after their counsel argued that their detention violated a freedom of conscience clause in the Abkhaz Constitution.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution, the 1993 Law on Migration, and other legislation generally provide for these rights, and the Government generally respected them in practice. Registration of an individual's place of residence is not required, nor were internal passports. Old Soviet passports bearing "propiskas" (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identity cards are expensive and difficult for many members of the electorate to obtain, especially in poorer and more remote rural areas.

On July 21, border guards prevented Jehovah's Witnesses traveling from Armenia from entering the country, claiming that the group no longer was a legal organization in Georgia. Only after official authorization by the head of the border guards were the followers permitted to cross.

Approximately 275,000 so-called "Meskhetian Turks," who were expelled from southern Georgia to Central Asia by Stalin in the 1940's, still face both official and public opposition to their return in the face of threats by local ethnic-Armenian inhabitants of the Samtske-Javakheti region and officials of the government of Armenia that their return to the region would cause a violent reaction. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union broke up and remain stateless.

In 1996 President Shevardnadze issued a decree authorizing the return of 1,000 Meskhetians per year for 5 years. The decree has never been implemented, and to date only a few hundred Meskhetians have returned as illegal immigrants. The Government has provided housing for most of them, but because they were to be the subject of a separate law, which has not yet been passed, they were deprived early in 1998 of their refugee status and, consequently, of their housing subsidy. Most of the approximately 600 Meskhetians living in the country have Georgian citizenship.

In December 1997, Parliament passed a law entitled "Recognizing Georgian Citizens as Political Victims and Social Protection of the Repressed." This law, intended to rehabilitate victims of the Soviet era, specifically excluded the Meskhetians, whom it identified as the subject of a separate law. Draft legislation regarding Meskhetians has yet to be introduced in Parliament.

In March 1999, a presidential decree was issued to address the Meskhetian issue. It established the State Commission on the Repatriation and Rehabilitation of the Population Deported from Southern Georgia. In connection with its accession to the Council of Europe in April 1999, the Government undertook to begin the process of Meskhetian repatriation within 3 years. In July 1999, the Government announced that it had granted citizenship to 36 Meskhetians.

The 1994 quadripartite agreement between Russia, Georgia, Abkhazia, and the U.N. High Commissioner for Refugees (UNHCR) on repatriation in Abkhazia called for the free, safe, and dignified return of internally displaced persons (IDP's) and refugees to their homes. The Abkhaz separatist regime prevented virtually any official repatriation and unilaterally abrogated the agreement in late 1994. From 1994 to May 1998, an estimated 53,000 of the 283,000 IDP's and refugees from Abkhazia returned spontaneously, most to the southern part of the Gali district. In May 1998, the unstable security situation in Gali deteriorated into open warfare between the Abkhaz militia and Georgian partisans and MOI troops. The partisans were defeated and, in the aftermath, many of the Georgian returnees fled once again as their homes were burned and looted by Abkhaz separatist forces.

In January 1999, the Abkhaz separatists unilaterally invited IDP's to return to Gali starting on March 1, 1999, but did so in the absence of measures acceptable to the Georgian Government for ensuring their safe return and security. The move did not affect significantly the return of IDP's to Gali, who continued to travel back and forth to Gali to tend their property. Since May 1998, IDP's continue to travel back and forth to the Gali region and as many as 40,000 may be living in Gali on a more or less permanent basis.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDP's and refugees. Ethnic Georgians from South Ossetia fled to Georgia proper and Ossetians from South Ossetia and other Georgian regions fled to Russia. In 1997 the UNHCR began a program to return IDP's and refugees to their homes. Both sides created obstacles that slowed the return. There were about 24,000 Ossetian refugees living in North Ossetia, Russia. To date about 370 Ossetian families from Russia have returned, the majority to South Ossetia. The South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although approximately 200 families returned. For political reasons, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other Georgian regions. In 1997 the Government

publicly recognized the right of Ossetian refugees to return to their homes in Georgia but took little action to facilitate their return. Persistent opposition by Georgian authorities, especially at the local level, over the return of illegally occupied homes has prevented the organized return of Ossetian refugees to Georgia proper. During the year, approximately 13 Ossetian refugee families returned to South Ossetia, 11 Ossetian refugees returned to Georgia proper, and 32 Georgian IDP families returned to South Ossetia. Since the outbreak of hostilities in the Chechnya region of Russia in September 1999, the Government has registered approximately 7,000 refugees from that region. Most were women and children and settled in the Pankisi Gorge.

There is no effective law concerning the settlement of refugees or the granting of political asylum, including first asylum, in accordance with the principles of 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Parliament passed an asylum law in March 1998, but it is not fully consistent with international standards as set out in the U.N. Convention.

According to the UNHCR, the Government processed no asylum cases during year, one in 1999, and none in 1998. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution and the 1995 parliamentary and presidential election laws provide citizens with the right to change their government peacefully through regular elections; however, the April presidential elections were marred by numerous serious irregularities and limited this right in practice. An elected president and parliament govern most of the country.

Presidential elections were held on April 9. There were seven official candidates, although two candidates, Aslan Abashidze and Tengiz Asanidze, withdrew less than 24 hours before the election. Only two candidates campaigned actively: the incumbent, President Eduard Shevardnadze, and Jumber Patiashvili, both former leaders of the Georgian Communist Party during the Soviet period. International observers strongly criticized the election. The CEC reported that Shevardnadze won with over 78 percent of the vote to Patiashvili's 16 percent, in contrast to observer estimates of 50 to 70 percent of the vote for Shevardnadze and 30 percent for Patiashvili. The OSCE noted serious irregularities, including instances of ballot stuffing, group voting, groups of identical signatures on voters lists, media bias, and lack of transparency in vote counting and tabulation. Some observers also noted a police presence in polling places and insufficiently representative electoral commissions at all levels. The OSCE noted that the situation deteriorated in the counting process. In general procedural safeguards were not implemented. The CEC annulled the election results of six polling stations.

During the campaign period, Patiashvili protested unfair media coverage. Eleven candidates applied for registration to the CEC. Seven parties nominated and registered independent candidates through a procedure that was not fully transparent. Former President Gamsakhurdia's finance minister Guram Absanidze, who was accused of organizing an assassination attempt against President Shevardnadze in 1998 (see Section 1.e.), applied to register as a presidential candidate. The CEC rejected his application, since he had not been living in the country for 2 years before the election. On August 31, the Supreme Court overturned this decision. At year's end, Absanidze was awaiting trial after his escape from prison and subsequent recapture in October.

The Revival Bloc, a coalition of opposition political parties also known as the Batumi Alliance and closely linked to Ajaran leader Aslan Abashidze, claimed that the election discredited the political process in the country. A number of smaller political parties boycotted the election, and another party urged the electorate to vote against all candidates. A number of opposition rallies were disrupted by police or bureaucratic obstacles were erected to prevent their organization (see Section 2.b.).

Extensive amendments to the electoral laws were adopted less than three weeks before the presidential election, causing confusion in the administration of the election. There was inadequate time to implement some of the amendments properly. The OSCE also raised concerns about the transparency of the candidate registration process and ballot distribution.

Parliamentary elections were held in October 1999. Thirteen electoral blocs and 34 political parties fielded candidates for 150 proportional and 75 majoritarian seats. The Citizens' Union of Georgia (CUG), chaired by President Shevardnadze, won an outright majority. International observers judged the conduct of the elections throughout the country to be a step towards compliance with OSCE commitments, but noted that the election process did not meet all commitments. A number

of irregularities were noted, including restrictions on freedom of movement, which on occasion prevented political parties and observers from exercising their rights. A second round was held on November 14, which OSCE observers described as well-conducted in some districts but marred with irregularities in others. The OSCE cited in particular intimidation of members of precinct election commissions and instances of ballot stuffing in Tbilisi, Abasha, and Chkhorotsku. The OSCE noted problems such as the election law's provision permitting the ruling party to dominate all levels of the election administration, the CEC's insufficiently transparent vote tabulation, and the CEC's poor handling of election complaints. In the Autonomous Republic of Ajara, dominated by Ajaran supreme chairman Aslan Abashidze, fraud was widespread. There was no voting in these elections in the separatist regions of Abkhazia and South Ossetia, which remain outside government control. Ten Members of Parliament from Abkhazia elected in 1992 had their terms extended.

The local governments elected in November 1998 were expected to have more authority over how local government is run; however, lack of funding from the central government (in lieu of an independent tax base), corruption, and the absence of legislative guidelines made it difficult for them to exercise authority. The opposition criticized the Government for retaining the power to appoint the mayors of the largest cities and regional chairmen, who were not always from the area they serve.

The division of power between the central and local governments remained a key issue in the country's transition to democracy.

The degree of actual autonomy to be exercised by the "Autonomous Ajaran Republic" was at the center of this debate during the year. Ajara's post-independence relationship to the rest of the country still was undefined and, in matters such as elections, Ajara's authorities claimed that regional laws took precedence over national laws. The Revival Party, the dominant political party in Ajara led by Aslan Abashidze, the supreme chairman of the Ajaran Autonomous Republic, boycotted the national Parliament for much of the year in a dispute with the CUG over the degree of autonomy in Ajara. The party took part in the October 1999 parliamentary elections as the major opponent to Shevardnadze's CUG. The Government was reluctant to challenge interference in the local electoral process by the Ajaran authorities because it sought to avoid encouraging threats of separatism in this ethnically Georgian, but historically Muslim region.

In the November 1998 local elections, the mayor was elected by a direct vote in Batumi, in contrast to the other major cities. In the October 1999 parliamentary elections, international and domestic observers reported various forms of intimidation and abuses in Ajara, as well as outright fraud.

In April the Parliament granted the former autonomous Soviet Republic of Ajara the constitutional status of an autonomous republic. The division of authorities and competencies between the national and Ajaran governments had not yet been defined.

Women are underrepresented in government and politics; however, women's NGO's took an active role in the 1999 parliamentary election season, engaging candidates in discussions about issues of concern to their memberships. In the 235-seat Parliament, women were represented poorly in the 1999 election with only 16 women winning seats. Only two women held ministerial posts.

Representation of national minorities decreased in the new Parliament from 16 members to 13 members; there were 6 ethnic Armenian representatives and 4 ethnic Azeris in the new Parliament. Ethnic Armenians in 1995 constituted 11 percent of the population as a whole, while ethnic Azeris made up 3.8 percent of the population. Other minority groups represented include Ossetians, Kurds, Jews, and Greeks.

"Presidential elections" were held in Abkhazia in October 1999. International organizations, including the U.N. and the OSCE declared them illegal. Georgian authorities criticized them as having no legal basis, as they had the Abkhaz local elections of March 1998, on the basis that a majority of the population has been expelled from the region.

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

The Government generally respected the right of local and international organizations to monitor human rights but continued to restrict the access of local human rights groups to some prisoners (see Section 1.c.).

There are a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups that are extensions of partisan political groups have little credibility or influence. Local human rights NGO's reported that the Government was slightly less responsive during the year. They continued to view the Parliamentary Committee on Human Rights as the most ob-

jective of the Government's human rights bodies. The National Security Council's human rights advisor was engaged on some human rights matters, including those of Jehovah's Witnesses (see Section 2.c.).

The constitutionally mandated Office of Public Human Rights Defender, or ombudsman, was created in 1995. The first ombudsman was appointed to the position in November 1997 and chose to focus on social and economic issues, rather than on defending political and civil rights. He resigned in August 1999. On July 16, Nana Devdariani was appointed to the position. While government representatives have been effective in individual cases, neither they nor the NGO's have been successful in prompting systemic reform. NGO's can and do bring suits to courts of the first instance on behalf of persons whose rights have been abused.

In 1997 the UNHCR and the OSCE mission established a joint human rights office in Sukhumi, Abkhazia, to investigate security incidents and human rights abuses. The office, which has operated sporadically because of fluctuating security conditions, provides periodic findings, reports, and recommendations. The human rights office in Sukhumi registered relatively few complaints of abuse by de facto police and judicial authorities in the region.

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

The Constitution recognizes the equality of all citizens without regard to race, language, sex, religion, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence, and the Government generally respected these rights. The Constitution stipulates Georgian as the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetian, and Russian communities prefer to communicate in their native languages or in Russian. Both Georgian and Russian are used for interethnic communication.

Women.—The Criminal Code, in force since June 1, classifies marital rape and sexual coercion as crimes. There are no laws that specifically criminalize spousal abuse or violence against women. According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurs with some frequency and, since it is a social taboo to go to the police or otherwise to raise the problem outside the family, it is reported or punished only rarely. Spousal abuse is reportedly one of the leading causes of divorce. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO, with the help of an international NGO, opened a shelter for abused women in the spring of 1998. The Government established a hot line for abused women, but provided no other services. There are currently anonymous telephone services specialized in assisting female rape victims, but there are no shelters, specialized services, or other mechanisms to protect and assist them. In February the President approved a national action plan on combating violence against women, which charged the Ministries of Internal Affairs, Labor, Health and Social Affairs with providing support to victims; however, this plan was not implemented at year's end. Sexual harassment, reportedly a problem in the workplace, was not investigated.

Kidnaping of women for the purpose of marriage continues to occur, especially in rural areas, although the practice is declining. Such kidnapings are often arranged elopements; however, these abductions often occur against the will of the intended bride, and sometimes involve rape.

Prostitution is not a criminal offense. There were proposals to create legal controls for prostitution, in part to prevent the spread of venereal diseases. The President has indicated his opposition to the idea.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

Sexual harassment and violence against women in the workplace is a problem, especially as economic conditions worsen, according to a U.N. Development Program report.

The Civil Code gives women and men equal inheritance rights. A number of women's NGO's, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democracy, promote women's rights. NGO's supported a 1998 poll of women conducted by Women for Democracy, which found a gap between the perceptions of older and younger women. Older women tended to view their place in traditional society as an honored one; younger women reported that although there were no real barriers to a professional life or to a good education, discrimination and harassment in the workplace were problems. Younger women also reported that the economic balance had shifted in their favor, as many traditionally male jobs disappeared due to the depressed economy. Women's access to the labor market was improving but remained primarily confined, particularly for

older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. Many women, especially of the generation under the age of 35, hold highly professional positions. However, these are a lower percentage than men. A study released by the Caucasus Center for Sociological Studies during the year noted that 72 percent of working women no longer believe that they should have a dependent role in the family. However, almost half of these women stated that they would compromise this belief to preserve the family unit. Many women seek employment abroad.

A study released in 1999 reported that women were paid 78 percent of men's wages in the public sector and 67 percent of men's wages in the private sector. The Government's data noted a wider disparity in both categories. Reportedly, men were given preference in promotions. Of the 105,000 unemployed persons throughout the country, 55 percent were women. Women rarely fill leadership positions. The Government had no active efforts focused on women's issues. According to the UNDP, employers frequently withhold benefits connected to pregnancy and childbirth.

Children.—Government services for children were extremely limited. The 1995 Health Reform Act withdrew free health care for children over the age of 3 years. While education is officially free, many parents were unable to afford books and school supplies, and most parents have to pay for their children's education. The Ministry of Education announced in that it was beginning an overhaul of the educational system; however, no action had been taken by year's end.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. The private voluntary organization Child and Environment noted a significant increase in the number of homeless children following the collapse of the Soviet Union. It estimated that there are currently more than 2,500 street children in Tbilisi due to the inability of orphanages and the Government to provide support. The organization opened a shelter in 1997. The Ministry of Education opened a second shelter in July 1998. However, even together, the two shelters can accommodate only a small number of the street children. Outside of Tbilisi, even in areas of acute need such as Kutaisi, Zugdidi, and Batumi, no such facilities or services existed. The children increasingly survive by turning to criminal activity, narcotics, and prostitution. Police increasingly harassed and abused street children. Despite a cultural tradition of protecting children, the Government took little official action to assist street children due to a lack of resources.

The Isolator for street children in Gldani is allegedly overcrowded and children frequently are abused. In September police beat and detained Sasha Duchenko in the Gldani facility for 3 days before his parents were informed. His parents had reported him missing to their local district police station. However, the child had not been registered and his parents at first were told that he could not be found. The police then tried to extort money for the boy's return. The child was released only after a public protest.

The lack of resources negatively affected orphanages as well. In all orphanages children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The adult staff was paid poorly and had many months of unpaid wages. The staff often diverted money and supplies provided to the orphanages for its own use.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment of 3 months to 3 years.

People with Disabilities.—There is no legislated or otherwise mandated provision requiring access for the disabled. However, the 1995 Law on the Social Security of Disabled Persons mandates that the State ensure appropriate conditions for the disabled to use freely the social infrastructure and to ensure proper protections and supports. The Law on Labor has a section that includes the provision of special discounts and favorable social policies for those with disabilities, especially disabled veterans.

Many of the state facilities for the disabled that operated in the Soviet period have been closed because of lack of government funding. Most disabled persons are supported by family members or by international humanitarian donations.

Religious Minorities.—The Georgian Orthodox Church repeatedly has spoken out against so-called "sects" and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign missionaries continued to report harassment on the part of extremist Orthodox groups, local police, and security officials (see Section 2.c.).

There was no pattern of anti-Semitism. The Jewish community experienced delays in the return of property confiscated during Soviet rule. A court ordered a former synagogue, rented from the Government by a theater group, to be returned to the Jewish community in 1997. The theater group refused to comply and started a pub-

licity campaign with anti-Semitic overtones to justify its continued occupation of the building. In December 1997, President Shevardnadze promised Jewish leaders that the synagogue would be returned before the celebration of 2,600 years of Jewish settlement in Georgia, on September 9, 1998. However, the President's order was not enforced and the building remained in the hands of the theater group. The district court ruled again in February 1999 that the synagogue building must be returned to the Jewish community and ordered the city to find other premises and provide compensation for the theater company. However, the case was appealed and on, July 3, the Tbilisi appellate court overturned the February 1999 decision. The Jewish community plans to appeal to the Supreme Court.

On April 19, Jehovah's Witnesses services were dispersed in four different cities in the western part of the country. Complaints were lodged, but no charges were filed. On May 17, the excommunicated priest Basil Mkalavishvili and his followers held a protest demonstration outside Parliament, demanding that the Georgian Orthodox Church be declared the state religion and that Jehovah's Witnesses be banned. The Basilists also tried to beat an official of Jehovah's Witness and burned a photograph of a prominent human rights activist who has been active on behalf of oppressed religious minorities. On May 18, the Basilists held a rally in front of Parliament to protest the activities of nontraditional religious groups and NGOs.

In January and February police and prosecutors refused to prosecute persons who attacked members of Jehovah's Witnesses.

On July 28, in Gldani a large mob of Father Basil Mkalavishvili's supporters encircled and forcibly stopped a busload of Jehovah's Witnesses traveling to a religious gathering in Marneuli. The attackers disabled the bus by puncturing a tire, and they shoved, pushed, and struck the men, women, and children as they left the vehicle. Shortly thereafter the attackers traveled to Marneuli and demanded that the local police disperse the religious gathering. In August more than a dozen followers of Basilias assaulted two members of Jehovah's Witnesses. These two attacks followed a court decision on June 26 to revoke the registration of Jehovah's Witnesses in the country.

In early August, a prayer meeting of Jehovah's Witnesses was broken up by unidentified armed men. In Kutaisi, two traffic police officers stopped a member of Jehovah's Witnesses, tore up his religious literature, and beat him.

On August 16, a mob of 80 Orthodox extremists, wielding metal crosses and icons, disrupted a packed courtroom in Tbilisi after the testimony of an Orthodox woman accused of sharing in an earlier violent attack on Jehovah's Witnesses. The mob attacked journalists, lawyers, and members of Jehovah's Witnesses who were in the courtroom.

In October 1999, a Jehovah's Witnesses worship service in the Gldani section of Tbilisi with 120 parishioners was attacked violently by members of a religious sect led by the excommunicated priest Basil Mkalavishvili. The Gldani police refused to intervene. Sixteen persons were injured in the attack. President Shevardnadze, in a televised appearance, publicly criticized the attack and called for prosecution of the attackers. On December 25, 1999, the case was forwarded to the Gldani prosecutor's office for criminal charges. Despite appeals by the National Security Advisor for Human Rights, the Gldani regional prosecutor's office returned the case to the city prosecutor's office in January, stating that no violation had occurred. The group continues to press for prosecution of police in this and similar subsequent incidents (see Section 2.c.). The official in charge of the investigation decided instead in June to charge two of the plaintiffs, as well as two Basilists, with hooliganism. On August 16 and 17, at the first hearing of the trial in Gldani-Nadzaladevi court, Basilists attacked journalists, human rights advocates, and members of Jehovah's Witnesses. The police did not intervene and the Procuracy is conducting an investigation. The trial resumed without incident on September 18 and on September 28, the two Jehovah's Witnesses were found guilty and given suspended sentences. The two Basilists were not convicted and their cases were returned to the Procuracy for further investigation.

On August 26, a cross-erected at the Zedazeni Monastery by the international Georgian Youth Foundation to commemorate the war in Abkhazia was blown up. This apparently was due to the organizer's association with a religious group led by Boris Ivanov. On August 31 the patriarch of the Georgian Orthodox Church criticized the violence. On October 1, a meeting of Jehovah's Witnesses was disbanded by police in Tsageri, according to the group's public affairs office in Tbilisi.

National/Racial/Ethnic Minorities.—The Government generally respected the rights of members of ethnic minorities in nonconflict areas but limited selfgovernment and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). The Government reportedly provided less funding for schools in ethnic

Azeri and Armenian areas than in other parts of the country. School instruction in non-Georgian languages is permitted.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the 1997 Law on Trade Unions provide for the right of citizens to form and join trade unions. The Law on Collective Agreements was passed in 1997.

The principal trade union confederation is the Amalgamated Trade Unions of Georgia (ATUG). The ATUG is the successor to the official union that existed during the Soviet period. The union broke from the central Soviet labor confederation in 1989. Its present structure was established in 1992, after the union had resisted efforts first by the Gamsakhurdia Government and later by the State Council to bring the union under government control. The ATUG consists of 31 sectoral unions. Representatives to the ATUG congress elected its leadership indirectly for a period of 5 years in 1995; elections were held again in November.

The organization officially claims 600,000 members but acknowledges that the number of active, dues-paying members is lower. The union has no affiliation with the Government and receives no government funding (except for support to send 200 children each year to summer camp). The union sees its primary role as defending the economic and social interests of workers, a departure from its Soviet predecessor, which was essentially an administrative body concerned with property and finance rather than with worker rights. The ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers. These were mostly wildcat actions. In each case, the issue was unpaid wages. On December 23, 1999, the ATUG led a demonstration in front of the State Chancellery to demand that back wages and pensions be paid. The State Minister met with leaders and promised to meet with unions in January to resolve the problem; however, no meetings took place by year's end.

On January 31, 1999, President Shevardnadze signed a decree that ordered all governmental agencies to consult and negotiate with unions. During the year, the Health and Social Welfare Ministry took steps toward negotiating agreements with unions.

In 1998 the ATUG brought suit against the Ministry of Internal Affairs for illegally firing 220 employees in the MOI's visa office. The suit was to be decided on a case-by-case basis. To date several employees have been ordered reinstated, but the MOI has refused to do so.

There are two trade unions independent of the ATUG. The Free Trade Union of Teachers of Georgia "Solidarity" based in Kutaisi (FTUTGS) successfully struck for payment of teachers' back wages in 1999. The Independent Trade Union of Metropolitan Employees was formed in Tbilisi during the year.

On June 22, the police initially prevented a foreign official of a teachers' union, accompanied by representatives of the FTUTGS, from meeting with teachers in Bagdati, a town in the Imereti region. Local authorities allegedly told the minivan driver that his van would be confiscated if he were to transport the group to Bagdati. When the group entered Bagdati on foot, the local police chief and district administrator each claimed that the FTUTGS had no right to organize the meeting. Eventually, the foreign official was able to conduct a meeting, although members of the local ATUG teacher's union disrupted it.

There are no legal prohibitions against affiliation and participation in international organizations. The ATUG worked closely with the International Confederation of Free Trade Unions (ICFTU). In February a delegation from the ICFTU held a joint conference with International Labor Organization (ILO) and the ATUG in Tbilisi. During that time, the ICFTU reviewed the ATUG's application for membership in ICFTU and recommended admittance. The ATUG became a full member of the ICFTU in November.

In December 1999, the ICFTU reported that the Ministry of Labor was abolished. There has not been an assessment on the impact of this action.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Law on Trade Unions allow workers to organize and bargain collectively, and this right is respected in practice. The law prohibits discrimination by employers against union members. Employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages. The ATUG and its national unions report frequent cases of management warning staff not to organize trade unions. Some workers reportedly complained of being intimidated or threatened by employers for union organizing activity. These include teachers in the Imereti region; employees of various mining, winemaking, pipeline and port facilities; and the Tbilisi municipal government. Observers also claim that employers fail to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry

of Labor investigated some complaints but no action has been taken against companies that allegedly have violated workers' rights.

On August 22, the Free Trade Union of Teachers of Georgia "Solidarity" organized a demonstration in front of government offices in Kutaisi to demand payment of back wages to teachers in the Imereti region's school system. According to several school principals, the governor of the Imereti region told them that the FTUTGS was a "negative force" and should be resisted. Since then, a number of FTUTGS members allegedly were fired, regardless of seniority, when layoffs or staff reduction took place. According to a foreign union expert, the FTUTGS complained of increased pressure from the school authorities in the second half of the year, including principals instructing teachers not to join the union and actively preventing teachers from attending meetings.

In 1999 the FTUTGS conducted a number of successful actions for the payment of back wages in Kutaisi.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor and provides for sanctions against violators, and in general there were no reports of its use; however, trafficking in women for the purpose of prostitution is a problem (see Section 6.f.). The Government prohibits forced or bonded labor by children and enforced this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to current legislation, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Labor enforced these laws, and generally they were respected. The Government prohibits forced and bonded labor by children and enforced this prohibition effectively (see Section 6.c.). The Ministry of Health and Social Affairs enforces child labor laws.

e. Acceptable Conditions of Work.—The state minimum wage was raised in 1999 to \$10.80 (20 lari) a month. There is no state-mandated minimum wage for private sector workers. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. In general salaries and pensions were insufficient to meet basic minimum needs for a worker and family. The state statistics department of Georgia estimates that over half the population lives at or below the poverty line. Average wages in private enterprises were \$75 to \$100 (150 to 200 lari) monthly; in state enterprises, \$15 to \$30 (30–60 lari).

The law provides for a 41-hour work week and for a weekly 24-hour rest period. The Government work week often was shortened during the winter due to the continuing energy crisis. The Labor Code permits higher wages for hazardous work and permits a worker to refuse duties that could endanger life without risking loss of employment.

The old Soviet labor code, with some amendments, is still in effect. A new labor code has not been adopted.

f. Trafficking in Persons.—There are no laws concerning trafficking in women, and it is a problem. Trafficking in women is not prosecuted as a separate offense under the criminal law; however, other offenses connected to trafficking can be found in the Constitution and different laws such as those on slavery, forced labor, and illegal detention.

Information on trafficking is difficult to obtain, and little, if any research is done on the subject. Anecdotal reports indicate that the country is both a source and transit country for trafficking; however, due to slow economic development, poverty, and unemployment, it is not a final destination for a significant number of trafficked women. Women are primarily trafficked to Turkey and Greece, where many work in the adult entertainment sector or as prostitutes, including those who thought that they would actually be employed as waitresses in bars and restaurants or domestic help. There is also evidence that Russian and Ukrainian women have been trafficked through the country to Turkey, sometimes using fraudulently obtained Georgian passports.

There is no evidence linking traffickers to government authorities. The absence of laws aimed specifically at trafficking, together with police indifference, make it difficult for the government to pursue criminal cases against suspected traffickers.

There are no government policies that deal with the problem of trafficking. There are now several NGO's in country that are involved in dealing with trafficking and its victims. During the year, the NGO Women Aid Georgia received international funding to launch a wide-scale public information drive to educate women about the dangers of trafficking.

GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the first of two chambers of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states represented in Parliament in the Bundesrat enjoy significant autonomy, especially as concerns law enforcement and the courts, education, the environment, and social assistance. The judiciary is independent.

Law enforcement is primarily a responsibility of state governments, and the police are organized at the state level. The jurisdiction of the Federal Criminal Office is limited to counterterrorism, international organized crime, especially narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general are well trained, disciplined, and mindful of citizens' rights, although there have been instances in which police committed human rights abuses.

A well-developed industrial economy provides citizens with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with cases of individual abuse. There were instances in which police were accused of human rights abuses, mostly against foreign residents and asylum seekers. Instances of societal violence and harassment directed at foreign residents continued as well, some resulting in deaths. After a 13.7 percent decline in rightwing-motivated crime in 1999, preliminary figures for the year suggest a significant increase in the number of such crimes. Moreover, the number of proven or suspected violent rightwing crimes (most of which resulted in bodily harm to the victim) during the year rose by more than 12 percent, from 746 to 840, continuing a trend found in 1999. The Government is taking serious steps to address the problem of violence against women and children. Women continue to face some wage discrimination in the private sector, as do members of minorities and foreigners. Trafficking in women and girls is a serious problem, with Germany being both a destination and a transit country. The Government has taken the lead in coordinating federal and state efforts to combat trafficking and aid its victims.

RESPECT FOR HUMAN RIGHTS

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

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

In December 1999, suspected Red Army Faction member Andrea Klump was extradited from Austria to stand trial for her alleged role in various terrorist acts, including two murders, committed in the 1980's. Her trial began in November and continued at year's end. In 1999 Michael Steinau and Bernhard Falk, members of a leftwing terrorist organization, the Anti-Imperialist Cell (AIZ), were convicted on four charges of attempted murder and sentenced in connection with a series of bombing attacks in 1995. Steinau was sentenced to 9 years' imprisonment. Falk, who was sentenced to 13 years' imprisonment, appealed his sentence in May, and his case continued at year's end.

An investigation continued in the case of Aamir Ageeb, a Sudanese asylum seeker, who died in May 1999 during a deportation flight while in the custody of Federal Border Police. The Border Police apparently physically subdued the man during takeoff because he was resisting deportation violently, and they did not notice until Ageeb stopped struggling that he was not breathing. As a result of this incident, the Federal Interior Ministry has instituted new deportation procedures that prohibit methods that could hinder breathing.

The trial of four individuals accused of the 1986 bombing of the Berlin La Belle discotheque, which began in 1997, continued at year's end. The attack killed one Turkish and two U.S. citizens and injured 230 persons.

In January Johannes Weinrich, a German terrorist, was convicted of one count of murder and five counts of attempted murder in connection with a 1983 bomb attack on the French cultural center in what was then West Berlin. The trial of Hans-Joachim Klein began in October and continued at year's end. Klein was charged with three murders during the 1975 attack by left-wing terrorists on a convention of the Organization of Petroleum Exporting Countries (OPEC) in Vienna, Austria.

Violence by rightwing extremists against marginalized social groups, such as the homeless and foreigners, resulted in a number of deaths during the year. In June a Mozambican immigrant was beaten and kicked to death in Dessau by three right-

wing extremists who were caught, tried, and convicted; one was sentenced to life in prison and the two others were sentenced to 9 years' imprisonment each (see Section 5). Groups of rightwing extremists beat and kicked to death at least five homeless men during the year. In each case, police arrested the alleged perpetrators and they were charged with the crimes; several have been convicted and sentenced to prison terms.

On January 25, two rightwing extremists were sentenced in Lower-Saxony to 5 years' imprisonment in a youth detention center for their attack in August 1999 on a German man, who died the following day from his injuries. The 44-year-old victim had spoken critically about xenophobia to one of the perpetrators. The youths, who were drunk at the time, broke into the victim's apartment and kicked him and stabbed him with a broken glass.

The trial of 11 rightwing defendants accused of causing the 1999 death of an Algerian asylum seeker in Brandenburg ended in November with 8 defendants being convicted of negligent homicide and all 11 being found guilty of lesser crimes (see Section 5). Three of the convicted youths were sentenced to 2 to 3 years' detention in a youth facility, and the others received suspended sentences or warnings. The family of the victim filed an appeal demanding stiffer sentences, and 10 of the 11 youths appealed their convictions. The case continued at year's end.

As of October, seven cases remained before the courts concerning individuals involved in the shooting deaths of East Germans who attempted to flee to West Germany before the fall of the Berlin Wall. In July former East German defense minister Heinz Kessler was sentenced to 7-and-a-half years' imprisonment, while three other former Socialist Unity Party (SED) leaders were acquitted. In January the Federal Constitutional Court upheld the conviction of former East German Politburo member Egon Krenz, who had been sentenced to 6-and-a-half years' imprisonment for his role in East Germany's shoot-to-kill policy at the East-West border. Krenz began serving his sentence on January 13. His appeal to the European Court for Human Rights was heard in November, and a decision is expected in the spring of 2001. On September 6, Berlin's governing mayor pardoned Krenz's two codefendants, Guenter Schabowski and Guenther Kleiber, who each had received 3-year sentences; the men were released on October 2 in a gesture of reconciliation on the 10th anniversary of German reunification the following day.

The Government continued to cooperate in bringing war criminals from the former Yugoslavia to justice. In October, for example, the Government signed an agreement with the International War Crimes Tribunal for Yugoslavia to have a convicted Bosnian war criminal serve his 20-year sentence in a German prison.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the authorities generally respect these prohibitions. However, Amnesty International published a report in July 1999 that found that police treatment of foreigners in custody showed "a clear pattern of abuse." In September an Iranian family facing deportation claimed that police held the father's arms behind his back, pushed his head down and then held him on the ground in a manner that hindered his breathing. Two older children who tried to help were allegedly slapped. Border Police claim that the father and an older child were violently resisting deportation. Human rights and asylum-assistance organizations have called for an investigation.

The Government investigates abuses and prosecutes police who mistreat persons in custody. For example in July, authorities in Dessau initiated an investigation against three officers accused of mistreating a man from Burkina Faso who had been arrested for drug dealing. The accusations were found to be without merit. In July the Federal Court of Justice upheld the convictions of three police officers from Bernau, Brandenburg, for physically mistreating Vietnamese detainees in 11 cases in 1993 and 1994. Moreover, the Court ordered a lower court to consider stiffer penalties for the two officers originally sentenced to probation.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Basic Law prohibits arbitrary arrest and detention, and the Government observes this prohibition. A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime, or the police have strong reason to believe that the person intends to commit a crime. Any person detained by police must be brought before a judge and charged within 24 hours of the arrest. The court then must issue an arrest warrant stating the grounds for detention or order the person's release.

Police often detain known or suspected rightwing and leftwing radicals for brief periods when they believe such individuals intend to participate in illegal or unau-

thorized demonstrations. For example, in August police in Thuringia took into temporary custody 53 persons who were suspected of heading for illegal rallies to mark the 13th anniversary of the death of Rudolf Hess (see Section 5). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension.

If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. The right of free access to legal counsel has been restricted only in the cases of terrorists suspected of having used contacts with lawyers to continue terrorist activity while in prison. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country. In these cases, a person may be detained for the course of the investigation and subsequent trial. Such decisions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the Government must compensate the individual.

The Government does not use forced exile, which is prohibited by the Basic Law. *e. Denial of Fair Public Trial.*—The Basic Law provides for an independent judiciary, and the Government respects this provision in practice.

The court system is highly developed and provides full legal protection and numerous possibilities for judicial review. Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition to the ordinary courts, there are four types of specialized courts: administrative, labor, social, and fiscal. These courts also have different levels, and appeals may be made to the next higher level.

Separate from these five types of courts is the Federal Constitutional Court, which is Germany's supreme court. Among other things, it reviews laws to ensure their compatibility with the Constitution and adjudicates disputes between different branches of government on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority.

The judiciary provides citizens with a fair and efficient judicial process, although court proceedings are sometimes delayed due to ever increasing caseloads. For simple or less serious cases, the Government adopted a procedure allowing for an accelerated hearing and summary punishment at the local court level. The maximum sentence for such cases is limited to 1 year, and if a sentence of 6 months or more is expected, a defense counsel must be present.

There were no reports of political prisoners.

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

In October a Lower Saxony court ruled that a school district could not refuse to hire an Islamic teacher because she wished to wear a traditional headscarf in the classroom. The school district said it would appeal the decision. In 1998 a Muslim teacher sued the Stuttgart school district over its decision not to hire her because she wore a headscarf. Although a local administrative court dismissed her suit, she appealed the ruling and the case continued at year's end (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech—with some limits—and of the press, including academic freedom. Freedom of speech does not extend to the possession or distribution of the propaganda of proscribed organizations or to statements endorsing Nazism or denying the Holocaust, all of which are illegal.

The authorities seek to block what they consider dangerous material on the Internet. The 1997 Teleservices Law bans access to prohibited material (for example, child pornography and Nazi propaganda), and the Government has explored ways to expand cooperation in countering Internet crime. In June the Justice Ministry co-sponsored a major symposium on combating the spread of hate materials on the Internet, and it proposed voluntary measures for Internet service providers and companies doing online business, as well as improved international law enforcement cooperation. The Federal Criminal Office in February hosted a similar event, bringing service providers and domestic law enforcement officials together to discuss ways to enhance cooperation. German officials estimate that there are approxi-

mately 800 Internet sites with what they consider objectionable or dangerous right-wing extremist content.

In December the Federal Court of Justice ruled that German laws against Nazi incitement could apply to individuals who post Nazi material on Internet sites available to users in Germany, even if the site resides on a foreign server. The Court overturned a lower court decision that such material was not subject to criminal prosecution in the case of German-born Australian Holocaust revisionist Frederick Toben, who had, among other things, posted material denying the Holocaust on his Internet site. Previously in November 1999, Toben, had been sentenced to 10 months in prison (7 months already served were applied to that sentence) for denying the Holocaust and that Nazis killed millions of Jews. At that time, the lower court had ruled that Toben could not be prosecuted for Holocaust denial material he had posted on a website in Australia. He was released from a Mannheim prison after posting a bond. Toben is the director of the Adelaide Institute, which questions the reality and scope of the Holocaust.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government respects this right in practice. Permits must be obtained for open-air public rallies and marches. State and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies. For example, rallies and marches by neo-Nazis and rightwing radicals commemorating the death of Nazi official Rudolf Hess are banned routinely.

The law provides for freedom of association, and the Government respects this right in practice. The Basic Law permits the banning of organizations whose activities are found to be illegal or opposed to the liberal democratic order as established by the Basic Law. The Federal Constitutional Court is the only body that can outlaw political parties; under this provision, the Court in the 1950's banned a neo-Nazi and a Communist party. Federal or state governments may ban other organizations, and legal recourse against such decisions is available. Such banned organizations include a number of groups that authorities generally classify as rightwing or leftwing, foreign extremist, or criminal in nature. In addition several hundred organizations were under observation by the Federal and state Offices for the Protection of the Constitution (OPC). The OPC's are charged with examining possible threats to the democratic system; they have no law enforcement powers, and OPC monitoring by law may not interfere with the organizations' continued activities. In observing an organization, OPC officials seek to collect information, mostly from written materials and first-hand accounts, to assess whether a threat exists. More intrusive methods would be subject to legal checks and require evidence of involvement in treason or terrorist activities.

In August the Government established a commission of experts to examine whether evidence against the rightwing extremist National Democratic Party (NPD) would meet the threshold to support a legal ban, which was widely demanded after a surge of rightwing extremist activity in the summer months. Based on the commission's recommendations, in November the Government agreed to petition the Federal Constitutional Court to ban the NPD. Although the Bundestag and Bundesrat formally supported this decision, the Government had not yet submitted the petition to the Court at year's end. On September 14, the Federal Interior Minister banned the rightwing extremist skinhead organization "Blood and Honor" and its youth organization, "White Youth," citing the groups' rejection of the constitutional order as a justification. While the ban (the first issued by the Federal Government since 1995) allows the Government to seize the groups' assets, members are free to reconstitute themselves under a new name.

c. Freedom of Religion.—The Basic Law provides for religious freedom, and the Government generally respects this right in practice. Most religious organizations enjoy tax-exempt status, a designation that requires them to operate on a nonprofit basis and contribute socially, spiritually, or materially to society.

Church and state are separate, although historically a special relationship exists between the State and those religious communities that have the status of a "corporation under public law." Religions enjoying this status may request that the Government collect church membership taxes on their behalf. However, not all religious groups take advantage of this privilege, since the Government charges an administrative fee for doing so. State governments subsidize various institutions affiliated with public law corporations, such as church-run schools and hospitals. State subsidies also are provided to some religious organizations for historical and cultural reasons. Many religions and denominations have been granted public law corporation status; among them are the Lutheran and Catholic Churches, Judaism, the Church of Jesus Christ of Latter-Day Saints, Seventh-Day Adventists, Mennonites,

Baptists, Methodists, Christian Scientists, and the Salvation Army. Applications from several Islamic groups are pending in various states.

In December the Federal Constitutional Court overturned a lower court's ruling that denied Jehovah's Witnesses public law corporation status and remanded the case back to the lower court. The case stemmed from an April 1993 decision of the Berlin state government that denied the church public law corporation status, a decision upheld in 1997 by the Federal Administrative Court. The Administrative Court concluded that the group did not offer the "indispensable loyalty" towards the democratic state "essential for lasting cooperation" because, for example, it forbade its members from voting in public elections. In overturning this decision, the Constitutional Court ruled that forbidding church members to vote or to perform military service were not sufficient justifications for withholding from the church public law corporation status. The Court added that the judiciary should not evaluate the compatibility of church doctrine with the democratic order, but only judge such cases on the actual behavior of the church and its members. Although the Court found that Jehovah's Witnesses in Germany follow the rule of law and demonstrate no intent to overthrow the government or political system, it did not grant them public law corporation status. It instead returned the case to the lower court with instructions to examine whether the Jehovah's Witnesses use coercive methods to oppose their members leaving the congregation and whether their child-rearing practices conform to German human rights standards. The case continued at year's end.

With an estimated 3 million adherents, Islam is the third most commonly practiced religion in Germany (after Catholicism and Lutheranism). All branches of Islam are represented in the country, with the vast majority of Muslims in Germany coming from a large number of other countries. This has, at times, led to societal discord, such as local resistance to the construction of mosques or disagreements over whether Muslims can use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remain areas where German law conflicts with Islamic practices or raises religious freedom issues. In November the Government published a comprehensive, 93-page report on "Islam in Germany" which examined these issues in response to an inquiry from the Bundestag.

In October the Lueneburg administrative court ruled that the state education ministry must employ a teacher who was barred in 1999 from wearing a headscarf in the classroom. The Lower Saxony education ministry had refused to employ the Muslim woman after she completed her training because state officials took the position that allowing a teacher to wear a headscarf on the job would violate the religious and political neutrality legally required of all civil servants, including teachers. (Members of Christian religious orders are similarly not allowed to wear their habits while teaching at public schools, although habits are permitted in denominational schools.) The state has vowed to appeal the ruling and has said it will not hire the woman until it has exhausted its legal options. In March the Stuttgart administrative court dismissed a similar suit filed by a Muslim woman who was denied a teaching position in Baden-Wuerttemberg. The state minister of education supported the school district's decision not to hire the woman because the Ministry argued the headscarf was a political symbol of female submission rather than a religious practice prescribed by Islam. The woman appealed the ruling, and the case was pending at year's end. In the meantime she accepted a teaching position at a public school for Muslims in Berlin, where she is allowed to wear a headscarf. Muslim students generally are free to wear headscarves to school (see Section 1.f.).

The right of Muslims to ritually slaughter animals was the subject of two court cases during the year. In November the Federal Administrative Court ruled that the Islamic Community of Hesse was not a religious community as provided for in Germany's animal protection laws and could not, therefore, receive a waiver to laws requiring an animal to be stunned before slaughter. The Court did not rule on whether Islam prescribes the exclusive consumption of ritually-slaughtered meat, noting that such decisions were beyond the scope of the courts. A similar case was heard by the Federal Constitutional Court and a decision was pending at year's end.

Most public schools offer religious instruction in cooperation with the Protestant and Catholic churches and will offer instruction in Judaism if enough students express interest. A nonreligious ethics course or study hall generally is available for students not wishing to participate in religious instruction. The issue of Islamic education in public schools is becoming increasingly topical in several states. In February the Federal Administrative Court upheld previous court rulings that the Islamic Federation qualified as a religious community and thus must be given the opportunity to provide religious instruction in Berlin schools. The decision drew criticism from the many Islamic organizations not represented by the Islamic Federation. The Berlin state government has expressed its concerns about the Islamic Fed-

eration's alleged links to Milli Gorus, a Turkish group classified as extremist by the Federal OPC. In November Bavaria announced that it would offer German-language Islamic education in its public schools starting in 2003.

Several states have published pamphlets, which are provided to the public free of charge, detailing the beliefs and practices of non-mainstream religions. Many of the pamphlets are factual, but the inclusion of some religious groups in publications covering known dangerous cults or movements may harm their reputations. For example, publications from the Hamburg state government and state-run youth welfare offices in Lower Saxony, Thuringia, and Schleswig-Holstein, describe theologically conservative or minority Christian groups and imply that they can be harmful to their adherents. Scientology is the focus of many such pamphlets, some of which warn of alleged dangers posed by Scientology to existing political and economic structures and to the mental and financial well-being of individuals. For example, the Hamburg OPC publishes "The Intelligence Service of the Scientology Organization," which claims that Scientology tries to infiltrate governments, offices, and companies, and that the church spies on its opponents, defames them, and "destroys" them.

The Church of Scientology, which operates 18 churches and missions, remained under scrutiny by both federal and state officials who contend that its ideology is opposed to democracy and that it is not a religion but an economic enterprise. Since 1997 Scientology has been under observation by the Federal and state OPC's, except in Schleswig-Holstein where the state constitution does not permit such observation (see Section 2.b.). Observation is not an investigation into criminal wrongdoing, and the Government has filed no criminal charges against Scientology since observation began. However, in April the Federal OPC concluded in its 250-page annual report for 1999 that the reasons for initiating observation of Scientology in 1997 still were valid. The six pages in the report covering Scientology described those aspects of the organization's beliefs that were deemed undemocratic, quoting from the writings of Scientology founder L. Ron Hubbard and Scientology-published pamphlets and books. In 1998 the Church of Scientology filed a suit in a Berlin state court to enjoin the Berlin interior ministry, under whose authority the OPC falls, from further observation of the organization and its members. The case was pending at year's end.

Scientologists continued to report discrimination because of their beliefs. A number of state and local offices share information on individuals known to be Scientologists. The Federal Government uses its "Defense Clause" (commonly referred to as a "sect filter") for procurement involving some training and consulting contracts, specifically those that may provide opportunities for mental manipulation or behavior modification. The sect filter requires a bidder to declare that the firm rejects and will not employ the "technology of L. Ron Hubbard" within the framework of the contract, and that the firm does not require or permit employees to attend courses and seminars conducted via this "technology" as part of its business function. Some state and local agencies, businesses (including several major international corporations), and other organizations require job applicants and bidders on contracts to sign similar "sect filters." The Federal Property Office has in several cases barred the sale of real estate to Scientologists, nothing that the Finance Ministry has urged that such sales be avoided, if possible.

At the state and local level, some governments also screen companies bidding on contracts for training and the handling and processing of personal data, and in April the Hamburg administrative court dismissed the suit of two Scientology members against the city-state for its use of "sect filters." In the state of Bavaria, applicants for state civil service positions must complete questionnaires detailing any relationship that they may have with Scientology; the form specifically states that employment will not be considered if the form is not completed. Moreover Bavaria has identified some state employees as Scientologists, sometimes years after they were first employed, and has required them to complete the questionnaire. Some of these employees have refused and two of them have filed suit in Bavarian courts. In October the Munich labor court ruled that the state cannot require employees to complete the questionnaire in the absence of evidence that the employee is involved in anticonstitutional behavior. The court further stated that even if the Scientology Church were to be found to be anticonstitutional, an individual's mere membership in the organization could not justify the Government delving into that person's private life in the absence of illegal behavior on his or her part.

The interministerial group of mid-level federal and state officials that exchanges information on Scientology continued its periodic meetings. The group published no report or policy compendium during the year and remained purely consultative in purpose.

In December the Federal Social Court in Kassel upheld a lower court's ruling that membership in the Church of Scientology was not, in and of itself, reason to deny

a person a professional license. In 1999 the State Social Court of Appeals in Rhineland-Palatinate ruled that the Federal Labor Office had in 1994 incorrectly refused to renew a Scientologist's license to run her au pair agency based solely on her Scientology membership. The case was remanded to the state court to clarify whether the specific individual's membership in the Church of Scientology has any bearing on her reliability as an au pair agent. The case continued at year's end.

Some private sector entities have followed the governments' example in using "sect filters," often using them for a much broader range of contracts. On at least one occasion a foreign firm wishing to do business in the country was asked to declare any affiliation that it or its employees might have with Scientology. Private firms that screen for Scientology affiliations frequently cite OPC observation of Scientology as a justification for discrimination and have on occasion quoted advice they say they have received from state or local government officials as to the legality of the "sect filter."

Late in 1999, allegations that Microsoft's Windows 2000 contained a "Trojan Horse" or "back door" that would permit the Church of Scientology to obtain information from an unsuspecting user's system surfaced in the technology trade press. These allegations arose after Hamburg's sect commissioner expressed public concern about the software because a firm whose chief executive officer is a Scientologist developed a disk defragmenting component for Windows 2000. Critics claimed—with no proof—that the defragmenter would secretly send personal data from individual computers to Scientology offices. Microsoft yielded to German pressure and allowed the German Federal Office for Security in Information Technology (BSI) to investigate the software. BSI conducted various tests but failed to find any evidence of or anything that in any way validated the concerns regarding the existence of a "Trojan Horse" or "back door." Nevertheless in December Microsoft published instructions on how to remove the disk defragmenter from Windows 2000 as an alternative to further testing by BSI.

In February the German branch of Amway Limited dismissed 10 distributors because of their admitted association with Scientology, which the company claimed could damage the company's image. Parent company representatives claimed that the distributors refused to comply with the firm's prohibition against proselytizing in connection with their Amway activities, a policy that applies to all religious beliefs, and that other known Scientologists continue to work for the company. In at least one case, a major bank unilaterally closed the accounts of a law firm that had represented the Scientology Church.

Scientologists have taken their grievances to the courts, with mixed results. Some individuals who had been fired because they were Scientologists sued their employers for "unfair dismissal." Several have reached out-of-court settlements with employers. For example in March, a woman who had been summarily dismissed from her position in the bond department of a bank because of her association with Scientology received \$27,300 (DM 60,000) under a settlement with her former employer.

Major political parties continued to exclude Scientologists from membership, arguing that Scientology is not a religion but a for-profit organization whose goals and principles are antidemocratic and thus incompatible with those of the political parties. However, there has been only one known enforcement of this ban. A Bonn court upheld the practice in 1997, ruling that a political party had the right to exclude from its organization those persons who do not identify themselves with the party's basic goals.

Public exhibitions by Scientologists in a number of cities to explain themselves to citizens encountered difficulties. In April the Visitor's Bureau of the Federal Press and Information Office intervened with a Berlin hotel, forcing the hotel to cancel Scientology's reservations for rooms for an exhibit titled "What is Scientology?" The hotel claimed that the Visitors' Bureau threatened to cancel several hundred thousand dollars worth of reservations if Scientology were allowed to exhibit in the hotel. Scientology was able to rent space elsewhere but incurred substantial extra expenses related to the last minute move of the exhibit. In Frankfurt a late February Scientology exhibit in the cafe of a well-known, city-owned museum sparked significant criticism, with city officials speaking out openly against Scientology and the exhibit. However, Scientology's recently established information office in Frankfurt has generated little or no public controversy. A Scientology exhibit at the Leipzig book fair in March provoked complaints about what some visitors considered aggressive marketing tactics, and fair authorities were reviewing whether to allow the exhibitors to return next year. In April Scientology was able to rent the public congress center in Hanover for a 2-day exhibition, after a hotel cancelled its reservation when it learned that Scientology had made the booking.

There were no new attempts to deregister Scientology organizations previously registered as non-profit organizations, but the judgments in two such earlier cases

were appealed during the year. The government of Baden-Wuerttemberg appealed a decision by the Stuttgart Administrative Court, which ruled that a Scientology organization could not be deregistered as a nonprofit organization because its activities were used to accomplish its ideological purposes. The case was pending at year's end. The Celebrity Center Munich, a Scientology-affiliated organization that was stripped of its status as a nonprofit organization in 1995, has appealed a 1999 upper court ruling upholding that decision. The case was pending at year's end.

The Government continued its policy of not engaging in dialogue with the Church of Scientology this year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Basic Law and subsequent legislation provide for the right of foreign victims of persecution to attain asylum and resettlement in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Both the Federal Government and state governments cooperate with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, although immigration matters are primarily a state-level responsibility.

For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. On January 1, a new law came into effect that grants citizenship to children born to legal foreign residents. Individuals can retain both German citizenship and that of their parents until the age of 23, when they must choose one or the other. The law also decreased the period of residence in the country required for legal foreign residents to earn the right to naturalization from 15 to 8 years.

The Basic Law and subsequent legislation provide for the right of foreign victims of persecution to attain asylum and resettlement. Criteria for granting asylum were tightened by several provisions enacted in 1993. Individuals attempting to enter via a "safe third country" (any country in the European Union or adhering to the Geneva Convention on Refugees) are ineligible for asylum and can be turned back at the border or returned to that "safe third country" if they manage to enter Germany. Persons coming directly from any country which officials designate as a "safe country of origin" normally cannot claim asylum in Germany, and individuals whose applications are rejected on these grounds have up to 2 weeks to appeal the decision, a time period critics consider too brief. Individuals who arrive at an international airport and who are deemed to have come from a "safe country of origin" can be detained at an airport holding facility. In these cases, the Federal Office for the Recognition of Foreign Refugees must make a decision on an asylum application within 48 hours or allow the person to enter the country. The person may appeal a negative decision to an administrative court within 3 days, and the court must rule within 14 days or allow the individual to enter the country. Although stays in the airport facility thus are supposed to be limited to a maximum of 19 days, applicants whose claims were rejected, but who could not be immediately deported have been held at the airport for months, a practice criticized by refugee assistance groups and human rights advocates (see Section 1.c.). However, the Constitutional Court upheld the constitutionality of the amendments in 1996.

Applicants who enter Germany and are denied asylum at their original administrative hearing may challenge the decision in court, and 80 percent of applicants denied asylum do so. Approximately 3 to 4 percent of such rejections are overturned. The rejected applicant is allowed to remain in country during the course of the appeal, which usually takes at least a year and sometimes significantly longer. In October the Government announced changes to the regulations governing asylum seekers and employment. Starting January 1, 2001, applicants for asylum and civil war refugees will be allowed to work after a 1-year waiting period. The Government estimates that approximately 75,000 foreigners will be entitled to work under the new rules. Some foreigners whose asylum applications were rejected, but who would be endangered if they were sent back to their home country, such as those fleeing civil wars, receive temporary residence permits—the so-called small asylum. However, they are expected to leave when conditions in their home country allow for their safe return. The vast majority of the approximately 345,000 Bosnians and the approximately 200,000 Kosovars whom Germany admitted during the conflict in the former Yugoslavia fall into this category. Once their residence permits expire, these people can be deported. Individuals who fail to cooperate during the deportation process or who are deemed liable to flee to avoid deportation can be held in predeportation detention, with the average detention period lasting 5 to 6 weeks.

Refugee assistance organizations have expressed concern about how certain provisions related to the right of asylum have been interpreted by the courts, notably the practice of excluding "quasi-governmental" persecution as a basis for granting asy-

lum. In August the Federal Constitutional Court ruled that lower courts had erred in denying asylum to three Afghan applicants because their persecutors were not a state government but members of a Mujahidin group (defined as a "quasi-governmental entity"). The case was remanded back to the lower court with instructions to reconsider the issue of quasi-governmental persecution, and a decision was pending at year's end. In response to the Constitutional Court ruling, the federal Office for the Recognition of Foreign Refugees has postponed making decisions in all current asylum cases involving quasi-governmental persecution until the lower court reissues its ruling.

During the year, 78,564 persons applied for asylum, an almost 17.4 percent decrease over the same period in 1999 and the lowest level since the amendment of the asylum law in 1993, when the criteria for granting asylum were tightened. The approval rate for first-time applicants was around 3 percent, and an additional 7.9 percent of rejected applicants received temporary protection from deportation.

State authorities, working in close cooperation with the International Organization for Migration (IOM), the UNHCR, and other domestic nongovernmental organizations (NGO's), continued to repatriate Bosnian refugees, unless they qualified for an extension of stay on certain humanitarian grounds. According to unofficial estimates, approximately 25,000 Bosnian refugees remained in country at year's end. Among those were up to 15,000 who were considered traumatized or were with family members who were deemed too traumatized to return to Bosnia. In November the Federal and state interior ministers decided at their annual meeting to grant severely traumatized Bosnians and their family members, including unmarried adult children, temporary residence permits for the duration of their medical treatment. In addition some older Bosnian refugees, as well as some categories of Kosovars (such as orphaned children, ethnically mixed couples from areas with no minority protection, and war crimes tribunal witnesses) will be allowed to stay in the country.

The Government continued to support voluntary return programs for refugees from the former Yugoslavia, providing financial incentives of between \$765 and \$2,250 (DM 1,350 to DM 4,500) to help cover travel and resettlement costs; many states provided additional resettlement funds. The Government repatriated approximately 48,000 Kosovars under such voluntary programs through December. However, failure to accept voluntary repatriation subjects these refugees to the threat of deportation, and forces them to leave their personal property behind and excludes them from reentering the country for a 5-year period.

The right of most Kosovar refugees to stay in the country expired in the spring, and most states began regular deportations in March. By the end of the year, 6,800 Kosovar refugees had been deported, among them approximately 1,300 ex-offenders. Some national officials, the UNHCR, and domestic refugee support organizations have cautioned that the refugees' place of origin and ethnicity should be given careful consideration in the implementation of Kosovar returns.

An investigation is ongoing into the 1999 death of a Sudanese asylum seeker who died during a deportation flight while in the custody of the Federal Border Police (see Section 1.a).

In June the Federal Government appointed a commission of experts to examine every aspect of immigration and to propose administrative or legislative changes if deemed necessary. The commission held its first meeting in September and is expected to present its recommendations in mid-2001.

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

The Basic Law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections. Members of Parliament's first chamber, the Bundestag, are elected from a mixture of direct-constituency and party-list candidates on the basis of universal suffrage and secret balloting. The second chamber, the Bundesrat, is composed of delegations from state governments.

Women are somewhat underrepresented in government and politics, although the law entitles them to participate fully in political life, and a growing number are prominent in the Government and the parties. Slightly under 31 percent of the members of the Bundestag are female. Women occupy 6 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges are women, including the Chief Justice. Three of the parties represented in the Bundestag are headed by women: the Christian Democratic Union, the Greens/Alliance 90 (co-chaired by a woman and a man), and the Party of Democratic Socialism. All of the parties have undertaken to enlist more women. The Greens/Alliance 90 Party requires that women constitute half of the party's elected officials; and 57.5 percent of the Party's

federal parliamentary caucus members are women. The Social Democrats had a 40-percent quota for women on all party committees and governing bodies and met that goal. The Christian Democrats required that 30 percent of the first ballot candidates for party positions be women, a goal which it met.

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

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In December the Bundestag voted to create the National Institute for Human Rights, an autonomous foundation whose function will be to monitor human rights both domestically and abroad and to promote education and scientific research in the field.

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

The law prohibits denial of access to housing, health care, or education on the basis of race, religion, disability, sex, ethnic background, political opinion, or citizenship. The Government enforces the law effectively.

Women.—While violence against women is a problem and almost certainly is underreported, it is prohibited by laws that are enforced effectively. The Government has implemented a vast array of legal and social structures to combat it. Societal attitudes toward such violence are strongly negative, and legal and medical recourse is available. Police statistics on rape, including attempted rape and spousal rape, showed a 4.4 percent decrease from 7,914 cases in 1998 to 7,565 cases in 1999.

The Government conducted campaigns in the schools and through church groups to bring public attention to the existence of such violence and proposed steps to counter it. The Federal Government has supported numerous pilot projects throughout the country. For example there are 435 “women’s houses”, including 115 in the eastern states (excluding Berlin), where victims of violence and their children can seek shelter, counseling, and legal and police protection.

Trafficking in women and forced prostitution also are illegal; however, trafficking in women and girls is a serious problem (see Section 6.f.). In recent years, the Federal Ministry for Women and Youth has commissioned a number of studies to gain information on violence against women, sexual harassment, and other matters.

Union contracts typically identify categories of employment in which participants are to be paid less than 100 percent of the wage of a skilled laborer covered by the same contract. Women are represented disproportionately in these lower-wage scale occupations.

In January the European Court of Justice ruled that Germany’s prohibition on women in combat roles in the armed forces violated European Union directives against discrimination based on gender. The Government accepted the ruling and in December completed the process of amending the Constitution to open all military jobs to women on a voluntary basis. The first group of 244 women are scheduled to report for duty on January 2, 2001.

The Government continued to implement its multiyear action plan, “Women and Occupation,” adopted in 1999. The program promotes the equality of women and men in the workforce, including increased vocational training for women, greater representation of women in political advisory councils, and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women. The Federal Ministry for Families, the Elderly, Women, and Youth also announced a multiyear initiative designed to increase the number of girls who receive training in information technology (IT) and in media careers, with the goal of raising the number of IT-training slots to 60,000 by 2003 and the share of female IT-trainees to 40 percent by 2005.

Children.—The Government demonstrates its strong commitment to children’s rights and welfare through its well-funded systems of public education and medical care. Public education is provided and is mandatory through the age of 16.

The Government recognizes that violence against children is a problem requiring its attention. Police figures recorded 15,279 cases of sexual abuse of children in 1999, a 7.9 percent decrease from 16,596 in 1998. Officials believe that the number of unreported cases may be much higher. The 1990 Child and Youth Protection Law stresses the need for preventive measures, and the Government has taken account of this in stepping up its counseling and other assistance.

The Criminal Code was amended in 1993 and in 1997 to further provide for the protection of children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year’s imprisonment; the sentence for dis-

tribution is 5 years. The 1993 amendment makes the sexual abuse of children by German citizens abroad punishable even if the action is not illegal in the child's own country.

Trafficking in girls is a serious problem (See Section 6.f.).

People with Disabilities.—There is no discrimination against the disabled in employment, education, or in the provision of other state services. The law mandates several special services for disabled persons, and the Government enforces these provisions in practice. The disabled are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offers vocational training and grants for employers who hire the disabled. The severely disabled may be granted special benefits, such as tax relief, free public transport, special parking facilities, and exemption from radio and television fees.

The Federal Government set guidelines for the attainment of "barrier-free" public buildings and for modifications of streets and pedestrian traffic walks to accommodate the disabled. All 16 states have incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a "barrier-free environment."

Religious Minorities.—The number of crimes classified by the authorities as anti-Semitic fell in 1999 to 871, a 17.5 percent decrease from 991 in 1998. In the first 6 months of the year, anti-Semitic crimes rose 3.3 percent over the same period in 1999, from 287 to 297. These incidents included 7 cases of bodily injury, one case of arson, 14 cases of desecration of graves, and 254 "other" crimes that include the distribution of anti-Semitic materials or the display of symbols of banned organizations. For example, in March the police arrested eight youths for allegedly painting anti-Semitic slogans, swastikas, and other symbols on tombstones in a Jewish cemetery in Guben, Brandenburg. The overwhelming majority of the perpetrators of anti-Semitic acts were frustrated, largely apolitical youths and a small core of rightwing extremists.

On April 20, a firebomb was thrown at a synagogue in Erfurt, Thuringia. Neighbors discovered and extinguished the fire before the building was damaged seriously. Two teenagers were arrested and convicted. The first was sentenced to 3 years' imprisonment and the second to 2 years and 2 months. On October 2, a Düsseldorf synagogue sustained minor damage after being firebombed. In December police arrested two men of Arab origin in connection with the crime.

In June four rightwing youths threw a brick through the window of an Islamic prayer house in Gera, Thuringia. No one was injured during the attack, and the youths were arrested and charged shortly thereafter.

In the July U.S.-German Agreement on the establishment of the German foundation, "Remembrance, Responsibility and Future," Germany agreed to ensure that all Holocaust era insurance claims made against German insurance companies that come within the scope of the International Commission on Holocaust Era Insurance Claims (ICHEIC) handling procedures are processed by the companies and the German Insurance Association on the basis of these procedures.

Scientologists continued to report instances of societal discrimination (see Section 2.c.). There was no progress during the year in the investigation of the 1998 bombing of the grave of Heinz Galinski, chairman of the Central Council of Jews in Germany until his death in 1992.

National/Racial/Ethnic Minorities.—Preliminary Federal Criminal Office statistics for the year show a 39 percent increase in the overall number of proven or suspected rightwing crimes compared with 1999, from 10,037 to approximately 14,000, reversing the past several years' downward trend. Moreover the number of violent rightwing crimes (including murder, attempted murder, and attacks that result in bodily injury, arson and bombings) rose more than 12 percent, from 746 in 1999 to 840 during the year, including the beating deaths of at least five homeless men (See Section 1.a.). In 1999 the number of violent rightwing crimes rose 5.4 percent.

The Federal Office for the Protection of the Constitution (OPC) reported that 51,400 persons were active in rightwing circles in 1999, a decrease of 4 percent from 53,600 in 1998. They included 37,000 members of rightwing political parties, 2,200 neo-Nazis, 4,200 members of other rightwing groups, and some 9,000 violence-prone individuals (an almost 10 percent increase from 8,200 in 1998). Perpetrators of rightwing extremist violence were predominantly young, male, and low in socioeconomic status; they often committed such acts spontaneously and while inebriated. Most of the violent individuals (85 percent of whom are "skinheads") could best be described as rightwing-oriented, having loose, if any, practical or ideological ties to organized extremist groups. As in previous years, the percentage of crimes with proven or suspected rightwing background was disproportionately high in the east; the Federal OPC reported that more than half of rightwing "skinheads" live

in the east, an area with only 21 percent of the population. In addition to these rightwing extremists, the Federal OPC estimates that there are some 7,000 violence-prone leftwing extremists, whose primary targets are their rightwing counterparts.

On June 11, Alberto Adriano, a Mozambican immigrant, was beaten to death by three rightwing extremists as he walked home through a park at night in Dessau, Saxony-Anhalt. Three perpetrators were convicted; a 24-year-old defendant was sentenced to life in prison, while two 16-year-old accomplices were sentenced to 9 years in a youth facility. The 24-year-old and one of the juveniles have appealed their sentences, and the case continued at year's end.

On July 16, three Kosovar Albanian children were injured when a firebomb was thrown through the window of the shelter for asylum seekers where they were staying in Ludwigshafen, Rhineland-Palatinate. Police arrested four skinheads 4 days later, and they were charged with the crime.

The Federal Government and state governments remain firmly committed to combating and preventing rightwing violence. The Chancellor and leaders of all political parties publicly denounced rightwing violence after a surge of such activity in the summer months. In August and in November, Federal and state interior ministers agreed on a slate of measures to combat extremist violence, which includes increased physical protection of Jewish and other potential targets, the creation of a national register of violent rightwing extremists, stepped up patrolling or video monitoring by the border police in transit stations, and the prosecution of illegal rightwing content on the Internet. The Federal Border Police established a hotline for concerned citizens to report rightwing crimes. The Government also announced that it would use \$34 million (DM 75,000,000) from the European Union Social Fund for antirightwing initiatives, to be cofinanced by the states or communities wishing to apply for project funds. In addition a number of state and local governments initiated programs to crack down on rightwing extremist activities and to engage young people considered most "at risk" for rightwing behavior.

On August 2, a bomb at a Dusseldorf train station injured 10 recent Russian immigrants, among them 6 Jews. Because the group followed the same route each day, police have not ruled out that they were the specific targets of a xenophobic or anti-Semitic attack. No arrests have been made in the case.

Isolated attacks targeting Turkish establishments and individuals occurred. Although some attacks were linked to rightwing perpetrators, many were attributed to intra-Turkish political or private disputes. None was directly attributable to the Kurdistan Workers' Party (PKK), a banned organization. In August a 43-year-old Kurd was arrested and indicted for his alleged actions as a PKK functionary, including his order for Kurdish demonstrators to occupy foreign embassies and consulates in Germany after the 1999 arrest and return to Turkey of PKK leader Abdullah Ocalan.

The trial of 11 rightwing extremists charged with the February 1999 death of Algerian asylum seeker Farid Guendoul in Brandenburg ended in November with the convictions of 8 defendants on charges of negligent homicide and of all 11 for lesser charges. The suspects were found guilty of having caused Guendoul's death when they failed to assist him after he threw himself through a glass door to escape the skinheads, who were chasing him and yelling, "Foreigners out!" Guendoul bled to death. Of the 11 persons convicted, 10 have appealed their convictions, while Guendoul's family appealed what they consider the too-lenient sentences: 3 youths were sentenced to 2 to 3 years' term in a youth facility while the others received suspended sentences or warnings. Since its dedication, a memorial to Guendoul has been desecrated a number of times by suspected rightwing extremists.

Since 1997 the Government has taken steps to protect and foster the languages and cultures of national and ethnic minorities that traditionally have lived in the country (e.g., Sorbs, Danes, Roma, Sinti, and Frisians). Although the Government has recognized the Sinti and Roma as an official "national minority" since 1995, the Federal and state interior ministries have resisted including Romani among the languages to be protected under relevant European statutes. Critics contend that the Sinti/Romani minority is the only official national minority that does not have unique legal protection, political privilege, or reserved representation in certain public institutions.

There were no reports of violent anti-Roma or Sinti incidents, similar to the 1998 desecration of a Magdeburg memorial to Roma and Sinti murdered during the Nazi era.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affects foreigners disproportionately, although this is sometimes due in part to inadequate language skills or nontransferable professional qualifications of the job seekers. The Federal

Government and all states have established permanent commissions to assist foreigners in their dealings with government and society.

On January 1, a new citizenship law came into effect that allows children born to legal foreign residents to become citizens (see Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—The right to associate freely, choose representatives, determine programs and policies to represent workers' interests, and publicize views is recognized by the Basic Law and freely exercised. About 29 percent of the total eligible labor force belongs to unions. The German Trade Union Federation (DGB) represents about 82 percent of organized workers.

The Basic Law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) has criticized the Government's definition of "essential services" as overly broad. The ILO was responding to complaints about sanctions imposed on teachers who struck in the state of Hesse in 1989 and, earlier, the replacement of striking postal workers by civil servants. In neither case did permanent job loss result. The ILO continues to seek clarifications from the Government on policies and laws governing the labor rights of civil servants.

Compared with previous years, strike activity declined further in 1999. According to preliminary data for 1999, only 2,000 workers participated in strikes, and only 13,000 work days were lost. There were no notable strikes during the year.

The German Trade Union Federation (DGB) participates in various international and European trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Basic Law provides for the right to organize and bargain collectively, and this right is widely exercised. Due to a well-developed system of autonomous contract negotiations, mediation is used infrequently. Basic wages and working conditions are negotiated at the industry level. However, some firms in the eastern part of the country have refused to join employer associations or have withdrawn from them and then bargained independently with workers. Likewise, some firms in the west withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system. However, they have not refused to bargain as individual enterprises. The law mandates a system of "works councils" and worker membership on supervisory boards, and thus workers participate in the management of the enterprises in which they work. The law thoroughly protects workers against antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Basic Law prohibits forced or compulsory labor, including forced or bonded child labor, and there were no reports that it occurred, apart from trafficking in women and forced prostitution (see Section 6.f.).

In July agreement was reached among seven nations, German companies, and victims' representatives on the establishment of a German foundation which will distribute funds for payments to private and public sector Nazi era forced/slave laborers and others who suffered at the hands of German companies during the Nazi era. Germany and German companies will each contribute \$2.3 billion (DM 5 billion) to the foundation, which is established under German law. The foundation concluded agreements with partner organizations that are to receive foundation funds in order to process and pay claims according to agreed procedures and be subject to audit. Payments are expected to commence in 2001.

d. Status of Child Labor Practices and Minimum Age for Employment.—Federal law generally prohibits the employment of children under the age of 15, with a few exceptions: those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforces the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work.—There is no legislated or administratively determined minimum wage. Wages and salaries are set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering about 90 percent of all wage- and salary-earners, the collective bargaining agreements set minimum pay rates and are enforceable by law. These minimums provide an adequate standard of living for workers and their families. The number of hours of work per week is regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers

is 36 hours in the western part of the country and about 39 hours in the eastern states.

In September the Federal Constitutional Court refused to review a case filed by a civil servant in east Berlin, who had argued unsuccessfully that the prevailing system of different rates of pay for public service workers in the east and west were unconstitutional. The Court ruled that lower wages in the east were justifiable due to differences in the economic situation in both parts of the country and that the pay gap had narrowed steadily since 1992.

Federal regulations limit the workweek to a maximum of 48 hours. Provisions for overtime, holiday, and weekend pay vary depending upon the applicable collective bargaining agreement.

Foreign workers are protected by law and generally receive treatment equal to that of citizens. However, foreigners who are employed illegally, particularly in the construction industry in Berlin, are susceptible to substandard wages. Wage discrimination also affects legal foreign workers to some extent. For example, foreign teachers in some schools are paid less than their German counterparts. In addition seasonal workers from Eastern Europe who come to Germany on temporary work permits often receive wages below normal German standards. Furthermore workers from other European Union countries sometimes are employed at the same wages that they would receive in their home country, even if the corresponding German worker would receive a higher wage.

An extensive set of laws and regulations on occupational safety and health incorporates a growing body of European Union standards. These provide for the right to refuse to perform dangerous or unhealthy work without jeopardizing employment. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforce occupational safety and health standards through a network of government bodies, including the Federal Institute for Work Safety. At the local level, professional and trade associations—self-governing public corporations with delegates both from the employers and from the unions—oversee worker safety.

f. Trafficking in Persons.—Trafficking in women and forced prostitution are forbidden by law; however, trafficking in women and girls is a serious problem. The laws against trafficking in women were modified in 1992 and 1998 to deal more effectively with problems stemming from the opening of the country's eastern borders; trafficking in persons is punishable by up to 10 years' imprisonment.

Germany is a destination and transit country for trafficked women. Estimates vary considerably on the number of women and girls trafficked to and through the country, ranging from 2,000 to 20,000 per year. Most trafficking victims are women and girls between the ages of 16 and 25 who are forced to work as prostitutes. According to police statistics, less than 1 percent of trafficking victims are men or boys. Of the women trafficked to the country through fake employment offers, arranged marriages, fraud, and coercive measures, 80 percent come from Eastern Europe and the countries of the former Soviet Union, primarily from Poland, Ukraine, and the Czech Republic. The other 20 percent of trafficking victims come from Southeast Asia, Africa, and Latin America.

The Federal Ministry for Families, the Elderly, Women, and Youth heads an interagency working group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. The Ministry has lobbied states successfully to provide victims of trafficking who have been detained by police 4 weeks to leave the country, rather than have them face immediate deportation. The 4-week grace period allows the victims time to decide whether to cooperate with police on investigations of those suspected of trafficking. Those who cooperate, although they are very few in number, are granted a temporary stay for at least part of the proceedings and may be eligible for witness protection at the state level. In three cases during recent years, the children of women in such witness protection programs were brought to the country to prevent possible retaliation against them due to their mother's testimony. However, protection ends once the case is concluded. Trafficking victims who cannot afford to pay for their return tickets home may be eligible for state and federal funds for transportation and some pocket money.

The Federal Government has embarked on a multiyear "Action Plan to Combat Violence Against Women," introduced in December 1999. This effort includes the creation of a number of combined federal and state working groups, with the participation of relevant NGO's, to address in as comprehensive a manner possible legislative changes, public educational campaigns, and opportunities for greater institutional cooperation. Under this program, the Government plans to spend approximately \$373,000 (DM 822,000) over 3 years to establish a "National Coordination Group Against Trafficking in Women and Violence Against Women in the Migratory

Process.” The Federal Government continued its funding of six counseling centers for women from Central and Eastern Europe, and most states and many communities cofinanced institutions that help counsel and care for victims of trafficking. The Government publishes a brochure that provides information on residency and work requirements, counseling centers for women, health care, warnings about trafficking, and information for sex-industry workers that is printed in 13 languages and distributed by NGO’s and German Consulates abroad.

GREECE

Greece is a constitutional republic and multiparty parliamentary democracy in which citizens choose their representatives in free and fair elections. The Panhellenic Socialist Movement (PASOK) won the majority of parliamentary seats for a second consecutive term in parliamentary elections held in April. Its leader, Constantine Simitis, has been Prime Minister since 1996. The New Democracy Party is the main opposition party. The judiciary is independent.

The national police and security services are responsible for internal security. Civilian authorities maintain effective control of all security forces. The police and security services are subject to a broad variety of restraints. Some members of the police and security forces nevertheless committed human rights abuses.

Greece has a market economy with a large public sector that accounts for some 40 percent of gross domestic product (GDP). Residents enjoy a relatively advanced standard of living. Structural adjustment funds from the European Union (EU) account for approximately 4 percent of the country’s GDP.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Security force personnel sometimes abused persons. Overcrowding and harsh living conditions continued in some prisons. Police sweeps resulted in the detention of undocumented immigrants under often squalid conditions. There are legal limits on the freedom of association of ethnic minorities. Overall, leaders of minority religions noted a general improvement in government tolerance, but some legal restrictions and administrative obstacles on freedom of religion persisted. The Government sometimes placed human rights monitors, including foreign diplomats, non-Orthodox religious groups, and minority groups under surveillance. Violence against women and trafficking in women for the purpose of forced prostitution are problems. Discrimination against ethnic minorities remained a problem, although it is decreasing. However, Roma continued to suffer widespread discrimination. Although it reaffirmed individuals’ right of self-identification, the Government continues formally to recognize as a minority only the Muslim minority specified in the 1923 Treaty of Lausanne. As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture, although problems in this area decreased during the year. Muslims note positive developments in education and in the living conditions in villages.

RESPECT FOR HUMAN RIGHTS

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

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

In the 1998 case of a Romani man killed by police in Partheni, Thessaloniki, the policemen were acquitted in March on all charges. The court found that they fired in self-defense.

In the 1998 case of a foreign student killed by a policeman, the policeman received a sentence of 2 years’ imprisonment for involuntary manslaughter in November; he has appealed the judgment.

Isolated incidents of terrorism continued during the year. A British military attache was shot and killed in June by the terrorist group November 17. The group has claimed responsibility for 22 killings during the past 25 years, but no one has ever been arrested and charged in these cases.

There was no resolution of the cases of seven doctors accused of manslaughter in 1998 in connection with the case of an alleged hostage-taker in an Athens hospital or of a policeman who in 1996 shot and killed a Romani man at a roadblock in Livadia.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically forbids torture, and a 1984 law (that has never been

invoked) makes the use of torture an offense punishable by a sentence of 3 years' to life imprisonment; however, security force personnel occasionally abused persons, including Roma (see Section 5).

In August two foreigners accused police in Crete of mistreatment while under detention.

The 1998 case of three policemen who allegedly beat two Romani teenagers was still pending in September 2000 (see Section 5). The 1996 case of five police officers accused of beating an Iraklion man also remained pending.

In 1997 a man on Rhodes accused three policemen of beating him while in custody. The three accused officers were charged, but the charges were dropped later by the prosecutor in December 1999.

Immigrants—mostly Albanian citizens—accused police of physical, verbal, and other mistreatment (including the confiscation and destruction of their documents), particularly during police sweeps to apprehend illegal immigrants (see Section 2.d.).

Numerous anarchist and terrorist groups attacked a wide spectrum of targets, mostly commercial property, during the year. The firebombing of vehicles, drive-by shootings of buildings, and bombings at commercial establishments, mostly late at night, were widespread.

The Ministry of Public Order opened a Bureau of Internal Affairs in October 1999 to investigate cases of police misbehavior. The Bureau took several disciplinary measures, including dismissal and suspension, against officers involved in corruption. The corruption mostly involved trafficking, bribes for illegal construction, and drugs.

Conditions in some prisons remained harsh due to substantial overcrowding and outdated facilities. As of July, the Ministry of Justice reported that the total prison population was 8,131 (of whom 2,775 were foreigners), while the total capacity of the prison system was 4,825.

Non-EU illegal aliens awaiting deportation at the Drapetsona police detention center in Piraeus staged another hunger strike in April to protest what was described by a human rights organization as a "lack of adequate exercise, lack of natural daylight, insufficient sanitary facilities, restriction on visits, inadequate food, severely limited access to medical treatment, and no access to social services." Poor conditions also were reported at the Amygdaleza detention center for illegal alien women.

The Ministry of Justice continued its program to improve prison conditions and expand capacity. Construction is underway on four new prisons. The Government has been inconsistent in permitting prison visits by nongovernmental organizations (NGO's). There were no reports of restricted prison access this year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires judicial warrants for all arrests, except during the actual commission of a crime, and the law prohibits arbitrary arrest orders; the authorities respected these provisions in practice. The police by law must bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release of the detainee within 3 days, unless special circumstances require a 2-day extension of this time limit.

Defendants brought to court before the end of the day following the commission of a charged offense may be tried immediately, under an "expedited procedure." Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short period of time may inhibit defendants' ability to present an adequate defense. Defendants may ask for a delay to provide time to prepare their defense, but the court is not obliged to grant it. The expedited procedure was used in less than 10 percent of misdemeanor cases; it does not apply in felony cases.

The effective maximum duration of pretrial detention is 18 months for felonies and 9 months for misdemeanors. Defense lawyers assert that pretrial detention is exceedingly long and overused by judges. A panel of judges may grant release pending trial, with or without bail. Pretrial detainees made up 31 percent of those incarcerated, contributing to overcrowding, according to government sources. A person convicted of a misdemeanor and sentenced to 2 years' imprisonment or less may, at the court's discretion, pay a fine instead of being imprisoned.

Throughout the year, the police conducted large-scale sweeps and temporarily detained large numbers of foreigners under often squalid conditions while determining their residence status (see Section 2.d.). Some of the foreigners are detained on an indefinite basis with no judicial review, which, according to the NGO Human Rights Watch, constitutes arbitrary detention.

Exile is unconstitutional, and no cases have been reported since the restoration of democracy in 1974. In a significant step, the Government in 1998 repealed Article 19 of the Citizenship Code, which permitted it to revoke the citizenship of Greek citizens of non-Greek ethnic origin who traveled outside Greece. Between 1955 and

1998, according to then-Minister of Interior Papadopoulos, some 60,000 citizens lost their citizenship under the old law. The 1998 law had no provision for retroactive application. About 400 individuals who lost their citizenship in the past under Article 19 continued to reside in Greece. Following the repeal of Article 19, most of these individuals were issued identification documents characterizing them as stateless, but they were permitted to apply to reacquire Greek citizenship. Most of these 400 persons had not had their applications adjudicated by year's end (also see Section 2.d.).

Article 20 of the Citizenship Code, which permits the Government to strip citizenship from those who "commit acts contrary to the interests of Greece for the benefit of a foreign state," remained in force. In the past, this article affected Greek citizens abroad who asserted a "Macedonian" ethnicity. There have been no reports of Article 20 being invoked by the Government since 1998 (also see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary, and it is independent in practice.

The judicial system includes three levels of civil courts, (first instance, appeals, and supreme) and three levels of criminal courts (first instance—divided into misdemeanor and felony divisions, appeals, and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

The Constitution provides for public trials, unless the court decides that privacy is required to protect victims and witnesses or the cases involve national security matters. Defendants enjoy a presumption of innocence, the standard of proof beyond a reasonable doubt, the right to present evidence and call witnesses, the right of access to the prosecution's evidence, the right to cross-examine witnesses, and the right to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense may appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often result in poor interpretation. Foreign defendants who depend on these interpreters frequently complain that they do not understand the proceedings of their trials.

The legal system does not discriminate on the basis of sex, religion, or nationality; however, there were some exceptions: nonethnic Greek citizens are prohibited legally from settling in a large "supervised zone" near the frontier (although this prohibition is not enforced in practice); and a 1939 law (also not enforced in practice) prohibits the functioning of private schools in buildings owned by non-Orthodox religious foundations.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits the invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls; however, these safeguards do not appear to be entirely effective. The security services continued to monitor some human rights groups, such as the Greek Helsinki Monitor (see Section 4), non-Orthodox religious groups, minority group representatives, and foreign diplomats who met with such individuals. Some human rights monitors reported suspicious openings and diversions of mail. The Government apparently took no steps to stop such practices or to prosecute those involved.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Legal restrictions on free speech nevertheless remain in force.

Articles of the Penal Code that can be used to restrict free speech and the press include Article 141, which forbids exposing the friendly relations of the Greek state with foreign states to danger of disturbance; Article 191, which prohibits spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations and inciting citizens to rivalry and division, leading to disturbance of the peace; and Article 192, which prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted in the past were allowed to convert their prison sentences, up to 3 years, into a fine of approximately \$14 (5,000 drachmae) per day.

According to Human Rights Watch (HRW), a renowned violinist and a composer were given prison sentences in March for defamation based on statements made during newspaper interviews. In such criminal defamation cases in the past, the defendant typically has been released on bail pending appeal, and no jail time is ever served. In November 1999, according to HRW, two journalists for Eleftherotypia were indicted for defamation for alleging that the Lesbos police were associated with smugglers. Also, in December 1999 an Athens court convicted Dimitris Rizos, pub-

lisher of Adesmeftos Typos, of aggravated defamation of the publisher of another newspaper with the same name.

In a 1997 case, two journalists were convicted of publishing classified government documents; their convictions were still under appeal at the Supreme Court in September 2000.

On matters other than the question of ethnic minorities, there is a tradition of outspoken public discourse and a vigorous free press. Satirical and opposition newspapers routinely attack the highest state authorities. Members of ethnic, religious, and linguistic minorities freely publish periodicals and other publications, often in their native language. The Constitution allows for seizure (though not prior restraint), by order of the public prosecutor, of publications that insult the President, offend religious beliefs, contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. However, seizures are very rare; none have occurred since 1998.

A Thessaloniki court of first instance ruled in September in favor of a former Member of Parliament (M.P.), Mimis Androulakis, whose novel "M to the Power of N" was banned from circulation in seven northern prefectures in May as a "blasphemous" book because of sexual connotations regarding the relationship between Christ and Mary Magdalene. The court ruled that the novel was a "work of art" and thus protected by the Constitution.

The Constitution provides that the state exercise "immediate control" over radio and television. Once the state monopoly on radio and television ended in 1989, numerous private stations began operations in an essentially unregulated market while the Government sought to draft and implement legislation on licensing and frequency allocations. The National Radio and Television Council (NRTC) has an advisory role in radio and television licensing, whereas the Ministry of Press and Mass Media has final authority.

A 1995 law established ownership and technical frequency limits on electronic media; the Government and media outlets disputed application procedures and frequency allocations. In December 1998, the Government passed legislation designed to legalize stations operating with pending applications; with more applicants than available frequency spectrum, not all stations will gain licenses. The Government occasionally closes stations for violating intellectual property rights or interfering with civil aviation, military, and law enforcement transmissions. In December 1999, Channel Station 2000, an Evangelical radio station, was closed. The station's owners stated that the closure was because of religious content (although other non-Orthodox stations continue to operate unhindered), whereas the Government asserted that the station's broadcasts sporadically interfered with military channels. In January 2000, the station legally resumed operation. State-run stations tend to emphasize the Government's views but also report objectively on other parties' programs and positions. Private radio and television stations operate independently of any government control over their reporting. Turkish-language television programs are available widely via satellite in Thrace.

The 1998 conviction of Abdulhalim Dede, the Muslim owner of Radio Isik, for illegal construction of a new radio antenna intended to extend the range of the station, was upheld on appeal in June. The court reduced the sentence from 8 to 2 months in jail but suspended enforcement pending Dede's appeal to the Supreme Court. The Supreme Court decided in May 2000 that Abdulhalim Dede did not receive a fair trial on a fifth charge of illegal construction of a new radio antenna intended to extend the range of the station. Dede paid a \$1,368 (500,000 drachmae) fine in lieu of 2 months jail for his initial conviction.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice. Police permits are issued routinely for public demonstrations, and there were no reports that the permit requirement was abused.

In the spring of 1999, a large number of demonstrations occurred in Athens and Thessaloniki to protest NATO actions in Kosovo, and demonstrations took place against the visit of President Clinton in November 1999. Pro-Serb activists in Thessaloniki continued to demonstrate against the U.S. periodically, most notably in the spring of 2000, when U.S. troops travelling to and from the Kosovo peace-keeping mission were transiting northern Greece. In demonstrations organized by the Orthodox Church, over 100,000 supporters gathered in Athens and Thessaloniki in the summer of 2000 to protest the Government's decision to remove notation of religion on the national ID card.

The Constitution provides for the right of association, which the Government respected; however, the courts continue to place legal restrictions on the names of associations involving ethnic minorities (see Section 5).

Government authorities legally recognize the existence of the Muslim minority but contend that other ethnic/linguistic or religious groups have no legal basis for official recognition as "minorities." The Government has affirmed an individual, but not a collective, right of self-identification. However, in 1997 it signed (but had not yet ratified) the European Framework Convention for the Protection of National Minorities.

c. Freedom of Religion.—The Constitution establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion; it also provides for the right of all citizens to practice the religion of their choice; however, while the Government respects this right, non-Orthodox groups sometimes face administrative obstacles or legal restrictions on religious practice. The Constitution prohibits proselytizing and stipulates that non-Orthodox rites of worship may not disturb public order or offend moral principles.

The Orthodox Church wields significant political and economic influence. The Ministry of Education and Religion supervises the Church, and the Government provides some financial support by, for example, paying the salaries of clergy, subsidizing their religious training, and financing the construction and maintenance of Orthodox Church buildings.

The Orthodox Church and the Jewish and Muslim religions are considered by law to be "legal persons of public law." Other religions are considered "legal persons of private law." In practice a primary distinction is that establishment of other religions' "houses of prayer" is regulated by the general provisions of the Civil Code regarding corporations. For example other religions cannot, as religious entities, own property; the property must belong to a specifically created legal entity rather than to the church itself. In practice this places an additional legal and administrative burden on non-Orthodox religious community organizations. Parliament passed a law in July 1999 that extended legal recognition to Catholic churches and related entities established prior to 1946.

Two laws from the late 1930's require recognized or "known" religious groups to obtain house of prayer permits from the Ministry of Education and Religion in order to open houses of worship. By law the Ministry may base its decision to issue permits on the opinion of the local Orthodox bishop, but Ministry officials state that they no longer obtain the opinion of the Orthodox bishop when considering house of prayer permit applications. According to ministry officials, once a "known" religion receives a house of prayer permit, applications for additional houses of prayer are approved routinely. Minority religious groups have requested that laws regulating house of prayer permits be abolished. Many provisions of these laws are not applied in practice, but local police still have the authority to bring minority churches to court, as demonstrated in the case of the 16 churches charged but acquitted on December 12 in Thessaloniki for operating without a house of prayer permit.

The only recent application for recognition as a known religion at the Ministry was submitted in February by the Scientologists of Greece. Although the deadline mandated by law for processing the applications is 3 months, it took the Ministry until October to decide that it would not recognize the Scientologist community as an "official" religion.

A 1997 tax bill imposed three new taxes on all churches and other nonprofit organizations. Leaders of some non-Orthodox religious groups claimed that all taxes on religious organizations were discriminatory, even those that the Orthodox Church has to pay, since the Government subsidizes the Orthodox Church while other groups are self-supporting. The Government also pays the salaries of the two official Muslim religious leaders and provides them with official vehicles.

Approximately 94 to 97 percent of the country's 10.6 million citizens adhere at least nominally to the Greek Orthodox faith. With the exception of the Muslim community (some of whose rights, privileges, and related government obligations are covered by the 1923 Treaty of Lausanne), the Government does not keep statistics on the size of religious groups. Ethnic Greeks account for a sizeable percentage of most non-Orthodox religions. The balance of the population is composed of Muslims (officially estimated at 98,000 although some Muslims claim up to 110,000 country-wide); accurate figures for other religions are not available. Protestants, including evangelicals (approximately 30,000); Jehovah's Witnesses (50,000); Catholics (50,000); Jews (5,000); plus small congregations of the Church of Jesus Christ of Latter-Day Saints (Mormons), Scientologists, the Baha'i Faith, and other Christian denominations are scattered throughout the country.

Several religious denominations reported difficulties in dealing with the authorities on a variety of administrative matters. Privileges and legal prerogatives granted to the Greek Orthodox Church are not extended routinely to other recognized religions. The non-Greek Orthodox churches must make separate and lengthy applications to government authorities on such matters as gaining permission to move

places of worship to larger facilities. In contrast Greek Orthodox officials have an institutionalized link between the church hierarchy and the Ministry of Education and Religion to handle administrative matters.

The 1923 Treaty of Lausanne, which is still in force, gives Muslims in Western Thrace the right to maintain social and charitable organizations ("wakfs") and provides for muftis (Islamic judges and religious leaders with limited civic responsibilities) to render religious judicial services.

The Muslim population, concentrated in Western Thrace with small communities in Rhodes, Kos, and Athens, is composed mainly of ethnic Turks but also includes Pomaks and Roma. The approximately 10,000 member Muslim community in Athens (composed primarily of economic migrants from Thrace) has no mosque or state-appointed cleric to officiate at various religious functions, including funerals. Members of the Muslim community often transport their deceased back to Thrace for religious burials. In June the Parliament approved a bill allowing construction of the first Islamic cultural center and mosque in the Athens area. According to official sources, a total of 287 mosques operate freely in Western Thrace and others on the islands of Rhodes and Kos. Construction of a long-delayed mosque in Kimmeria, Thrace was completed in 1998, although its minaret remained unfinished. The issue is one of local sensitivities rather than religious motivation, and the religious operation of the mosque has not been affected.

Differences remain within the Muslim community and between segments of the community and the Government over the means of selection of muftis. Under a 1991 law, the Government appointed two muftis and one assistant mufti, all resident in Thrace. The appointments to 10-year terms were based on the recommendations of a committee of Muslim notables selected by the Government. The Government argued that it must appoint the muftis because, in addition to their religious duties, they perform judicial functions in civil and domestic matters under Muslim religious law, for which the State pays them.

Some Muslims accept the authority of the two officially appointed muftis; other Muslims, with support from Turkey, have "elected" two different muftis to serve their communities (although there is no established procedure or practice for election). The courts repeatedly have convicted (14 times in 5 years) one of the elected muftis for usurping the authority of the official mufti. All of the respective sentences remain suspended pending appeal. The other elected mufti, who was convicted in 1991 of usurping the authority of the official mufti, appealed to the European Court of Human Rights. In December 1999, the Court ruled that the conviction violated his freedom of religion and self-expression, but it did not rule on the question of his legal status as mufti.

Controversy between the Muslim community and the Government also continues over the management and self-government of the wakfs, regarding the appointment of officials as well as the degree and type of administrative control. A 1980 law placed the administration of the wakfs in the hands of the appointed muftis and their representatives. In response to objections from some Muslims that this arrangement weakened the financial autonomy of the wakfs and violated the terms of the Treaty of Lausanne, a 1996 presidential decree put the wakfs under the administration of a committee for 3 years as an interim measure pending the resolution of outstanding problems. The interim period was extended indefinitely in 1999.

Muslim activists complained that the Government regularly lodges tax liens against the wakfs although they are in theory tax-free religious foundations. Under a national land and property registry law that came into full effect in January 1999, the wakfs, as with all property holders, must register all of their property with the Government. The law permits the Government to seize any property that owners are not able to document; there are built-in reporting and appeals procedures. The wakfs were established in 1560; however, due to the destruction of files during the two world wars, the wakfs are unable to document ownership of much of their property. They have not registered the property, so they cannot pay assessed taxes. To date the Government has not sought to enforce either the assessments or the registration requirement.

Protestant groups constitute the second largest religious group after the Greek Orthodox Church. Some groups, such as the evangelicals and Jehovah's Witnesses, consist almost entirely of ethnic Greeks. Other groups, such as the Latter-Day Saints and Anglicans, consist of an approximately equal number of ethnic Greeks and non-Greeks. Non-Greek citizen clergy reported difficulty renewing their visas during the year because the Government does not have a distinct visa category for religious workers. The Government, by virtue of the Orthodox Church's status as the prevailing religion, recognizes *de facto* its canon law. The Catholic Church in 1999 unsuccessfully sought government recognition of its canon law (the official "constitution" of the Church).

As part of new obligations under the Schengen Treaty and the Treaty of Amsterdam, all non-European Union citizens face a more restrictive visa and residence regime than they did in the past.

Although Jehovah's Witnesses are recognized as a "known" religion, they continued to face some harassment in the form of arbitrary identity checks (although reduced from 1998), difficulties in burying their dead, and local officials' resistance to their construction of churches (which in most cases was resolved quickly and favorably). In Thessaloniki in late 1999, the Government Tax Office refused to recognize Jehovah's Witnesses as a nonprofit association and imposed an inheritance tax for property willed to them. The individuals appealed the decision in 2000, and by year's end, the case still was pending. In 1999 a European Court of Human Rights case was resolved when the Government admitted surveillance of an adherent and promised that it would never conduct surveillance of Jehovah's Witnesses again.

In previous years, the armed forces consistently refused to exempt Jehovah's Witnesses' clergy from mandatory military service. In 1998 a law providing an alternative form of mandatory national service for conscientious objectors took effect. All clergy now are exempt from any service. The law provides that conscientious objectors may work in state hospitals or municipal services for 36 months. Conscientious objector groups characterized the legislation as a positive first step but criticized the 36-month alternative service term, which is double the regular 18-month period of military service.

Evangelical parishes are located throughout the country. Members of missionary faiths report difficulties due to constitutional and legal prohibitions on proselytizing. Church officials express concern that antiproselytizing laws remain on the books, although such laws no longer hinder their ministering to the poor and to children. In December 1999, the Government, applying legislation covering radio and television broadcasts, shut down an evangelical radio station over a technical issue on transmission frequency; however, the station resumed operation legally a few months later once the case was adjudicated.

The Church of Jesus Christ of Latter-Day Saints has about 80 missionaries in the country each year, for approximately 2-year terms. Church leaders report that their permanent members (nonmissionaries) do not encounter discriminatory treatment. However, the police occasionally detained Mormons and Jehovah's Witnesses (on average every 2 weeks) after receiving complaints that individuals were engaged in proselytizing. In most cases, these Mormons and Jehovah's Witnesses were held for several hours at a police station and then released with no charges filed. Many reported that they were not allowed to call their lawyers and that they were verbally abused by police officers for their religious beliefs. In 1998 the European Court of Human Rights found the Government in violation of the European Convention on Human Rights for convicting Protestants of proselytizing in past cases. There were no proselytizing-related court cases during the year.

Scientologists, most of whom are located in the Athens area, practice their faith through a registered nonprofit philosophical organization. According to the president of the Greek Scientologists, the group chose to register as a philosophical organization because legal counsel advised that the Government would not recognize Scientology as a religion. In a step toward gaining recognition as a religion, Scientologists reapplied for a house of prayer permit in February. The application was rejected by the Ministry of Education and Religious Affairs on October 17 on the grounds that Scientology "is not a religion."

The Bishop of Athens heads the Roman Catholic Holy Synod. CARITAS, a charitable organization, and the Missionaries of Charity (Mother Teresa's order of nuns) also operate in the country. Legal recognition of the Catholic archdiocese of Athens, earlier denied, was granted in July 1999. The Jewish community numbers approximately 5,000 adherents; the majority live in the Athens and Thessaloniki regions. In October 1999, a rededication of a synagogue in Hania, Crete as a house of prayer and a cultural center was marred by public criticism of the event by the regional governor. The Minister of National Education and Religion, and other government and Greek Orthodox officials lent their support to the rededication.

Religious instruction in Orthodoxy in public primary and secondary schools is mandatory for all Greek Orthodox students. Non-Orthodox students are exempt from this requirement. However, Jehovah's Witnesses have reported some past instances of discrimination related to attendance at religious education classes or other celebrations of religious or nationalistic character. Members of the Muslim community in Athens are lobbying for Islamic religious instruction for their children. The neighborhood schools offer no alternative supervision for the children during the period when religious issues are taught. The community has complained that this forces the parents to have their children attend Orthodox religious instruction by default.

The Government decided in the summer to remove the notation of religious affiliation on national identity cards. This sparked a national debate on the role of the Church in society. For example, the issue led Archbishop Christodoulos to organize religious protest rallies in Thessaloniki and Athens in June. Both demonstrations drew over 100,000 supporters. Archbishop Christodoulos vociferously criticized the Government and has started collecting signatures to petition the Government to allow religious affiliation as an option on national identity cards.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. Unlike in the past, there were no reports of assertions by Muslim leaders that the Government routinely withheld permission from Muslims seeking to change their legal residence, which determines where they vote, from rural to urban communities within western Thrace or from elsewhere in Greece to Thrace.

A section of the Citizenship Code, Article 20, permits the Government to strip citizenship from those who “commit acts contrary to the interests of Greece for the benefit of a foreign state.” While the law as written applies equally to all Greeks regardless of ethnic background, to date it has been enforced, in all but one case, only against citizens who identified themselves as members of the “Macedonian” minority. The Government has not revealed the number of Article 20 cases that it pursued. There were no reports of such cases during the year. Dual citizens who are stripped of Greek citizenship under Article 20 sometimes are prevented from entering the country using the passport of their second nationality.

The Government offers asylum under the terms of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. It cooperates with the local office of the U.N. High Commissioner for Refugees (UNHCR). In June 1999, a presidential decree took effect that significantly expanded the rights of asylum seekers and brought the law into compliance with UNHCR minimum standards on asylum procedures. UNHCR commented on its good relations with police during the year. The Government did not forcibly deport refugees during the year to countries where they feared persecution.

Individuals recognized as refugees under the terms of the U.N. convention are eligible for the residence and work permits that are necessary to settle permanently. In the first 6 months of 2000, 1,295 individuals submitted applications for refugee status; 132 individuals were recognized as refugees. Another 43 were granted temporary residence on humanitarian grounds until return to their countries becomes possible. The remaining 1,120 cases were pending.

The Government usually does not recognize the concept of first asylum rights for refugees. UNHCR has expressed its concern over the fact that very few applicants are granted asylum on first application to the authorities; most who are granted asylum succeed on their second try, when UNHCR participates. Interpretation services are lacking, as are adequate personnel who would ensure timely access to the asylum process for all those who seek it. UNHCR also has expressed its concern that there exists no publicly funded legal aid system for free counseling to asylum seekers and refugees.

Anecdotal evidence suggests that thousands of individuals from Iraq, Afghanistan, Turkey, and Iran enter the country illegally each year; only a small percentage eventually apply for official refugee status. Some of those who do not apply remain illegally, often living in camps or in NGO shelters where conditions range from adequate to very poor. Others proceed to Western Europe, often applying for asylum there. In January an accident involving a truck that carried 80 smuggled persons from Turkey killed 6 of them and wounded several dozen. Other accidental deaths occurred in similar circumstances. In the largest immigrant smuggling operation ever reported, a Turkish ship carrying 655 illegal migrants bound for Italy was seized off Chios on October 20. The applications of those aboard who wanted to apply for asylum were being processed; none were forcibly deported. The Government usually does not seek out such individuals for deportation; since Greece and Turkey do not have a readmission agreement, the Government finds it practically impossible to deport formally individuals who enter Greece from Turkey.

Deportations of both illegal and legal immigrants, abusive treatment by police, and inconsistencies and inequities in the way employers provide wages and benefits were common. The police conducted many large-scale sweeps of neighborhoods populated by immigrants, temporarily detaining large numbers of individuals while determining their residence status. The detainees were held in squalid conditions: A report by Human Rights Watch in December cited severe overcrowding and a lack of sufficient exercise, sleeping accommodations, adequate food, or medical care. The only government-funded center for asylum seekers is old and in need of repair.

The Organization for the Employment of Human Resources (OAED), a government agency, reported that by 2000, 386,000 illegal aliens, out of an estimated total alien population of 700,000, had applied for legal status or a "white card," under a program designed to regularize the residency status of illegal, (usually economic) immigrants. A few, mostly Albanian, white card holders were able to meet all the requirements of the law and receive a "green card," which serves as a residence permit and allows the immigrants to live and work in the country for a limited period of time. OAED issued 159,807 green cards by July. Some 80 percent of the green cards issued so far are of 1-year duration. A new application is required to extend the card for an additional year. Holders of a white card may reside and work legally on a short-term basis while meeting the other requirements necessary to obtain a green card. Press reports cite the obstacles of a complex bureaucracy and the unwillingness of employers to pay social security contributions as primary reasons for the limited ability of white cardholders to advance to the green card application process. The OAED estimated that out of a total of 386,000 white cardholders in 1998, 163,000 simply dropped out of the green card application process. Legislation provides for the green card program to remain in effect until the end of 2001. At year's end the Government proposed a bill to establish a new legalization process. Press reports estimated that it would take 3 years just to process the applications already submitted.

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

Greece is a multiparty democracy whose Constitution provides for full political rights for all citizens and for the peaceful change of governments and of the Constitution. The Government headed by Prime Minister Constantine Simitis of the Panhellenic Socialist Movement (PASOK) won in free and fair elections in September 1996 and again in April 2000. Parliament elects the President for a 5-year term. Voting is mandatory for those over age 18, but there are many conditions that allow citizens not to vote, and penalties are not applied in practice. Members of the unicameral 300-seat Parliament are elected to maximum 4-year terms by secret ballot. Opposition parties function freely and have broad access to the media.

Women are underrepresented in government and politics, although no legal restrictions hinder their participation, and their numbers are slowly increasing. During the year, women held 2 of 20 ministerial positions in the Government and 3 of 29 subministerial positions. Of the 300 members elected to Parliament in April, 31 were women.

While the Government generally respects citizens' political rights, there are occasionally charges that it limits the right of some individuals to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity, thus impinging on the political rights of such persons. However, in the 2000 parliamentary elections, one Muslim was elected in Thrace, from PASOK. A second Muslim became a Member of Parliament (M.P.) in September after winning a court challenge to the eligibility of the seated M.P. for violating a constitutional provision.

Romani representatives report that local authorities sometimes have deprived Roma of the right to vote by refusing to register them. However, Romani activists also report that some municipalities encourage Roma to register. Municipalities can refuse to register Roma who do not fulfill basic residency requirements, which many Roma have trouble meeting.

In 1996 the Government transferred responsibility for oversight of all rights provided to the Muslim minority under the Treaty of Lausanne (including education, zoning, administration of the wakfs, and trade) from elected local governors to a government-appointed regional administrative official, the periferiarch of Eastern Macedonia and Thrace. Some minority members charged that the transfer reduced their ability to use the democratic process to influence decisions that affect them. The Government stated that it made the change because the central authorities could administer Greece's treaty obligations more effectively. In 1994 the Government set up a system to elect nomarchs to govern at the provincial level. These officials work in close cooperation with both elected mayors and local leaders (Christian and Muslim). Members of the Muslim community noted that this decentralization has been a positive factor in local and regional development.

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

The Government allows domestic human rights organizations to operate, but cooperation with them varies. The security services on occasion monitor contacts of human rights groups, including listening in on conversations held between those groups and human rights investigators and diplomats and questioning contacts (see

Section 1.f.). Monitors view this surveillance as a form of intimidation that deters others from meeting with investigators.

The government ombudsman's office, which opened in 1998, received 781 complaints in the first 8 months of the year directly related to human rights issues, of which 455 were processed. Human rights cases constituted 26 percent of all cases, an increase of 30 percent compared with the full year in 1999. The office has proved to be an effective means for resolving human rights and religious freedom concerns.

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

The Constitution provides for equality before the law irrespective of nationality, race, language, religious or political belief; however, government respect for these rights in practice was uneven.

Women.—Violence against women is a problem. The incidence of violence against women reported to the authorities is low; however, the General Secretariat for Equality of the Sexes (GSES), an independent government agency that operates the only shelter for battered women in Athens, believes that the actual incidence is "high." According to press and academic estimates, there were approximately 4,500 cases of rape in 1999. Reportedly only 6 to 10 percent of the victims contact the police, and only a small fraction of the cases reaches trial. Conviction rates on rape charges are low for first time accused, but sentences are harsh for repeat offenders. Spousal rape is a crime.

The GSES asserts that police tend to discourage women from pursuing domestic violence charges and instead undertake reconciliation efforts. The GSES also claims that the courts are lenient when dealing with domestic violence cases. GSES, in cooperation with the Ministry of Public Order, continued during the year training courses begun in 1999 for police personnel on how to treat domestic violence victims.

Facilities for battered women and their children often are staffed inadequately to handle cases properly. Two government shelters provide relevant services in Athens and Piraeus, including legal and psychological advice. Battered women also can go to state hospitals and regional health centers. In June the Secretariat started operating a 24-hour emergency telephone hot line for abused women to call for help. An interministerial committee composed of the GSES, the Ministry of Public Order, the Ministry of Health and Welfare, and the Ministry of Justice, was established in 1999 to focus on women's issues.

Prostitution is legal. Prostitutes must register at the local police station and carry a medical card that is updated every 2 weeks. While the number of Greek women entering the profession has declined steadily over the years, according to the police and academic sources, trafficking in women for prostitution, mostly from the former Soviet republics, Albania, Bulgaria, and Romania, has increased sharply in recent years (see Sections 6.c. and 6.f.). It is estimated that fewer than 1,000 prostitutes are ethnic Greeks, and approximately 20,000 are of foreign origin—most in the country illegally.

Most prostitutes who are arrested are foreigners who are apprehended for non-compliance with legal requirements. While national data on such arrests is not available, police reports estimate that 4,197 women were arrested for prostitution from December 1998 through December 2000. A total of 1,693 were arrested during 2000, compared with 2,267 in 1999. Media reports implicated several police officers as participants in prostitution rings. The press alleged on a number of occasions that police accepted bribes from traffickers or pimps or forced illegal immigrants to have sex with them and then channeled them into prostitution rings. The vice squad unit of the police was disbanded for a couple of weeks in 1998 in part as a result of these allegations.

Trade unions report that lawsuits for sexual harassment are very rare: according to the unions, only four women have filed such charges in the past 3 years. In all four cases, the courts reportedly imposed very lenient civil sentences. The General Confederation of Greek Workers (GSEE) women's section reports that sexual harassment is a widespread phenomenon, but that women are discouraged from filing charges against perpetrators by family members and coworkers since they believe they might be socially stigmatized.

Women enjoy broad constitutional and legal protection, including equal pay for equal work. However, the National Statistical Service's most recent data, for the fourth quarter of 1998, show that women's salaries in manufacturing were 71 percent of those of men in comparable positions; in retail sales, women's salaries were 88 percent of those of men in comparable positions.

Although relatively few women occupy senior positions, in recent years women entered traditionally male-dominated occupations such as the legal and medical professions in larger numbers. However, women still face discrimination when they are

considered for promotions in both the public and private sectors. Women also are underrepresented in labor unions' leadership. According to the women's section of the GSEE, 58.6 percent of the country's long-term unemployed are women, while women constitute only 38 percent of the work force. To ameliorate the situation, the GSES established two regional employment offices for women in Thessaloniki and Patras. It also continued to provide vocational training programs for unemployed women and programs to reinforce entrepreneurship, subsidies to women for setting up an enterprise, information and counseling to unemployed women, and created childcare facilities to assist unemployed women to attend training courses and look for a job.

Children.—The Government is committed to providing adequate basic health and education services for children. Education is compulsory through the ninth grade, but the legislation does not provide for enforcement or penalties. University education is public and free.

Several government organizations have responsibility for children's issues. The National Welfare Organization, which has a nationwide network of offices, is active in the field of child protection. A 1998 law combined the National Welfare Organization with two similar entities in 1999 to provide better services. The services of the new organization were regionalized to provide greater access to child welfare services and funding prioritized according to regional needs.

Penal law prohibits the mistreatment of children and sets penalties for violators, while welfare legislation provides for preventive and treatment programs for abused children and for children deprived of a family environment; it also seeks to ensure the availability of alternative family care or institutional placement.

There is no societal pattern of abuse of children. No national data exist on the incidence of child abuse; authorities other than police are not required to report such cases. In a 10-year clinical study of 200 cases of abused children, the Institute of Child Health (ICH) reports that 59.5 percent involved physical abuse, 20 percent involved neglect, and 21 percent involved children who were not abused at the time but had a history of abuse. (The study did not cover victims of sexual abuse.) An ICH prevalence study of child sexual abuse among 740 university students revealed an incidence rate of 7 percent among boys and 17 percent among girls prior to age 18. Societal abuse of children in the form of pornography and child labor is rare. Child prostitution is a growing phenomenon, particularly in some parts of immigrant communities of central Athens.

Children's rights advocacy groups claim that the protection of high-risk children in state residential care centers is inadequate and of low quality. They cite lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in the treatment of child abuse. Many NGO's make honest efforts to cover the gap, but they are not manned by professionals, lack supervision from the State, and do not have built-in evaluation systems. Two municipal shelters for battered children opened in Athens in 1999. Child health specialists note that the number of children in residential care facilities is decreasing, while the number in foster care is rising. Child health specialists say that some social groups, such as Roma and illegal immigrants, are underserved.

In recent years, the number of street children who panhandle or peddle at city intersections on behalf of adult family members or for criminal gangs increased. According to the Ministry of Public Order, 78 percent of these children are Albanian, 12 percent are from other Balkan countries, and 10 percent are Romani. The Government implemented measures to combat this phenomenon, which included the institutional placement of children up to 12 years old, therapeutic consultations with their families, and the deportation of juveniles 12 to 17 year old. Street children are rounded up regularly by police. However, it is believed widely that even those who were deported managed to return eventually.

In August police detained a group of 35 Roma children from Albania, between the ages of 3 months and 11 years old, who were begging or being exploited by beggars in the streets. Police apprehended 20 adults, identified as parents. Police believe that this was the largest child exploitation ring ever uncovered in the country. The group of Roma was deported. A children's NGO, A Child's Smile, claims that many street children are victims of abuse. Based on the findings of a study it carried out in Thessaloniki in 1999, the majority of street children are between the ages of 8 and 14. Some 60 percent of the children are from Albania, and most have been separated from their parents, who remain in their native country. They are brought to Greece by someone posing as their guardian or parent. In most cases, their parents, faced with extreme financial difficulties in Albania, agreed to send their child to Greece in exchange for a small percentage of the monthly earnings.

People with Disabilities.—Legislation mandates the hiring of disabled persons in public and private enterprises that employ more than 50 persons. However, the law reportedly is enforced poorly, particularly in the private sector. The law states that disabled persons should account for 3 percent of staff in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for disabled persons. Recent legislation mandates the hiring of disabled persons in the public sector from a priority list. The disabled are exempt from the civil service exam. Persons with disabilities have been appointed to important positions in the civil service.

The Construction Code mandates physical access for disabled persons to private and public buildings, but this law, too, is enforced poorly. A 1997 survey showed that over 60 percent of public buildings are not accessible to persons with mobility problems. Ramps and special curbs for the disabled have been constructed on some Athens streets and at some public buildings, and sound signals have been installed at some city street crossings. Since 1993 the Government has been replacing old city buses with new ones designed to accommodate the disabled. The new Athens subway lines provide full access for the disabled.

Religious Minorities.—Greeks tend to link religious affiliation very closely to ethnicity. In the minds of many Greeks, an ethnic Greek is also Orthodox Christian. Non-Orthodox citizens have complained of being treated with suspicion or told that they were not truly Greek when they revealed their religious affiliation. Non-Orthodox citizens also have claimed that they face career limits within the military and the civil service due to their religions.

In the military, generally only members of the Greek Orthodox faith become officers, leading some members of other faiths to declare themselves Orthodox. Only two Muslim officers have advanced to the rank of reserve officer.

Although in the past there have been numerous cases of discriminatory denial of Muslim applications for business licenses, tractor ownership, or property construction, both Muslim and Christian leaders report that these discriminatory practices have ended.

Members of minority faiths have reported incidents of societal discrimination, such as local bishops warning parishioners not to visit clergy or members of minority faiths and neighbors requesting that the police arrest missionaries for proselytizing. Some non-Orthodox religious communities believe that they have been unable to communicate with officials of the Orthodox Church and claim that the attitude of the Orthodox Church toward their faiths has increased social intolerance towards their religions. The Orthodox Church has issued a list of practices and religious groups, including Jehovah's Witnesses, Evangelical Protestants, Scientologists, Mormons, Baha'is, and others, which it believes to be sacrilegious. In 1999 there was an incident in which local Orthodox clergy and local government officials mobilized to demolish a government-approved house of prayer in the process of construction by Jehovah's Witnesses in Halkidiki in northern Greece. The incident was resolved swiftly through the intervention of police forces. Officials of the Orthodox Church have acknowledged that they refuse to enter into dialog with religious groups considered harmful to Greek Orthodox worshippers; church leaders instruct Orthodox Greeks to shun members of these faiths.

National/Racial/Ethnic Minorities.—An increase in xenophobia paralleled an increase in the number of non-Greeks living and working in the country. Antiforeigner sentiment is directed mainly at Albanians (who make up over three-fifths of the alien population). Landlords in Athens and other parts of the country routinely refuse to rent to Albanians, even to that country's diplomats.

Significant numbers of Greek citizens identify themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or "Macedonians" or "Slavomacedonians." Most are integrated fully into society. The Government formally recognizes only the "Muslim minority" specified in the 1923 Treaty of Lausanne, although it stated publicly in August 1999 that members of that minority could identify themselves individually as belonging to different ethnic groups. However, the Government failed to acknowledge formally the existence of non-Muslim ethnic groups, principally Slavophones, under the term "minority." As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture. Most of the Muslim minority (officially estimated to number 98,000) are ethnically Turkish or Turcophone and live in Western Thrace. The Muslim minority also includes Pomaks and Roma. Many Greek Muslims, including Pomaks, identify themselves as Turks and say that the Muslim minority as a whole has a Turkish cultural consciousness. While use of the terms "Tourkos" and "Tourkikos" ("Turk" and "Turkish") is prohibited in titles of organizations, individuals legally may call themselves "Tourkos." To most Greeks, the words "Tourkos" and "Tourkikos" connote Turkish identity or loy-

alties, and many object to their use by Greek citizens of Turkish origin. The 8-month prison sentence of a dozen Muslim teachers, convicted in 1996 for using the name "Turkish Teachers of Western Thrace" in a union document, remained suspended pending appeal. In December the Supreme Court overturned an appeals court decision that upheld a 1986 trial court's order to close the "Turkish Union of Xanthi" because of the use of the word "Turkish" in the organization's name. The Supreme Court stated that the court's decision should be based on the organization's activities and not its name, and it therefore ordered the appeals court to review the case.

The Treaty of Lausanne provides that the Muslim minority has the right to Turkish-language education, with a reciprocal entitlement for the Greek minority in Istanbul (now reduced to about 3,000 persons). Western Thrace has both Koranic and secular Turkish-language schools. Under a 1952 educational protocol, Greece and Turkey may exchange annually 35 teachers on a reciprocal basis for service in Istanbul and Western Thrace. Due to the dwindling needs of the small and aging Greek population in Istanbul, in recent years the Greek side limited the exchanges to 16 teachers per country. There were no complaints during the year from Muslim leaders about bureaucratic barriers preventing Turkish teachers from working in Thrace.

In 1999 the Government approved 19 Turkish textbooks for use in the secular Turkish-language schools (referred to as "minority" schools in Thrace). Under a 1960 bilateral protocol, Turkey provides copies of the approved texts for use in the schools of Western Thrace. The books arrived in May 2000.

In Western Thrace over 8,000 Muslim children attended Turkish-language primary schools. An additional 150 attended 2 bilingual middle schools with a religious curriculum. Approximately 700 attended Turkish-language secondary schools, and approximately 1,300 attended Greek-language secondary schools. In the past, many Muslims reportedly went to high school in Turkey due to both the limited number of places in the Turkish-language secondary schools, which are assigned by lottery, and parent preference. However, the lottery system was not used during the year, and all students who applied were admitted. In 1999 the Government instituted an European Union-funded program for teaching Greek as a second language to Muslim children, primarily for those students in the Greek-language public schools, to improve their academic performance and chance of obtaining postsecondary education in Greece. In addition the Government offered further opportunities for minority students to learn Greek through preschool, kindergarden, afterschool, and summer school courses.

Government incentives encourage Muslim and Christian educators to reside and teach in isolated villages. However, in a 1999 law, the Government cancelled the program of incentives for Christian educators teaching temporarily in minority schools. Teachers Union representatives complained that the move would discourage Christians from seeking temporary teaching positions in minority schools. The law permits the Minister of Education to give special consideration to Muslims for admission to universities and technical institutes. Universities and technical institutes are required to create a certain number of places for Muslim students each year; 400 spaces were available for the 2000-2001 school year. Under this law, 123 Muslim students entered Greek universities and technical institutes during 1999. Approximately 1,700 other Muslim students entered via the national examination process open to all Greeks and were attending universities and technical schools.

The rate of employment of Muslims in the public sector and in state-owned industries and corporations is much lower than the Muslim percentage of the population. Muslims in Western Thrace claim that they are hired only for lower level, part-time work. The Government claims and Muslims and Christians note that a lack of fluency in written and spoken Greek and the need for university degrees for high-level positions limit the number of Muslims eligible for government jobs.

Public offices in Thrace do their business in Greek; the courts provide interpreters as needed. Since 1998 there have been no claims of discrimination against Muslims who apply for business licenses, tractor ownership, or property construction. Muslims and Christians in Thrace commended the Government for the basic public services (electricity, water, and telephone) provided to Muslim villages in recent years.

Other than in one multicultural elementary education "pilot school," the Government does not provide instruction in Greek as a second language to Turcophone children in the Athens area. Muslim parents report that their children are unable to succeed in school as a result of this policy. The Government maintains that Muslims outside Thrace are not covered by the Treaty of Lausanne and therefore do not enjoy those rights provided by the treaty.

Unlike in the past, there were no reports of assertions by Muslim leaders that the Government routinely withheld permission from Muslims seeking to change

their legal residence, which determines where they vote, from rural to urban communities within western Thrace or from elsewhere in Greece to Thrace.

The Government refuses to acknowledge formally the existence and "minority" status of ethnic/linguistic groups, such as Vlachs and Slavophones, other than the Muslim minority specified in the Treaty of Lausanne. As a result some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture.

Northwestern Greece is home to an indeterminate number (estimates range widely, from under 10,000 to 50,000 or more) of citizens who still speak at home a Slavic dialect, particularly in Florina province. A small number of them identify themselves as belonging to a distinct ethnic group and assert their right to "Macedonian" minority status. Their assertions generate strong objections among the 2.2 million non-Slavophone Greek inhabitants of the northern Greek region of Macedonia, who use the same term to identify themselves. The Government will not recognize the Slavic dialect as a "Macedonian" language distinct from Bulgarian. Members of the minority assert that the Government pursues a policy designed to discourage use of their dialect. Government sensitivity on this issue stems from concern that members of the "Macedonian" minority may have separatist aspirations. Greece's dispute with the former Yugoslav Republic of Macedonia over that country's name heightened this sensitivity. Complaints of government harassment and intimidation directed against these persons decreased significantly since 1998 and ceased in 2000.

In July 1999, three Muslim Members of Parliament and a number of Greek human rights organizations issued a letter calling on the Government to recognize legally the right of self-identification for members of all minorities, including the Muslim and "Macedonian" minorities. Senior government officials in August 1999 reaffirmed an individual, but not a collective, right of self-identification.

Roma continued to face discrimination from some local authorities and society at large. The Prime Minister's Office for Quality of Life, responsible for coordinating government projects for Roma, estimates the total Romani population to be 150,000 to 200,000. Nonofficial sources estimate the total at 250,000 to 300,000. Most of the Roma in Western Thrace are Muslims; elsewhere the majority are Greek Orthodox. Many Roma are settled permanently, mainly in the Athens area. Others are either mobile, working mainly as agricultural laborers, peddlers, and musicians throughout the country, or live in camps. The number of Roma who move around the country is decreasing gradually as families settle mainly into slums and camps around major cities. There are approximately 70 Romani camps with a total camp population between 100,000 and 120,000 persons.

At a September 1999 Implementation Review Meeting in Vienna of the Organization for Security and Cooperation in Europe, the Greek delegation recognized that the situation of Roma in Greece was "unsatisfactory and unacceptable" and committed the Government to remedy the situation. Government representatives identified as impediments to progress the lack of a unified voice from the Roma community and the widespread social prejudice against them.

In 1999 the Ministry of Interior completed a survey on the housing needs of the Roma; in March 2000 it established an interministerial committee to coordinate government action for them. Most Romani camps have no running water or electricity, much less garbage disposals or sewage treatment. Local authorities harass and threaten to evict Roma from their camps. The Roma of Tyrnavos, Thessaly, attempted to build their own lavatories in order to improve their living conditions, but local authorities pulled them down and imposed fines for violating construction codes. The Ministry of Defense allocated land in 1999 and houses in December 2000 at a former army camp (Gonou) for the Roma of Evosmos, Thessaloniki, to occupy. (The 3,500 Roma were evicted in 1998 from their homes of some 30 years and then evicted from 4 other sites in the following 15 days.)

The NGO Greek Helsinki Monitor reported that many communities of Roma tent-dwellers were evicted or threatened with eviction during the year. A number of evictions took place in Athens from the location that will host the 2004 Olympics. In August 1999, local authorities evicted 30 Roma families from an area in Ioannina, which they had been renting for 7 years. In June 2000, the municipal authority of Nea Kios, Peloponnese, issued a decision to evict all 300 Roma from the region because the municipality claimed that the Roma contributed to the high crime rate. Police were asked to take action and implement the decision within 48 hours. A Roma hut was set on fire by unknown perpetrators. Human rights NGO's held the municipal authority responsible for the arson because of its decision to declare the Roma presence "undesirable." The decision of the municipal authority was repealed following the intervention of the Ombudsman's Office. In August municipal authorities in Crete attempted to evict over 100 Roma from their homes of 15 years in Nea Alikarnasos; the national ombudsman stopped the action.

Roma experience police abuse more frequently than some other groups. In September police were accused of beating Roma during a routine traffic stop in Nafplio. The trial of three policemen accused of beating two Romani teenagers in Mesolonghi in May 1998 still had not begun in September.

Roma frequently face discrimination in employment and in housing, particularly when attempting to rent accommodations. The approximately 400 Roma families in Tyrnavos, Thessaly, live in tents because the authorities refuse to include the area in city planning.

Romani representatives report that some local authorities have refused to register Roma as residents in their municipalities. Until registered with a municipality, no citizen can vote or exercise other civic rights such as obtaining an official marriage, commercial, or driver's license, or contributing to social security.

Government policy is to encourage the integration of Roma. The Prime Minister has designated a member of his staff to coordinate the efforts of all government ministries having a role in their integration, and the Ministry of Interior established an interministerial committee with the same aim. Poverty, illiteracy, and social prejudice nevertheless continue to plague large parts of the Romani population; these problems are most severe among the Roma who are mobile or who live in slums. The illiteracy rate among Roma is estimated at 80 percent. However, the Ministry of Education reported that the illiteracy rate is dropping among the Roma children, because the school enrollment rate increased by 17 percent and the drop-out rate decreased to 75 percent as a consequence of an identity card system, set up by the Ministry, which allows students to change schools more easily as their parents move. The idea of setting up satellite elementary schools near Romani camps has been set aside in favor of the policy of integration (except for preschool centers).

The integration of Roma into social security systems is quite low. It is estimated that 90 percent of Roma are not insured by the public social security systems, since they are unable or unwilling to make the required contributions. Like other qualified citizens, indigent Roma are entitled to free health care. However, their access to health care at times is hindered by the fact that their encampments are located far from public health facilities. The Municipality of Pyrgos, Peloponnese, issued health cards to the Roma living permanently in the area and established a preschool center close to the Roma camp near the Alfeios River.

The Ministry of Health and Welfare continued work on projects to address the chronic problems of the Roma community. The projects included training courses for civil servants, policemen, and teachers to "increase sensitivity to the problems of the Roma," the development of teaching materials for Roma children, and the establishment of youth centers in areas close to Roma communities. The Ministry established six such centers.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of association. All workers, with the exception of the military, have the right to form or join unions. Police have the right to form unions but not to strike.

Approximately 26 percent of wage earners (nearly 650,000 persons) are organized in unions. Unions receive most of their funding from a Ministry of Labor organization, the Workers' Hearth, which distributes mandatory contributions from employees and employers. Workers, employers, and the state are represented in equal numbers on the board of directors of the Workers' Hearth. Approximately 10 public sector unions have dues-withholding provisions in their contracts, in addition to receiving Workers' Hearth subsidies.

Over 4,000 unions are grouped into regional and sectoral federations and 2 umbrella confederations, 1 for civil servants (ADEDY) and 1, the General Confederation of Greek Workers (GSEE), for private sector employees. Unions are highly politicized, and there are party-affiliated factions within the labor confederations, but day-to-day operations are not controlled by political parties or the Government. There are no restrictions on who may serve as a union official.

Legal restrictions on strikes include a mandatory period of notice, which is 4 days for public utilities and 24 hours for the private sector. Legislation mandates a skeleton staff during strikes affecting public services, such as electricity, transportation, communications, and banking. Public utility companies, state-owned banks, the postal service, Olympic Airways, and the railroads also are required to maintain a skeleton staff during strikes.

The courts have the power to declare strikes illegal, although such decisions seldom are enforced. However, unions complain that this judicial power serves as a deterrent to some of their members from participating in strikes. The courts declared some strikes illegal during the year for reasons such as failure of the union to give

adequate advance notice of the strike or the addition of demands by the union during the course of the strike. However, no striking workers were prosecuted.

Fewer strikes took place during the year than ever before, and those that occurred were fairly brief and nondisruptive. Strikes by public sector employees, including mass transport employees, lasted between 1 and 5 days and primarily concerned securing timely pay increases and greater job security.

Unions are free to join international associations and maintain a variety of international affiliations.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively in the private sector and in public corporations. These rights are respected in practice. There are no restrictions on collective bargaining for private sector employees.

In 1997 and 1998 civil servants were accorded the right to organize and bargain collectively with the Ministry of Public Administration. The civil servants confederation conducted official negotiations with the Ministry of Interior for the first time in 1999.

In response to union complaints that most labor disputes ended in compulsory arbitration, legislative remedies were enacted in 1989 that provided for mediation procedures, with compulsory arbitration as a last resort. A 1992 law established a National Mediation, Reconciliation, and Arbitration Organization that applies to the private sector and public corporations (the military and civil service excluded).

Antiunion discrimination is prohibited. The Labor Inspectorate or a court investigates complaints of discrimination against union members or organizers. Court rulings have mandated the reinstatement of improperly fired union members.

Three free trade zones operate according to European Union regulations. The labor laws apply equally in these zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits all forced or compulsory labor, including that performed by children, and the Ministry of Justice enforces this prohibition; however, women and girls are trafficked into the country for the purpose of forced prostitution (see Sections 5 and 6.f.). The Government may declare the “civil mobilization” of workers in the event of danger to national security, life, property, or the social and economic life of the country. The International Labor Organization (ILO) Committee of Experts has criticized this power as violating the standards of ILO Convention 29 on forced labor. The Government did not resort to civil mobilization during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment in the industrial sector is 15 years, with higher limits for certain activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These age limits are enforced by occasional Labor Inspectorate spot checks and generally are observed. However, families engaged in agriculture, food service, and merchandising often have younger family members assisting them, at least part time. The Constitution contains a blanket prohibition of compulsory labor. Although no specific legislation explicitly prohibits forced and bonded labor by children, such practices are not known to occur (see Section 6.c.), except among some Roma and immigrants (see Section 5).

e. Acceptable Conditions of Work.—Collective bargaining between the GSEE and the Employers' Association determines a nationwide minimum wage. The Ministry of Labor routinely ratifies this minimum wage, which has the force of law and applies to all workers. The minimum wage of \$17.40 (6,986 drachma) daily and \$389.20 (155,943 drachma) monthly, effective July 1, is sufficient to provide a decent standard of living for a worker and family. The maximum legal workweek is 40 hours in the private sector and 37^o hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of 1 month per year, and sets limits on overtime.

Legislation provides for minimum standards of occupational health and safety. Although the GSEE characterized health and safety legislation as satisfactory, it charged that enforcement, the responsibility of the Labor Inspectorate, was inadequate. Legislation passed in 1999 places the Labor Inspectorate under a central authority in compliance with ILO Convention 81. Workers do not have the legal right to remove themselves from situations that they believe endanger their health. However, they do have the right to lodge a confidential complaint with the Labor Inspectorate. Inspectors have the right to close down machinery or a process for a period of up to 5 days if they see safety or health hazards that they believe represent an imminent danger to the workers.

f. Trafficking in Persons.—The law does not specifically criminalize trafficking in persons, but other statutes in the Penal Code are used to prosecute such cases. Arrests and court cases for prostitution by unlicensed foreign women, and cases

against their traffickers, have increased, but remain at a very low level. Fines and sentences for traffickers are minimal.

Greece is both a transit and destination country for trafficked women. Trafficking in women for prostitution in Greece has increased sharply in recent years. At any give time, some 16,000 to 20,000 trafficked women are in the country, according to unofficial estimates. Approximately 2,400 trafficked women were deported from Greece during the year; many are quickly brought back into the country, according to official sources. While the Government is stiffening its border controls, in part because of the European Union Schengen Agreement requirements, there are fissures through which many women are brought into the country from the Balkans and the former Soviet Union. Local police corruption also plays a role in facilitating their entry into the country.

According to a Panteion University professor, 75 percent of foreign female prostitutes are not told why they are being brought to Greece. Some women arrive as "tourists" or illegal immigrants who seek work and are lured into prostitution by club owners who threaten them with deportation. Some women are kidnapped from their homes by their fellow countrymen and smuggled into Greece where they are "sold" to local procurers. The victims of this practice are often minors. Frequently connections exist between illegal prostitution and other criminal activities.

HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Viktor Orban, the leader of the FIDESZ-Hungarian Civic Party, heads a coalition Government formed after elections in May 1998 by FIDESZ, the Independent Smallholders' Party, and the Hungarian Democratic Forum. The Government respects the constitutional provisions for an independent judiciary.

The internal and external security services report directly to a minister without portfolio, and the police report to the Interior Minister. Credible reports of police abuses persist, although their frequency has declined compared with last year.

The Government demonstrated a sustained commitment to economic reform, resulting in a successful transition to a fully functioning market economy. The private sector accounts for 85 percent of gross domestic product. Services, trade, and government employ about 67.4 percent of the labor force. The proportion of the labor force involved in industry has declined to only 33 percent. Major exports include manufactured goods (30.3 percent) and machinery and transport equipment (58.5 percent). Unemployment has declined substantially to around 6 percent. However, an estimated 25 percent of the population live in poverty, with elderly pensioners, dependent housewives and children, and Roma most affected. The large Roma population is eight times more likely to be poor than the remainder of the population.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Although the authorities addressed problems in specific cases, police continued to use excessive force against suspects. Police also harassed and abused both Roma and foreign nationals. In practice the authorities do not always ensure due process in all cases. Prosecutors and judges may impose what amounts to unlimited pretrial detention, although the Government expanded legal provisions for the right to fair trial.

The electronic media are a mix of state-owned and privately owned national, local, and regional radio and television, with private stations dominating audience share by a wide, and ever-widening, margin. After taking office in 1998, the Government publicly declared its intention to "balance" the media in order to encourage more extensive attention to the conservative values and themes that the Government promotes. After 2 years in office, the Government recognized that it was only one (although an influential) player in the media market, and decided to stop pursuing such balance. In spite of numerous dismissals of journalists in the state-owned radio and television, certain members of the governing coalition still publicly contend that these outlets are overrepresented by liberal, opposition-leaning journalists. The junior coalition partner, the Smallholders, submitted a proposal to the Parliament to investigate the pre1990 political activities of state-employed journalists. Although certain news analysis programs on state media often function as platforms for right-wing voices, the main news programs remain largely politically neutral.

Violence against women and spousal abuse of women remain serious problems. Sexual harassment and discrimination on the job also remain serious problems. Steps have been taken to improve the rights of women and persons with disabilities. Anti-Semitic and racial discrimination persisted, but no new attacks were reported this year. Societal discrimination against Roma remains a serious problem. Traf-

ficking in women and children for the purpose of forced prostitution is a growing problem.

RESPECT FOR HUMAN RIGHTS

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

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

In December an unsuccessful Cameroonian asylum applicant died while being deported; his feet were cuffed after his repeated efforts to break free (see Section 2.d.). The official report cites heart attack as the cause of death.

Trials continued in a number of cases of men charged with crimes against humanity for shooting into crowds of demonstrators with machine gun fire and for throwing hand grenades, all at the time of the 1956 Revolution. The defendants were tried in 1993. At the time, they were charged with murder, but acquitted because the 15-year statute of limitations for such a charge had passed. The new trial became possible after the Supreme Court overturned the previous verdicts in June 1999, stating that these cases should be tried as war crimes, which have no time limit. In these cases, the issue before the courts was whether each specific individual is guilty of a war crime, an argument that can be made because a civil war was in progress at the time, and all defendants were members of the border guards, police, or military. By year's end, 10 cases had concluded with guilty verdicts. Those accused were sentenced to short prison terms that subsequently were suspended, were stripped of their rank, and had their pensions reduced accordingly.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other such practices. No known incidents of torture occurred. An investigation into allegations of torture made in early 1999 by a confessed mass murderer concluded during the year without enough evidence to bring charges against any police officers. Police abuses continued, including use of excessive force, beatings of suspects, and harassment. Police also continued to harass and physically abuse Roma and foreign nationals. In 1999, 2,397 reports of police abuse were filed compared with 2,296 in 1998. Of these complaints, only 377 resulted in court cases, compared with 312 in 1998. In 845 cases, no investigation occurred. Many of the cases that did make it into the court system were still pending at year's end; no accurate data on convictions were available. Historically, 10 to 15 percent of such cases result in conviction. In the first 6 months of the year, policemen were convicted in five cases. Also in the first 6 months of the year, the National Police Headquarters reports the following number of incidents of police abuse to be: 5 cases of forced questioning, 8 cases of abuse against Roma, and 16 cases of abuse against foreigners. Punishments include fines, probation, and the imposition of suspended sentences. In 1997 the Budapest central district court sentenced four police officers to 1 to 2 years in prison for the exceptionally severe beating of a detainee under interrogation. The appeals court suspended the sentences, and three out of the four officers continue to serve as police officers. According to a report by the Hungarian Helsinki Committee, persons detained by police complain of abuse, but very few file official complaints because they do not expect positive results and fear that the complaint may affect their cases adversely. Some sources attribute the rise in numbers of reports of police abuse to a growing willingness to seek official redress in these instances. The Romani minority community and dark-skinned foreigners are the most common victims of police abuse, with Roma bearing the brunt. In June 1999, after several incidents of police brutality against Roma in Hajduhadhaz, the Ministry of Interior admitted that the town had the highest level of reported police violence in the country, and that half of the town's police force was under investigation for allegations of abuse. In May the Debrecen County Court convicted three of five officers charged with abuse and sentenced them each to prison terms of 2 years and 5 months. A Roma rights organization reported that in Budapest in June 1999, three police officers beat and kicked a Romani university student as he walked through a park. When the man told the officers that he would report their abuse, they beat him further. The Rom filed a lawsuit against the officers; the case was still pending at year's end. Despite such occurrences, the Ombudsman for Minority Affairs believes that the situation is, at worst, remaining constant, and possibly is marginally better. The Ombudsman continues to promote a uniform anti-discrimination law.

The police and Interior Ministry are working to change the police's authoritarian image, and human rights organizations report that police generally are more cooperative with outside monitoring of police behavior. However, these efforts are hampered by low salaries and a lack of physical resources. A 1997 study by the Ombuds-

man's office, which investigates constitutional violations in the public sector, denounced police corruption but noted that it was unsurprising that it existed, given police officers' low pay and poor working conditions. The Ombudsman found that working conditions in the vast majority of police offices were unsuitable. In 1999 the Interior Ministry, as part of the Government's general anticorruption plan, launched a program to fight corruption in law enforcement. The program promotes reform of the systems for recruitment and training at the National Police and the Border Guards. Applicants for these organizations have to pass a thorough psychological test; in addition their financial situation and other risk factors are examined. The program also prepares law enforcement officers to recognize and avoid "corruption situations." As part of the program, the Interior Ministry has added 86 new officers to the Office for Supervision and Control.

Police frequently harass foreign residents, particularly nonEuropeans. At times, police showed indifference towards foreigners who had been victims of street crime.

Prisons are overcrowded but meet minimum international standards. The population of prisons and detention centers as of September was 15,769 persons (4,264 of whom were in pre-trial detention), or 160 percent of capacity, which represents an increase of over 600 prisoners from the end of 1999. Tougher maximum sentences have contributed to the increase of the prison population. The age of most prisoners is now between 25- and 40-years-old. Between 65 and 70 percent of prisoners earn wages while in prison, either from work performed in prison or from workrelease programs. Some programs allow prisoners to spend weekends at home. A recent change in philosophy led to more efforts to rehabilitate criminals for their eventual return to normal life. Civil organizations and foundations assist in the rehabilitation process. According to officials, the general health of prisoners declined in the last few years. The chief Ombudsman issued a report on prison conditions and facilities in 1997. A new pre-detention center was opened in the summer, and two new prisons are scheduled to open within the next 2 years. A 1999 survey among prisoners about alleged abuse concluded that abuse by prison personnel was not a problem.

The Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Police must inform suspects upon arrest of the charges against them but may hold them for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings, and that the authorities provide counsel for juveniles, the indigent, and the mentally disabled; however, credible reports suggest that police do not always allow access to counsel, particularly for minor crimes. Bail has been available to citizens since January, when a new Criminal Code entered into force. It is also available to foreigners, but rarely is used.

The Police Act permits police to hold suspects in public security detention (PSD) in the following cases: In which the suspect has no identity papers; in which blood or urine tests must be performed to determine blood alcohol content; or if the suspect continues to commit a misdemeanor offense in spite of prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees are not always informed of the charges against them, because such periods of "short" detention are not defined as "criminal detention" and so are not considered to be covered by the Criminal Code.

On December 18, a 30-year-old unsuccessful Cameroonian asylum applicant, Ebune Christian Ecole, died while being deported by police at Budapest Airport (see Section 1.a.). Ecole's repeated protests and attempts to break free led the captain of the SABENA flight, which was to transport him out of the country, to refuse to take him on board. Police then proceeded to further restrain Ecole by shackling his feet, at which point he reportedly fainted. Emergency Medical Technicians were unable to revive him. The official report of his death cites heart attack as the cause. Local NGO's have called for a thorough investigation of the circumstances surrounding Ecole's death.

Pretrial detention, based on a warrant issued by a judge, is initially limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion (provided the judge concurs). According to the new Criminal Procedure Law, pretrial detention is to be limited to a maximum of 3 years, after which the case expires automatically if formal charges are not brought. The lack of a bail system gives tremendous leeway to the judge. In 1999 the average length of pretrial detention was 3.5 months, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months. In addition foreigners usually are held until their trial since they are considered likely to flee the country. Roma allege that they are kept in pretrial detention longer and more frequently than non-Roma (see Section 1.e.). The law provides for compensation when a detainee is re-

leased for lack of evidence, but the procedure rarely is exercised since detainees must undertake a complicated legal procedure to pursue their claims. The Minister of Justice, on behalf of the State, decides on compensation. The amount depends on the case and can cover the costs of the trial, attorney's fees, lost wages, and some other miscellaneous sums.

The law does not provide for exile, and it is not employed.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair, although sometimes slow, process.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all the courts. There are three levels of courts. Original jurisdiction in most matters rests with the local courts. Appeals of their rulings may be made to the county courts or to the Budapest municipal court, which have original jurisdiction in other matters. The Supreme Court is the final court of appeal, while the Constitutional Court is the final court on constitutional matters. In the case of military trials, appeals also may be addressed to the Supreme Court. Under the new Criminal Procedure Law enacted in January, an intermediate court of appeal was to be established between the metropolitan/county courts and the Supreme Court. These intermediate courts are designed to alleviate the current backlog of court cases and permit lower courts to hear simple cases. Critics of the new system charge that it would instead slow court procedures and increase costs. Although passed and signed by Parliament, the Government delayed indefinitely the implementation of the new level of courts, citing budgetary constraints. A National Judicial Council (NJC) was established in 1997 to nominate judicial appointees and oversee the judicial budget process. The NJC will also oversee the implementation of the fourth level of courts.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it as well as their compliance with international treaties that the Government has ratified. Citizens may appeal directly to the Constitutional Court if they believe that their constitutional rights have been violated. Parliament elects the Court's members to 9-year terms, which may be renewed; no renewals have been made to date. The retirement age of the Constitutional Court judges is 70 years. No judge or member of the Supreme or Constitutional Courts may belong to a political party or engage in political activity.

The law provides for the right to a fair trial, and the authorities respected this right in practice. Counsel is appointed for indigent clients, but public defenders are paid poorly—less than \$5 (1,000 Huf) for the first hour of the trial and less than \$2.50 (500 Huf) for each additional hour—and do not give indigent defendants priority. Lawyers often meet indigent clients for the first time at trial.

Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Judicial proceedings are generally investigative rather than adversarial in nature. The public defender system provides generally substandard service. (There is no public defender's office, as such; private attorneys may or may not choose to serve in this capacity. Since public defenders are paid only for the hours spent in trial, little to no preparation is done and lawyers often meet their clients for the first time at the trial.)

In selected cases, judges may agree to a closed trial to protect the accused or the crime victim, such as in some rape cases. In October 1998, the victim protection office was established in the Ministry of the Interior. Under the new Criminal Procedure Law, witnesses (and in some cases, victims, judges, and translators) are to be protected by having their personal data kept closed, in a separate location from the case files. For specially protected witnesses, court appearances are unnecessary; they are to be questioned personally by the judge. In July 1999, Parliament passed a resolution calling for a new victim protection plan, which would provide new identities and homes for victims and their family members. A bill must be submitted by December 31, 2001. There is no jury system; hence judges are the final arbiters. Under the new Criminal Procedure Law, prosecutors are to have greater influence over their cases. Plea bargaining, which is known as a "trial waiver," is now available to prosecutors.

Military trials follow civil law and may be closed if national security or moral grounds so justify. In all cases, sentencing must take place publicly.

Many human rights and Romani organizations claim that Roma receive less than equal treatment in the judicial process. Specifically they allege that Roma are kept in pretrial detention more often and for longer periods of time than nonRoma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed

under the data protection law. Since the majority of Roma fall into the lowest economic strata, they also suffer from poor counsel and unenthusiastic representation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides that the prosecutor's office may issue search warrants. Police must carry out house searches in the presence of two witnesses and must prepare a written inventory of items removed from the premises. Wiretapping, which may be done for national security reasons and for legitimate criminal investigations, requires a court's permission. These provisions appear to be observed in practice. During the last 2 years, there were no publicized reports that police entered private residences without warrants to check foreigners' identification.

In August 1998, Prime Minister Orban stated that FIDESZ politicians and their families were the targets of illegal secret surveillance in 1997. Orban claimed that the investigators, whose identity he did not reveal, sought damaging information to use in the spring 1998 elections. Opposition (former government) leaders vigorously denied the accusations. In its final report issued in the spring, the parliamentary committee formed to investigate the matter did not find evidence to support allegations of widespread misconduct.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government respects this right in practice. However, during the year the FIDESZ-led coalition Government actively attempted to counterbalance what it considers a leftwing bias in news coverage through its influence on personnel decisions within the state-owned media. Nonetheless, a wide variety of views and opinions is available among the highly competitive print and broadcast media.

After the transition from communism, the majority of print media outlets were purchased by foreign publishing companies. In addition numerous new publications made the local print market much more competitive. Political opposition sources claim that this competition was utilized by the coalition in its attempt to balance the print media, some elements of which the Government views as too liberal and anticoalition. Advertisements from state-owned companies and financial institutions were awarded to progovernment papers, which also tend to receive better access to government sources.

Parliament passed a media law in 1996 creating institutions designed to foster a free and independent electronic media. The law provided for the creation of nationwide commercial television and radio and was intended to insulate the remaining public service media from government control. The National Television and Radio Board (ORTT), the regulatory agency created by the 1996 Media Law, has continued to monitor news broadcasts for equal treatment of all political parties. Several commercial stations were warned publicly by the ORTT during the year for giving more time to one party over others.

The state broadcast media continue to lay off large numbers of journalists and administrative personnel to reduce overhead. Opposition figures have accused the Government of firing journalists based on political bias. State-owned media (Hungarian Radio, Hungarian Television, and Duna TV) operate with incomplete Boards of Trustees representing only coalition nominees, an issue debated in the constitutional court and in the Parliament.

On March 14, some 6,000 demonstrators marched across Budapest to demand an independent supervisory board for the broadcast media. The demonstration was organized by the Socialist Party, trade unions, and nongovernmental organizations (NGO's); representatives of other opposition parties also took part.

Academic freedom generally is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice. There are essentially no restrictions on peaceful public gatherings. In general the Government does not require permits for assembly, except when a public gathering is to take place near sensitive installations, such as military facilities, embassies, or key government buildings. Police sometimes may alter or revoke permits, but there is no evidence that they abuse this right.

The Constitution provides for freedom of association, and the Government respects this right in practice. Any 10 or more persons may form an association, provided that it does not commit criminal offenses or disturb the rights of others. Associations with charters and elected officers must register with the courts.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and members of all faiths are allowed to practice their religion freely. There are 92 officially recognized religions. A group needs 100 members (or 100 signatures) to register as a religion in any county court. There is no preferred religion, although not

all religions receive state support. State support is in the form of funds negotiated each year between the Ministry of Cultural Heritage and the Finance Ministry. A 1996 law allows citizens to donate 1 percent of their taxes to any religion, and a 1997 law extended this option by allowing citizens to donate 1 percent to any religion and 1 percent to a civil organization or public institution. In 1999 the Ministry of Cultural Heritage provided \$11.24 million (2.81 billion Huf) for the reconstruction of church properties and monuments and for other investments. In May the Government passed an amendment to existing tax laws that confirmed sales tax exemption for country's historic denominations and for NGO's. However, minority religions (including Adventists, Pentecostals, Methodists, and all Eastern religions) cannot reclaim sales tax under the amendment, which they feel threatens to marginalize them even further. The churches took the case to the Supreme Court, which chose not to review it. However, in December the Government passed a new amendment to replace that which had passed in May. The new amendment set criteria under which direct contributions to churches are tax deductible; these criteria limit the benefit to 14 of the some 90 registered churches in the country.

In 1997 the Government signed a treaty with the Vatican to return church property confiscated by the Communist regime; the treaty also provided for a minimum state payment (separate from the annual negotiated support) of \$7.8 million (1.7 billion Huf). Similar compacts were signed with the country's three other historical religions in 1998. The Jewish community receives \$2.6 million (608 million Huf), and the Calvinist and Lutheran Churches each are entitled to \$4.3 million (1 billion Huf). Religious schools receive support per child in the same way that state schools do. Religious orders and schools have regained some property confiscated by the Communist regime.

Several synagogues have been built since World War II, generally replacing older demolished synagogues. The first completely new synagogue built since the war was constructed in 1998 at a Jewish summer camp in Szarvas.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—There are no restrictions on the movement of citizens within or outside the country, including on the rights of emigration and repatriation. However, local authorities have in some cases tried to expel Roma from towns or have taken advantage of situations (eviction for nonpayment of bills or condemnation of Roma homes) to relocate and concentrate Romani populations, in effect creating ghettos. The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with about \$40,000 (over 10 million Huf) in public debt may be denied travel documents. The Government requires that foreigners from countries that do not have a visa waiver agreement with Hungary obtain exit visas each time they leave the country, although blanket permission sometimes is available.

A total of 6,247 refugees from the former Yugoslavia are registered in the country. Most are in private housing, with only 506 housed in 3 permanent and 2 temporary refugee camps, or "reception centers," run by the Office of Immigration and Nationality (OIN), formerly known as the Office of Migration and Refugee Affairs (ORMA). (In January the Government established OIN as a central authority for asylum and immigration matters.) In addition to the three government-owned camps, two additional temporary camps are used through contracts with the NGO's that run them. They have been operating since 1991 and 1993, largely as a result of the influx of refugees fleeing the various conflicts and incidents of ethnic cleansing to the south. The Government estimates that there are as many as 5,000 asylum seekers and as many as 40,000 to 60,000 immigrants (the vast majority from Romania) living in the country in unregistered status; the local office of the U.N. High Commissioner for Refugees (UNHCR) believes that these figures is too high. OIN began drafting amendments to the country's asylum laws in June to comply with existing European Union (EU) regulations.

The Government provides first asylum and cooperates with the local office of the UNHCR and other humanitarian organizations assisting refugees. In 1999 the Government granted 313 out of 11,499 applicants refugee status under the Geneva Convention; 1,776 applicants were granted temporary protected status. During the first 9 months of this year, 151 out of 5,720 applicants were granted refugee status and 567 were allowed to stay on temporary protected status. The number of applicants, excluding Yugoslav citizens, increased by 8 percent. Of 11,299 applications submitted in 1999, 1,176 were Afghan, 1,176 from Bangladesh, 506 from Iraq, 228 from Sri Lanka, and 3,306 were from the former Yugoslavia. While the high number of Afghan refugees is not unusual, the significant increase in Yugoslav applicants in 1999 corresponded with the onset of a series of crises in Kosovo. In the months following the cessation of hostilities, many of these applications were withdrawn, and OIN authorities believe that many more refugees simply have gone home. A March

1998 law lifted Hungary's geopolitical reservation to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government now adheres completely to the provisions of this Convention. Under the old law, the Government only handled claims from European asylum seekers, and the UNHCR handled all other claims. The increase in caseload resulting from this change and from events in Kosovo and the resulting NATO action placed a tremendous strain on the OIN's resources, leading to the high number of pending cases and increasing the processing time per application. Prospective refugees who seek only to transit to Western Europe are encouraged to return to their countries of departure. There were approximately 1,831 asylum seekers located in 3 permanent and 2 temporary reception centers as of September 27. The Government has been criticized by NGO's and Western countries for inhuman conditions in detention facilities and the arbitrary application of asylum procedures. In February 1999, the Parliament's human rights Ombudsman criticized the conditions in border facilities as "uncivilized and intolerable." In response to this criticism, the Government has closed down the worst buildings within the centers and has begun the construction of others. There is an ongoing project to refurbish the border guards' community shelters. Of the eight currently in operation, three have been fully refurbished and reopened, and one reopened early in the year. The conditions in the older facilities are not good. The country, which has been dealing with refugee issues on a large scale for only the past 10 years, has borne a great deal of the refugee burden resulting from the Kosovo crisis, and the Government has sought to work with NGO's to improve conditions.

Aliens caught trying to cross the border illegally may apply for refugee status or are housed temporarily at one of eight border guard facilities throughout the country pending deportation. During the first 6 months of the year, 910 persons occupied the facilities, while in 1999 there were between 500 to 600 occupants. During the first half of the year, 5,798 illegal aliens were apprehended, while in 1999, 12,438 were apprehended. While police seek the timely deportation of detainees who do not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often result in lengthy stays. In 1999 the authorities expelled 12,000 foreigners from the country; however, there were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens age 18 and over have the right to change their government through national elections held at least every 4 years. Members of Parliament are elected through a complex voting procedure for individuals and party lists. The FIDESZHungarian Democratic Civic Party heads the coalition with the Smallholders' Party and the Hungarian Democratic Forum (the latter two parties formed the government coalition between 1990 and 1994 with the Christian Democrats, one segment of which later merged with FIDESZ.) The opposition includes the extreme rightwing Hungarian Justice and Life Party and two leftwing parties, the Hungarian Socialist Party and the Free Democrats.

No legal impediments hinder women's participation in government or the political process, although they are underrepresented in relation to their percentage of the population; only 33 of 386 parliamentary representatives are women, and 1 woman serves in the Cabinet. Few women occupy other leadership positions in the Government or political parties. Despite the lack of ensured minority representation, there are several Members of Parliament, including one ethnic German and one ethnic Slovak, who are members of ethnic minorities; however, none specifically represents their respective minority populations. There are no Romani Members of Parliament.

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

Numerous human rights organizations operate without government restriction or interference. Many NGO's report that the Government is generally responsive to their requests for information. An increasing number of NGO's are involved in the law-making process. However, individual police units and prosecutors reportedly are uncooperative at times, particularly in cases involving Roma or police abuses. There is also a 21member parliamentary Committee for Human, Minority, and Religious Rights.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against

Roma. This is due to widespread prejudice, lack of positive reporting, and lack of opportunity for advancement.

Women.—Spousal abuse is believed to be common, but the vast majority of such abuse is not reported, and victims who come forward often receive little help from authorities. While there are laws against rape, often it is unreported for cultural reasons. Police attitudes towards victims of sexual abuse are often reportedly unsympathetic, particularly if the victim was acquainted with her abuser. Laws recognize rape within marriage. Women's rights organizations claim that 1 woman in 10 is a victim of spousal abuse and that societal attitudes towards spousal abuse are "archaic." In 1999 there were 4,668 reports of crimes against family, youth, and sexual morality; 4,589 such crimes were reported in 1998. In 1999 women were the victims of 103,855 crimes; they were the victims of 106,211 crimes in 1998.

The law does not prohibit sexual harassment in the work place. A 1995 report prepared under the auspices of the U.N. to evaluate compliance with the Convention on the Elimination of Discrimination Against Women termed sexual harassment in the workplace as "virtually epidemic." Women's groups report that there is little support for efforts to criminalize sexual harassment, and that harassment is tolerated by women who fear unemployment more than harassment. Under present law, acts of sexual harassment may be prosecuted under the defamation statutes (if violent, they are considered sexual misconduct).

Legally women have the same rights as men, including identical inheritance and property rights. In September 1999, the Office for Women's Issues started operating an anti-discrimination hot line, which operates 10 hours a day and offers free legal advice to women who feel that they were discriminated against with respect to employment. According to the head of the office, the hot line receives 20 to 30 calls per day. While there is no overt discrimination against women, the number of women in middle or upper managerial positions in business and government remains low, although the number of women in the police and the military has risen significantly over the past several years, with significant increase in 1999. Women are heavily represented in the judiciary and in the medical and teaching professions. A Women's Representative office was established in the Ministry of Social and Family Affairs to address women's issues more effectively. As of August 1, the Women's Representation Secretariat became an independent department within the Ministry.

Children.—The Government is committed to children's rights. Education is mandatory through 16 years of age, and employment is illegal below the age of 15. There is no societal pattern of child abuse, although NGO's report that neglect and abuse are common in state care facilities. In 1999 children were the victims in 8,977 crimes, while in 1998 they were the victim of 8,769 crimes.

People with Disabilities.—Government sources estimate that between 600,000 and 1 million persons (6 to 10 percent of the population) are disabled. Of these, 300,000 to 350,000 are considered seriously disabled and receive increased government benefits. A law that was passed in 1998 requires that all public buildings be made accessible to the disabled within 10 years. A Council for the Disabled was established in January 1999, under the chairmanship of the Minister of Social and Family Affairs. The Council serves as an advisory board to the Government. At present services for the disabled are limited, and most buildings are not wheelchair accessible. A 1997 decree requires all companies that employ over 20 persons to reserve 5 percent of their jobs for the physically or mentally disabled, with fines of up to 75 percent of the average monthly salary for noncompliance. In 1999 such fines yielded \$6 million (approximately 1.77 billion Huf) for rehabilitation funds for the disabled. While the Government appears to be ready to consider reviews for mentally disabled patients under limited guardianship, U.S.-based NGO Mental Disability Rights International (MDRI) and local NGO Hungarian Mental Health Interest Forum (PEF) note that contrary to internationally recognized norms, no review procedures exist for patients under plenary guardianship. MDRI and PEF also criticize the use of cages in government facilities for the mentally disabled.

Religious Minorities.—Early in the year, the Council of Europe's Commission Against Racism and Intolerance published a report that criticized the "latent anti-Semitism" in some media, in some elements of Parliament, and in society.

On November 2, some 30 gravestones were vandalized in Budapest. The damage to the stones was estimated to be \$16,000 (5 million Huf).

In July 1999, two skinhead members of the Arrow Cross Movement admitted to defacing 15 graves in a Jewish cemetery in Szombathely. The skinheads painted anti-Semitic graffiti on gravestones shortly before a Holocaust commemoration was to take place on July 3 in the cemetery. The desecration was criticized sharply by President Goncz. In November 1999, a municipal court found the two youths guilty and sentenced one skinhead to 1 year in prison, which was commuted to 3 years' probation, while the second skinhead was sentenced to 8 months in prison, which

was commuted to 2 years' probation. No new incidents of skinhead violence were reported during this year.

In August 1999, the "Protocols of the Elder of Zion," a notorious anti-Semitic forgery, was published and available for purchase in a Hungarian translation for the first time since World War II. The Jewish community in Nagykoros filed a complaint against the publication with the Prosecutor General. The publication also was criticized by the Calvinist Church and the Catholic Church, which expressed concern over the increasing problem of lack of "respect and tolerance" toward various religious communities. Also in August 1999, the Ministry of National Cultural Heritage criticized any defamation of religion and announced that it supported a call by the Confederation of Hungarian Jewish Communities (MAZSIHISZ) for the publication of a scholarly work in the country addressing the book's false claims. The Ministry of Culture later sponsored a lecture and reception to introduce that book.

In November 1999, MAZSIHISZ asked the Cabinet to take action against "Fascist, racist, and anti-Semitic" outbreaks that were a source of public concern. The organization objected to the planned rehabilitation of the country's World War II Prime Minister Laszlo Bardossy, the desecration of Jewish cemeteries, and the publication of anti-Semitic books. MAZSIHISZ argued that the law should be changed to prohibit the denial of the Holocaust. In response to the concerns of the Jewish Community, Orban tasked an official in the Ministry of Culture to oversee issues of concern to the Jewish community.

MAZSIHISZ and international Jewish organizations criticized as unfair a 1998 decision by the Government to provide \$128 (30,000 Huf) each to the heirs of Holocaust victims. In February 1999, the president of MAZSIHISZ said that hundreds of Holocaust survivors were returning compensation payments to the Government, protesting that the small amounts were an insult. Previous awards to the heirs of victims distributed by the Communist regime were \$4,255 (1 million Huf). The Orban Government provided the 30,000 Huf figure as a line item in the Fiscal Year 1999 budget, stating that this amount was all that could be paid out without budget imbalances. Opposition parties were seeking to hold a special parliamentary session on this and other issues, but the Government was opposed to resolving the issue in this manner. Although the figure of \$128 was accepted originally by the leaders of the Jewish Community who had negotiated with the Government, it generally is agreed that the amount is too small, and it is a matter of ongoing renegotiation. In December the Constitutional Court ruled that the negotiated amount was unconstitutional. After this ruling, the Prime Minister instructed the Ministry of Justice to investigate the matter further and to draw up a new compensation proposal.

On March 20, the Budapest court sentenced Ehrem Kemal (Gyorgy Kemal in Hungarian) to 2 years imprisonment for inflammatory anti-Semitic speeches made in 1997. The sentence was suspended and replaced with 5 years probation. Kemal has appealed, and the case has been forwarded to the Supreme Court.

National/Racial/Ethnic Minorities.—The 1993 Law on National and Ethnic Minorities' Rights recognizes individuals' minority rights, as well as establishes the concept of collective rights of ethnic minorities, and states that it is their inalienable collective right to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. For an ethnic group to be recognized as such it has to have at least 100 years' presence in the country, and its members have to be citizens. On this basis, minority status is granted specifically to 13 national or ethnic groups (among which Roma are by far the most numerous). Other groups may petition the Chairman of Parliament for inclusion if they believe that they fulfill the requirements.

The law considers the establishment of local minority selfgovernments as a precondition for the enforcement of the rights of ethnic minorities. For this reason, local minority selfgovernment elections, in conjunction with local government elections, have been held since 1994. Any of the 13 minorities can set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements. Since ethnicity is not registered officially, voting on minority selfgovernments is not limited to the minorities themselves; all the voters receive a minority ballot in addition to the local government ballot. The elected local minority self-governments can elect their national minority self-governments; all 13 minorities have formed national self-governments. To improve cooperation between local and national minority self-governments, the establishment of county level self-governments is planned for next year. This model of minority self-government has been criticized mainly on two grounds: first, several minority representatives have objected to the fact that members of the majority can vote for minority candidates and thus influence minority politics. The Government is currently collecting proposals for an amendment to the minority law

to define more precisely both the competencies of minority self-governments and their source of financial support. Second, critics call for an increase in the competence of the minority self-governments and considerably more financial resources for them. However, this would require modification of the law, which is not expected in the near future.

There were 770 Romani minority self-governments elected in the local elections in October 1998, a significant increase over the 477 elected self-governments in the first minority elections held in 1994. The new self-governments began operating in January 1999. Of these, 738 continue to function; the discrepancy reflected the number that ceased functioning between 1999 and this year due to a lack of funds. With some funding from the central budget and some logistical support from local governments, these bodies seek to influence and oversee matters affecting minorities. The Romani minority poses a special challenge for the system of national minority self-governments. In contrast to other minorities for whom the preservation of their identity and culture is the basic goal, the Roma also have to contend with the fact that they generally belong to the lowest socio-economic strata of Hungarian society. Ethnicity and poverty coincide with Roma; therefore, the Romani self-governments are faced with the task of improving the lives of their constituents with no additional resources. The concept of minority self-governments is in itself new, and policies still are evolving.

In 1995 Parliament appointed an Ombudsman—currently an ethnic German—specifically charged with defending minority rights.

Roma constitute at least 5 percent of the population, with some estimates going as high as 9 percent. In view of the higher birth rate among Roma compared with the general decline in the Hungarian population, this percentage is likely to remain constant or grow. This fact causes concern among a substantial portion of the majority population. Germans, the second largest minority group, constitute about 2 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians are recognized as ethnic minorities. Ethnicity and religion are only optional questions, so this may or may not provide a more accurate estimate of the actual numbers of the minority populations.

Education is available to varying degrees in almost all minority languages. There are minority-language print media, and the state-run radio broadcasts 2-hour daily programs in the mother tongue of major nationalities, i.e., Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carries a 30-minute program for each of the larger minority groups, complemented by 5-minute weekly news bulletins.

Conditions of life for the Romani community are significantly worse than among the general population. Roma suffer from discrimination and racist attacks and are considerably less educated, with lower than average incomes and life expectancy. The percentage of the country's Roma graduating from high school in 1993 was 1.6 percent compared with 23.8 percent for non-Roma; only 0.24 percent of Roma graduated from university compared with 9.45 percent for non-Roma. The unemployment rate for Roma is estimated to be 70 percent, over ten times the national average. With unemployment benefits exhausted and social services stretched thin, Roma often confront desperate situations. As of January 1, the Government has reduced the limit on unemployment benefits from 1 year to 9 months, which affects the Romani community disproportionately, with its high unemployment rate, and exacerbates the poverty of this large segment of society. This may likely reinforce negative stereotypes of Roma as poor, shiftless, and a social burden.

Roma continue to suffer widespread discrimination in education, housing, and access to public institutions, including restaurants and pubs. Roma and other civic organizations highlighted the practice of placing Roma children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in a form of de facto segregation. Although the children could be returned to the regular school system, only a small percentage return. In September 1999, the Minister of Education and the parliamentary Ombudsman for Minority Rights announced at a press conference that there is segregation in the country's educational system. The statement followed the publication of a report by the Ombudsman's office that found that the high proportion of Romani children in "special schools" for the mentally disabled was a sign of prejudice and a failure of the public education system. Schools for Roma are more crowded, more poorly equipped, and in markedly poorer condition than those attended by non-Roma. Only 1.5 percent of the Romani community graduate from high school, while 0.001 percent graduate from college or university. There are programs aimed at increasing these numbers (the Romaversitas program supports Romani students finishing degrees in institutions of higher education), and there are Departments of Roma Studies in the

Teachers' Training College in Pecs and Zsambek. However, the impact has yet to be significant. The Hungarian Helsinki Committee found that there are 132 segregated schools throughout the country. The Government contests these claims of human rights organizations and states that the Romani schools are designed to provide intensive help for disadvantaged children. An interministerial committee was established in the fall of 1999 and is led by the Minister of Justice. This committee was tasked with assigning Romani affairs desk officers in each ministry. There is currently such a desk officer in the Ministry of Education, who is himself a Rom. Several ministries have already accomplished this task, including the Ministry of Education, whose desk officer is a Rom.

In what is considered a landmark case, in July 1998 a court ordered a bar owner in the city of Pecs to pay a \$750 fine and take out a newspaper advertisement apologizing for refusing to serve a Rom.

Local officials have in some cases taken advantage of rules prohibiting overcrowded, unsafe, or unsanitary housing, or have punished nonpayment of utility bills by evicting Roma families, among others, from residences without providing alternative housing as the law requires. The European Roma Rights Center (ERRC) has reported cases of forced evictions during the year. For example, in the town of Ozd, ERRC visited apartment buildings from which Roma were forced to leave for renovations, many without having been given alternative housing for the duration and who may return only if they pay high fees for the costs of renovation. In some areas, this relocation and concentration of Roma populations has, in effect created ghettos. During the summer, laws on the tenancy of flats were amended to ease administrative procedures for evicting squatters. Under the new procedures, notaries public may authorize evictions and are required to enforce the order within 8 days, even if an appeal has been filed against the decision. Local NGO's worry that Roma families will bear the brunt of the new rules, saying that it expands the power of local officials to remove Roma from their homes.

The Government sponsors programs both to preserve Romani languages and cultural heritage and to assist social and economic assimilation. Oversight and budgetary control of the Coordination Council for Roma Affairs and the Office of National Ethnic Minorities were shifted from the Prime Minister's Office to the Ministry of Justice. In July 1999, the Government published an action plan designed to improve living conditions in Romani communities, with specific focus on public health, education, and work training. However, the plan provides no additional funds; rather, it redistributes already inadequate resources.

Early in the year, the Council of Europe's Commission Against Racism and Intolerance published a report that criticized the living conditions of the country's Roma population. It contends that the legal protection of Roma is ineffective and that regulations banning discrimination are insufficiently implemented. Government officials stress that the situation of the country's Roma is an issue that it is addressing.

Widespread popular prejudice against Roma continues. Police commonly abuse them (see Section 1.c.). Foreigners of color reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO), which documents assaults on nonwhites, reported a gradual decrease in the number of such incidents over the past several years, with three such cases in the first 9 months of the year. However, MLKO sources believe that many cases go unreported.

In 1997 changes to the Penal Code made it easier to enforce and stiffen penalties for hate crimes committed on the basis of the victim's ethnicity, race, or nationality. The law has already been applied several times.

In March the Prime Minister's Office brought legal action against Peter Szegvari, a high-ranking official in the office, for having suggested that contraceptives be distributed to the Romani population to combat "excessive multiplication."

In October 1999, a group of skinheads attacked two Roma at a pub in Kakucs. One Rom suffered serious injuries as a result of the beating. Local police began an investigation in the case, but no results were reported by year's end.

In August 1999, a group of approximately 30 persons attacked a Romani family in a village near Nyiregyhaza. The attackers beat male members of the family, eight of whom were treated in the hospital for injuries. Local police reported that they interrogated two suspects in the case.

Discrimination, poverty, and unresolved social problems continue to drive Roma emigration. In July, 47 members of a Roma clan from the village of Zamoly made the news this year when they applied for refugee status in France and indicated their intent to file suit against the Hungarian Government at the Strasbourg International Human Rights Court. Following 3 years of increasing tensions over adequate housing between members of the clan and the local community, 47 members of the family travelled to Strasbourg, where they have sought asylum. The Strasbourg court has agreed to review that asylum case and is temporarily housing

and maintaining the 47 applicants. In 1998 an investigation by the Ombudsman for Minority Affairs concluded that the local mayor had indeed denied basic social services due to the Roma. The Ministry of Foreign Affairs reacted to the asylum claims by announcing that the Roma family was free to return.

Section 6. Worker Rights

a. The Right of Association.—The 1992 Labor Code recognizes the right of unions to organize and bargain collectively and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views. With the exception of military personnel and police officers, they also have the right to strike. Under a separate 1992 law, public servants may negotiate working conditions, but the final decision on increasing salaries rests with Parliament.

The largest labor union organization is the National Confederation of Hungarian Trade Unions, the successor to the former monolithic Communist union, with over 735,000 members. The Democratic League of Independent Unions and the Federation of Workers' Councils have approximately 100,000 and 56,000 members, respectively.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with European and international trade union bodies.

b. The Right to Organize and Bargain Collectively.—The Labor Code permits collective bargaining at the enterprise and industry level, although the practice is not widespread and is discouraged actively in the growing private sector. Labor organizations appear willing to cooperate with one another; this is particularly evident in their relationship in forums such as the National Labor Affairs Council (OMT), which succeeded the Interest Reconciliation Council in April and which provides a forum for tripartite consultation among representatives from management, employees, and the Government. The OMT discusses issues such as wage increases and the setting of the minimum wage, which is negotiated centrally within the OMT in order to control inflation. Individual trade unions and management may negotiate higher wages at the plant level. The new Government disbanded the Ministry of Labor and split its work between the Ministry of Economy (covering policy issues) and the newly created Ministry of Social and Family Affairs (covering employment issues and responsible for drafting laborrelated legislation). In January the Government assigned all labor responsibilities to the Ministry of Economy. Employers are prohibited from discriminating against unions and their organizers. The Ministry of Economy enforces this provision.

There are no export processing zones per se, but individual foreign companies have been frequently granted duty-free zone status for their facilities.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that performed by children, and the Ministry of Economy enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children (see Section 6.c.). The Labor Code forbids labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts, hard physical labor, and guaranteed overtime payments. The National Labor Center enforces these regulations in practice, and there does not appear to be any significant abuse of this statute. Education is compulsory through age 16. Roma are far more likely than non-Roma to stop attending school before age 16. The Government converted the family allowance into a school attendance allowance in September. This measure was intended to "force" children to go to school, but some Romani NGO's fear that this may be another form of discrimination against Roma, many of whom live in small villages with no high schools within manageable distance. Furthermore, the extreme poverty of many Roma makes it difficult for them to clothe their children appropriately for school. Taking away the family allowance is thus seen by Roma as punishment for neglecting to do something that they cannot afford. By the Government, however, it is perceived as a way to provide incentives for greater commitment to education among Roma and as an effort to end a cycle of poverty in which impoverished Roma bring up large and illiterate families, whose members themselves later may become public burdens.

e. Acceptable Conditions of Work.—The OMT establishes the legal minimum wage, which is subsequently implemented by Ministry of Economy decree. The minimum wage, \$85 (25,500 Huf) per month, is insufficient to provide a decent standard of living for a worker and family. This is only 35 percent of the average wage. Many workers supplement their primary employment with second jobs, and there are reports that many citizens, while officially earning the minimum wage, actually make

more. Reporting the minimum wage is a way for both employer and employee to avoid paying higher taxes.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, annual and sick leave entitlement, and labor conflict resolution procedures. Under the Code, the official workday is set at 8 hours; however, it may vary depending upon the nature of the industry. A 24-hour rest period is required during any 7-day period.

Labor courts and the Ministry of Economy enforce occupational safety standards set by the Government, but specific safety conditions generally are not consistent with internationally accepted standards. The enforcement of occupational safety standards is not always effective in part due to the limited resources that the Ministry of Economy is able to commit to enforcement. In theory workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment. Foreign firms generally meet or exceed international standards for occupational safety.

f. Trafficking in Persons.—Although the country was once primarily a source for women and children trafficked for the purpose of forced prostitution, it increasingly is a transit and destination point as well. Hungarian women are trafficked to Western Europe or other parts of the world, primarily to Austria, Belgium, Germany, Italy, and the Netherlands but also to Canada, Japan, Spain, Switzerland, and Turkey. Hungary receives persons from Eastern Europe, especially from Russia, Ukraine, and Romania, who either use the country as a point of transit, or who remain in the country as their final destination. According to the Office of International Migration (IOM), in 1998 3,200 persons were trafficked in the country, which makes up one quarter of all illegal migrants apprehended. In 1999 348 human smugglers were arrested, while this year the number rose to 569. These figures include both those who assist in the illegal migration of others and those trafficking in persons. The penalty for trafficking is between 1 and 5 years in prison; however, if an organized trafficking ring is involved, the sentence can be doubled. A recent amendment to the alien law provides for immediate expulsion from the country of foreign traffickers. The Government has concluded agreements with 10 European countries to facilitate improved police cooperation to combat organized crime and trafficking in persons. However, prosecution of traffickers is difficult because there is no legislation to protect victims. Parliament passed a resolution in July 1999 that called for a victim protection plan to be implemented no later than August 2001. Initial steps already taken include the creation of a Victim Protection Office in the Ministry of Interior, the establishment of a victim protection fund, and the posting of information brochures on victim protection in every police station. Branches of a new Victim Protection Office, which provide psychological support services and legal advocacy for victims, safeguard their rights, and attempt to minimize the trauma of trials, began operating in a few towns in the fall of 1999. This office does not deal exclusively or even primarily with victims of trafficking.

Many of the victims of trafficking are brought to the country by organized crime syndicates, either for work in Budapest's thriving sex industry or for transit to Western Europe or North America, to which some Hungarian smuggling rings also provide babysitters, housekeepers, and manual laborers. Russian-speaking organized crime syndicates are active in trafficking women primarily from Ukraine and other countries of the former Soviet Union to the EU via Hungary. Hungarian victims are mainly young women, although they also include men, middle-aged women, and children. They are recruited at discos and modeling agencies, through word-of-mouth, or even through open advertisements in local papers and magazines. Some know that the purpose of the trip is to perform illegal work, while others simply think they are using a back-door means of attaining a visa. Others plan to work but believe that the appropriate papers and permission will be obtained by the organizers, who turn out to be traffickers. IOM continued a program funded by the European Union to raise awareness of the problem of trafficking and to educate potential victims.

ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. The judiciary is independent.

Elected officials control the police force, which scrupulously observes and enforces the laws that ensure protection of human rights.

Iceland has a mixed, open economy that provides residents with a high standard of living. The leading exports, fish and other marine products, account for almost 70 percent of export revenues. An abundance of cheap hydroelectric power provides a comparative advantage for the main manufacturing activity—aluminum smelting. Aluminum is the second leading export. Growth was expected to approach 4 percent in 1999.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Human rights monitors expressed concern about the Government's frequent use of solitary confinement for remand prisoners. The Government is taking steps to deal with violence against women. Some societal discrimination against women persists, especially in the area of equal pay. Instances of suspected trafficking in women were reported.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by law and do not occur.

Prison conditions generally meet minimum international standards. Most of the country's small prison population (less than 100 inmates total) is held at Litla Hraun Prison in Reykjavik, which includes a state-of-the-art detention facility opened in 1995. However, the prison system still uses a substandard jail (Hegningarhúsið in downtown Reykjavik) to hold a small number of prisoners, where the individual cells lack toilets and sinks.

Human rights monitors have expressed concern about the use of illegal drugs by some inmates at Litla Hraun Prison and about the lack of social services to help inmates overcome drug addiction and prepare them for eventual release. Despite the small inmate population at Litla Hraun, the authorities have not been able to stop narcotics from being smuggled into the prison.

In a 1999 report, the European Committee for the Prevention of Torture (CPT) expressed concern during its visit to Litla Hraun prison in 1998 that nearly all detainees still were placed in solitary confinement while their cases were under investigation. While the average duration of solitary confinement was between 2 and 3 weeks, the CPT noted that in some cases, solitary confinement lasted up to 3 months. Under the strictest form of solitary confinement, prisoners cannot leave their cells, except briefly to exercise alone or to use the showers, and are not allowed to listen to the radio, watch television, or receive visitors other than their lawyers, the prison doctor, and a chaplain. In November 1999, the supervising doctor at Litla Hraun wrote to prison authorities, warning that the mental health of several prisoners awaiting trial on drug trafficking charges could be in danger due to the extended time that they were expected to spend in solitary confinement.

In a preliminary response to the CPT report on September 30, 1999, the Government argued that solitary confinement was absolutely necessary in some circumstances to keep suspects from tampering with witnesses, destroying evidence, or hindering the investigation. On the other hand, it conceded that "in the vast majority of cases" incarceration alone was sufficient to protect the integrity of witnesses and evidence. However, the Prison and Probation Administration's statistics show that solitary confinement has been the rule rather than the exception, with most of those arrested being placed into solitary confinement, at least initially.

In May the European Court of Human Rights ruled in favor of an Icelandic woman who had been denied compensation for wrongful arrest on the grounds that she had not cooperated with police. The woman was held in solitary confinement for 5 weeks in 1989 in connection with a drug case before being cleared and released. The Government since has changed the law to make it easier for victims of wrongful arrest to receive compensation, recognizing the principle that all detainees should be presumed innocent until proven guilty.

With the closing of the Sudumuli remand prison in 1996, the Government passed a law in 1998 that allows pretrial detainees to be incarcerated with the general prison population. Some human rights monitors claim that this law is inconsistent with the country's obligations under the European Human Rights Convention and European prison rules issued by the Council of Europe.

Juveniles who are 15 years of age or older can be sentenced to prison terms, but the vast majority of juvenile offenders are given probation or suspended sentences

or agree to attend a treatment program instead of going to jail. In the rare instances when juvenile offenders are incarcerated, they are confined with the general adult prison population due to the lack of a separate detention facility for juveniles. In its 1999 report, the CPT stated that it was "very concerned" about the current situation and recommended that the Government take "immediate steps ... to ensure that juvenile prisoners are held separately from adults." In signing the U.N. Convention on the Rights of the Child in 1990, the Government entered a reservation on the provision requiring the separation of adult and juvenile prisoners. Government officials said that it is not practical to establish and operate a separate facility for juvenile prisoners in a small country like Iceland because the requirement to incarcerate a juvenile occurs so infrequently.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions.

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

There are two levels of courts. A five-member Judicial Council appointed by the Minister of Justice administers the district courts, while the Supreme Court guards its independence and fairness by administering itself. All judges, at all levels, serve for life.

The judiciary provides citizens with a fair and efficient judicial process. Juries are not used, but multijudge panels are common, especially in the Supreme Court, which hears all appeals. Depending on the seriousness of the case, a Supreme Court panel can include from three to seven judges. Defendants are presumed innocent. They are provided access to legal counsel of their own choosing with sufficient time to prepare their defense. For defendants unable to pay attorneys' fees, the state covers the cost, as set by the court, but defendants are required to reimburse the state. Defendants have the right to be present at their trial, to confront witnesses, and to participate otherwise in the proceedings. No groups are barred from testifying, and all testimony is treated alike. The courts have the discretion to allow the introduction of evidence obtained illegally by the police. With limited exceptions, trials are public and conducted fairly, with no official intimidation. Defendants have the right to appeal.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

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

c. Freedom of Religion.—Although the official state religion is Lutheranism, the Constitution provides for freedom of religion, and the Government respects this right in practice. The salaries of Lutheran ministers are paid by the state. Citizens 16 years of age and above are presumed to be members of the state church and are required to support the church by paying a tax, unless they designate another religious denomination to receive their tax payment. The religion tax payment of persons who choose not to belong to any specific, organized religious group goes to the University of Iceland. Religious instruction in Christianity is required in the public schools, although students may be exempted.

A new law passed by Parliament in December 1999 (Law No. 108) sets specific conditions and procedures that religious organizations must follow in order to be recognized officially and registered by the State. Such recognition is necessary in order for religious organizations other than the state church to receive a per capita share of church tax funds. The 1999 law is narrower in scope than the 1975 law it replaced and applies only to religious organizations that are seeking to be, or are already, officially recognized and registered. No restrictions or requirements are placed on unregistered religious organizations, which have the same rights as other groups in society. The law is considered necessary to deal with frequent attempts by individuals to obtain recognition of religious organizations simply to receive the tax income benefits.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

Although neither the Constitution nor the 1965 Law on the Supervision of Foreigners includes provisions for granting refugee or asylee status in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 protocol, in practice the Government adjudicates cases in accordance with their principles. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross, and other humanitarian organizations in assisting refugees.

However, human rights monitors have expressed concern about the lack of a modern and comprehensive immigration law to govern the processing of asylum seekers and to provide a framework for the handling of foreigners and immigrants in general. In particular there is concern that the Supervision of Foreigners Law gives police and custom officers at ports of entry too much discretion to deny admission to asylum seekers whose claims they deem to be not "credible."

In response the Government states that official discretion is rarely exercised and that none of the 42 individuals who were denied entry to the country during the first 9 months of 2000 requested asylum. Nevertheless, many government officials agree that a comprehensive and modern immigration law is necessary.

In view of the country's geographic isolation and the lack of direct transportation from any traditional source of refugees, the question of first asylum rarely arises. However, the Directorate of Immigration (which is responsible for adjudicating applications for asylum) and the Icelandic Red Cross (which houses and assists asylum seekers under a contract with the Government) report that 24 individuals applied for asylum during the year, compared with 17 in 1999. None was found to qualify for refugee status (several cases were still under consideration or on appeal), but the 1999 application of an individual who claimed to be 17 years old and fleeing persecution in central Africa was approved. It was the first application for asylum status ever approved. There were no reports of asylum seekers being detained or forcibly expelled during the year.

The Government accepted 23 UNHCR-designated "quota" refugees from the former Yugoslavia during the year, continuing a program begun in 1996 of bringing in 20 to 25 refugees from the region each year. In 1999 the Government also admitted 75 Kosovar refugees into the country, 37 of whom since returned to Kosovo with the financial support of the Government. Local government authorities in the towns where refugees settle take a strong interest in helping them adapt to their new environment. The Icelandic Red Cross, in cooperation with the Refugee Council of the Ministry of Social Affairs, developed a support family program, whereby at least three Icelandic families are enlisted to assist each refugee or refugee family. The refugees immediately are granted work permits and assisted in finding jobs. For the first year, they also are given free housing, utilities, and health care and receive a stipend so that they can participate daily in a special half-day language course designed specially for them. Refugees generally are successful in assimilating into society, but their children generally drop out of school earlier than children of citizens.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The most recent elections to the Althingi (unicameral Parliament) were held in May 1999.

Women are underrepresented in government and politics, but no legal or practical impediments hinder their participation. Some human rights monitors criticized the Minister of Justice (herself a woman) for filling a vacancy on the Supreme Court during the year by choosing the sole male candidate (who had never served on the bench) over three experienced female district court judges. Only one of the nine Supreme Court justices is a woman. Similarly, only 2 of 12 ministerial permanent secretaries (civil servants who function as deputy ministers) are women.

Women have greater representation in politics. Of the 12 government ministers, 4 are women, and women hold 24 of the 63 seats in Parliament. There has been a marked increase in the number of female parliamentarians elected since the Women's List (WL), a feminist political party, was founded in 1983. The WL forced the established political parties to nominate more female candidates or face losing support. The WL disappeared from the scene as the result of a political party merger, but its legacy survives. Women's issues have moved into the mainstream of political debate, and all of the major political parties now have at least one woman in a prominent leadership position.

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

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

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

The country's ethnically homogenous population is strongly egalitarian and opposed to discrimination based on any of these factors. The law and practice generally reflect this attitude.

Women.—Violence against women continued to be a matter of concern. A public women's shelter offers counseling and protection to victims of domestic violence and their children. Approximately 340 women used the shelter during the year, 94 of whom sought temporary lodging, while the rest asked for counseling or information. About 60 children accompanied their mothers to the shelter during the year. At a rape trauma center, between 300 and 400 women and children seek assistance annually. Both facilities are financed by national and municipal governments, as well as by private contributors. The emergency ward of the National Hospital in Reykjavik has a special staff to care for rape victims. It reports approximately 100 visits per year associated with incidents of sexual abuse.

A police program to train officers in correct interrogation procedures in rape and sexual abuse cases appears to be addressing prior concerns that police indifference and hostility to female victims did not assure proper attention and consideration for victims of such abuses. Parliament passed legislation in May that gives courts the power to issue restraining orders, an action that human rights monitors praised as a potentially useful legal tool in keeping abusive husbands away from their spouses.

A large majority of victims nevertheless decline to press charges, and even more forgo trial, fearing publicity in this small, tightly knit society. With an increasing number of interracial marriages, mostly involving Icelandic men and Asian women, there is concern that these new Asian immigrants are not assimilating well into local society and could be vulnerable to mistreatment. To address this concern, the city of Reykjavik offers these immigrant women emergency accommodation, counseling, and information on legal rights, language training, and Icelandic societal norms.

There were indications that some foreign women were trafficked to work as strip-tease dancers or prostitutes against their will (see Sections 6.c. and 6.f.). The sale of sex for money is not illegal per se, but it is against the law for someone to engage in prostitution as his or her main source of income. It is also illegal to act as an intermediary in the sale or procurement of sex.

The rate of participation by women in the labor market is high. In part this reflects the country's comprehensive system of subsidized day care, which makes it affordable and convenient for women to work outside the home. The Act on the Equal Status of Men and Women requires that preference be given to the hiring and promotion of women in areas where they are underrepresented, as long as they are equal in all other respects to their male job seekers. Despite laws that require equal pay for equal work, a sizeable pay gap continues to exist between men and women. A survey by a union in Reykjavik showed that women, on average, earned 30 percent less than men. A 12 percent difference in pay is attributable to the fact that men work 4.2 more hours per week than women, but the rest of the gap is unexplained.

Parliament passed legislation during the year that gives fathers the same right as mothers to paid leave upon the birth of a child. When the law is fully implemented in 2003, both mother and father will be allowed to take 3 months of paid leave, with an additional 3 months that can be taken by either parent or shared between them. Previously, a mother was given 6 months of paid maternity leave and the father just 2 weeks. The new leave requirements apply equally to the public and private sectors.

Children.—The Government demonstrates its strong commitment to children's rights through its well-funded systems of public education and medical care. School attendance is compulsory through the age of 15. About 85 percent of students continue to upper secondary education, which is financed completely by the State. The Government provides free prenatal and infant medical care, as well as heavily subsidized childcare. The Office of the Children's Ombudsman in the Prime Minister's Office has a mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, government decisions, and public attitudes.

There is no societal pattern of abuse directed against children.

In an effort to improve the rate of prosecution of child sexual abuse and lessen the trauma to the child, the Government in 1998 established the Children's Assessment Center. The objective of the center is to create a safe and secure environment where child victims feel more comfortable talking about what happened to them and are not subjected to multiple interviews. The center brings together police, prosecutors, judges, doctors, and officials from child protection services. However, a 1999 change in the Code of Criminal Procedure inadvertently undermined the center by making judges (instead of the police) responsible for the investigatory interview of abused children and by allowing these interviews to be conducted in specially designed rooms at district courthouses. In September the Supreme Court upheld the right of a Reykjavik district court judge to hold an investigatory interview in the courthouse rather than at the assessment center. As of September, only about 20 percent of child sexual abuse cases were being handled through the center, a development that human rights monitors claim is a step backwards in the protection of children's rights.

People with Disabilities.—Disabled individuals are not subject to discrimination in employment, education, or the provision of other state services. A 1992 law calls for the disabled to have the right to "all common national and municipal services" and provides that they be given assistance to "make it possible for them to live and work in normal society with others." The law also provides that the disabled should receive preference for a government job when they are qualified equally, or more qualified, than regular applicants.

Building regulations updated in 1998 call for public accommodations—such as hotels, restaurants, banks, and stores—as well as government buildings to be accessible so that persons in wheelchairs have access without assistance. Building regulations also specify that elevators in such buildings should be large enough to accommodate wheelchairs and that 1 percent of parking spaces (a minimum of one space) should be reserved for disabled use only. Moreover, the regulations specify that, to the extent possible, the sidewalk outside the main entrance of a public accommodation or government building should be heated so that it remains clear of ice and snow throughout the winter.

The 1997 Planning and Building Act provides that violations of these regulations are punishable by a fine or a jail sentence of up to 2 years. However, the country's main association for the disabled complains that enforcement is lax and that penalties are rarely assessed for noncompliance. Access to new buildings tends to be good, while efforts to make old buildings more accessible have lagged. A government committee is currently doing a systematic survey of all state-owned buildings in the country to evaluate their accessibility. Since 1995 the Reykjavik city government, in cooperation with local associations representing bicycle riders and the blind, has been systematically beveling sidewalks at intersections throughout the city to facilitate the movement of pedestrians, bicyclists, and disabled persons in wheelchairs. The city is spending about \$175,000 a year on this project, which it aims to have completed by 2006.

In what was heralded as a major human rights victory for the disabled, the Supreme Court ruled in December that the Government's practice of basing a disabled person's social security payment on the income of his or her able-bodied spouse or partner was unconstitutional. The Court said that such means testing violated constitutional protections regarding equality and support for the disabled and that it was contrary to the country's obligations under the International Covenant on Economic, Social, and Cultural Rights. At year's end, the Government appointed a committee to study the court ruling, a move that the Association of Disabled Persons criticized as a delaying tactic. It called on the Government to take immediate action to end the means testing and reimburse disabled persons for past reductions in their social security payments.

National/Racial/Ethnic Minorities.—Concern was voiced during the year that the rapidly increasing number of foreigners being brought into the country to meet the labor shortage in fish processing and other less desirable occupations could lead to future problems, especially in the event of an economic downturn. At the end of 1999, 7,271 foreigners were living in Iceland, or about 3 percent of the population, according to the statistics office. However, persons of foreign origin actually constituted 4 or 5 percent of the population when account is taken of individuals who were born in foreign countries but have since become citizens. New work and residence permits were issued at a rate of about 150 per month during the year. Many of these "temporary" workers come from Central and Eastern Europe and the former Soviet Union, and the Directorate of Immigration expected most of them to seek to remain permanently rather than return to their countries of origin.

Human rights monitors expressed concern about the establishment in 1997 of an ultra-nationalist organization called the Association of Icelandic Nationalists, whose

motto is "Iceland for Icelanders." The avowed aim of the association is to prevent further settlement of foreigners of other than European origin in the country. Some human rights monitors claim that the Government is not living up its obligations under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination because there is no law that prohibits organizations that promote and incite racial discrimination.

Section 6. Worker Rights

a. The Right of Association.—Workers make extensive use of the right provided by the Constitution to establish organizations, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views. The resulting organizations are controlled neither by the Government nor by any single political party. Unions take active part in Nordic, European, and other international trade union bodies. With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have had and used the right to strike for many years. Approximately 80 percent of all eligible workers belong to unions. During the year, 3 major strikes took place: A 2-week strike in the spring by most of the unskilled and semiskilled labor unions outside of Reykjavik, a 2-month strike during the summer by the main bus drivers' union, and a 2-month strike at the end of the year by secondary school teachers. The teachers' strike, which was the longest such strike in the country's history, led some students to leave school and take up full-time jobs.

b. The Right to Organize and Bargain Collectively.—Union membership is not impeded in law or practice. Employers are required to withhold union dues (1 percent of gross pay) from the pay of all employees, whether or not they are union members. This is because union dues help support, among other things, disability, strike, and pension funds to which all workers are entitled.

The various trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers' pay, hours, and other conditions. New collective bargaining agreements were negotiated in the spring of 2000, and most will expire in either 2003 or 2004. The Government played only a minor role in the bargaining process, providing mediation assistance in a few cases (through the State Mediator's Office) while generally encouraging wage restraint to limit inflation. The new contracts provide that if inflation exceeds expectations during the first year, the unions have the right to seek renegotiation of the wage terms. In recent years, the Government has played almost no role in the private sector collective bargaining process, other than generally to encourage wage restraint that would help to limit inflation.

Labor courts effectively adjudicate disputes over contracts and over the rights provided for in the 1938 Act on Trade Unions and Industrial Disputes, which prohibits antiunion discrimination. By law employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In practice the charges are difficult to prove.

In 1996 Parliament passed legislation updating the labor laws and bringing them into compliance with the European Convention on Human Rights.

There are no export processing or other special economic zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is prohibited by law and does not occur; however, some women reportedly were coerced to work as striptease dancers or prostitutes (see Sections 5 and 6.f.), and work permit practices could leave workers vulnerable to abuse by employers (see Section 6.e.). The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.). The law requires children to attend school until the age of 16 and prohibits the employment of younger children in factories, on ships, or in other places that are hazardous or require hard labor. This prohibition is observed in practice. Children 14 or 15 years old may be employed part time or during school vacations in light, nonhazardous work. Their work-hours must not exceed the ordinary work hours of adults in the same occupation. The Occupational Safety and Health Administration enforces child labor regulations.

The Government ratified ILO Convention 182 on the worst forms of child labor in May.

e. Acceptable Conditions of Work.—No minimum wage is mandated legislatively, but the minimum wages negotiated in the various collective bargaining agreements apply automatically to all employees in those occupations, whether they are union members or not. Union membership is so extensive and effective that labor contracts

afford even the lowest paid workers a sufficient income for a decent standard of living for themselves and their families.

Workers are protected by laws that effectively provide for their health and safety as well as for unemployment insurance, paid vacations, pensions, and reasonable working conditions and hours. The standard legal workweek is 40 hours, which includes nearly 3 hours of paid breaks. Work exceeding 8 hours in a workday must be compensated as overtime. Under changes that took effect during the year, workers are entitled to 11 hours of rest (up from 10 hours previously) within each 24-hour period and to a day off every week. Under defined special circumstances, the 11-hour rest period can be reduced to 8 hours, but the worker must then be compensated with 1.5 hours of rest for every hour he received less than 11 hours. The day off can be postponed by a week, in which case the worker has a right to 2 additional hours off in the following week. Health and safety standards are set by Parliament and administered and enforced by the Ministry of Social Affairs through its Occupational Safety and Health Administration, which can close down workplaces until safety and health standards are met. Workers have a collective, not an individual, right to refuse to work in a place that does not meet the criteria of occupational safety and health. Firing workers who report unsafe or unhealthy conditions is illegal.

However, in the case of newly arrived foreign workers or refugees (i.e., those who have been in the country for less than 3 years), human rights monitors expressed concern that the Government's practice of issuing the applicable work permit to the employer rather than to the individual concerned could leave the worker vulnerable to abuse by the employer.

f. Trafficking in Persons.—The law does not specifically criminalize trafficking in persons; however, a number of provisions in the Penal Code can be used to prosecute such cases.

Although no charges have ever been filed, trafficking in women is suspected in connection with the hundreds of foreign women who enter the country to work in striptease clubs. The main concern is that some of the women, especially those from Eastern and Central Europe, are being brought to Iceland under false pretenses and then coerced to work as striptease dancers or prostitutes. The police believe that the foreign women also may be used to bring illegal drugs into the country.

Parliament passed legislation in May that closed a loophole that allowed striptease dancers to enter the country and perform without a work permit for up to 4 weeks under an exemption given for "artists." Now any foreign woman (except those from the Nordic area and countries of the European Economic Area) seeking to come to the country to work as a striptease dancer must first obtain work and residence permits, which are typically valid for 3 months. However, the Government has not yet put any numerical limits or other controls on the issuance of work permits for foreign striptease dancers. The clubs are allowed to bring in as many as they want. One check is provided by the Icelandic Federation of Labor. The Federation reviews the work permit applications and labor contacts for striptease dancers (under the law, all work permit applications must be reviewed and approved by the "relevant" labor union) and ensures that the dancers are afforded the minimal labor protections and benefits.

The number of women entering the country for such work, while still based on anecdotal evidence, has fallen to a few hundred since they can now stay longer legally. By year's end, there had been no arrests in connection with these activities.

IRELAND

Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. The Government consists of an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, a directly elected president, and an independent judiciary.

The national police (Garda Siochana) are under effective civilian control and have primary responsibility for internal security. Since the police are an unarmed force, the army acts in their support when necessary—the latter under the effective civilian control of the Minister for Defense. Ireland's principal internal security concern has been to prevent the spillover of terrorist violence from Northern Ireland. With the signing of the Good Friday Peace Agreement on April 10, 1998, virtually all parties in Northern Ireland acknowledged the goals of democracy, peace, and reconciliation. All major paramilitary groups, on both sides of the border, have declared permanent cease-fires. Members of the police have committed some human rights abuses.

Ireland has an open, market-based economy that is highly dependent on international trade. Over the last 2 decades it has been a large net recipient of funds from the European Union (EU), and this assistance has helped to address imbalances in the socioeconomic environment. Strong economic growth over the past few years lowered unemployment to 4.4 percent, the lowest in 30 years.

The Government generally respected the human rights of its citizens. Human rights problems arise primarily from: Instances of abuse by the police; prison overcrowding and substandard facilities; the continuation of special arrest and detention authority and the nonjury court; the occasional censorship of films, books, and periodicals; violence and discrimination against women; the abuse of children; and discrimination against asylum seekers and Travellers (an itinerant ethnic community).

As stipulated in the Good Friday Agreement, the Government established a human rights commission in July, which is to cooperate with a parallel commission in Northern Ireland. The human rights commissions are to provide information and promote awareness of human rights, comment on human rights draft legislation referred to them by the legislatures, make recommendations to the governments on the adequacy and effectiveness of laws and practices, and initiate court proceedings or provide assistance to individuals doing so. The Good Friday Agreement also mandates equivalency with regard to protection of human rights in Northern Ireland and the Republic of Ireland. To this end, the Government at year's end was preparing legislation which would allow for an 'interpretive incorporation' of the European Convention on Human Rights into Irish law.

RESPECT FOR HUMAN RIGHTS

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

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

During the year, the Garda in the Republic of Ireland and the Royal Ulster Constabulary (RUC) in Northern Ireland cooperated in questioning 87 persons in connection with the August 1998 Omagh bombing that killed 29 people and injured hundreds. To date only one person, Colm Murphy, has been charged in connection with the bombing. Murphy, an Irish citizen charged with conspiracy to cause an explosion, is expected to stand trial in Dublin in 2001. In October 2000, at the conclusion of the inquests of 28 of the 29 victims, the RUC announced that it knew of 15 suspects responsible for the bombing but lacked evidence sufficient to charge and prosecute them.

In May 1999, the Commission for the Location of Victims' Remains, a joint body made up of representatives from the Republic and Northern Ireland, began efforts to locate the remains of nine persons, termed the "disappeared," abducted and killed by the Irish Republican Army (IRA) in the 1970's.

Pursuant to joint Irish and British legislation granting limited immunity to IRA members involved in these acts, information was given to the Commission by the IRA on the location of the nine bodies. In 1999 the remains of three of the nine victims were recovered and returned to their families. In January 2000 the Commission halted excavations until May, when digging resumed for another 3 weeks following receipt of new information from the IRA. At the end of May, the Commission again suspended the search pending new information from the IRA. Work had not resumed by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and officials generally did not employ them. However, there were instances of abuse of detainees and prisoners. While the mistreatment of persons in police custody is not widespread, detainees filed a number of cases claiming damages for injuries sustained while in police custody.

Human rights organizations have called for the establishment of an independent ombudsman or authority to investigate complaints against the police. It would replace the current statutory board, the Garda Síochána (Police) Complaints Board, through which the Garda authorities investigate alleged misconduct by their peers. In 1999 the Board received 1,264 complaints, a decrease from 1,400 complaints in 1998. The complaints included charges of criminal behavior (mistreatment or abuse). After a review process conducted in accordance with the 1986 Garda Síochána (Complaints) Act, 192 cases were referred to the Director of Public Prosecutions, who directed that members of the Garda Síochána be prosecuted in 9 of those cases. None of the 9 cases reportedly resulted in convictions.

The Board also referred 20 of the complaints to an internal disciplinary body in 1999. Of the nine cases dealt with by year's end, five were found to involve wrong-

doing. The Board in addition sent 28 complaints directly to the Garda Commissioner for disciplinary action.

In response to a pan-European program, "Police and Human Rights 1997–2000," the Garda Commissioner in late 1999 launched the Garda Síochána Human Rights Initiative for 1999–2000 in order to further develop policing practices that uphold human rights. This initiative focused on the training of officers (from the senior level to incoming students), a review of practices and procedures, and increased coordination and cooperation with NGO's. In addition to this initiative, the Government introduced the recording of questioning of suspects in Garda stations, a practice designed to deter further abuse or mistreatment.

Ireland has a low incarceration rate (80 inmates per 100,000 population), and the prison regime is generally liberal. However, the physical infrastructure of many prisons is inadequate. Following charges that prisons are overcrowded and lack in-cell sanitation facilities such as toilets and running water, many are undergoing renovation. In addition prisons lack sufficient health care facilities and services. Cloverhill remand prison and Mountjoy women's prison (the Dochas Center), both unable to accept inmates at their initial openings in 1999, are now fully operational. These new facilities are designed to accommodate a further 1,200 prisoners and thereby help reduce overcrowding.

Prisoners with complaints of mistreatment by prison officials or negligence of health and safety due to prison conditions have ready access to mechanisms for redress. However, according to the Justice Department, no allegations of mistreatment of prisoners were leveled against the Prison Service during the year, and no similar claims were left outstanding from previous years. However, 44 complaints were made in 1998, the last year for which statistics are available. The authorities continued to arrest and incarcerate at Portlaoise prison persons involved in paramilitary activity. Conditions for these inmates are the same, if not better, than those for the general prison population.

Domestic and international human rights monitors are permitted to visit prisons without reservation. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited prisons in 1998. In December 1999, the Government responded to the CPT's report with plans for improving conditions. In May 2000 the Government published a followup report as requested by the CPT.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that no person shall be deprived of personal liberty without due process under the law; however, special arrest and detention authority continued. A detainee has the right to petition the High Court, which is required to order release unless it can be shown that the person is being detained in accordance with the law. The 1984 Criminal Justice Act provides for an initial period of detention of 6 hours, with an extension of another 6 hours when a police officer of the rank of superintendent or above so directs, in cases in which there are grounds for believing that such detention is necessary for the proper investigation of an offense. A continuation of detention of 8 hours overnight is possible, to allow a detainee to sleep.

In cases covered by the 1939 Offenses Against the State Act, the initial period of detention without charge is 24 hours on the direction of a police superintendent; detention can be extended another 24 hours by a judge. This act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense," i.e., one involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the state," it is not restricted to subversive offenses. Therefore, the police have broad arrest and detention powers in any case involving firearms. However, under the terms of the Decommissioning Law enacted in 1997 in support of the Northern Ireland peace process, proceedings may not be instituted against persons in relation to any offense that may be committed in the course of decommissioning illegally held arms in accordance with an approved arms decommissioning scheme.

The 1939 act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State." While this power has not been invoked since the late 1950's, the Government could do so by simply issuing a proclamation.

An amendment to the 1939 Offenses Against the State Act was enacted in the wake of the Omagh bombing in 1998. The amendment allows police to detain suspects in certain crimes, usually involving serious offenses with firearms or explosives, for 48 hours, with a possible 24-hour extension if approved by a judge.

The legislation also curtails the right of silence. Under the amendment, if the accused was informed of the consequences of remaining silent to questions regarding

his whereabouts, associations, or actions, then the accused's silence may be used as corroborative evidence of guilt. The accused person's failure to respond to accusations of membership in an illegal organization also may be used as corroborative evidence of guilt. However, the accused cannot be convicted based solely on his refusal to speak.

Membership in or leadership of an illegal organization carries a possible life sentence under the new amendment (illegal organizations are defined by the 1939 Offenses Against the State Act). The word of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in a serious offense carries a penalty of up to 10 years' imprisonment, a fine, or both. Withholding information that could prevent a "serious" offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years' imprisonment, a fine, or both.

The Government established a committee, chaired by a justice of the district court, to investigate allegations that the legislation violates international human right conventions. The legislation, which was set to expire in June, was extended in July for an additional 12 months. The committee was expected to report its findings by the end of the year.

The 1996 Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking. However, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

Following approval in 1996 of a referendum calling for stricter bail laws, legislation was enacted in 1997 that allows a court to refuse bail to a person charged with a serious offense where it is considered reasonably necessary to prevent the commission of another serious offense. A schedule of serious offenses is contained in the bill; the offense must be one that carries a penalty of 5 years' imprisonment or more. In May the courts implemented the entire bail act following a delay due to a lack of prison accommodations.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system includes a district court with 23 districts, a circuit court with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, a state official with independent status, prosecutes criminal cases. Jury trial is the norm. The accused generally may choose an attorney. For indigent defendants, the State assumes the cost of counsel under the criminal legal aid scheme.

However, the Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." In 1972, under the 1939 Offenses Against the State Act, the government created a nonjury "Special Criminal Court" (SCC) to try "scheduled offenses" (see Section 1.d.). Largely a reaction to the spillover of paramilitary violence from Northern Ireland, the use of the SCC was justified over the years to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. The continued need for the SCC is being kept under review by the Government.

During the first 6 months of the year, the SCC indicted 25 persons and held 14 trials, compared with 25 indictments and 18 trials in all of 1999. In addition to "scheduled offenses," the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC if he certifies that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace.

In lieu of a jury, the SCC always sits as a three-judge panel. Its verdicts are by majority vote. Rules of evidence are essentially the same as in regular courts, except that the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. Sessions of the SCC are usually public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

Under the terms of the Good Friday Agreement, releases continued of those imprisoned for crimes related to the terrorist campaign in Northern Ireland. Prisoners belonging to organizations that have declared permanent cease-fires and who have committed themselves to work through peaceful, democratic means are the only persons qualified for this program. All releases were completed by July.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides individuals with the right to “express freely their convictions and opinions.” However, freedom of the press is subject to the constitutional qualification that it not “undermine public order or morality or the authority of the state.” The publication or utterance of “blasphemous, seditious, or indecent matter” is prohibited by the Constitution. While the press in practice operates freely, the 1961 Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the 1963 Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) are believed to result in some self-censorship.

Broadcasting remains mostly state controlled, but private sector broadcasting continues to grow. There are 43 independent radio stations and an independent television station. Expanded access to cable and satellite television is lessening considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The 1960 Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter that is “likely to promote or incite to crime or which would tend to undermine the authority of the state.” It was on this basis that the government banned Sinn Fein (the legal political front of the Irish Republican Army) from the airwaves from 1971 to 1994. Following Sinn Fein’s agreement to participate in the Northern Ireland peace process and the declaration of the IRA cease-fire, the Government restored Sinn Fein’s access.

The Office of the Film Censor must classify films and videos before they can be shown or sold. Distributors pay fees to finance the censor’s office. Under the 1923 Censorship of Films Act, the censor has the authority to cut or ban any film that is “indecent, obscene, or blasphemous” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” As of October, no theatrical films were banned during the year, but 125 videos were banned, mainly because of their pornographic or violent content. Decisions of the censor can be appealed to a nine-member appeal board within 3 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions.

Books and periodicals are also subject to censorship. The 1946 Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also can examine books (but not periodicals) on its own initiative. The board can prohibit the sale of any publication that it judges to be indecent or obscene. As of October, the board had not banned any books or periodicals. In 1999 the board banned the mainstream *In Dublin* magazine for carrying advertisements for “massage parlors,” which were regarded by the board as solicitations for prostitution. The publishers challenged the ban in court, and the board’s ruling was overturned on the condition that the magazine take out the advertisements. In 1999 the board did not ban any books, but it banned 8 periodicals, compared with 15 books and 10 periodicals in 1998.

In 1996 Veronica Guerin, a journalist and crime reporter with the *Sunday Independent* newspaper, was murdered. The murder was seen as an attempt by criminal elements to silence press coverage of their activities. The incident shocked public opinion and led to the adoption of new legislation to combat narcotics-related crime. The courts convicted two men, Paul Ward (November 1998) and Brian Meehan (July 1999), in connection with the murder and sentenced them to life imprisonment. As of October, a third, John Gilligan, extradited from the United Kingdom, was awaiting trial; three other men have been sentenced on lesser charges related to the Guerin case. No incidents of violence against journalists have been reported since Guerin’s murder in 1996.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to “assemble peaceably and without arms” and to form associations and unions; however, it also allows the State to “prevent or control meetings” that are calculated to cause a breach of the peace or to be a danger or nuisance to the general public. Under the 1939 Offenses Against the State Act, it is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization. Although the law mandates the prosecution and incarceration of persons for mere

membership in a terrorist organization, the Government allows meetings and assemblies by some groups that are associated with illegal terrorist organizations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government does not hamper the teaching or practice of any faith. Even though overwhelmingly Roman Catholic, Ireland has no state religion. However, most primary and secondary schools are denominational, and the Catholic Church partially controls their boards of management. The Government provides equal funding to the schools of different religious denominations. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction. There is no discrimination against nontraditional religious groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—There is complete freedom of movement within the country, as well as freedom to engage in foreign travel, emigration, and repatriation.

The existing refugee law, enacted in 1996, has been implemented only partially and was under review. The law gives effect to the 1990 Dublin Convention, harmonizing European Union asylum procedures, and it also makes provision for program refugees (those invited by the state to apply for asylum; in 1999 mostly Kosovars). The law also expressly forbids the forced return of persons to a country where they fear persecution.

The Government grants refugee or asylee status in accordance with the provision of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and it cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The Government drew up specific administrative procedures for implementation of the convention in consultation with the UNHCR. In 1992 the Supreme Court ruled that these procedures were binding on the Department of Justice, Equality, and Law Reform.

The large increase in the number of asylum seekers continued to cause problems, severely straining the Government's processing system and societal acceptance (see Section 5). A total of 10,938 asylum seekers entered the country during the year. As of July, over 5,000 new applications were filed. The total number of applications awaiting processing as of December was 6,972; most applicants were from Romania and Nigeria. The Government provided first asylum in 211 cases during the year. An equal or larger number of asylum applications are expected in 2001.

There were no reports of the forced return of persons to a country where they feared persecution. Measures taken to speed the lengthy processing time of applications (currently about 18 months), including recruitment of additional staff, have had little impact because of the increasing number of refugee applications. The Government improved the situation of asylum seekers awaiting review of their applications by allowing those who filed before July 26, 1999, and have been waiting over 12 months, to work in Ireland. The Government established a new Garda (police) National Immigration Bureau to monitor and track nonnationals who are the subject of deportation orders. The new Bureau also plans to: Coordinate activities leading to deportation, operational strategies and resources at ports of entry, and strategies to combat trafficking in illegal immigrants; strengthen international liaison on immigration issues; administer the nonnational registration service; and enforce immigration law generally.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. Several political parties have seats in the bicameral Parliament. Members of the Dail (House of Representatives)—the chamber that carries out the main legislative functions—are popularly elected; in the Seanad (Senate), most members are elected by vocational and university groups, and the others are appointed by the Prime Minister. The President is popularly elected for a 7-year term and is limited to 2 terms. An appointed Council of State serves as an advisory body to the President.

Women are underrepresented in government and politics. Although the President is a woman, only 22 of the 166 deputies in the Dail and 11 of the 60 senators are women. Of the 15 government ministers, 3 are women, as are 3 of the 17 junior ministers. Two women sit on the 26-member High Court; 2 of the 8 Supreme Court judges are women.

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

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

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

The Constitution forbids state promotion of one religion over another and discrimination on the grounds of religion, profession, belief, or status. However, until recently few laws implemented these provisions of the Constitution. The 1998 amended Employment Equality Act went into effect in October 1999. It outlaws discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, religious belief, age, disability, race, and membership in the Traveller community. The 2000 Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on the basis of the nine grounds listed above.

Women.—Domestic violence and emotional abuse are common. In response to what it sees as a “hidden” and “severely under reported” issue, the National Steering Committee on Violence Against Women (a multiagency government body) began a public outreach campaign in December 1999. The campaign aims to facilitate victims’ reporting of domestic and other types of violence by informing women of the resources available and rallying public support for victims. There are 24 women’s shelters, funded in part by the Government. According to the Dublin Rape Crisis Center, the overall number of reported rapes continued to rise. However, calls to the center registered a slight decrease: 7,243 calls were received between July 1999 and June 2000, compared with 7,500 calls received over the same period in the previous year, probably due to changes in the call system. For the 1999–2000 period, the center estimated that 28 percent of rape and child sexual abuse victims reported the crime to police and that 10 percent of these cases resulted in convictions, with 39 percent of cases still pending. Recent rape victims and victims raped by a stranger were more likely to have reported the rape to police.

A 1990 law criminalizes rape within marriage, and the 1995 Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. Until 2000, as a witness, the victim was afforded no legal representation. The 2000 Sex Offenders Bill provides that “separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience.”

Discrimination against women in the workplace is unlawful, but inequalities persist regarding pay and promotions in both the public and the private sectors. Women hold about 43 percent of public sector jobs but are underrepresented in senior management positions. A 1999 government report found that at least 50 percent of state-sponsored bodies have no guidelines for dealing with sexual harassment and no policy on equal opportunity. The 1974 Anti-Discrimination (Pay) Act, the 1977 Employment Equality Act, and the amended 1998 Employment Equality Act provide for protection and redress against discrimination based on gender and marital status. The Equality Authority monitors the implementation of these acts. According to 1998 statistics, women’s earnings have increased more rapidly than men’s since 1985, albeit from a lower starting point. The weekly earnings of women in industry still averaged only 65 percent of those of men in 1998.

Women’s participation in the work force still is hampered by the lack of adequate childcare facilities. To encourage the participation of parents, both men and women, in the work force, the Government included in its 2000–2006 national development plan in March an equal opportunities childcare program, under which approximately \$275 million (250 million Irish pounds) was allocated to fund measures to improve childcare availability and quality.

The 1994 Maternity Protection Act provides a woman with 14 weeks of paid maternity leave and the right to return to her job. A 1998 Parental Leave Act allows a child’s mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father’s leave or vice versa. Parental leave does not affect a mother’s right to maternity leave.

Children.—The Government demonstrates its strong commitment to children’s rights and welfare through its well-funded systems of public education and health care. Under the 1991 Child Care Act, education is free and compulsory for children from 6 to 15 years of age. The act places a statutory duty on government health

boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Minister of State (junior minister) for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The 1987 Status of Children Act provided for equal rights for children in all legal proceedings.

The sexual abuse of children continued to receive significant media attention. The Dublin Rape Crisis Center reported that 58 percent of calls to its crisis line involved child sexual abuse, and only 13 percent of the incidents had occurred within 1 year preceding the call. The 1998 Child Trafficking and Pornography Act strengthens and updates measures to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

People with Disabilities.—The government Commission on the Status of People with Disabilities estimated in 1996 that 10 percent of the population have a disability. Under the 1998 Employment Equality Act, it is unlawful to discriminate against anyone on the basis of disability in relation to employment. The 1991 Building Regulations Act established minimum criteria to ensure access for people with disabilities to all public and private buildings constructed or significantly altered after 1992, but enforcement is uneven. A National Disability Authority (NDA) began operations in 1999 with a budget of \$2.7 million (2 million Irish pounds). The NDA is to set disability standards, monitor the implementation of these standards, and engage in research and the formulation of disability policy. The Authority's new strategic plan was awaiting approval by the Government at year's end.

National/Racial/Ethnic Minorities.—Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," roughly analogous to the Roma of continental Europe. The "travelling" community has its own history, culture, and language. The Travellers' emphasis on self-employment and the extended family distinguishes them from the rest of society.

Travellers regularly are denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, will not serve them. Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experience difficulties in enrolling their children in school. Sometimes they are segregated into all-Traveller classes. According to 1998 government statistics, of 4,978 Traveller families, approximately 1,191 live on roadsides or on temporary sites without toilets, electricity, or washing facilities. Many Travellers are dependent on social welfare for survival and are unable to participate in the mainstream economy because of discrimination and a lack of education.

The 1998 Employment Equality Act outlaws job discrimination against Travellers. A 1993 task force on the travelling community produced a comprehensive report in 1995 on various aspects of Travellers' lives, including education, work, accommodation, health, and discrimination. A monitoring committee is overseeing implementation of the recommendations of the report, some of which have resulted in the formation of special committees in the Departments of Education, Environment, and Health to examine Traveller difficulties in these areas.

A 1998 law, entitled the Housing (Traveller Accommodation) Act—recommended by the 1995 task force—obliges local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. In the event of a failure to agree on a draft plan, county and city managers are responsible for their adoption and implementation. According to traveller groups, the act was implemented with mixed results during its first 2 years.

The growing immigration of foreign workers has been accompanied by societal discrimination and racial violence against the newcomers. These developments have sparked public debate over the openness of society to immigrants and how to address outbreaks of xenophobic incidents of violence. Although asylum seekers have the right to work if their cases remain pending for over a year, 4 in 10 claimed to have experienced racism and discrimination from recruiters and employers while looking for work, according to a study commissioned by the Irish Refugee Council. Racially motivated incidents occurred frequently, involving physical violence, intimidation, and verbal slurs. A British citizen visiting Dublin was stabbed and seriously wounded in June while defending his black wife and son from attack. A Dublin bus driver was convicted and fined under the Prohibition of Incitement to Hatred Act in September as a result of a verbal exchange, which included racist slurs, with a black passenger. Groups of young people reportedly targeted white foreigners as well for verbal harassment and violent attacks. Government officials spoke out against racism and xenophobia, and in July racism was one of two major topics addressed at a government-sponsored NGO forum on human rights. In addition the Government initiated a public outreach campaign welcoming immigrants.

Section 6. Worker Rights

a. The Right of Association.—The right to join a union is provided for by law, as is the right to refrain from joining. About 48 percent of workers in the private and public sectors are members of unions. Police and military personnel are prohibited from striking, but they may form associations to represent themselves in matters of pay, working conditions, and general welfare. The right to strike is freely exercised in both the public and private sectors. The 1990 Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforces this provision through the Department of Enterprise, Trade, and Employment. A number of strikes occurred during the year, including a nurses' strike, a bus drivers' strike, a train engineers' strike over wages, and a hauliers' (truck drivers) "go-slow" over fuel prices. All concluded peacefully, with the unions involved achieving some, if not all, of their goals.

The Irish Congress of Trade Unions (ICTU) represents 64 unions in the Republic of Ireland and Northern Ireland. The ICTU is independent of the Government and political parties.

Unions may freely form or join federations or confederations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—Labor unions have full freedom to organize and to engage in collective bargaining. The 1974 Anti-Discrimination (Pay) Act and the 1977 Employment Equality Act make the Equality Authority responsible for the investigation of allegations of antiunion discrimination. If the Authority is unable to effect resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The 1977 Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of antiunion discrimination, including the reinstatement of workers fired for union activities.

Most terms and conditions of employment are determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the "social partners," i.e., unions, employers, farmers, and the Government. The latest version of these agreements, the Partnership for Prosperity and Fairness, was signed in April.

The 1990 Industrial Relations Act established the Labor Relations Commission, which provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The export processing zone at Shannon Airport has the same labor laws as the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—Forced and bonded labor, including that performed by children, is prohibited by law and does not occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—By law children are required to attend school through the age of 15. Under the terms of the 1997 Protection of Young Persons Act, employers may not employ those under the age of 16 in a regular full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The act incorporates international rules on the protection of young workers drawn up by the International Labor Organization (ILO) and the European Union; it sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement is reportedly lax, but violations appear to be rare. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in December.

e. Acceptable Conditions of Work.—A new national minimum wage, \$4.84 (4.40 Irish pounds) per hour, went into effect on April 1. This wage alone would not provide a decent standard of living for a worker and family. Low-income families continue to be entitled to benefits such as subsidized housing and children's allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours in a year. The Department of Enterprise, Trade, and Employment is responsible for enforcing four basic laws dealing with occupational safety that provide adequate and comprehensive coverage. No significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide that employees who find themselves in situations that present a "serious, imminent and unavoidable risk" may leave without the employer being able to take disciplinary action.

f. Trafficking in Persons.—Recent legislation criminalizes trafficking in persons, which so far is limited and infrequent. The 1998 Child Trafficking and Pornography Act, criminalized trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Bill passed in October was upheld as constitutional but has not yet been implemented. It will criminalize the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing the trafficking in women for sexual criminal activities. According to an NGO, trafficking in women does not receive much attention from organizations or the Government.

ITALY

Italy is a longstanding, multiparty parliamentary democracy. Executive authority is vested in the Council of Ministers, headed by the president of the Council (the Prime Minister). The Head of State (President of the Republic) nominates the Prime Minister after consulting with leaders of all political forces in Parliament. The current Parliament was elected in free and democratic elections in April 1996. The judiciary is independent, but critics complain that some judges are politicized.

The armed forces are under the control of the Ministry of Defense. Control over the Carabinieri, a military security force, was transferred in March from the Ministry of Interior to the Ministry of Defense; however, the Ministry of Interior retains authority over this force in matters of internal security. Four separate police forces report to different ministerial or local authorities. Under exceptional circumstances, the Government may call on the army to provide security in the form of police duty in certain local areas, thereby freeing the Carabinieri and local police to focus on other duties. For several years, the army supported the police in Sicily and in the province of Naples, areas with high levels of organized crime. The army left Naples at the end of 1997 and Sicily in 1998 but was redeployed back to both locations for a short period in 1999, during which time special actions were in progress against organized crime. In September the Government sent an augmented force to Naples of 500 police and Carabinieri, some of whom wore military-style camouflage battle dress uniforms, to combat criminal violence in the city. Amnesty International (AI) reported numerous allegations that the police used excessive force against individuals, often Roma, refugees, and, increasingly, women, at the time of arrest and initial detention.

Italy has an advanced, industrialized market economy, and the standard of living is high. Small and midsize companies employ from 70 to 80 percent of the work force. Major products include machinery, textiles, apparel, transportation equipment, and food and agricultural products. The Government owns a substantial number of enterprises in finance, communications, industry, transportation, and services, but privatization is moving forward at a measured pace.

The Government generally respects the human rights of its citizens, and the law and the judiciary generally provide effective means of dealing with instances of individual abuse; however, there were problems in some areas. There were isolated reports of police abuse of detainees; such accusations are investigated by the judiciary. Prisons are overcrowded. The pace of justice is slow, and perpetrators of some serious crimes avoid punishment due to trials that exceed the statute of limitations. Lengthy pretrial detention is a serious problem. The Government has taken steps to combat violence against women and child abuse; however, they remain problems. Societal discrimination against women and discrimination and sporadic violence against immigrants and other foreigners continue to be problems. Child labor, mainly involving immigrant children, persists in the underground economy but is investigated actively. Exploitation of clandestine immigrants is widespread. Trafficking in women and girls to the country for prostitution and forced labor is a growing problem, as is trafficking in children.

RESPECT FOR HUMAN RIGHTS

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

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

On May 20, 1999, Massimo D'Antona, a senior adviser to the Minister of Labor, was shot and killed outside his home in Rome. The Red Brigades, a terrorist movement, claimed responsibility for the killing. A suspect detained by police in Rome in May subsequently was released, and the investigation continued at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and cruel or degrading punishment; however, there were reports of isolated incidents in which police abused detainees. Amnesty International, the U.N. Human Rights Commission (UNHRC), the U.N. Committee Against Torture, and the U.N. Special Rapporteur on Torture regularly assess the country's judicial and prison system. The nongovernmental organization (NGO) Antigone, which is composed mainly of lawyers, magistrates, and academics, promotes the rights of detainees, works closely with the European Commission for Prevention of Torture, and monitors the prison system.

According to a report issued by AI in June, there are numerous allegations of the deliberate use of excessive force against individuals detained in connection with common criminal offenses or in the course of identity checks. Allegations of mistreatment relate to the time of arrest and first 24 hours in custody and concern both citizens and foreigners, with an increasing number of women appearing as alleged victims. A high proportion of the allegations received by AI concern foreign nationals (many of them from Africa), as well as Roma. In a May letter to penal authorities, AI expressed concern over suits filed the previous month by inmates of the Sassari District Prison, who had been subjected to cruel and degrading punishment. In a separate communication, AI referred to allegations of mistreatment at newly established temporary detention centers for aliens (see Section 2.d.).

Overcrowded and antiquated prisons continue to be a problem. The prison system has a capacity of 35,000 but holds over 53,000 detainees, of whom 3,500 were added in 1999 alone. Older facilities tend to lack outdoor or exercise space, compounding the difficulties of close quarters. Approximately 54 percent of detainees are serving sentences; the other 46 percent consist mainly of persons awaiting trial or the outcome of an appeal. Nearly one in three pensioners has been jailed for a drug violation. One in four is an alien. Of drug users, almost 10 percent are HIV positive. Over 80 prisoners died while in jail in 1999; 53 committed suicide, with a reported 920 unsuccessful suicide attempts and some 6,500 acts of self-mutilation.

In the spring these conditions led to protests both by prisoners and guards. A 2-day guard strike in Sassari that left inmates without food or water led to a prisoner riot in March, which was followed by retaliation by prison guards in April. In early May, 82 Sassari guards and wardens were arrested in connection with the April abuses. These arrests provoked sympathy strikes and demonstrations by prison guards across the country, who protested their low pay, long hours, and the conditions of tension and risk under which they work. During the same period, prisoner protests broke out at several jails and the Parliament debated proposals for decriminalizing certain crimes, the shortening of sentences, alternative punishments to imprisonment, and the expulsion of non-EU nationals who are sentenced to prison terms. The Pope's call in June for a Jubilee-Year clemency increased the pressure on parliamentarians and raised prisoner expectations; however, proponents of such measures could not obtain the necessary two-thirds support in each chamber. The Government and opposition forces were unable to agree, and no action was taken by year's end.

The Government permits the independent monitoring of prison conditions by parliamentarians, local human rights groups, the media, and other organizations.

d. Arbitrary Arrest, Detention, or Exile.—Detainees are allowed prompt and regular access to lawyers of their choosing (although occasional lapses in this general rule have been alleged) and to family members. If detainees are indigent, the State provides a lawyer. Within 24 hours of being detained, the examining magistrate must decide whether there is enough evidence to proceed to an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial. In exceptional circumstances, usually in cases of organized crime figures, where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to 5 days to interrogate the accused before the accused is allowed to contact an attorney. The U.N. Human Rights Committee, the treaty monitoring body for the International Covenant on Civil and Political Rights, recommended that this 5-day period be reduced and that all detainees have access to legal advice immediately upon arrest.

Preventive detention can be imposed only as a last resort, or if there is clear and convincing evidence of a serious offense, such as crimes involving the Mafia, or those related to drugs, arms, or subversion. In these cases, a maximum of 2 years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under 3 years of age, persons over 70 years of age, or those who are seriously ill. Preventive custody can be imposed only for crimes punishable by a maximum sentence of not less than 4 years.

Magistrates' interrogations of persons in custody must be recorded on audio tape or videotape to be admissible in judicial proceedings. Prosecutors are required to include all evidence favorable to the accused in requests for preventive detention. The defense may present any favorable evidence directly to the court.

There is no provision for bail, but judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, panels of judges (liberty tribunals) review cases of persons awaiting trial and rule whether continued detention is warranted. Persons in detention include not only those awaiting trial, but also individuals awaiting the outcome of a first or second appeal (see Section 1.e.). The Constitution and the law provide for restitution in cases of unjust detention.

The law prohibits punishment by internal exile or exile abroad.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and the Government respects this provision in practice. The judiciary provides citizens with a fair judicial process.

There are three levels of courts. A 1998 law that aimed to restructure and expedite the judicial process established that a single judge would hear cases at the level of courts of first instance. Implementation of the measure's civil provisions began in June 1999, while changes in criminal proceedings took force in January. At the second level, separate courts hear appeals for civil and penal cases. Decisions of the Court of Appeals can be appealed to the highest court, the Court of Cassation (Supreme Court) in Rome, but only for reasons related to correct application of the law, not a case's merit.

The law provides for trials to be fair and public, and the authorities observe these provisions. The law grants defendants the presumption of innocence. Defendants have access to an attorney sufficiently in advance to prepare a defense and can confront witnesses. All evidence held by prosecutors normally is made available to defendants and their attorneys. Defendants can appeal verdicts to the highest appellate court.

Both domestic and European institutions criticize the slow pace of justice in the country, which is due in part to cumbersome and frequently changing procedures, unclear or contradictory legal provisions, and an inadequate number of judges. In April the National Statistical Institute (ISTAT) reported that the average trial lasts 35 months; appeal procedures can add another 59 months. The length of trials varies by region; those in the north tend to be shorter than those in the south. The European Court of Human Rights noted the high number of complaints filed against the country in 1999 and the number of adverse decisions (44 of 120) that the court rendered. These decisions almost always centered on excessive trial delays. In June the Council of Europe's (COE) Committee of Ministers reiterated to the COE parliamentary assembly that excessive delays in the administration of justice constituted "an important danger, in particular for the respect of the rule of law." While noting that Italian authorities shared these concerns, the ministers observed that the trend in the number of new cases referred to the Court had not changed.

Excessive trial delay has also complicated the outcome of judicial processes involving "clean hands" investigations of corruption launched in 1991. Public prosecutors uncovered numerous instances of illegal arrangements between businessmen and political figures, including illicit financing of political parties, as well as ties between elected officials and organized crime. Over 1,300 persons were either convicted and sentenced or accepted plea bargains. Those sentenced to prison terms, generally for periods of 3 years, were able to benefit from a legal system that allows alternative punishment for persons whose sentences do not exceed 4 years. Thus few individuals served jail sentences as a result of the trials. The most sensational cases involved multiple accusations against two former prime ministers, Giulio Andreotti and Silvio Berlusconi. With regard to the latter, two cases ended at the appeals level (following lower court convictions) when judicial delays and maneuvers caused the trials to exceed the statute of limitations. Berlusconi won acquittals in two other appeals cases, however, as well as one at a lower court level, and cited these outcomes as vindication, signifying that the original charges had been an effort by elements in the judiciary to achieve political objectives through prosecutorial means. Milan's chief public prosecutor retorted that Berlusconi's criticisms were aimed at undermining the legitimacy of investigating magistrates. In the case of (now) senator-for-life Andreotti, prosecutors relied heavily in two separate trials on testimony by turncoat Mafia witnesses ("pentiti"). These trials ended with court criticisms of both the prosecution and defendant. The court stated that prosecutors failed to produce concrete evidence backing up vague and contradictory testimony by the pentiti. Other court observations, which asserted that Andreotti had lied at the trial, fell short of resolving doubts about his conduct.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law safeguards the privacy of the home, and the authorities respect this provision. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances. Violations are subject to legal sanctions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

However, courts are sensitive to criticism and impose fines for “defamation.” In May Member of Parliament Alessandra Mussolini was sued for \$600,000 (1.2 billion lire) by two judges on the highest appeals court. Mussolini had criticized as a “killer sentence,” a court ruling that failed to consider the pregnancy of a rape victim as an aggravating factor, warranting a heavier penalty. In July a court levied a \$27,000 (55 million lire) fine against weekly magazine *Panorama* for a 1997 article that defamed anti-Mafia prosecutors in Palermo.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Government does not restrict the right of peaceful assembly, including protests against government policies, except in cases where national security or public safety is at risk. Permits are not required for meetings, but organizers of public demonstrations must notify the police in advance.

Catholic Church authorities strongly opposed gay community plans to hold a world pride week in Rome during the first week in July, calling it a provocation and an affront to the Church’s Jubilee Year. However, the event was held, with the cooperation of national and municipal authorities.

While allowing general freedom of association, the Constitution and law prohibit clandestine associations, those that pursue political aims through force, that incite racial, ethnic or religious discrimination, or that advocate fascism. Professional associations organize and operate freely.

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

Roman Catholicism is not the state religion but it is the dominant one, in the sense that most citizens were born and raised under Catholic principles, which form part of their culture. Roman Catholic religious instruction is offered in public schools as an optional subject. Students who do not opt to attend can elect to take an alternative course or, in some schools, have a free class period. A 1929 agreement between the Catholic Church and the Government, which was revised in 1984, accords the Church certain privileges. For example, the Church can select Catholic religion teachers, whose earnings are paid by the State. This privilege has led to charges of unconstitutional discrimination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and the Law provide for these rights, and the Government respects them in practice. Citizens who leave are ensured the right to return. The Constitution forbids deprivation of citizenship for political reasons. Parliament has not yet repealed the XIII transitory provision of the 1947 Constitution, which forbids male heirs of the former king, Umberto I of Savoy, from entering the country. For this reason, in December 1999, royal descendant Vittorio Emanuele IV filed a suit in the European Court of Human Rights in Strasbourg challenging the validity of this constitutional bar. In March the European Parliament voted against including a reference to the Savoy case in its human rights report.

Political asylum is obtained according to the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the country still lacks a specific law on political asylum; such a law has been pending before Parliament since 1997. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. It provides first asylum to refugees fleeing hostilities or natural disasters. Such refugees are granted temporary residence permits, which must be renewed periodically and do not ensure future permanent residence.

In 1999 the Ministry of Interior approved 912 asylum requests and disapproved some 12,000 others. (In 1998, 7,674 persons applied for asylum, of whom 1,045 were found eligible.) Nationals of Yugoslavia, Iraq, Turkey, and Iran accounted for over half of the approvals. An immigration law passed in February 1998 levies high fines and penalties for land, air, and sea carriers that board passengers without documentation. There is a huge influx, mainly by sea, of Albanians, Serbs, Kurds, North Africans, Chinese, Nigerians, and other West Africans, many of whom enter the country intending to transit to other member states of the European Union. In April

the Government approved a migration accord with Albania (similar to previous such accords with Tunisia and Morocco) aimed at promoting regular annual emigration of 5,000 Albanians. More aggressive coastal patrolling helped reduce illegal immigrant landings in the south. A total of 16,100 illegal immigrants landed in the first 7 months of the year, compared with 35,200 in the same period in 1999 (due largely to the conflict in Kosovo). Some 37,200 such entrants were repatriated over the first 7 months of the year, compared with 34,800 in 1999.

Most illegal migrants paid fees to smugglers; some risked death, as smugglers unloaded their human cargo at sea to avoid capture by patrol boats. Others were forced to engage in illegal activities, were paid substandard wages, or forced to work as prostitutes to pay off debts incurred for their passage (see section 6.f.).

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There are no restrictions on women's participation in government and politics; however, few women hold elected office: women hold 4 of 24 cabinet positions, 24 of 325 Senate seats, and 69 of 630 seats in the Chamber of Deputies.

In October the Senate gave final approval to a constitutional change allowing an estimated 3.9 million Italians abroad to vote, and setting aside 12 seats in the 630-seat Chamber of Deputies and 6 in the 315-seat Senate to represent them. However, the law's implementation required administrative action that did not take place by year's end.

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

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

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

The law prohibits discrimination on the basis of race, sex (except with regard to hazardous work), religion, ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social status. However, societal discrimination persists to some degree.

Women.—Violence against women remains a problem. A 1998 ISTAT survey (the first one nationwide) reported that at least 9.4 million women between the ages of 14 and 59 had experienced some form of sexual violence during their lives. The NGO Telefono Rosa which provides a hot line through which abused women can obtain legal, medical, and other assistance, reports that nearly half of all complaints it receives nationally involve physical violence, much of it at home.

Legislation to protect women from physical abuse, including by family members, was updated and strengthened in 1996. The revised law makes the prosecution of perpetrators of violence against women easier and shields women who have been objects of attack from publicity. The law treats spousal rape in the same manner as any other rape. Law enforcement and judicial authorities are not reluctant to bring perpetrators of violence against women to justice, but victims sometimes do not press charges due to fear, shame, or ignorance of the law. Telefono Rosa notes that the entry of more women into the police force has contributed greatly to an increased willingness of female victims of violence to cooperate with police. Acting on behalf of local government administrations, some 60 local women's associations maintain and run shelters for battered women.

In December 1999, the Labor Ministry and major trade union confederations agreed on a code of conduct regarding sexual harassment in the workplace. The code, which follows a 1991 EU recommendation, is to be attached to national sectoral labor contracts as they are negotiated. Telefono Rosa reports that previous ad hoc labor contract sexual harassment provisions have worked as a deterrent to workplace harassment both in the public and private sectors.

Trafficking in illegal immigrant women and girls for prostitution and forced labor is a growing problem (see Section 6.f.).

Women enjoy legal equality with men in marriage, property, and inheritance rights. Males and females enjoy equal access and treatment with regard to education, health, and other government services. Many NGO's actively and effectively promote women's rights. Most are affiliated with labor unions or political parties.

A number of government offices work to ensure women's rights. The Ministry for Equal Opportunity is headed by a woman. In addition, there is an equal opportunity commission in the office of the Prime Minister. The Labor Ministry has a similar commission that focuses on women's rights and discrimination in the workplace, as well as equal opportunity counselors who deal with this problem at the national, regional, and provincial government levels. However, many counselors have limited resources with which to work. A decree approved in May requires civil service recruiters to explain in writing their motives for hiring or promoting a man rather than a woman as a manager. The rule was designed to promote women's access to the higher echelons of public administration and is to apply in offices where women managers number less than a third of the total.

In February 1999, the European Union directive regulating night work for women was incorporated into the law, thus amending the 1977 law that had prohibited night shifts for women. With some exceptions (if pregnant, the mother of a child below 3 years of age, or the mother of a disabled person), women now are allowed to work at night. Liberal maternity leave, introduced to benefit women, adds to the cost of employing them, with the result that employers sometimes find it advantageous to hire men instead. A March law on parental leave, which grants mothers and fathers an equal right to take leave when a child is sick, is aimed at offering equal opportunity without penalizing women at work.

According to research conducted by Eurostat, the statistical office of the European Commission, women's salaries are 23.5 percent lower than men's for comparable work. They are underrepresented in many fields, such as management and the professions. According to a recent report based on ISTAT data, women account for 36 percent of the labor force, with yearly growth in female employment of 2 percent (compared with 0.2 percent for men). The National Council for Economy and Labor (CNEL) reported that in 1998, 3 percent of executives in large firms were women, a figure that rose to 5 percent in mid-size firms and 8 percent in small firms. In 1999 women occupied 19.1 percent of public offices, 11.3 percent of teaching positions, and 3.8 percent of media executive positions. Employed women are more likely to have a high school diploma (34.7 percent) than employed men (28.5 percent). The comparable figures for a university degree are 13.8 percent for women and 9.4 percent for men. Unemployment figures show that women still are lagging. In 1999 male unemployment was 9.6 percent, while female unemployment was 16.8 percent. Youth unemployment (ages 15 to 24) was 30.2 percent for men (53.5 in the south) and 39.0 percent for women (66.9 in the south).

Children.—The Government demonstrates a strong commitment to children's rights and welfare. As of academic year 1999–2000, schooling became compulsory for children from age 7 to age 18; those unable (or unwilling) to follow the academic curriculum are allowed to shift to vocational training at age 15. This reform was intended to reverse the middle and secondary school dropout rate, which had been high.

Abuse of children is recognized as a societal problem; an estimated 90 percent of violence against minors is committed within their own families. Social workers counsel abused children and are authorized to take action to protect them. The NGO Telefono Azzurro maintains two toll-free hot lines for reporting incidents of child abuse. Research conducted on behalf of the Government by a private institute estimates the number of minors involved in cases of violence (including prostitution) to be 10,000 to 12,000. There are 1,880 to 2,500 minors who work as street prostitutes, of whom 1,500 to 2,300 were trafficked illegal immigrants (predominantly Albanians, other eastern Europeans, and some Nigerians), many of whom were forced into prostitution (see Section 6.f.). Social Service International (a domestic NGO) assists in repatriating unaccompanied immigrant minors.

Several laws and government programs enhance the protection available for minors. In 1996 minors offices staffed by trained police (often women) were established in police stations around the country to offer emergency help for minors and families in distress, as well as counsel in dealing with other government social and judicial entities. A 1997 law established an information gathering network to collect data on the condition of minors. A 1998 immigration law formalized an office in the Ministry of Social Affairs that protects the rights of unaccompanied immigrant minors. (In 1997 this office screened and authorized entry permits for nearly 48,000 minors and 3,000 accompanying adults.) In 1998 the Parliament enacted a law to combat pedophilia, child pornography, the possession of pornographic material involving children, sex tourism involving minors, and trafficking in children (also see Section 6.f.). The law established a special police unit to monitor and prosecute Internet sites devoted to promoting pedophilia.

People with Disabilities.—In January a new law replaced previous legislation that forbade discrimination against disabled persons in employment, education, or the

provision of state services. The new law requires companies having 15 or more employees to hire one or more disabled workers: those with 15 to 35 employees must hire 1 disabled worker, those with 35 to 50 must hire 2, and, for larger companies 7 percent of the work force must consist of the disabled. Companies hiring the disabled are granted certain benefits, including lower social security contributions, while the cost of worker training is borne by the Government. The new law also provides for more severe sanctions against violators.

National/Racial/Ethnic Minorities.—Some traditional minorities, including French and German speaking Alpine communities in the north and a mixture of German and Slovene speakers in the northeast, enjoy special autonomous status. The special rights of these areas (respectively the Valle d'Aosta, Trentino Alto Adige, and Friuli Venezia Giulia) include use of non-Italian languages in government offices and public schools in the former two.

Roma are another traditional minority, but without a specific geographic base. Of a national total of 115,000, some 70,000 are citizens—most of whom can trace ancestry in the country to the late fourteenth century. Most of these Roma live in the center and south, in conditions indistinguishable from those of other Italians. Roma in the north, whose numbers have swelled with the arrival of 40,000 immigrants from the former Yugoslavia, live in more precarious conditions. Although many municipalities are building permanent settlements, poor housing, limited employment prospects, and inadequate educational facilities remain problems. With limited income and job opportunities available, some turn to begging or petty crime, generating in turn repressive measures by police authorities. Roma communities complain that their language does not enjoy the same privileged status as that granted to minority languages in the autonomous regions.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to establish trade unions, join unions, and carry out union activities in the workplace. The unions state that they represent between 35 and 40 percent of the work force. Trade unions are free of government controls and have no formal ties with political parties. The right to strike is embodied in the Constitution and is exercised frequently. In April following a period of multiple land, sea, and air transport sector strikes, a new law changed provisions of a 1990 measure that restricted strikes affecting essential public services (e.g., transport, sanitation, and health). The new law defined minimum service to be maintained during a strike as 50 percent of normal, with staffing by at least one-third the normal work force. The law established compulsory cooling off periods and more severe sanctions for violations. Besides transport worker unions, the law also covers lawyers and selfemployed taxi drivers. In May a Transport Ministry regulation required all national labor contracts involving employment sectors covered by the law to adjust contract provisions to the new rules. These changes were backed by the three major national trade union confederations, which sought to avoid inconvenience to tourists and the traveling public alike during the Catholic Church's Jubilee Year.

Unions associate freely with international trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to organize and bargain collectively, and these rights are respected in practice. By custom, although not by law, national collective bargaining agreements apply to all workers, regardless of union affiliation. The law prohibits discrimination by employers against union members and organizers. It requires employers that have more than 15 employees and who are found guilty of antiunion discrimination to reinstate any workers affected. In firms with less than 15 workers, an employer must provide the grounds for firing a union employee in writing. If a judge deems the grounds spurious, he can order the employer to reinstate or compensate the worker.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that performed by children, and generally it does not occur; however, some illegal immigrants and children were forced into prostitution (see Section 5), and trafficking in illegal immigrant women for prostitution and forced labor, as well as trafficking in illegal immigrant children, are problems (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law forbids the employment of children under age 15 (with some limited exceptions). There also are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18, and women under age 21. The enforcement of minimum age laws is difficult in the extensive underground economy. Estimates of the number of child laborers differ, ranging from 30,000 to 300,000 children (the most probable figure may be in the area of 50,000). Most of these cases involve immi-

grants, but instances involving Italian children also have been reported. Illegal immigrant child laborers from Northern Africa, the Philippines, Albania, and especially China have entered in record numbers every year since 1989, and the influx from China is rising. According to the Carabinieri, an estimated 30,000 illegal Chinese work in sweatshop conditions near Florence, with many minor children working alongside the rest of their families to produce scarves, purses, and imitations of various brand name products. Many of these factories, which face threats of infiltration or coercion by Chinese organized crime, are equipped with escape tunnels to thwart labor inspections. Carabinieri officers who work on child labor developed a videocassette program to educate schoolchildren on child labor laws, their rights as specially protected workers, and workplace hazards.

The Government, employers associations, and unions continue their tripartite cooperation on child labor. Their periodic consultations, begun in 1997, cover such matters as better enforcement of school attendance regulations; programs to reduce the number of school dropouts; faster assistance for families in financial difficulty; further restrictions on exceptions to the minimum wage law; and canceling economic or administrative incentives for companies found to make use of child labor, whether domestically or abroad. The Prime Minister's office provided a toll-free telephone number to report incidents of child labor. The footwear and textile industries have established a code of conduct that prohibits the use of child labor in their international as well as national activities; the code is applicable to subcontractors as well. In 1999 a child labor clause was attached to the national labor contract in the health sector, whereby the parties committed themselves not to use surgical tools produced by child labor. The law forbids forced or bonded labor involving children, and the Government generally enforces this prohibition effectively; however, some illegal immigrant children were forced into prostitution (see Sections 5 and 6.c.), and some of them were trafficked (see Section 6.f.).

The Government ratified International Labor Organization (ILO) Convention 182 prohibiting the worst forms of child labor following completion of parliamentary action in May.

e. Acceptable Conditions of Work.—Minimum wages are not set by law, but by collective bargaining agreements on a sector by sector basis. These specify minimum standards to which individual employment contracts must conform. When an employer and a union fail to reach an agreement, courts may step in to determine fair wages on the basis of practice in comparable activities or engagements, although this rarely happens in practice.

A 1997 law reduced the legal workweek from 48 hours to 40. Most collective agreements provide for a 36- to 38-hour workweek. The average contractual workweek is 39 hours but is actually less in many industries. Overtime work may not exceed 2 hours per day or an average of 12 hours per week.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. For most practical purposes, European Union directives on health and safety also have been incorporated into the law. Labor inspectors are from the public health service or from the Ministry of Labor. They are few in number, given the scope of their responsibilities. Courts impose fines and sometimes prison terms for violation of health and safety laws. The Workmen's Compensation Institute reports that there were a million accidents in 1999, involving 1,309 deaths. Accidents occur with the greatest frequency in the underground economy, which employs between 3.5 and 5 million workers. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—Although the law does not address specifically trafficking in persons, it can be prosecuted through application of provisions of a 1958 law on prostitution and other articles of the Penal Code. Trafficking in women and girls for prostitution and forced labor is a growing problem.

Trafficking in women and girls for purposes of sexual exploitation involves vulnerable, illegal immigrants, most of whom come from Nigeria and Eastern Europe. The country is also a destination for trafficked women and girls. Varying estimates suggest that nearly 20,000 foreign women—from Albania, Nigeria, Romania, Moldavia, Ukraine, and other countries of Eastern Europe—are involved in prostitution, of whom some 1,500 (according to the social research institute Parsec) may be trafficked forcibly. For some, Italy is only a point of entry, and their ultimate destinations are elsewhere in Western or Northern Europe. Trafficking in children for sweatshop labor is a particular problem in Tuscany's expanding Chinese immigrant community, where children are considered to be part of the family "production unit" (see Section 6.d). The Chinese consulate in Florence cooperates with Carabinieri in persuading families to enroll their children in school.

The Ministry of Equal Opportunity leads an intergovernmental committee charged with monitoring trafficking and coordinating government activity to combat it. Other members include the Ministries of Social Affairs, Justice, Interior, and Foreign Affairs, as well as a special anti-Mafia prosecutorial unit. Major lay and Catholic NGO's concerned with trafficking, among which Parsec and Caritas are the most active, cooperate with this body.

While most prostitution involves women fleeing economic destitution in their home countries, those who are trafficked forcibly are often unable or reluctant to contact the police for help. A 1998 immigration law, for which implementing regulations were completed in November 1999 and assistance programs established in February, provided temporary residence/work permits to such women who seek to escape their exploiters. The legislation permits a temporary stay for victimized women. During this time, victims are provided with shelter, benefits, and services such as counseling and medical assistance, in cooperation with NGO's. They also may be permitted to work or study. If the victim agrees to cooperate with law enforcement and judicial authorities, the residence permit and services are extended for the length of the criminal proceedings. In July the Government set up a toll-free telephone number to help victims take advantage of this program and in its first month of operation received 7,000 calls for help. As a result of these and related policies, almost 750 women were able to benefit from these programs in their first weeks of operation, and significant increases in witness testimony and successful prosecution of traffickers were reported. In October the Ministry of the Interior hosted an international conference on trafficking in persons to focus attention on the issue.

In August 1998, a law was passed to combat abuses against children, including trafficking in children. The NGO, End Child Prostitution, Pornography and Trafficking (ECPAT), was a main advocate for this law, which criminalizes prostitution or pornography involving minors, even if committed abroad. In conjunction with other concerned NGO's, ECPAT has worked to ensure that police treat juvenile prostitutes as victims of trafficking, not criminals. In May ECPAT and components of the tourism industry (tour companies, travel agents, computer reservation system personnel, airline companies, airport authorities, and trade unions) initiated a voluntary code of conduct designed to impede sex tourism.

KAZAKHSTAN

The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev is the dominant political figure. The Constitution, adopted in 1995 in a referendum marred by irregularities, permits the President to dominate the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution are nearly impossible without the President's consent. President Nazarbayev was elected to a new 7-year term in a 1999 election that fell far short of international standards. Previous presidential elections originally scheduled for 1996 did not take place, as President Nazarbayev's term in office was extended in a separate 1995 referendum, also marred by irregularities. Parliamentary elections held in October 1999 were an improvement on the presidential election but still fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE).

A law passed in June would allow the President to maintain certain policy prerogatives and a seat on the National Security Council after he leaves office. The 1995 Constitution limited Parliament's powers more than previously, notably by precluding it from appropriating state money or lowering taxes without executive branch approval. However, Members of Parliament (M.P.'s) have the right to introduce legislation, and some bills introduced by M.P.'s have become laws. The judiciary remained under the control of the President and the executive branch. The lack of an independent judiciary made it difficult to root out governmental corruption, which was pervasive, although some corrupt officials were removed from office.

The Committee for National Security (the KNB, successor to the Soviet-era Committee on State Security (KGB)) is responsible for national security, intelligence, and counterintelligence. In practice it also plays a role in law enforcement. It also oversees the external intelligence service, Barlau. The chairman of the KNB reports directly to the Prime Minister and President. The Ministry of Internal Affairs (MVD) supervises the criminal police, who are poorly paid and widely believed to be corrupt. Both the KNB and the MVD police monitored government opponents, the opposition press, human rights monitors, and some nongovernmental organizations (NGO's), who claimed that KNB and MVD officials pressured them to limit

activities objectionable to the Government. The KNB continued efforts to improve its public image by focusing on fighting government corruption, religious extremism, terrorism, illegal arms exports, and organized crime. Members of the security forces committed human rights abuses.

The country is rich in natural resources, particularly petroleum and minerals. The Government has made significant progress toward a market-based economy since independence. It has successfully privatized small- and medium-sized firms and many large-scale industrial complexes and has attracted significant foreign investment, primarily to the energy and minerals sectors. The agricultural sector, which represents about 10 percent of gross domestic product (GDP), has been slower to reform since the Government has not established a legal basis for private land ownership. Official statistics indicate that the long fall in real wages after independence stopped in 1997. The average annual wage in 1999 was approximately \$1,180 (167,560 tenge). The average monthly nominal wage in 2000 was \$95.14 (13,521 tenge). Real wages grew 5.3 percent in 2000 over 1999 figures. According to government data, in the first 3 quarters of the year approximately 25.5 percent of the population had incomes below the "minimum subsistence level" of \$27 (3,969 tenge) per month, compared with 34.5 percent whose incomes were below the 1999 minimum subsistence level of \$24 (3,394 tenge) per month.

Rising oil prices in the second half of 1999 combined with the positive effects of an April 1999 decision to allow the currency to float helped the country to post GDP growth of 1.7 percent in 1999, after a 2.5 percent fall in GDP the previous year. GDP per capita also increased slightly to \$1066 (127,000 tenge). Inflation, which initially spiked after the currency fell following the April 1999 decision to float the currency, has been under control and was 9.8 percent in 2000. Real GDP grew by 9.5 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. The Government severely limits citizens' right to change their government, and democratic institutions remain weak. The OSCE concluded that presidential elections in January 1999 fell far short of international standards, although it saw some improvement in the Parliamentary elections held later in the year. The Government barred two opposition politicians from competing in the presidential elections on administrative grounds and authorities harassed opposition candidates during both election campaigns. During the year, government officials began a series of conferences on electoral reform with opposition leaders and others under the auspices of the OSCE, although the Central Elections Commission moved to effect electoral commission changes before waiting for the conclusion of the conferences. The legal structure, including the Constitution adopted in 1995, does not fully safeguard human rights. Members of the security forces committed extrajudicial killings as a result of abuse of military conscripts and, reportedly, through mistreatment of individuals in custody. President Nazarbayev spoke out against police use of torture, and there were a number of cases in which the Government pressed criminal charges against police accused of mistreating individuals in their custody. However, human rights monitors criticized the efforts as inadequate. Prison conditions remained harsh. The Government began a process of transferring authority over prisons from the MVD to the Justice Ministry, a step that human rights monitors had long sought, but the effect of this change could not be determined as of year's end. The Government on some occasions used arbitrary arrest and detention, and prolonged detention is a problem. The judiciary remains under the control of the President and the executive branch, and corruption is deeply rooted. The Government infringed on citizens' privacy rights.

The Government restricted freedom of speech and of the press. The Government harassed much of the opposition media, and government efforts to restrain the independent media continued. Vague laws concerning the media, state secrets, libel, and national security increased pressure on the media to practice self-censorship. The Government introduced draft amendments to the Law on Media in October that, if enacted, would constitute a step backward for the independent media. However, the Government continued to issue new licenses for various types of media and, according to the Government, the number of media outlets increased. The Government continued to own some major printing and distribution facilities and to enjoy influence over those owned privately. Academic freedom is not respected. The Government imposes significant restrictions on freedom of assembly. At least two organizers of unsanctioned demonstrations were arrested and fined or imprisoned. The Government imposes significant restrictions on freedom of association, and complicated and cumbersome registration requirements hinder organizations and political parties. Some political parties increased their organizational activities successfully. The Government sometimes harasses those whom it regards as religious extremists. Domestic violence against women remained a serious problem. There was

discrimination against women, the disabled, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. The Government limited worker rights; it tried to limit the influence of independent trade unions, both directly and through its support for state-sponsored unions, and members of independent trade unions were harassed. Workers continued to protest chronic nonpayment of wages. Child labor persists in agricultural areas. There was evidence of trafficking in women and in at least one case customs and border officials were under investigation for complicity in trafficking.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated extrajudicial killings.

Members of the security forces committed extrajudicial killings as a result of abuse of military conscripts and, reportedly, through mistreatment of individuals in custody.

In July 28-year-old Kairat Sabdenov, the son of an M.P., died from internal injuries that he sustained from a police beating in Kokshetau after he had been detained following a car accident. In December police charged the policeman who allegedly beat Sabdenov with murder. Five policemen were charged with improper performance of their duties and one from the Akmola Oblast MVD was relieved of his post for investigating the accident scene improperly.

Ivan Prokopenko died in a detention center in Aktobe on March 1. He had been arrested 2 months earlier on suspicion of having stolen \$250 (36,750 tenge) worth of wooden poles. Human rights monitors reported that a doctor who examined the body and the boy's parents saw evidence of brain trauma, burns, and cuts. The Aktobe city prosecutor found in October that Prokopenko had died from head injuries suffered when he slipped and fell, hitting his head on the concrete floor. The authorities indicated that their investigation had found no other injuries and they closed the case.

In April a man named Bekov died in a hospital from injuries he had said he sustained when police in Almaty detained and beat him. An official investigation was launched, but no further information was available at year's end.

According to press reports, a criminal case was brought against a police sergeant in Makhtaaralsk (Shymkent Oblast) for the 1999 beating death of a 24-year-old man, Nurzhan Saparov, who was in custody following his arrest for disturbing the peace. At year's end, reportedly four police officers were awaiting trial charged with responsibility for his death.

On December 1, a District court fined Lieutenant Colonel Zhanteleyev 2 month's wages in the 1998 death of Yalkynzhan Yakupov, whose body was found hanging in the Chunjua District police station. However, the court dismissed the charges of abuse of power and illegal detention against the Colonel. Zhanteleyev was amnestied under the December 2000 general amnesty.

Reports indicate that deaths caused by military hazing persist. The Deputy Chief of the General Staff reported 17 cases of death due to mistreatment in the first 6 months of 1998. No statistics on the incidence of this form of mistreatment have been available since that time. However, there are some reports that military personnel engaging in hazing have been prosecuted, and the Government has begun a program to improve training of military forces on social and legal issues. (See Section 1.c.)

Harsh prison conditions led to the deaths of some persons in custody, many from disease (see Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution states that "no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity;" however, police tortured, beat, and otherwise abused detainees, often in order to obtain confessions. Government officials acknowledged the seriousness of the problem and undertook some efforts to combat it. There were no reports of police beating protestors as they have done in earlier years. In a speech to law enforcement officials on April 19, President Nazarbayev criticized police use of an "arsenal of torture (that) can surprise the most extreme sadists." President Nazarbayev referred in his speech to cases where law enforcement officials seared one detainee with a hot iron and poured cold water over another as he stood naked outside in cold weather. He said that the use of such tactics was "widespread." Prosecutors brought criminal charges against 70 police officers for the unlawful use of violence against citizens during the year and disciplinary actions were taken against hundreds more. More than 20 Inte-

rior Ministry (MVD) employees reportedly were convicted on such charges. Human rights observers believe that these cases cover only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police are very low, and individual law enforcement officials often are supervised poorly.

Some of the instances of mistreatment occur in prisons, and the Government formally transferred authority over prisons from the Interior Ministry to the Justice Ministry in a move intended to reduce such abuses. The actual transfer of authority will be implemented over a period of 2 years. In March 2000, the MVD opened a training center for penitentiary system employees in Pavlodar. Together with the OSCE and Prison Reform International (PRI) the Government has undertaken training abroad for 15 instructors from this new institute to review penal policies, including human rights of prisoners.

On April 26, three teenagers widely believed to have been tortured in detention slit their throats in a Zhanatas courtroom after being sentenced to prison terms for fighting with police. One of the 3, 17-year-old Kairat Seidakhmetov, died from the self-inflicted injury. The Kazakhstan International Bureau for Human Rights (KIBHR) and independent television stations charged that police repeatedly tortured these 3 boys and the 17 other individuals charged in the same case. One reportedly suffered a concussion and two broken arms. Police reportedly cut the feet of another and stuck needles under the fingertips of detainees under interrogation. One female detainee charged that police repeatedly raped her. The detainees, some of whom confessed, reportedly had no access to lawyers. Reports of the mistreatment led to demonstrations in Zhanatas in February and again in April following Seidakhmetov's suicide. The July 4 edition of the official *Kazakhstanskaya Pravda* newspaper reported that the Chief of the Legal Bureau of the Presidential Administration visited Zhanatas to investigate the allegations of police torture. The head of the city police force was fired and other MVD employees reprimanded, but criminal charges brought against the policemen involved in the case were later dropped.

Almaty authorities brought criminal charges against two policemen for beating opposition activist Aleksei Martynov in custody in December 1999. A trial began in August but had not been concluded at year's end. No arrests were made in connection with the assault against opposition activist Andrei Grishin in November 1999, shortly after he published a newspaper article critical of a new museum dedicated to President Nazarbayev. Law enforcement authorities claimed that Grishin never filed a complaint. Grishin said he filed a complaint with the Almaty city prosecutor's office in December 1999 and was subsequently interviewed by an Interior Ministry official in January. The authorities took no actions against police who allegedly beat 70 members of an Islamic group from Taraz whom they detained in July 1999. The authorities took no actions against police accused of beating a group of female hunger strikers in Aralsk in April 1999. Police closed investigations, without making arrests, into 1998 assaults against opposition activist Amirzhan Kosanov and a Kazakhstani employee of a foreign embassy. The latter assisted diplomats in making contacts with opposition and human rights figures. Police detained a suspect in connection with the 1998 assault against opposition activist Yelena Nikitenko but did not bring charges, according to official sources, because Nikitenko, who moved away from Kazakhstan, was unavailable to testify.

Six unidentified men assaulted Sergey Bondartsev, a youth organizer for the opposition Republican National People's Party (RNPK), in Almaty on April 9. Bondartsev suffered serious internal injuries that required two operations. At the time of the assault, Bondartsev was organizing a demonstration in support of opposition figure Madel Ismailov, who had earlier in the week been sentenced to a jail term (see Section I.d.). The demonstration did not take place. Law enforcement authorities made no arrests in the case, claiming that Bondartsev had never filed a complaint. Bondartsev asserted that he filed a complaint and that police from the Medeu district of Almaty interviewed him about the assault while he was in the hospital. The attack clearly appeared to have been premeditated.

MVD and other government officials participated in a September conference in Almaty on combating police use of torture that was organized by the OSCE, the KIBHR and the Government of Germany. They acknowledged that police use of torture and other abuses were widespread.

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse. No statistics were available on the extent of the problem. The Army launched a campaign to punish violators of a new antihazing policy in 1998, and the Government has taken action occasionally against officials charged with abuses, often levying administrative sanctions such as fines for those found guilty. A military court in Zhambul region sentenced a sergeant to death by firing

squad in December. The court ruled the man was guilty of killing two persons and of desertion to avoid responsibility for beating up a soldier under him.

Prison conditions remained harsh and sometimes life-threatening due to inadequate resources. In 1998, 1,290 inmates, more than 1 percent of all prisoners, died from disease, mostly tuberculosis, aggravated by harsh and at times life-threatening prison conditions and inadequate medical treatment (see Section 1.c.). In 2000, 498 prisoners died in custody. More than 200 of these deaths were due to illness, mostly tuberculosis. Another 170 gravely ill prisoners died shortly after release from prison. Government officials indicate that improved treatment undertaken in cooperation with the World Health Organization (WHO) has reduced the deaths from tuberculosis. In 1999, 384 prisoners died of the disease in custody and 409 were released on humanitarian grounds due to illness and died at home (see Section 1.c.).

Overcrowding, inadequate prison diet, and a lack of medical supplies and personnel contributed to the spread of tuberculosis and other major diseases. Government officials reported that 10,000, or 12 percent of all, prisoners suffered from tuberculosis. Government representatives assert that the incidence of tuberculosis is declining, in part as a result of cooperation with WHO to improve conditions for both prisoners and the civilian population. These figures do not differ significantly from figures provided by human rights observers. The Government's senior prisons official acknowledged that the number of prisoners with AIDS is growing. The number infected reportedly grew from 256 in 1999 to 263 in 2000, although the authorities maintain that the prisoners were infected before being incarcerated. Experts believe, however, that many cases go unreported. Prison guards, who are poorly paid, steal food and medicines intended for prisoners. Violent crime among prisoners is common. Prisoners protested poor living conditions in prison through mass self-mutilation. According to the official press, 44 prisoners in Arkalyk reportedly cut open their abdomens on July 13. Some 57 prisoners in an Almaty Juvenile Detention Center cut open their abdomens and wrists on August 11. None of the prisoners died. The deputy head of the Arkalyk prison and the head and deputy head of the Almaty juvenile facility were fired as a result of these incidents.

According to the Interior Ministry, during the year there were approximately 80,000 prisoners in facilities designed to hold 60,000. A 1999 amnesty reduced the total prison population by about 15,000, but the population nearly returned to pre-amnesty levels within a year. The chief national prosecutor deplored overcrowded conditions in an Astana detention center he visited in March, noting that cells of 200 square feet contained 20 detainees each. He reportedly ordered the release of several of the detainees.

The Government followed up its 1999 general prison amnesty in December with a law to provide amnesty in the first 6 months of 2001 for 18,200 inmates, shorten the terms of an additional 2,500, and terminate approximately 3,000 pending criminal cases. The 1999 amnesty resulted in the release of over 15,000 prisoners. Prisoners are allowed one 4-hour visit every 3 months, but additional visits may be granted in emergency situations. Some prisoners are eligible for 3-day visits with close relatives once every 6 months. Juveniles are kept in separate facilities.

Although there is no known statutory requirement, human rights monitors and journalists wishing to visit prisons must receive authorization from the MVD. Although the Government sometimes created obstacles for those who requested access to prisons, the KIBHR reported that its representatives sometimes, but not always, received authorization. The KIBHR visited men's, women's, and juveniles' prisons during the year. Prison experts from the OSCE visited prisons in Akmola and East Kazakhstan oblasts. Two international NGO's, the Dutch Interchurch Aid and Penal Reform International (PRI), accompanied KIBHR on prison visits in Pavlodar during the year. PRI also visited prisons for juveniles and women in Almaty. On September 6, the Minister of Justice announced that the Government had decided to transfer responsibility for prisons from the Ministry of the Interior to the Ministry of Justice. Human rights monitors had called for the change, which President Nazarbayev endorsed in a September 1 address to Parliament.

d. Arbitrary Arrest, Detention, or Exile.—The Government used minor infractions of the law frequently related to unsanctioned assembly to arrest and detain government opponents (see also Section 2.b.). On April 6, authorities in Almaty arrested, tried, and convicted labor movement leader Madel Ismailov for organizing an unsanctioned demonstration and for contempt of court. The Court sentenced Ismailov to 15 days in jail. Ismailov served a 1-year prison sentence in 1998–99 for publicly calling the President a “scoundrel.” The demonstration in question, a regular monthly pensioners’ protest over living conditions, took place on January 30. The contempt of court charge stemmed from Ismailov’s refusal to answer a summons to appear in court on April 5. Ismailov went to the courthouse on April 5 but

refused to enter when, he and press reports alleged, the authorities refused to allow his lawyer or supporters to enter with him.

A court in Almaty on April 24 sentenced two members of the opposition Republican National People's Party of Kazakhstan (RNPk), Pyotr Afanasenko and Satzhan Ibrayev, to 3^o years in prison for a weapons offense. An appeals court upheld the convictions. Afanasenko and Ibrayev, former KNB officers, served as bodyguards to RNPk leader Akezhan Kazhegeldin. Although it appeared there could be a factual basis for the charges against Afanasenko and Ibrayev, the OSCE and international and domestic human rights observers charged that government prosecution and sentencing of them was politically motivated. Some human rights observers also criticized the authorities for incarcerating Afanasenko and Ibrayev in ordinary prisons rather than in special institutions created to protect former members of the security forces from possible retribution by other prisoners.

A member of the RNPk, film director Rashid Nugmanov, a long-time resident of France, was detained by customs and tax officials upon arriving on an international flight to Almaty on May 24 and summoned to appear before the tax police on May 25. His brother, Murat, an Almaty businessman, was also summoned by tax authorities on May 24. Details of the investigation were unclear. RNPk and human rights observers alleged that the investigation of Rashid Nugmanov was motivated politically.

The chief of the Almaty branch of the RNPk, Alikhan Ramazanov, and an activist of the party, Nurlan Bakirkhanov, were brought to trial in Medeu District Court on June 7 for organizing an unsanctioned mass gathering on May 31. Both were fined \$205 (29,000 tenge).

The law sanctions pretrial detention. According to the Constitution, police may hold a detainee for 72 hours before bringing charges. The Criminal Code allows continued detention for much longer periods with the approval of the General Prosecutor of the Republic. Lower-ranking prosecutors may approve interim extensions of detention. In practice police routinely hold detainees, with the sanction of a prosecutor, for weeks or even months without bringing charges, and prolonged detention is a serious problem. The General Prosecutor's office was reported in the official Russian-language newspaper *Kazakhstanskaya Pravda* as stating that law enforcement authorities held more than 7,000 persons in custody longer than legally allowed in 1998. Government officials have subsequently denied this, but no other statistics concerning the scale of this practice have been made available. Additionally, short (3-hour) and long (72-hour) detentions for "suspicion" are used widely.

A bail system exists, but government officials indicate that only 47 persons were released on bail in the first 8 months of the year (no figure for total detainees was available, but 28 persons were released on bail out of the 26,598 persons detained in the first 8 months of 1999).

According to the Constitution, every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. This right generally is respected in practice. Human rights monitors allege that law enforcement officials have pressured prisoners to use certain attorneys or to refuse the assistance of an attorney, sometimes resulting in a delay before the accused sees a lawyer. Detainees also may appeal the legality of detention or arrest to the prosecutor before trial, but in practice most persons refrain from making an appeal due to fear of reprisal for doing so. If the defendant cannot afford an attorney, the Constitution provides that the State must provide one free of charge. Human rights organizations allege that many prisoners are unaware of this provision of the law. The Government's reluctance to provide a lawyer is partly attributed to a shortage of funds to pay court-appointed lawyers to which defendants are entitled. Some lawyers are reluctant to defend clients unpopular with the Government.

Almaty authorities detained well-known criminal defense lawyer Anatoly Ginzburg for 3 days in July after Ginzburg agreed to defend a man charged in a high-profile murder case. Ginzburg remained under investigation for allegedly stealing documents from the MVD in 1994, although no charges were filed. According to one press report, Ginzburg had been warned by "the authorities" not to defend Anatoly Adamov, the former deputy director of the national arms export agency, Kazspetsexport, in connection with the April 15 murder of Kazspetsexport director Talgat Ibrayev. Ginzburg and human rights monitors alleged that the authorities detained Ginzburg in order to dissuade him from defending Adamov. In July the Union of Lawyers of Kazakhstan sent an open letter to the heads of the national law enforcement agencies to protest the Ginzburg case and a "universal" pattern of abuse of the rights of criminal defense lawyers. The letter charged that law enforcement authorities infringe on the rights of lawyers to meet confidentially, and as often as necessary, with defendants; deny lawyers access to government buildings,

including the courts; search the lawyers' belongings when allowing them to enter; and surreptitiously record lawyers' conversations with clients. In response to the letter, the Coordinating Council of the National Law Enforcement Agencies, under the chairmanship of the Prosecutor General, passed a resolution in August calling on the agencies to abide by the law and, where necessary, to draft new statutes guaranteeing that lawyers can effectively do their work. However, a representative of the local lawyer's association maintained that the Government had not passed any statutes facilitating lawyers' work by year's end.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial.—Government interference and pressure compromised the court system's independence throughout the year—a situation based largely on legislative, administrative and Constitutional arrangements that in practice subjugate the judiciary to the executive branch of government. A presidential decree signed in September sought to lessen executive branch control of the judiciary by moving responsibility for the courts' administrative support from the justice ministry to the Supreme Court, though its ultimate impact remained uncertain.

There are three levels in the court system: Local; oblast (provincial); and the Supreme Court. According to the Constitution, the President proposes to the upper house of Parliament (the Senate) nominees for the Supreme Court. (Nominees are recommended by the Supreme Judicial Council, members of which include the chairperson of the Constitutional Council, the chairperson of the Supreme Court, the Prosecutor General, the Minister of Justice, Senators, judges, and other persons appointed by the President.) The President appoints oblast judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the Ministry of Justice. The list is based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the lower house of Parliament (the Majilis), judges, public prosecutors, legal experts, and Ministry of Justice officials. Under a change introduced in December, the President appoints the collegium chairman.

According to legislation passed in December 1996, judges are appointed for life, although in practice this means until mandatory retirement at age 65. Under a 1995 presidential decree on the courts and the status of judges, the President can remove judges, except members of the Supreme Court or chairmen of judicial collegia, upon recommendation of the Minister of Justice. (The Minister's recommendations must in turn be based on findings by either the Supreme Judicial Council or Qualification Collegium of Justice that the judge failed to, or was no longer capable of, performing his duties.) The President can request, based on recommendations from the Supreme Judicial Council, that the Senate remove members of the Supreme Court or chairmen of judicial collegia.

The 1995 Constitution abolished the Constitutional Court and established a Constitutional Council. The Council rules on election and referendum challenges, interprets the Constitution, and determines the constitutionality of laws adopted by Parliament. The President directly appoints three of its seven members, including the chairman, and has the right of veto over Council decisions. The Council can overturn a presidential veto if at least two-thirds, or five, of its members vote to do so. At least one presidential appointee must therefore vote to overturn the President's veto in order for the Council to overrule the President. Citizens do not have the right to appeal to the Council about the constitutionality of government actions, although they were allowed to make such appeals to the former Constitutional Court. Under the Constitution, only the President, chairperson of the Senate, chairperson of the Majilis, Prime Minister, one-fifth of the members of Parliament or a court of law may appeal to the Constitutional Council. The Constitution states that a court shall appeal to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen."

Local courts try less serious crimes, such as petty theft and vandalism. Oblast courts handle more serious crimes, such as murder, grand theft, and organized criminal activities. The oblast courts also may handle cases in rural areas where no local courts are organized. Judgments of the local courts may be appealed to the oblast-level courts, while those of the oblast courts may be appealed to the Supreme Court. There is also a military court.

The Constitution and the law establish the necessary procedures for a fair trial. Trials are public, with the exception of instances in which an open hearing could result in state secrets being divulged, or when the private life or personal family concerns of a citizen must be protected.

According to the Constitution, defendants have the right to be present, the right to counsel (at public expense if needed), and the right to be heard in court and call witnesses for the defense. Defendants enjoy a presumption of innocence, are pro-

tected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings are to be conducted in the state language, Kazakh, although Russian also may be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. In most cases, these rights are respected. However, cases involving government opponents frequently are closed. Labor movement leader Madel Ismailov alleged that the Medeu district court in Almaty refused to allow the public to observe an administrative trial against him in April (see Section 1.d.).

The problem of corruption is evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors or other officials solicit bribes in exchange for favorable rulings in nearly all criminal cases. Judges are poorly paid. According to the Minister of Interior, in 2000 the Government dismissed 613 MVD officers and initiated criminal proceedings against 105 for corruption related crimes. The Prosecutor General stated that 9 senior prosecutors, 8 district prosecutors and 3 department heads had been fired for similar offenses. The Ministries of Justice and Internal Affairs have received additional funding to increase salaries for law enforcement agents and judges. Human rights monitors allege that these government actions only scratch the surface of the problem. According to press and other accounts, judicial positions can be purchased.

There were no political prisoners. However, opposition and human rights activists charged that the prosecution and imprisonment of Pyotr Afanasenko and Satzhan Ibrayev was politically motivated (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Despite Constitutional protections, the Government infringed on these rights. The Constitution provides that citizens have the right to “confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages.” However, limitation of this right is allowed “in cases and according to procedures directly established by law.” The KNB and Ministry of Internal Affairs, with the concurrence of the general prosecutor’s office, can and do interfere with citizens’ privacy and correspondence. The Criminal Procedure Code allows the police and KNB to conduct searches or monitor telephone calls and mail without a warrant if they inform the General Prosecutor’s office within 24 hours of such activity. Some government opponents complained that the Government monitored their movements and telephone calls.

A central, state-run billing center for telecommunications services opened during the year. Few companies complied with government requirements to route their services through the center; those that did comply routed service only for the city of Almaty through the center. The Government presented the creation of the center as an attempt to ensure that all telecommunications traffic was being taxed properly. NGO’s, opposition figures, and human rights monitors expressed concern that the Government would use the center to enhance its ability to monitor telecommunications and control the availability of information on the Internet. Government officials denied that this was their intent. As of year’s end there was no effort to systematically block access to web sites. However, clients of the two largest Internet providers, Kazakhtelecom and Nursat, were blocked from direct access to the opposition Evrasia website from September 15 to October 15. They still could access the site through proxy servers. Users of other Internet services could access the site without difficulty.

A 1999 decree that would have required telecommunications companies to conform their equipment to KNB standards was repealed on May 22. Human rights monitors and many potentially affected companies had sharply criticized the decree.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and a 1999 press and media law provide for freedom of speech and of the press; however, the Government restricted these freedoms in practice. The Government harassed independent and opposition media, and as a consequence many journalists practiced self-censorship.

The media law reaffirms the Constitutional provision for free speech and prohibits censorship; however, the Government takes advantage of the law’s vague language effectively to restrict media freedom. For example the law prohibits the mass media from “undermining state security” or advocating “class, social, race, national, or religious superiority” or “a cult of cruelty and violence.” Under the law, owners, editors, distributors, and journalists can be held responsible for violations. The law also requires all media to register with the Government, but it does not set forth an appeals process, other than through the courts, if registration is denied. A vaguely written 1998 law on national security similarly restrains media freedom. It gives the Prosecutor General the authority to suspend the activity of news media that undermine national security. A 1999 state secrets law established a list of government

secrets the release of which is proscribed in the Criminal Code. Much of the information on the expansive list was vaguely defined and thereby likely to inspire media self-censorship. The law defines, for example, certain foreign policy information as secret if "disclosure of this information might lead to diplomatic complications for one of the parties." The list of state secrets enumerated in the law also included all information about the health and private life of the President and his family. Also defined as state secrets was basic economic information such as the volumes and scientific characteristics of national mineral reserves and the amount of government debt owed to foreign creditors.

In an April 19 speech to law enforcement officials, the President called for the verification of mass media compliance with the media and national security laws and how the media are financed. The President sharply criticized much of the national mass media, including the Khabar state television channel, which is operated by his eldest daughter. He accused Khabar of tendentious reporting; he accused other unnamed media outlets of "inciting national strife, insulting the dignity of the people, coming out against the Constitutional system (and) disparaging their country." Consistent with public assurances on April 24 by the Minister of Culture, Information, and Social Accord that the President's speech did not presage a crack-down on the media, government policy toward the media did not appear to change after the President's speech. However, human rights monitors charged that the tone of the President's speech reinforced a climate of media self-censorship and law enforcement harassment of the media. Nonetheless, new licenses for media of various forms continued to be issued and, according to the Government, the number of media outlets in the country increased.

In October the Government introduced draft amendments to the media law that would limit foreign media rebroadcasters to per cent of a station's total air time, hold media outlets responsible for the accuracy of foreign media they rebroadcast, and force websites to register as media outlets. Journalists and NGO's charged that the draft law would infringe freedom of speech.

The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. Although publications expressing views independent of the Government continued to publish, the Government took measures to punish publications that reported certain undesirable stories and harassed two publications that were affiliated with one of the opposition parties, measures taken with the evident intention of intimidating certain media critics. These actions and the resulting widespread belief that the Government was cracking down on independent media effectively resulted in widespread media self-censorship. In January a court in Ust-Kamenogorsk ordered the local HBC-Press newspaper to suspend publication for 3 months. The court found, and an appeals court subsequently upheld, that the newspaper had violated the media law by publishing an article calling for the overthrow of the country's constitutional system. The article in question contained a public appeal from the leader of a Russian nationalist group arrested in November 1999 for plotting to overthrow the local government in Ust-Kamenogorsk. The newspaper had received a copy of the appeal at a news conference attended by other local media. The editor of HBC-Press asserted that representatives of the KNB at the press conference did not warn journalists not to publish the press release. HBC-Press went out of business without resuming publication after the court-ordered suspension.

The key subject considered "off limits" by journalists was personal criticism of the President and his family. Most newspapers did not present the story, widely reported in the western press, about alleged American and Swiss investigations into possible illicit payments by a foreign businessman to President Nazarbayev and two former Prime Ministers. However, *The Globe*, a small-circulation Russian-English bilingual newspaper based in Almaty, dedicated most of one edition to the subject. Law enforcement authorities visited the newspaper's office on the day the issue appeared, July 6, to summon its publisher for questioning. The visit appeared to be in response to the content of the July 6 edition, although government officials characterized the visit as a routine tax inspection. *The Globe* stopped printing for a month after refusing, its management claimed, to agree to a request from its government-owned publishing house to refrain from including such controversial material. About 1 month after resuming publication, the newspaper announced that the publishing house would no longer print the newspaper following inclusion of an article critical of the Prime Minister. However, the newspaper continued to publish, and no charges were brought against the publisher, who remained abroad.

The Government took steps that inhibited the publication and distribution of newspapers affiliated with the opposition. The tax police temporarily seized newspapers during investigations of various printing houses; they were later returned.

Government actions appeared to focus in particular on two newspapers associated with RNPk, the party of former Prime Minister Akezhan Kazhegeldin, Twenty-First Century (XXI VEK) and SolDat. Both newspapers had difficulty finding printing houses willing to publish them, resulting in several missed editions. Twenty-First Century finally purchased its own small printing machine but on December 27 unknown individuals allegedly broke into their offices and short-circuited the machine. Customs officials seized a run of Soldat newspaper when the editors tried to bring it across the border from Russia. These papers were also later returned. SolDat also attempted to print in the Kyrgyz Republic twice during the year, but both runs were confiscated by customs at the border. However, both newspapers continued to appear during the year.

The KNB reportedly was investigating SolDat and its editor in chief, Yermurat Bapi, in connection with a complaint that the newspaper insulted the honor and dignity of the President, an offense proscribed in the Criminal Code. The complaint arose from two articles in the newspaper's June 22 edition that reported corruption allegations against the President. The articles were purportedly reprints from Western publications.

In June a government-run publishing house refused to continue printing SolDat. The Ministry of Agriculture publishing house had been printing the newspaper for 8 months. The chief of the publishing house told journalists that he acted because the newspaper's editors failed to meet unspecified contractual obligations. The management of SolDat denied the charge. After SolDat subsequently began publishing in Russia, its management claimed that customs officials at a border crossing point near Semipalatinsk seized an entire print run of the newspaper on July 5. Editor in chief Bapi, who was transporting the newspapers, said that customs officials justified the action because Bapi misstated the number of newspaper bundles he was transporting. SolDat management publicly charged that officials seized the newspaper because it contained articles critical of President Nazarbayev on the occasion of his 60th birthday. Twenty-First Century continued to have difficulty finding printing houses willing to publish it, though it managed to circulate with inferior print quality. On April 27, the tax police in Almaty seized an entire print run of the newspaper at a publishing house because of alleged tax violations by the printer. Government authorities said that the seizure was directed at the printer, not the newspaper.

The independent newspaper Nachnyem's Ponedelnika, which specializes in investigative articles about government corruption, continued to face a number of defamation lawsuits, many from government officials. After finding in favor of a defamation suit brought by the association of judges, a court in Almaty ordered the seizure of the newspaper's assets, along with the personal assets of its founder and executive director, on May 24. Police confiscated the newspaper's print run, financial records, office equipment, and furniture, on the next day. In June a judge in Almaty fined Nachnyem's Ponedelnika \$350,000 (50 million tenge) for infringing on the name of another newspaper. The fine was reduced to \$2,000 (290,000 tenge) by an appeals court in July. Management of Nachnyem's Ponedelnika alleged that these and other lawsuits against it were politically motivated and that prosecutors, the tax police, and the mayor of Almaty were harassing the newspaper. Government officials denied they were conducting a campaign against the newspaper, and maintained that reckless allegations in the newspaper were responsible for the spate of civil law suits against it.

Government's influence over media outlets is extensive. According to government statistics, there were 1,258 mass media and information agencies in the country as of September 1, 76 percent of them privately owned. However the Government runs the newspapers that appear most frequently, five times a week, a number of privately owned media are believed to be controlled by members of the President's family, and many of those which are nominally independent, particularly Kazakh-language print media, receive government subsidies. There are a number of newspapers that are produced by government ministries, for example, Kazakhstan Science, which is published by the Ministry of Science. Each major population center has at least one independent weekly newspaper. There are 11 major independent newspapers in Almaty.

The Government controls nearly all broadcast transmission facilities. There are 45 independent television and radio stations (17 television stations, 15 radio stations, and 13 combined television and radio stations). Of these, 11 are in Almaty. There are only two government-owned, combined radio and television companies; however, they represent five channels and are the only stations that can broadcast nationwide. Regional governments own several frequencies; however, independent broadcasters have arranged with local administrations to use the majority of these. An

organization of electronic media, the Association of Independent Electronic Media of Central Asia (ANESMI), exists, but it is divided and weak.

On March 31, the independent Almaty television channel 31 fired Tatiana Deltsova, the chief editor of its nightly news program, under what the station president publicly alleged was a government threat to close the station. The reported cause of Deltsova's dismissal was an article that she presented March 30 about vandals' attacks earlier that day on the homes of three leading Government opponents (see Section 2.b.). Government officials reportedly had expressed their dissatisfaction previously with Deltsova's coverage of the opposition. At year's end, Deltsova was hosting a new news program on the television company TAN, an independent television station.

There were no reports, as there were in 1998, that the Government threatened not to renew broadcast licenses of outofavor independent stations. There were also no frequency auctions; many members of the independent media and human rights monitors believed that the Government used the auctions in the past to harass and even eliminate independent media.

During the campaign for the January 1999 presidential election, many members of the independent media reported Government pressure not to cover opposition candidates. Media coverage of the campaign for the October 1999 parliamentary elections was extensive and featured all candidates. A nationally televised 2 ° hour live debate on Khabar state television featured representatives of the nine registered parties that were participating in the party-list section of the vote. Despite these improvements over the presidential election, independent media around the country reported official pressure to give the majority of their parliamentary election coverage to the propresidential Otan party. They also reported that government authorities told them to limit coverage of, and to focus on negative news about, the RNPk and Azamat opposition parties, as well as the Orleu ("Progress") opposition movement. Some television editors claimed that they were told categorically not to cover certain opposition candidates. An RNPk candidate, Twenty-First Century newspaper editor Bigeldy Gabdullin, charged, correctly, that his free broadcast was not shown in his home constituency of Taltar.

The Constitution provides for the protection of the dignity of the President, and the law against insulting the President and other officials remained on the books. The 1999 media law did not control, as did the earlier media law, advertising in the mass media. One law restricts alcohol and tobacco advertising on television. The 1999 media law prohibited violence and all "pornography" from television broadcasts.

Academic freedom is circumscribed. As is the case for journalists, academics cannot violate certain taboos, such as criticizing the President and his family. During the presidential election campaign of 1999, there were widespread credible reports that university and school administrators coerced faculty, students, and the parents of schoolchildren to sign nominating petitions for the reelection campaign of President Nazarbayev. Administrators reportedly pressured faculty to join the propresidential Otan party formed later in 1999. According to credible reports, authorities in Karaganda pressured the administration of the private Bolashak University to cancel a scheduled April 11 lecture by a leading critic of the Government, political scientist Nurbulat Masanov. An MVD officer was reportedly fired in April for allowing Masanov to deliver a lecture at the MVD senior officers school. Masanov was unemployed since faculty at the state Al-Farabi University in Almaty voted in 1998 not to renew his contract, allegedly over his political views. Unknown vandals attacked Masanov's apartment, as well as those of two other opposition activists, in March (see Section 2.b.). Course topics and content generally are subject to approval by university administrations. There were reports that university students in private as well as state universities sometimes had to pay bribes for admission and good grades.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for peaceful assembly; however, the Government and the law impose significant restrictions. The 1998 law on national security defined as a threat to national security "unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes" that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits. However, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They reported that local authorities, especially those outside the largest city, Almaty, turned down most applications for demonstrations in central locations. Officials in Almaty authorized a March 31 dem-

onstration in the center of the city by members of the opposition RNPK, although party members alleged that the authorities were complicit in allowing students from Interior Ministry and olympic-games training schools to disrupt the event.

In the early morning hours of the day preceding the demonstration, unknown persons vandalized the Almaty apartments of RNPK activists Nurbulat Masanov and Amirzhan Kosanov as well as of another well-known opposition figure, Seidakhmet Kuttykadam of the Orleu movement. The vandals cemented or jammed shut the apartment doors, cut electrical and telephone lines, painted threatening graffiti, and hurled a rock through a window into a bedroom where Kosanov's infant daughter was asleep. The three activists publicly charged that government agents working through the KNB were responsible for the crimes. Government officials denied the charge and suggested that the victims might have orchestrated the incidents to attract sympathy, a charge the activists denied. During the week following the incident, Kosanov received a series of messages threatening him and his family. Law enforcement investigations into the incidents were closed without arrests. On March 31, the President of Almaty's independent Television-Radio Channel 31 acting under what he said was government pressure, fired the station's news editor for including a report about the vandalism incidents on the nightly news (see Section 2.a.).

There were numerous peaceful, unsanctioned demonstrations by workers and pensioners protesting difficult economic conditions and the nonpayment of wages. For the most part, law enforcement authorities did not interfere in the demonstrations or take action against the individuals who participated; however, there were some exceptions. In March a court in Astana sentenced a labor union leader to 24 hours in jail for organizing an unsanctioned demonstration by striking construction workers (see Section 6.a.). The authorities arrested well-known government opponent Madel Ismailov (see Section 1.d.), who took part in the longstanding monthly pensioners' demonstrations in Almaty; other participants were not arrested. On April 20, the city court of Ust-Kamenogorsk suspended the activities of the local chapter of the Pokoleniye pensioners' movement for 3 months, charging that the group systematically carried out unsanctioned demonstrations. On December 13, the Bostandyk district court of Almaty found Sakhib Zhanabayeva guilty of organizing an unsanctioned mass gathering and sentenced her to 5 days in jail. Zhanabayeva, an activist of the Kazakhstan Workers Movement, had taken part in a protest by pensioners on November 30.

The chief of the Almaty branch of the RNPK, Alikhan Ramazanov, and an activist of the party, Nurlan Bakirkhanov, were brought to trial in Medeu District Court on June 7 for organizing an unsanctioned mass gathering on May 31. Both were fined \$205 (29,000 tenge).

The RNPK claimed that it was denied access to hotels and other venues in Almaty in May and June. Allegedly the Government had told hotels and other venues in Almaty not to provide their premises for meetings of political parties or movements.

The Constitution provides for freedom of association; however, the Government and the law impose significant restrictions on this right. Organizations that conduct public activities, hold public meetings, participate in conferences, or have bank accounts must be registered with the Government. "Membership organizations," such as churches or political parties, must register in each of the 14 provinces where they have active members, whereas "nonmembership organizations," such as NGOs, only register at the national level. Registration on the local level requires a minimum of 10 members and on the national level, a minimum of 10 members in at least 7 of the 14 oblasts. In addition a registration fee of \$135 (19,845 tenge) is required, and most organizations must hire lawyers or other consultants to expedite their registrations through the bureaucracy. This increases the registration cost by approximately \$200 (29,400 tenge). Some groups consider these costs to be a deterrent to registration.

The Constitution prohibits political parties established on a religious basis. The Government has refused to register ethnically based political parties on the grounds that their activities could spark ethnic violence; however, the small Kazakh ethnic nationalist "Alash" Party was registered for the 1999 parliamentary elections. The Constitution bans "public associations"—including political parties—whose "goals or actions are directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state (and), fanning of social, racial, national, religious, class, and tribal enmity." All of the major religious and ethnic groups have independently functioning cultural centers.

To participate in elections, a political party must register with the Government. The Government registered 3 new parties in addition to the 10 registered to participate in the 1999 parliamentary elections. At least three parties registered in 1999 were widely viewed as opponents of President Nazarbayev. Under current law, a

party must submit a list of at least 3,000 members from a minimum of 9 oblasts. (The cities of Almaty and Astana count as oblast-equivalents in addition to the 14 oblasts for this purpose.) The list must provide personal information about members, including date and place of birth, address, and place of employment. For many citizens, the submission of such personal data to the Government is reminiscent of the tactics of the former Soviet KGB and inhibits them from joining parties. Under the law, members of unregistered parties may run for elected office as individuals but not as party members. The party affiliation of candidates does not appear on ballots for candidates in single-mandate parliamentary constituencies. Since the 1999 elections, 10 members of the lower house of Parliament (Majilis) are elected on the basis of proportional, party-list voting. Two registered opposition parties, Azamat and the RNPk, increased their organizational activities. They participated in training seminars, were active in public political debates, and held press conferences.

The Minister of Internal Affairs rescinded in October a directive that MVD claimed gave law enforcement officers the right to attend any meetings of political parties and NGO's. This claim, to which human rights monitors and opposition party leaders had strongly objected, had been upheld by the Supreme Court in July. Authorities had first asserted this claim when they brought charges against Bigeldy Gabdullin, a leading figure in the opposition RNPk, for obstructing the work of a state organ. The charges arose from a December 1999 incident in which Gabdullin insisted that a senior MVD officer leave a meeting of RNPk officials at the RNPk office in Almaty. An Almaty court convicted Gabdullin on January 25 and fined him \$35 (5,000 tenge). The conviction was upheld on appeal. The judge in the case said she based her decision on the presidential decree on the organization and conduct of peaceful meetings, rallies, pickets, and demonstrations, which authorizes law enforcement agents to attend certain public gatherings. However, Gabdullin's lawyer stressed that article 11 of the decree explicitly exempts indoor meetings of public associations, such as political parties, that are held in accordance with law and the group's charter.

The Constitution prohibits foreign political parties and foreign trade unions from operating. In addition the Constitution prohibits the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the various denominations worship largely without government interference; however, the Government sometimes harasses Islamic and Christian groups whose members it regards as religious extremists. The Constitution defines the country as a "secular" state. The constitution also requires foreign religious associations to carry out their activities, including the appointment of the heads of religious associations, "in coordination with appropriate state institutions." In general the Government does not interfere with the appointment of religious leaders or other activities of foreign religious associations, although foreign missionaries have encountered some visa problems.

Religious organizations, including churches, must register with the Ministry of Justice in order to receive legal status. Without registration, religious organizations cannot buy or rent real property, hire employees, obtain visas for foreign missionaries, or engage in any other legal transactions. Although religious organizations, unlike other nongovernmental organizations, are entitled by law to carry out their activities without government registration, in practice many local officials insisted that they register and in a few instances, disrupted services by unregistered groups. Registration requires an application submitted by at least 10 persons and is usually a quick and simple process. Some religious groups out of favor with the Government have encountered difficulties registering in certain jurisdictions. These groups include Jehovah's Witnesses and some Korean Protestant groups, as well as Muslim groups independent of the Mufti (the national leader of Islam). Foreign missionaries require state accreditation. Witnesses reported continued difficulties with registration in Pavlodar, Osakarovka and Kzyl-Orda in 2000. One group of Jehovah's Witnesses in Petropavlovsk has attempted to register five times. They received four rejections and still have no answer to their latest, September 9, application. One human rights monitor asserted that the Government typically claims that religious groups' charters do not meet the requirements of the law. For example, Kazakhstani law does not allow religious groups to engage in educating children without education ministry approval, and many religions include education in their charters.

A 1999 law on education forbids the activities of educational institutions, including religious schools, that have not been registered by the Ministry of Education. Although no religious schools are known to be registered, the Government apparently took no action against religious schools over registration pending full imple-

mentation of the law. On December 19, First Deputy Minister of Education Erlan Aryn sent a letter to all regional education departments rescinding an earlier ban on visits to schools by religious figures, humanitarian and other aid from religious organizations, and the rental of facilities to religious groups.

Government officials frequently expressed concerns about the potential spread of religious extremism from Afghanistan and other states. Despite concerns about regional security threats from groups claiming a religious basis, the Government did not impose new legal restrictions on religious freedom. Draft restrictive amendments to the law on religion, withdrawn by the government in March 1999, were not reintroduced. However, the country's highest law enforcement officials called for toughening the religion law. The Procurator General of the Republic and the Interior Minister both called for prohibiting the activities of unregistered religious organizations. In February the Interior Minister publicly expressed his dissatisfaction with the presence of conservative Muslims in the country and criticized a local official for attending a stadium meeting of Jehovah's Witnesses. The KNB has characterized the fight against "religious extremism" as a top priority of the internal intelligence service. The official Russian-language newspaper, *Kazakhstanskaya Pravda*, and the official television station, *Khabar*, present as objective news allegations that unregistered religious groups present a threat to national security and social cohesion.

The Ministry of Justice has requested that Jehovah's Witnesses amend their charter to eliminate education as a religious activity. However there were no reports that the Government shut down religious schools. Information on the number of such schools, if any, operating in Kazakhstan, was not available.

In September an education ministry official announced that the Foreign Ministry would "recall" all Kazakhstani students studying in religious institutions outside Kazakhstan, a step considered by some observers to be aimed primarily at preventing young Muslims from being radicalized by militant Islamic education abroad. The official said that the measure was intended to protect the country against religious extremism. It was unclear how the Government would implement the policy. The Government announced that several students studying in Pakistan, Iran, and Turkey would return voluntarily by year's end.

On June 26, the Third Congress of Muslims in Kazakhstan voted to appoint Absattar Derbisaliyev as the new mufti (spiritual chief) of the national Muslim organization. Senior government officials, including reportedly the Chief of the Presidential Administration and the Minister of Culture, Information, and Public Accord, took part in the Congress. Some Muslims alleged that the government officials engineered Derbisaliyev's appointment and the resignation of his predecessor. Derbisaliyev publicly denied that government officials present at the Congress influenced the votes of congress participants, arguing that they were not there when the voting was conducted.

Some local officials continued to maintain, contrary to law, that unregistered religious organizations could not conduct religious activities. Local KNB officials disrupted meetings in private homes of unregistered groups of Jehovah's Witnesses in Pavlodar, Osakarovka and Kyzl-Orda. In March the city prosecutor's office in Astana, the national capital, issued a written warning to a group of schismatic Baptists for not being registered. Earlier in the month, the head of the local Astana office of the Ministry of Culture, Information, and Social Accord visited the leader of the schismatic Baptists to recommend that the church alter its charter prohibition against seeking government registration and apply for registration. In September a Baptist congregation in Astrakhanka was ordered to close by the district court until it complied with registration requirements. Earlier, the pastor had been fined \$10 (1,500 tenge) for failing to register the church. In September KNB official confiscated Bibles and other literature from a prayer group in Kyzl-Orda and had not by year's end returned the documents despite the Prosecutor's order to do so. Law enforcement authorities in Akmola Oblast, the province that includes Astana, conducted regular inspections of religious organizations in order, they asserted, to prevent the development of religious extremism and to ensure that religious groups pay taxes.

Representatives of Jehovah's Witnesses alleged incidents of harassment by a number of local governments. They claimed that city officials in Astana, Almaty, and Shymkent sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. In other cities, officials allowed the church to rent facilities for such gatherings. Church representatives alleged in March that the director of one facility in Almaty told them that city officials had given instructions not to rent space to Jehovah's Witnesses. A city official denied the allegation. Church representatives also alleged that the Prosecutor's Office in Kostenai requested information from the church about its clergymen, organizational structure,

and schools, and that in April documents of Jehovah's Witnesses congregations in Taraz and Abay were inspected. The church faced difficulties registering communities of church members in Petropavlovsk, where registration has been denied several times, and Aktau, although it ultimately was registered in Aktau. On June 7, local KNB and Interior Ministry officers, accompanied by local government officials, raided a prayer house belonging to a registered community of Jehovah's Witnesses in the village of Derbesek (South Kazakhstan Oblast). The officers confiscated religious literature and church correspondence. Church representatives complained to district and oblast KNB officials that the raid was illegal because the officers did not have a prosecutor's warrant. In response the director of the KNB department for South Kazakhstan Oblast wrote a letter confirming that no evidence of "illegal missionary activity" was discovered and that the local KNB officers who participated in the raid had been ordered to return the seized literature and correspondence, which they did at the end of June.

On occasion the authorities took action against groups engaged in proselytizing. In December, two female Jehovah's Witnesses were arrested and detained for one day for proselytizing in Talgar. The police confiscated their documents but returned them after three days. No charges were filed. On December 15, two Krishna Consciousness devotees were detained in Aktobe for selling Krishna books on the street. Police confiscated 20 books, but later released the women without charges. However, one Krishna leader reported that in most oblasts officials leave their followers alone. In July in Akshoki, near the Chinese border, members of a Baptist church reported that local KNB officials, police and clergy incited a crowd to threaten a group preaching Christianity and burn Christian literature. One member was severely beaten by a group of eight men who demanded he convert to Islam. Government officials declined to comment on this incident.

Foreign missionary activity is authorized under law, but only when missionaries are accredited by the State. In practice many missionaries operate without accreditation. Although legally entitled to register religious organizations, foreign missionaries generally find that to be registered they had to list a majority of local citizens among the 10 founders of the religious organization. Some foreign missionaries, whose presence is unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by junior government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize. Jehovah's Witnesses reported difficulties obtaining visas for foreign missionaries to visit Kazakhstan. Other missionaries are harassed by local officials regularly. On June 7, immigration officials at Almaty airport refused to admit an American missionary. The missionary, who held a valid visa, alleged that airport authorities did not give an explanation for his exclusion, saying only that the reasons were secret. The missionary suggested that his exclusion might have been related to problems that he had experienced 6 months earlier with customs officials in Russia, where he had performed religious work. He subsequently was denied a visa to return to Russia. Government officials subsequently confirmed the refusal to grant entry to the missionary and indicated that his name matched one on an immigration lookout list that had been circulated to members of the Commonwealth of Independent States (CIS).

Other foreign missionaries, unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by low-level government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize. Kazakhstan's small Jewish population continued to revive. Following the foundation of the Jewish Congress of Kazakhstan in December 1999, seven new synagogues opened during the year.

The authorities took no actions against police who allegedly beat 70 members of an Islamic group from Taraz who were detained and ultimately released in 1999. The Government invited the national leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in state events. Leaders of other faiths participated in some events, especially in Almaty. In December 1999, during a visit to the United States, the President presented to the Lubavitcher community documents relating to the father of the late Lubavitcher rabbi, Menachem Schneerson. Joint appearances by the Islamic mufti and the Orthodox archbishop, often in the presence of the President, were intended to promote religious and ethnic harmony. Some members of other faiths, including Muslims not affiliated with the national Muslim organization headed by the mufti, criticized the Government's inclusion of the mufti and archbishop in state events as official favoritism and a violation of the Constitutional separation of church and state. Many also believe that the distinction

government officials sometimes make between “traditional” and “nontraditional” religions violated the fundamental standard of equality among religions.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right to emigrate and the right of repatriation; both are respected in practice. The Law on National Security prohibits persons who had access to state secrets through their work from taking up permanent residence abroad for 5 years after leaving government service. Citizens have the right to change their citizenship, but are not permitted to hold dual citizenship.

According to the Constitution, everyone who is legally present in the country has the right to move freely on its territory and freely choose a place of residence except in cases stipulated by law. This provision formally abolished the “propiska” system of residence permits, a holdover from the Soviet era, which ended in 1991, and replaced it with a system of registration. However, in practice citizens still are required to register in order to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty due to its relative affluence and local officials’ fears of overcrowding. The Government can refuse to register a citizen, just as it did under the propiska system, in order to limit the number of persons who can move to a certain city or area.

There were no further reports of government efforts to restrict the movement of foreigners around the country. There were no further reports of foreigners being detained for entering restricted areas that were not clearly marked. Likewise, there were no further reports by foreigners that they were denied access or required to pay exorbitant entry fees to ostensibly free national parks. There were no reports that the authorities refused to approve the assignment of foreign aid workers to towns considered “sensitive,” as had been the case in earlier years. Internal visas are no longer required for foreigners traveling outside Almaty.

An exit visa is required for citizens who wish to travel abroad. Although refusals are rare in general, some opposition political figures encountered difficulties obtaining exit visas. The deputy chairman of the RNPK, Gaziz Aldamzharov, did not receive an exit visa for a trip he planned in February. He reported that immigration authorities told him that the visa could not be issued because of an unspecified criminal investigation against him. He ultimately received a visa after the dates of his intended travel. There have been reports of some officials demanding bribes for exit visas. It is usually necessary to meet a number of bureaucratic requirements before the exit visa is issued. A permanent exit visa is much more difficult to obtain. It requires criminal checks, documents from every creditor stating that the applicant has no outstanding debts and letters from any close relatives with a claim to support from intending emigrants giving their concurrence to the exit visa. In October the President and then-Minister of Internal Affairs announced their intention to eliminate the exit visa requirement for temporary visits or permanent residence abroad, but no action had been taken by year’s end.

Foreigners must have exit visas, although they receive them routinely as part of their entry visa. Foreigners who overstay their original visas, or who did not receive exit visas as part of their original visas, must get exit visas from the immigration authorities before leaving. Foreign visitors are required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local office of visas and registration (OVIR). Many foreigners complained that the process was bureaucratically cumbersome. Foreigners are no longer required to register in every city they visit. One registration with OVIR is sufficient for travel throughout the country. Immigration authorities occasionally refused to allow foreigners without proof of registration to leave the country.

Authorities used the 1999 Law on State Secrets to justify confiscating the passport of Amirzhan Kosanov, an official of the opposition RNPK, as he tried to fly to the United Kingdom on November 25 (see Section 3). Kosanov, who had traveled abroad during the 3 years between his departure from government service and full implementation of the state secrets law, said that he had a valid exit visa and U.K. entry visa for the November trip. Almaty migration police in October had tried to seize Kosanov’s passport. The Government alleged that Kosanov had access to state secrets when he served as press secretary to former Prime Minister Akezhan Kazhegeldin, the leader of the RNPK; that Kosanov had refused to sign a standard non-disclosure agreement and follow other simple procedures prescribed by the law; and that other former officials with knowledge of sensitive information had been allowed to travel after complying with the procedures. The Government is not known to have used the Law on State Secrets to block the foreign travel of any other former officials since the law’s passage in 1999.

The Government accords special treatment to ethnic Kazakhs and their families who fled during Stalin’s era and wish to return. Kazakhs in this category are entitled, in principle, to citizenship and many other privileges. Anyone else, including

ethnic Kazakhs who are not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the previous century, must apply for permission to return. However, it is the stated policy of the Government to encourage and assist all ethnic Kazakhs living outside the country to return, if they wish.

The Government usually cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 1999 the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government did not pass implementing legislation for the Refugee Convention by year's end. The absence of implementing legislation left unclear many aspects of the status of refugees, such as whether they have a right to work.

Following the passage of a 1997 migration law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status in consultation with the UNHCR. The Government in most cases allowed UNHCR access to detained foreigners. Ethnic Kazakh migrants are automatically eligible for citizenship, although the Government has granted citizenship to only about 10 percent of the 191,000 Kazakh migrants. Migrants from other CIS countries are not considered to be refugees as they may travel and settle freely in any CIS country. The Government has not allowed refugees without passports to register and has restricted registration largely to refugees from Afghanistan. All non-CIS citizens are considered to be intending immigrants. However, in practice the Government is tolerant in its treatment of local refugee populations. Only the President can grant political asylum; he is known to have done so only once since independence in 1991.

The Agency for Migration integrates the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims. However, the limited resources of the agency impeded the processing of many cases. Asylum claims were processed only in Almaty, which is as far as 2,000 miles from other major Kazakhstani cities. The Agency for Migration and the courts took a restrictive approach to many asylum claims, apparently out of a desire to limit the number of refugees. The Government's desire to control the size of the refugee population appeared to be motivated by the country's difficult economic situation and national security concerns stemming from the national origins of many asylum seekers. The UNHCR estimated that there were approximately 18,000 refugees in the country (at least 10,000 Chechens from Russia and about 5,000 persons from Tajikistan, 2,500 from Afghanistan, and 500 from other countries). There was a large influx of Chechens fleeing the conflict with the central authorities in Russia. Consistent with the Minsk Convention on Migration within the CIS, the Government did not formally recognize the Chechens as refugees. However, the Government, in cooperation with the UNHCR and Chechen organizations, did grant indefinite legal resident status to Chechens until they could return home to safe conditions. By September the Government registered 1,211 asylum seekers and accorded refugee status to about two-thirds of them. The Government continues to give priority to the return of ethnic Kazakhs in order to increase the percentage of Kazakhs in the overall population and to offset the large-scale emigration of ethnic Russians and Germans. Since independence approximately 190,000 ethnic Kazakhs, mostly from other CIS countries, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. The Government struggled to find resources for integration programs for these immigrants, some of whom lived in squalid settings. The problem of integrating the Kazakh migrants was compounded by the inability of about 90 percent of them to obtain Kazakhstani citizenship, to which theoretically they are entitled by law. Without citizenship, the migrants do not have clear rights to own property, open businesses, or conduct other legal transactions.

Agreements between Kazakhstan and Russia that established broad legal rights for the citizens of one country living on the territory of the other and provided for expeditious naturalization for citizens of one country who moved to the other entered into force in 1999.

Kazakhstan and China agreed in December 1999 not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned about the impact of this agreement on Uyghurs from China present in Kazakhstan. The Government did not consider any asylum claims from Uyghurs; it was unclear whether any Uyghurs applied. In general the Government was tolerant toward the Chinese Uyghur population. There were no known cases of the Government returning Uyghurs to China since February 1999, when the Government returned three Uyghurs. The Chinese authorities had accused the three of murdering a policeman; Amnesty International reported evidence that at least one was wanted for "separatist" activities. Some reports indicate that the three

men were subsequently executed upon return to China, but this information has not been confirmed.

There were no reports that the Government forcibly repatriated refugees in the period covered by this report to any country where they feared persecution.

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

The Constitution provides for a democratic government; however, in practice the Government severely limited the right of citizens to change their government. The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. Modifying or amending the Constitution is nearly impossible without the consent of the president. President Nazarbayev was elected to a 7-year term in a 1999 election that fell far short of international standards. He extended his previous term of office via a deeply flawed 1995 referendum without a contested presidential election (which, according to the Constitution then in force, should have been held in 1996).

The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. He has the power to dismiss Parliament. If Parliament does not act within 30 days on bills the President designates as urgent, the President can issue the bills as decrees with the force of law. He appoints judges, senior court officials, and all regional governors. He directly appointed the chairman and members of the Central Elections Commission (CEC) who oversaw the most recent presidential and parliamentary elections in 1999. In accordance with the Constitution, the lower house of Parliament (Majilis) confirmed the CEC chairman and members nominated by the President in May.

President Nazarbayev won his current term in office in a 1999 election held nearly 2 years earlier than previously scheduled. The previous October, the President and the Parliament passed in 1 day, without any prior public notice, a series of 19 constitutional amendments that enabled them 1 day later to call the early presidential election. Among other changes, the constitutional amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service. (President Nazarbayev would be 65 year of age before the end of his current 7-year presidential term.) The Constitutional amendments also extended the terms of members of Parliament from 4 to 5 years for the lower house (Majilis) and from 4 to 6 years for the Senate. Government opponents and international observers criticized the short-notice call of early elections because it did not leave enough time for the government to implement promised electoral reforms and for intending candidates to organize effective campaigns.

The Government imposed onerous requirements on candidates seeking to qualify for the presidential ballot. Candidates were required to submit petitions with approximately 170,000 signatures collected in equal proportions from at least 11 of the country's 16 regions (the 14 oblasts plus the cities of Almaty and Astana). They also were required to pass a Kazakh-language test and to make a nonrefundable payment of 1,000 times the minimum monthly wage (approximately \$30,000), although an equal sum was then provided to each registered candidate for campaign expenses. Although three candidates, in addition to President Nazarbayev, qualified for the ballot, two of them, then-Senator Engels Gabassov and then-Customs Committee chairman Gani Kasymov, were known as supporters of the President and widely believed to be running at government behest.

In October 1998, less than 1 week after the early presidential election was called, the Government resorted to a provision of the presidential decree on elections, passed in May 1998, that prohibited persons convicted of administrative offenses from running for public office within a year of their conviction. A district court in Almaty summoned on less than 24 hours' notice 5 leading government opponents—former Prime Minister Akezhan Kazhegeldin, former Social Democratic party leader Dos Kushim, Pokoleniye Pensioners Movement leader Irina Savostina, Azamat movement co-chairman Petr Svoik, and Tabigat ecological movement leader Mels Yeleusizov—to face charges of participating in the October 1998 meeting of an unregistered organization called For Fair Elections. The court convicted all five. Despite the judgment against him, Kazhegeldin, the most widely known opposition figure, applied for registration as a candidate in the presidential election. The presidentially appointed CEC disqualified his candidacy under the provision of the presidential decree on elections that then served as the election law. The Supreme Court upheld the disqualification. The CEC also used the election law provision to disqualify the presidential candidacy of Amantai Asylbek, leader of the Attan antinuclear testing movement, because of a 3-day jail sentence that he received in February 1998 for participating in an unsanctioned demonstration.

The Government harassed President Nazarbayev's opponents throughout the presidential election campaign. According to credible reports, government agents repeatedly pressured managers of conference facilities to deny access at the last moment to government opponents who had arranged to use the facilities for meetings and press conferences. When opposition meetings and press conferences did take place, electricity at the facilities often was interrupted. Government attempts to disrupt opposition meetings appeared to have extended beyond national borders when the management of a Moscow hotel withdrew permission at the last moment for a December 1998 opposition congress. Communist Party leader Serykbolsyn Abdildin, the only candidate from the ranks of the preelection opposition who qualified for the presidential ballot, publicly complained that local officials loyal to the President impeded his attempts to hold campaign rallies and meetings. As recently as November, authorities used the State Secrets Law to confiscate the passport of RPNK official Amirzhan Kosanov as he tried to travel to the United Kingdom (see Section 2.d.).

Assaults on two of Kazhegeldin's advisers appeared to have been politically motivated and, government critics charged, sanctioned by the Government. In addition, Kazhegeldin claimed that two gunshots were fired at him on the eve of the press conference at which he announced his presidential candidacy. Unknown assailants beat one of his public relations advisers, Yelena Nikitenko (see Section 1.c.) and beat his press spokesman, Amirzhan Kosanov. Several days before the attack, officials of the al-Farabi National University in Almaty forced Nikitenko to resign from the faculty because of her political activities. Government officials alleged that the Kazhegeldin campaign staged or invented all three attacks. Following the announcement of Kazhegeldin's candidacy, the then first deputy chairman of the KNB held an unprecedented press conference at which he made admittedly unsubstantiated allegations of financial malfeasance against Kazhegeldin. The tax authorities brought an action against Kazhegeldin during the campaign and, according to credible reports, threatened actions against other government opponents. At a news conference, Kazhegeldin supporters showed videotape of police repeatedly pulling over Kazhegeldin's car for unspecified "inspections." Kazhegeldin also claimed that border control officials at the Almaty airport tried to prevent him and his family from taking a flight out of the country. An attack on a Kazakhstani employee of a foreign embassy also appeared to be motivated politically and, human rights observers believe, sanctioned by the Government. In December 1998, three men beat the employee outside his apartment as the employee returned home. The employee suffered a cracked rib, some internal injuries, and required stitches to close wounds near both eyes. The attackers stole the employee's briefcase but did not try to steal his wallet and other valuables. The absence of robbery as a motive and the fact that the employee's responsibilities included assisting diplomats in making contacts with political opposition and human rights figures suggested that the attack was motivated politically. Law enforcement authorities closed the investigations into all of these cases without arrests. A suspect was identified in the Nikitenko case but no charges were brought, allegedly because Nikitenko had left the country and was unavailable to identify her assailant.

The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE announced in December 1998 that it would not meet the Government's request to send a presidential election observation mission. In its public explanation, the ODIHR cited concerns about the exclusion of two opposition candidates, unequal access to the media, and coerced support for President Nazarbayev. The ODIHR sent a small election assessment team to report to the OSCE on the full election process. The assessment team concluded that the presidential election fell "far short" of Kazakhstan's commitments as an OSCE participating state. It cited in particular the exclusion of candidates, the short duration of the election campaign, obstacles to free assembly and association, the use of government resources to support President Nazarbayev's campaign, unequal access to the media, and the flawed presidential decree that served as the election law.

A newly elected bicameral legislature took office in December 1999. The lower house (Majilis), consisting of 77 members, was elected directly in October 1999. Under amendments to the Constitution passed in 1998, membership in the Majilis elected in 1999 included 10 new seats assigned proportionally to political parties based on the percentage of votes they received nationally (with a minimum vote threshold of 7 percent). As before the other 67 seats were attributed by single mandate districts. The upper house (the Senate) consists of 39 members 32 of whom are elected directly by members of oblast and city parliaments; the President appoints the remaining 7 senators. (The number of senate seats was reduced from 42 in accordance with the Government's 1997 decision to reduce the number of oblasts from 19 to 14. Each oblast elects two senators, as do the cities of Almaty and Astana.) Elections were held in September 1999 for 16 Senate seats. The May 1999 election

law requires candidates for both houses to meet minimum age and education requirements and to pay a nonrefundable registration fee of 25 times the minimum monthly wage (approximately \$50070,000 tenge). This fee represented a 75 percent decrease over previous registration fees, which opposition figures, human rights monitors, and the OSCE/ODIHR had considered a barrier to participation. The election law does not require Majilis candidates to collect a certain number of signatures in order to be placed on the ballot; however, Senate candidates must obtain signatures from 10 percent of the members of the local assemblies in their oblasts in order to be placed on the ballot. Political parties wishing to compete for the 10 proportionally allocated seats in the Majilis must be registered by the CEC and regional electoral commissions in two-thirds of the principal administrative jurisdictions (the 14 oblasts, plus the former and new capital cities, Almaty and Astana). The Constitution states that participation in elections is voluntary. One of the Constitutional amendments passed in October 1998 rescinded the requirement that at least 50 percent of eligible voters participate in order to make an election valid. Experts had cited the old requirement as one of the causes of fraud and vote inflation in past elections.

The legislature exercises little oversight over the executive branch, although it has the Constitutional authority to remove government ministers and vote no-confidence in the Government. The Constitution and other arrangements allow the executive branch to dominate the legislature. Although Parliament must approve the overall state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. The executive branch used this authority to block legislation drafted by Members of Parliament. Nearly all laws passed by Parliament originate in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for Members of Parliament to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. Should Parliament fail to consider within 30 days a bill designated as "urgent" by the President, the President may issue the bill by decree. Although the President has never resorted to this authority, it gives him additional leverage with Parliament. While the President has broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council, which largely is controlled by the President (see Section 1.e.).

The introduction, for the 1999 parliamentary elections, of 10 new seats in the Majilis distributed by party-list vote enhanced the role of political parties, which, with the exception of the Communists, were previously very weak. The Communist Party and three propresidential parties—Otan (Fatherland), the Civic Party, and the Agrarian Party—divided the 10 new party-list seats in the 1999 parliamentary election. No candidate nominated by a non-Communist opposition party won a seat in the Parliament. One member of the opposition RNPk won a seat after running as an independent candidate. The RNPk withdrew its party-list slate after two of its candidates, Akezhan Kazhegeldin and Madel Ismailov, were declared ineligible. (They were the only two candidates rejected of more than 600 applicants for Majilis contests.) Of the more than 600 other candidates, about half who won ran as independents. Many of them were former government officials with strong presumed sympathy for the progovernment parties.

Many activities of Parliament remained outside public view. In June 1999, Parliament banned the press and other outsiders from observing the vote of confidence in the Government. Final totals in the parliamentary vote of confidence were made public, but not the votes of individual members. The Parliament invited nongovernmental representatives to observe at least four meetings. Many draft bills were held closely and published in the press only after passage and signature by the President. In 2000 the Parliament became more open by publishing important draft laws (for example, the tax code) and by meeting with NGO's on others (for example, the local self-government law).

Although an improvement in many ways over the most recent presidential election, parliamentary elections held in 1999 were marred by election law deficiencies, executive branch interference in the electoral process, and a lack of government openness about vote tabulations. There was convincing evidence of government manipulation of results in some cases. The OSCE mission sent to observe the elections concluded that the elections were "a tentative step" toward democracy but "fell short of (Kazakhstan's) OSCE commitments." The OSCE also expressed concern that parliamentary runoff races were conducted just 2 weeks after first-round voting, which left no time for the CEC and the courts to act on hundreds of complaints filed about the conduct of first-round voting and the campaign.

The May 1999 election law replaced a presidential decree that had served as the election law. It lowered candidate registration fees by 75 percent but failed to cor-

rect other deficiencies of the decree it replaced. The law maintained a system of territorial, district, and precinct electoral commissions subject to regional and local government authorities, who recommend commission members. It failed to incorporate suggestions for creating a more open vote tabulation process. It also maintained more than 40 administrative provisions that bar candidates convicted of administrative offenses from running for office for a year, although one offense was eliminated from the list of disqualifying offenses.

The CEC issued regulations to ameliorate some of these deficiencies in time for the parliamentary elections, but the effects were limited. For example the CEC filled vacant seats on electoral commissions by lottery among all registered political parties. However, the initiative affected only 25 percent of commissions and was limited to 1 seat per commission, each of which usually consists of 7 members. Regulations that clarified the rights of election observers significantly improved the ability of observers to monitor vote counts at the precinct level. However, observers could not, in the end, use the information they obtained to corroborate or challenge official results. The CEC ultimately released comprehensive precinct- and district-level vote tallies for only 1 of 67 single-mandate districts, despite repeated requests from the OSCE and other observers. With the exception of the one district for which comprehensive results were released, the CEC never issued the order of finish or final totals for Majilis candidates who neither won nor qualified for a run-off.

The Government, prior to the 1999 parliamentary elections, removed participation in the activities of an unregistered organization from the list of administrative offenses that potentially could disqualify candidates for public office. However, more than 40 other administrative offenses remained on the list. Among these offenses were participation in unsanctioned demonstrations or rallies, an offense that the Government has used to charge its opponents (see Section 2.b.). The Government presented rescission of the administrative offense as a measure to enable the five opposition leaders convicted of participating in the For Fair Elections meeting to run for Parliament. Two of the five successfully registered as candidates. However, the CEC declined to register Akezhan Kazhegeldin due to a December 1998 administrative conviction for contempt of court. The conviction arose from Kazhegeldin's failure to respond in person to the For Fair Elections charge. (Kazhegeldin argued at the time that he met the law's requirements by sending his attorney.) The chairperson of the CEC publicly encouraged Kazhegeldin to seek the overturn of his contempt of court conviction 1 week before the registration deadline for the parliamentary elections. A successful appeal by Kazhegeldin would have made him eligible, according to the CEC, to run in the parliamentary election. Kazhegeldin subsequently wrote to the Supreme Court requesting that it overturn his contempt conviction, but the court ruled that his letter did not constitute a proper legal appeal.

Within a day of the CEC exclusion of Kazhegeldin's candidacy, Russian authorities detained Kazhegeldin on a pre-existing warrant issued 2 months earlier by the Prosecutor General of Kazakhstan. The Government requested the extradition of Kazhegeldin, who was living in exile, in connection with allegations that he had laundered illicit funds received while serving as Prime Minister from 1994 to 1997. Following protests from international human rights groups, the Prosecutor General dropped his extradition request, and the Russian authorities released Kazhegeldin. In July Kazhegeldin was detained again in Italy on charges of corruption, pursuant to an Interpol warrant posted by Kazakhstan. Italian authorities released him shortly thereafter. The investigation of Kazhegeldin, while possibly grounded in facts, appeared motivated politically.

The CEC barred the 1999 parliamentary candidacy of Madel Ismailov because of his February 1998 criminal conviction for insulting the President (see Section 1.d.). Ismailov had sought to register as a candidate on the RNPK party list. The election law precludes candidates convicted of criminal offenses from running for office for 3 years following their convictions.

A flawed provision in the electoral law was used to disqualify from the 1999 parliamentary election another RNPK candidate, deputy party chairman Gaziz Aldamzharov, after he apparently received a majority of votes in an election in Atyrau. The CEC annulled the second round of the Atyrau election, as well as two other second-round elections, but gave no specific reason in its official decree. The electoral law precludes all candidates who participated in an invalidated election from running in a make-up election, regardless of who was responsible for the violations that led to invalidating the election. The CEC interpreted this provision to exclude from the 3 rerun elections all of the approximately 500 candidates who ran unsuccessfully for any Majilis seat in 1999. Although the CEC did not formally specify the reason for invalidating the Atyrau election, the CEC chairperson said in a television interview that district and precinct electoral officials in Atyrau refused to certify protocols after a series of disturbances that the chairperson attributed to

the “opposition.” These disturbances included alleged bomb threats, alleged falsification of ballots, and the incursion into one polling station of four masked men who opened and overturned ballot boxes. Given widespread expectations that Aldamzharov would receive a majority of votes in Atyrau, unsubstantiated CEC allegations that the “opposition” disrupted voting in Atyrau appeared contrived.

There were widespread, documented allegations that regional and local executive authorities (akims) interfered with the parliamentary elections during the campaign and in the voting process. In one case, the chief election commissioner for the Ili district (Almaty Oblast) resigned because, he alleged, the district akim ordered him to deliver a victory for the akim’s favored candidate. The commissioner, like most election officials a government employee, offered to resign from his full-time government job in addition to his electoral responsibilities. A significant number of complaints filed in several regions indicated that akimats and, through them, other employers threatened supporters of opposition candidates with job loss. In one such case, the akimat of the capital city, Astana, allegedly threatened to fire more than 20 government employees for their support of a nonfavored candidate. There were also reports that tax inspectors and some KNB officials intimidated opposition candidates, their supporters, and the independent media. Akimats used government personnel and other resources, including office space, to support “favored” candidates and to distribute campaign literature for the propresidential Otan party. On first- and second-round voting days, international and domestic observers found akimat representatives “supervising” the work of putatively independent precinct electoral commissions in numerous locations throughout the country.

The failure of the CEC to release most precinct- and district- level vote tallies undermined the credibility of election results. Evidence of official vote tampering in many districts exacerbated this problem. The OSCE observation mission obtained copies of flagrantly falsified protocols (reports of official results). During the first round of voting OSCE observers found multiple vote protocols prepared in one Almaty polling station. OSCE and domestic observers reported that precinct officials frequently did not use official protocol forms to record results in the presence of observers or filled out the official forms in pencil. District election officials, especially in first-round elections, generally refused to allow observers to witness the tabulation of results from various polling stations. Observers’ access to district vote tabulations improved in the second round of voting after the CEC issued new instructions for preparing protocols and instructed district officials to cooperate with observers. Nevertheless, the district election commission in Atyrau refused initially to allow OSCE observers into the district commission office. District officials ultimately allowed the observers into their office but subsequently recommended that they leave because the commission “could not assure the (observers’) safety.”

Government officials said that President Nazarbayev took disciplinary actions against some local officials for interfering with the parliamentary elections but this could not be confirmed; the Government did not release any details such as the names of the officials, their offenses, or punishment.

In February a team of OSCE representatives visited Astana to discuss the final OSCE report on the parliamentary elections. Government officials agreed during the visit to an OSCE proposal for a series of roundtable discussions of the electoral reforms recommended in the report. The agreement called for broad participation in the discussions, including by representatives of the Government, all registered political parties, other political movements, and NGO’s. After some delays, the first of four planned sessions took place on September 2 in Astana. Participants agreed to a future work plan with the inclusion of the OSCE and all political parties registered in 1999 in a parallel government working group on electoral reform. The remaining sessions were scheduled for 2001; the leading opposition parties and movements took part, as did approximately 15 Members of Parliament from across the political spectrum. The CEC and representatives of the Ministries of Foreign Affairs, Justice, and Culture, Information, and Public Access also took part. Shortly after the September session, and with only a few days’ notice, the CEC announced that it would organize new regional and local electoral commissions without waiting for the issue to be discussed in subsequent sessions. The CEC said it had to act because the terms of the previous commissions were expiring. Other roundtable participants criticized the CEC for failing to discuss its plans to reconstitute the commissions or to give political parties more notice that they would be invited to nominate candidates.

The Constitution and laws significantly constrain the independence of the judiciary (see Section 1.e.). A Constitutional Council replaced the Constitutional Court in August 1995 when the new Constitution was adopted. The President appoints three of its seven members, including the chairman. A two-thirds majority of the Council is required to overrule a presidential veto. All judges below the level of the Supreme

Court are appointed directly by the President. The President's nominees for the Supreme Court are subject to Senate confirmation.

According to the Constitution, the President selects Governors of oblasts (the "akims"), based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. All adult citizens (at least 18 years of age) have the right to vote. Membership in political parties or trade unions is forbidden to members of the armed forces, employees of national security and law enforcement organizations, and judges.

Women are underrepresented in government and politics. There are no legal restrictions on the participation of women and minorities in politics, but the persistence of traditional attitudes means that few women hold high office or play active parts in political life. At the end of the year, no women held ministerial portfolios, although one had ministerial rank and several deputy ministers were women. There were no female provincial governors (akims). Of 39 Senate members, 5 are women; of 77 Majilis members, 8 are women.

Although minority ethnic groups are represented in the Government, ethnic Kazakhs hold the majority of leadership positions. Nearly half the population are non-Kazakhs according to the national census completed in 1999. Non-Kazakhs hold 1 of 3 positions as vice premier and head 2 of 14 government ministries and the national bank. Non-Kazakhs also are underrepresented in the Majilis and the Senate. In Parliament 8 of 39 senators are non-Kazakhs, and 19 of 77 members of the Majilis are non-Kazakhs.

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

The Kazakhstan International Bureau for Human Rights and Rule of Law (formerly the Kazakhstan-American Bureau on Human Rights) and the Almaty Helsinki Commission are the most active of a small number of local human rights organizations. They cooperate on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Law enforcement investigators closed an investigation into a November 1999 fire that destroyed the main office and archives of the Bureau for Human Rights in Almaty. The Almaty fire department concluded that arson was the probable cause of the fire. It absolved the organization from potential civil liability for the fire. However, investigators identified no suspects and made no arrests. Some human rights observers complained that the Government monitored their movements and telephone calls.

The Civil Code requires NGO's to register with the Government, and most NGO's are registered; however, some continue to operate without legal standing. An increasing number of government officials made an effort to work with domestic and foreign NGO's, although others persisted in asserting that NGO's should stay out of sectors of government interest. A coalition of NGO's played an apparently unprecedented role in government consideration of draft local government laws. After successfully delaying passage of what was widely viewed as flawed legislation on this subject early in the year, the coalition successfully lobbied Parliament to publish the draft. That draft was withdrawn in December for revision. Some NGO's chose not to register because they objected to the requirement of registration in principle or because they did not have the money to pay the registration fee. Others believe that they were not eligible to register because they promoted the interests of one ethnic group or religion and are considered by some to violate the constitutional ban on inciting social, racial, national, religious, class, and tribal enmity. The new Criminal Code that took effect in 1998 criminalized the activity of NGO's that are not registered. In 1998 five leading opposition figures were convicted for participating in a meeting of an unregistered NGO, the For Fair Elections group (see Section 3).

The Government permitted international and foreign NGO's and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization, the International Federation of Red Cross and Red Crescent Societies, the UNHCR, the International Organization on Migration, and the OSCE have permanent offices in the country. The Constitution forbids "the financing of political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations."

The Presidential Commission on Human Rights is a consultative body. It prepares annual reports to the President that can be released to the public only with the President's consent. At the end of 1998, the Commission made public its annual report to the President for the first and only time by publishing an expurgated version of its report for 1997. The report focused almost exclusively on "economic and social rights," for example, the right to a decent standard of living. It concluded that the

country consistently abides by human rights principles and suggested that those who blame the Government for social problems should realize that individual well-being ultimately is the responsibility of the individual. The Commission reached out to independent human rights organizations but made little progress in establishing itself as an Ombudsman. In general the Government showed greater willingness to focus on abuses highlighted by human rights monitors and individual citizens in the criminal justice system and to investigate allegations of corruption but tended to deny or downplay charges of abuses of civil liberties and political rights. In general the Government tended to deny or ignore charges of specific human rights abuses that were levied by human rights monitors and individual citizens. In its report to the President for 1997, the Commission charged that many domestic NGO's are oriented towards developed countries' standards and do not realize that progress towards a market economy and civil society is a slow, gradual process. It said that NGO's sympathetic to "left-wing radicals" have nothing constructive to offer.

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

The Constitution states that "everyone is equal before law and court. No one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, attitude to religion, convictions, place of residence, or any other circumstances." However, the Government does not enforce this provision effectively on a consistent basis. The Government has favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

Women.—According to human rights groups, there is considerable domestic violence against women. A local NGO, the Feminist League, estimates that hundreds of thousands of women are the victims of spousal abuse. The Interior Ministry reported that family members or domestic partners were responsible for about one-third of the nearly 8,500 crimes against women registered in the first half of 1999. During the same period, 81 women were killed by family members. The Feminist League reported that the levels of domestic violence remained approximately the same in 2000. Karaganda oblast reported 3,060 crimes against women in the first 6 months of 2000, including 33 murders and 53 rapes. Almaty police reported 49 murders, 134, rapes and 936 assaults against women during the first nine months of the year. There was no information on the percentage of these crimes successfully prosecuted, but police often are reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believe that the abuse is life threatening. However, new domestic violence units opened during the year within the Almaty and Astana police departments. A women's crisis center in Almaty maintains that the Almaty police are very effective when there is a complaint. However, the police cannot detain a person legally for more than 72 hours if the victim refuses to provide a written complaint. In most cases, women refuse to follow through with charges. The maximum sentence for wife beating is 3 years, but few such cases are prosecuted. A government commission on women and family continued to draw attention to the issue of domestic violence. Law enforcement authorities reported that 288 persons were convicted of rape in the first 8 months of 1999, although the total number of reported rapes was unavailable. Under the Criminal Procedure Code, prosecutors can initiate a rape case, absent aggravating circumstances such as gang rape, only upon the application of the victim. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and personally prosecute rape cases themselves. The punishment for rape can range from 3 to 15 years' imprisonment. There is very little reporting on rape in the press. There is no law specifically against spousal rape, which is proscribed under general rape laws.

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

There is no legal discrimination against women, but traditional cultural practices limit their role in everyday society and in owning and managing businesses or real property. The President and other members of the Government speak in favor of women's rights, and official state policy (adopted in 1997) states that constitutional prohibitions on sex discrimination must be supported by effective government measures. Women are underrepresented severely in higher positions in state enterprises and overrepresented in low-paying and some menial jobs. Women have unrestricted access to higher education. Approximately 30 women's rights organizations are registered, including the Feminist League, Women of the East, the Almaty Women's Information Center, and the Businesswomen's Association. In September the Government announced the creation of a \$4.5 million (661 million tenge) fund to provide

loans to female entrepreneurs. However, as of year's end, the fund had not distributed any loans.

Children.—The Government is committed in principle to children's rights, but as in many other areas, budget stringencies and other priorities severely limit its effectiveness in dealing with children's issues. Education is mandatory through the 11th grade, although students may begin technical training after the 9th grade. Secondary education is both free and universal. Kazakhstani law provides for equal access to education by both boys and girls. There is no societal pattern of abuse against children. Rural children normally work during harvests (see Section 6.d.).

People with Disabilities.—Citizens with disabilities are entitled by law to assistance from the State. There is no legal discrimination against the disabled, but in practice, employers do not give them equal consideration. There are laws mandating the provision of accessibility to public buildings and commercial establishments for the disabled, but the Government does not enforce these laws. However, improvements to facilitate access are not uncommon in Almaty and Astana. Assisting disabled persons is a low priority for the Government. Mentally ill and mentally retarded citizens can be committed to institutions run by the State. These institutions are poorly run and inadequately funded. The NGO, Kazakhstan International Bureau for Human Rights, observed that the Government provides almost no care for the mentally ill and mentally retarded due to a lack of funds.

National/Racial/Ethnic Minorities.—According to results of the 1999 census, the population of about 15 million consists of approximately 50 percent Kazakhs and 33 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others) with many other ethnic groups represented, including Uzbeks (2.5 percent), and Germans (2.4 percent).

The Government continued to discriminate in favor of ethnic Kazakhs in government employment, where ethnic Kazakhs predominate, as well as in education, housing, and other areas. However, the Government has largely abandoned the explicit "Kazakhification" campaign of the 1st year of independence (1991- 1992). President Nazarbayev has emphasized publicly that all nationalities are welcome. Nonetheless, many non-Kazakhs are anxious about what they perceive as expanding preferences for ethnic Kazakhs. Many ethnic Kazakhs believe that such preferences are needed to reverse 200 years of discrimination against their community.

Most of the population speaks Russian; only about one-half of ethnic Kazakhs speak Kazakh fluently. According to the Constitution, the Kazakh language is the state language. The Constitution states that the Russian language is used officially on a basis equal with that of the Kazakh language in organizations and bodies of local self-administration. Some ethnic Russians believe that Russian should be designated as a second state language. The Government is encouraging more education of children in the Kazakh language, but it has done little to provide Kazakh-language education for adults. A 1997 language law intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages has not been funded sufficiently to make Kazakh-language education universal.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide for basic worker rights, including the right to organize and the right to strike; however, the Government at times infringed on worker rights. Activist unions came under government pressure for holding unsanctioned demonstrations and marches.

A new Labor Code took effect on January 1. Among many other revisions, the new law provides for individual contracts between an employer and each employee, but allows "optional" collective labor contracts. It also allows unions to represent an employee in labor disputes, but an employee may choose other representation.

Most workers remained members of state-sponsored trade unions established during the Soviet period, when membership was obligatory. At most enterprises, the state-sponsored unions continued to deduct 1 percent of each worker's wage as dues. The state unions under the Communist system were, and for the most part still are, organs of the Government and work with management to enforce labor discipline and to discourage workers from forming or joining independent unions.

A collective bargaining law gives workers the right to join or form unions of their choosing and to stop the automatic dues deductions for the state unions. The Confederation of Free Trade Unions (CFTUK, formerly the Independent Trade Union center of Kazakhstan) claims membership of about 250,000 persons; however, the actual number of independent trade union members is estimated to be much lower. The pro-Government Federation of Trade Unions claims 4 million members; however, that figure is regarded as too high. To obtain legal status, an independent union must apply for registration with the local judicial authority at the oblast level and with the Ministry of Justice. Registration is generally lengthy, difficult, and ex-

pensive. The process of registering a union appears to be completely subjective, with no published criteria. No unions were registered or denied registration during the year. The two major independent trade union confederations are registered. Courts may cancel a union's registration, as a provincial court did in Kentau in 1998.

The law does not provide mechanisms to protect workers who join independent unions from threats or harassment by enterprise management or state-run unions. Members of independent unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. According to independent union leaders, state unions work closely with management to ensure that independent trade union members are the first fired in times of economic downturn.

Unions and individual workers exercised their right to strike during the year, primarily to protest the nonpayment of wages and in an attempt to recover back wages owed to workers. The nonpayment of wages continued to be the priority issue for workers. Early in the year, workers of the Uralsk "Mettalist" factory, led by the independent trade union of the factory, conducted mass meetings demanding the full payment of salaries. The company subsequently prohibited one of the union's leaders, Vlaomir Podzhidaev, a member of the local city council, from entering the factory's territory. In addition police detained the union's chairman, Ainur Kurmanov, on March 31. Kurmanov alleged that police drugged and beat him, and detained him without charges for 7 days. He claimed that a local television station subsequently slandered him by showing footage of his "drunk" behavior in police custody.

According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved by means of existing conciliation procedures. In addition the law requires that employers be notified that a strike is to occur no less than 15 days before its commencement. There were numerous strikes throughout the country to protest the nonpayment of wages and unsafe working conditions. Construction workers in Astana held a series of strikes complaining of the degradation of their working conditions under foreign contractors. According to the CFTUK, the Turkish construction company "Okan Holding Isot," under various pretexts, fired 125 of its employees in Astana shortly after the employees formed an independent labor union in November 1999. Workers at the company began a strike on March 29 to demand recognition of the union, collective bargaining, and the timely payment of wages. Police detained 8 out of 19 participants for 5 hours the same day. The workers were tried the following day and the leader, J. T. Sharipov, was sentenced to one day in jail for organizing an unsanctioned demonstration. The other seven were warned and then released.

Independent unions complain about a provision in the Constitution that forbids the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. After independence in 1991, independent trade unions received financial assistance from the AFL-CIO's Free Trade Union Institute (FTUI). Most of this assistance ended in 1996 when funding was reduced, and FTUI currently provides no funding. Independent trade unions have sought new means of support; some associations of trade unions were able to receive financing from foreign sources by registering as "public organizations" rather than labor unions. The law does not forbid other nonmonetary types of assistance such as training, participation in which appeared to increase.

By law unions freely may join federations or confederations and affiliate with international bodies. Most independent trade unions belong to the CFTUK, headquartered in Astana. The Independent Miners Federation of Kazakhstan and the State Miners' Union of Karaganda are members of the Miners' International Federation. Unions belonging to the CFTUK are not members of international federations but are able to maintain contacts with foreign trade union federations.

b. The Right to Organize and Bargain Collectively.—The law permits collective bargaining and collective agreements. If a union's demands are not acceptable to management, it may present those demands to an arbitration commission composed of management, union officials, and independent technical experts. Unions routinely appealed to arbitration commissions.

The new Labor Law that took effect January 1 reduced the role of unions by requiring employers and employees to negotiate individual labor contracts. Collective bargaining agreements are allowed as long as they do not reduce protections afforded to the workers in their individual contracts or under law. Previously the terms of contracts were set only by law and collective bargaining agreements. The new law also gave employers the right to fire an employee without the consent of the employee's union.

There is no legal protection against antiunion discrimination.

There are no export processing zones. Free economic zones enjoy all the privileges of export processing zones as well as other tax privileges and abatements, but labor

conditions there appear to be no different from elsewhere in the country. On August 1, the President signed a decree abolishing the last free economic zone to become effective on January 1, 2001.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor except “at the sentence of the court or in the conditions of a state of emergency or martial law,” and it is generally not known to occur; however, in 1999 there were reports that some persons were required to provide labor or the use of privately owned equipment with no, or very low, compensation to help gather the annual grain harvest.

The Constitution does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 14 years, but only for parttime work (5 hours a day) that is not physically onerous. A child between the ages of 14 and 16 may work only with the permission of his or her parents. Education is compulsory to age 16, and the law stipulates harsh punishment for employers who exploit children under this age. Responsibility for enforcement rests with the Ministry of Labor, for administrative offenses punishable by fines, and the MVD for criminal offenses. The Criminal Code allows for fines up to \$25,000 (3,675,000 tenge) and 2 years in prison in cases where a minor is injured or placed in unhealthy conditions. Children from the ages of 16 to 18 can work full time provided that they are not required to do any heavy work. The Government has acknowledged that children in this age group work in construction and other heavy industries but report that duties for children are limited to washing windows, general cleaning, laying tile, and similar nonstrenuous activities. Although the Constitution does not specifically prohibit forced and bonded labor by children, the sale, trafficking, and abduction of children or hiring minors for exploitation are punishable with up to 12 years in prison. There were no reports of forced or bonded child labor (see Section 6.c.), and abuse of child labor is generally not a problem; however, child labor is used routinely in agricultural areas, especially during harvest season.

e. Acceptable Conditions of Work.—In 1997 the Government resumed setting a minimum wage. The minimum monthly wage remained at its 1999 level of approximately \$20 (2,680 tenge). The Government raised the minimum monthly pension to approximately \$25 per month (3,500 tenge) and cleared pension arrears. These amounts do not provide a decent standard of living for a worker and family and fell far short of the minimum subsistence amount for one person as calculated in 1998 by the Kazakhstan Institute of Nutrition.

The legal maximum workweek is 48 hours, although most enterprises maintained a 40-hour workweek, with at least a 24-hour rest period. The Constitution provides that labor agreements stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

Although the Constitution provides for the right to “safe and hygienic working conditions,” working and safety conditions in the industrial sector are substandard. Safety consciousness is low. Workers in factories usually do not wear protective clothing, such as goggles and hard hats, and work in conditions of poor visibility and ventilation. Management largely ignores regulations concerning occupational health and safety, which are not enforced by the Ministry of Labor and the state-sponsored unions. Workers, including miners, have no legal right to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although government officials generally maintained that prosecutors could effectively charge traffickers under the existing Criminal Code. Article 270, *Illegal Involvement in Prostitution*, provides punishment of up to 3 years in jail. Prostitution connected with organized crime is punishable by up to 5 years in jail. According to Article 135, kidnapping of persons is punishable by a term of up to 7 years. An organized group working for sexual or other exploitation can be punished with up to 15 years in jail and confiscation of property.

There are no official statistics on trafficking, but women’s rights groups and the IOM report additional indications that the problem is serious and growing. However, experts estimate that from 5,000 to 70,000 women have been victimized in the past 10 years. The higher figure was the result of a survey of Almaty women completed in April, the Crisis Center for Women and Children. In 1999, 25 women were repatriated from Greece, 21 from the United Arab Emirates, 16 from Turkey and 3 from Israel, according to the MVD. In December the press reported that 2,000 women were sent to South Korea for prostitution; 2 had been repatriated. All of the trafficking cases known to the IOM involve women between the ages of 18 and 25 who had been trafficked for purposes of sexual exploitation. According to the Kazakhstan Crisis Center for Women and Children, most women are recruited with

promises of good jobs or marriage abroad. The organization blames the rising number of women being trafficked from the country on the lack of employment opportunities and lack of information about trafficking. The KNB reported in June that it broke up a trafficking ring that specialized in sending women to the United Arab Emirates for prostitution. Criminal charges were brought against five alleged members of the ring. The five were arrested while trying to board a woman and a 15-year-old girl on a flight to Dubai. The official press reported that customs officers and border officials were under investigation for complicity with the ring.

The Government has no programs to target trafficking in women. However senior government officials presented reports on the problem, including the lack of appropriate legislation, during a November conference on trafficking in persons. The participants adopted a resolution which called for revision of legislation to make trafficking illegal; a distinction between victims of trafficking and illegal migrants, and a joint governmental, NGO and international organization approach to the problem.

Nongovernmental efforts to combat trafficking in persons increased. The Kazakhstan Crisis Center for Women and Children published a brochure warning of the danger of trafficking in women and conducted a survey to measure the level of awareness of the trafficking problem. In response to international organizations' efforts to raise awareness of the problem, local feminist leagues have also begun to get involved. The Feminist League of Kokshetau discovered that 50 local women had been sent to Greece for prostitution. Four regional workshops on trafficking in Aktau, Petropavlosk, Kokshetau, and Shmkent were held during the year.

KYRGYZSTAN

Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominates the Government. Both presidential and parliamentary elections were held during the year, and both were marred by serious irregularities. In October President Akayev was elected to his third term. Although the Constitution only allows an individual to serve two presidential terms, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the old Soviet-era Constitution. The Government disqualified otherwise qualified candidates through conviction on questionable criminal charges. Observers reported instances of ballot box stuffing, voter intimidation, discrepancies in vote counts, and the presence of a large number of local and regional administration officials in and around the polling stations. Parliamentary elections were held in February and March, the second such elections since independence in 1991. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists; however, political parties remain weak, and the Government took numerous actions that disadvantaged opposition political parties. The Government used judicial proceedings in numerous instances to prevent prominent political opposition candidates from participating in or winning office in the parliamentary and presidential elections. The Parliament has become increasingly active and on occasion has blocked presidential initiatives; however, in many areas it still does not check the power of the President effectively. The judiciary also is dominated by the executive branch. Beginning in August, there were continuous military engagements in the southwest of the country, near the border with Tajikistan, between government forces and armed insurgents.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the Ministry of National Security (MNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the MNB deal with corruption and organized crime. These ministries inherited their infrastructure from their Soviet predecessors. Both appear to be under the general control of the Government and generally conform their actions to the law.

Border guards are under the full control of the Government. Some members of the police committed human rights abuses.

The country is poor and mountainous, with a rough balance between agricultural and industrial production. Cotton, tobacco, vegetables, and sugar are the primary agricultural exports. The country also exports hydroelectric power, gold, antimony, and mercury. The Government has carried out progressive market reforms, although some reforms have not been implemented fully. The economy was stable during the year. According to government figures, gross domestic product growth (GDP) growth was 5 percent. Inflation was estimated at 9.6 percent. The country faces an external debt of roughly \$1.69 billion. Industrial production remains significantly below preindependence levels. The level of hardship for pensioners, unemployed workers, and government workers with low salaries or unpaid benefits continues to be high.

Government figures indicate the average annual salary is \$165 (8,072 soms), while the subsistence level is estimated at \$295 (14,463 soms). Foreign assistance plays a significant role in the country's budget.

The Government's human rights record worsened and was poor in several key areas. The Government limits citizens' ability to change their Government. Prison conditions are very poor, and there were many cases of arbitrary arrest and detention. Executive domination of the judiciary limited citizens' rights to due process. Executive branch interference affected verdicts involving prominent opposition figures. The Government restricted freedom of speech and of the press. Authorities pressured journalists who criticized individual members of the Government. The Government used bureaucratic means to harass and pressure the independent media, nongovernmental organizations (NGO's), and the opposition. The Government at times restricted freedom of assembly; in particular, there were serious problems with political parties' rights to free assembly. The Government at times inhibited freedom of association. The Government generally respected freedom of religion; however at times it infringed on this right. The Government harassed and pressured human rights groups. Violence against women is a problem that authorities often ignore, and societal discrimination against women persists. Trafficking in women and girls for the purpose of forced prostitution also is a persistent problem. Child abuse is a problem, and there is a growing number of street children. Discrimination against ethnic minorities and child labor are problems.

Armed insurgents in the country's southwest areas along the Tajik-Kyrgyz/Kyrgyz-Uzbek border took citizens and foreign nationals hostage in August.

RESPECT FOR HUMAN RIGHTS

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

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

There were no further developments in the January 1998 beating death by police of Muratbek Sulaimanov.

The criminal investigation of the 1998 police beating and killing by burial alive of Sergei Skromnov continues. Two police officers suspected of the killing are in detention. A third police officer was released on bail.

Nigmat Bazakov, a leading representative of the ethnic minority Uighur community was murdered on March 28. The identity of the perpetrator is unknown. Figures in the Uighur community indicated that the killing likely was a criminal, business-related act, and not linked to government discrimination against Uighurs. Bazakov had run for a seat in the legislative assembly in the second parliamentary election but lost in Bishkek's eighth district.

In early August, fighters of the Islamic Movement of Uzbekistan (IMU), an organization opposed to the present Uzbek Government, crossed the Tajik-Kyrgyz border and engaged Kyrgyz security forces. As of October 9 when fighting ended, a total of 30 government troops were killed. It was estimated that 120 IMU partisans died and 200 were injured. No new attacks had occurred by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances due to action by the Government or domestic groups.

In August armed insurgents entered the Southern Batken Oblast from Tajikistan and took a number of citizens and foreign nationals hostage. There were military engagements between the Government and the insurgents, who identified themselves as members of the IMU. Some of the hostages escaped uninjured after 6 days of captivity. The other hostages were released unharmed several days later.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, the supervision of conditions for pretrial detainees is poor, and abuses, such as beatings to extract confessions, sometimes occur. Police patrols are supervised poorly, are not always paid promptly, and sometimes commit crimes. Police sometimes used ill-defined charges to arrest persons (see Sections 1.d. and 2.d.).

On March 22, police in Kara Bura, Talas Oblast, reportedly used excessive force to break up a peaceful demonstration. Between 70 and 120 demonstrators were arrested. Approximately half were released the following day, and the remainder were eventually released. The participants were protesting irregularities in the February 20 and March 12 rounds of parliamentary elections (see Section 2.b.).

Several police officials were charged with issuing passports specifically for use in the trafficking of persons (see Section 6.f.).

In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions, or even levying capital punishment.

However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year (see Section 1.e.).

Prison conditions (including overcrowding, food shortages, and lack of heat and other necessities) are very poor. Those detained by the MNB rather than the MVD are kept in MNB facilities; after conviction, they go to a regular prison. In June 1999 a new Criminal Procedure Code went into effect, replacing the previous 1994 Soviet-era Criminal Code. The new code contains the right for attorney-client visits of unlimited number and duration; however official permission still is required. The code also greatly expands the rights of defense lawyers to obtain all evidence gathered during the course of the investigation. Prison visits by family members are at the discretion of the investigator during the investigation phase. After conviction, family members may visit regularly.

In principle nonfamily visitors seldom are permitted. However, some citizens, including local human rights monitors, usually can obtain official permission for a visit through personal connections. The International Commission of the Red Cross (ICRC) visited Feliks Kulov, an opposition political leader, in March when he was in jail; however, it does not have full access to prisons (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The judicial system continues to operate, in many cases, under Soviet laws and procedures, and authorities generally respect these provisions in practice; however, there were many cases of arbitrary arrest and detention related to the Parliamentary and presidential elections. The Procurator's Office determines who may be detained, arrested, and prosecuted. The MNB, the MVD, and the General Procurator carry out investigations. Since 1990 persons arrested or charged with crimes have had the right to a defense counsel, who is required to visit the accused within the first 3 days of incarceration. However, sometimes the accused first sees the defense counsel only at the trial.

The Criminal Code permits the Procurator to detain suspects for 72 hours before releasing them or charging them with a crime. The Procurator must issue an arrest warrant before a person can be detained. If a suspect is charged, the Procurator must advise defense counsel immediately. The accused usually remains in detention while the Procurator investigates and prepares the case for trial. The Procurator has discretion to keep the accused in pretrial detention for up to 1 year, but there are conditions for provisional release before trial. After 1 year, the Procurator must release the accused or ask Parliament to extend the period of detention. Since independence there have been no known instances in which Parliament has been asked to extend a detention. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention. This requirement often is not observed in practice.

The Government used judicial proceedings in numerous instances to prevent prominent political opposition candidates from participating in or winning office in the parliamentary and presidential elections. For example, on January 25, the Government began criminal proceedings against People's Party opposition leader and registered parliamentary candidate Daniyar Usenov based on 4-year-old assault charges that had been withdrawn long before by the person allegedly assaulted (see Sections 1.e. and 3).

The Government arrested opposition party Ar-Namys activist Emil Aliyev on March 9, 3 days before the second round of the parliamentary elections. The charges related to alleged fraud in a 1994 loan transaction. Aliyev was released from custody on August 14 for reasons of poor health. Also on March 9, the Government declared the Issyk-Kul election invalid. The Government subsequently charged Omurbek Suvanaliev, a leader of the Ar-Namys party and candidate in that election, with fraud, which made him ineligible to run in the repeat election.

On March 22, the Government arrested opposition political leader Feliks Kulov at a hospital where he was receiving treatment for cardiac problems. The arrest followed his defeat in a parliamentary election and the announcement of his intention to run in the presidential election. He was arrested on suspicion of participating in illegal activities by members of the Kalkhan antiterrorist squad, while he headed the Security Ministry in 1997-1998. Kulov also was suspected of misappropriating some \$22,000 that the Security Ministry received from commercial firms. After his arrest, demonstrations were held demanding his release. On April 5, the Government terminated People's Party leader Daniyar Usenov's conditional release and took him into custody, despite no violation of the terms of his conditional release. He was released later that same day by intervention of President Akayev.

The MNB continues to monitor the Uighur community (a Turkic people native to western China) closely. In the past, it arrested Uighurs on ill-defined charges. In March the MNB arrested a resident ethnic Uighur from China for lacking a residence permit and for possession of Islamic literature that was deemed fundamen-

talist by the authorities. He reportedly was deported forcibly to China (see Section 2.c.).

In Jalalabad Oblast, throughout the year, the MNB detained more than 20 persons for membership in the Khieb-Ut-Takhrir Islamic organization and distribution of its literature. The Government has prosecuted criminally 11 of those detained for alleged possession of material containing appeals of an extreme character.

The Government does not employ forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, despite extensive reforms in the court system and a large body of new law, the executive branch continues to dominate the judiciary.

Cases originate in local courts; they may move to appeals courts at the district or regional level and finally to the Supreme Court. Separate courts of arbitration handle civil disputes, and traditional elders' courts handle low-level crime in rural areas.

Defendants are afforded the same constitutional protections in both military and civilian courts, although military court proceedings can be closed to the public. A civilian can be tried in a military court if one of the codefendants is a member of the military.

Local elders' courts are found in almost every oblast and region. They exercise their authority by trying petty crimes, such as robbery, hooliganism, or theft. In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions or even levying capital punishment. However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year. Local elders' courts are under the supervision of the Procurator's Office, but they may not receive close oversight due to the fact that many such courts are located in remote regions, which makes monitoring difficult.

The Procurator brings cases to court and tries them before a judge and two "people's assessors" (pensioners or citizens chosen from labor collectives). The accused and the defense counsel have access to all evidence gathered by the Procurator. They attend all proceedings, which are generally public, and are allowed to question witnesses and present evidence. In practice, all members of the court have equal rights. Anyone in the courtroom may question witnesses. Witnesses do not always recapitulate their evidence in court; instead they affirm or deny their statements in the Procurator's files.

The court compares the facts as presented by the Procurator and the defense, and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: innocent; guilty; or indeterminate, that is, the case is returned to the Procurator for further investigation. The decision of a court to return a case to the Procurator for further investigation may not be appealed, and accused persons are returned to the Procurator's custody, where they may remain under detention. In practice there was considerable evidence of executive branch interference in verdicts involving prominent political opposition figures.

The Procurator, not the judge, is in charge of criminal proceedings. Thus the courts are widely perceived as a rubber stamp for the Procurator and for high-ranking Government officials and not as the protectors of citizens' rights. In addition very low judges' salaries have led to a well-grounded view among lawyers and citizens that all but a very few scrupulously honest judges are open to bribes or pressure.

The Government introduced in 1999 several judicial reform measures, including a proposal to establish an independent judicial budget, creation of judicial judgment enforcement procedures, and independent judicial training; however, but no progress was made during the year in implementing these measures. Generally accepted international practices, including the presumption of the innocence of the accused, exist in law but are not always respected.

Judges do not hold positions for life. As provided in the Constitution, terms for judges range from 15 years for Constitutional Court judges to 3 years for first-term local judges. In 1993 a new system of court administration was introduced; judges are tested on their knowledge of the law and new civil codes. If judges fail these tests, they may be disqualified from holding office. The process appears to have increased judicial professionalism, and a number of judges have been removed due to poor performance on the exams. Some removals appear to have been subjective, but most lawyers and judges consider the system to be a fair measure of competence.

The appointment of ethnic Kyrgyz to key positions in the judicial system has led to charges by non-Kyrgyz that the system is arbitrary and unfair and that the courts treat Kyrgyz more leniently than members of other groups; however in December an ethnic Korean was appointed head of the Supreme Court. Although systematic discrimination is not clearly evident, allegations that it exists are credible

in some cases. There are also complaints by Uzbeks, and even by ethnic Kyrgyz, that the southern portion of the country is underrepresented in the judiciary.

Economic crimes such as tax evasion, embezzlement, and theft of government property, including electric power, are common. Prosecution for these crimes is relatively rare and sometimes appears to be directed at opponents of the Government. Legislators in the past have used their parliamentary immunity to avoid being brought to court. However, an October 1998 referendum included an amendment that limited immunity to official acts only.

Trials took place in March and September for two of the three Members of Parliament (M.P.'s) who were arrested in 1999 for misappropriation of state property, abuse of power, and tax evasion. One M.P. was found guilty and sentenced to time served during the course of the investigation. The other was sentenced to 14 years' imprisonment and confiscation of his property. The case of the third MP remains under investigation.

The Government frequently used the judicial process to eliminate key political opposition leaders from participation in elections and narrow the range of choice for voters. A number of judicial actions against individuals apparently were motivated politically.

On June 27, the Government began the trial of opposition Ar-Namys Party leader Feliks Kulov in a closed military court on charges of instigation of and accessory to fraud and abuse of power for personal interests. He was held in custody from March 22 through August 7. Legal provisions allow the judge discretion to release Kulov pending trial; however, he was not released. The military court acquitted Kulov of all charges on August 7, but the military Procurator appealed the acquittal. On September 11, the Appeals Court ruled in the Procurator's favor and returned the case to the lower court for possible retrial. The Supreme Court denied Kulov's appeal of the Appellate Court's decision. The Government began a new trial on the same charges on October 3. The Government denied Kulov the right to representation by two Russian lawyers on the grounds that his case involved sensitive information and therefore foreign attorneys could not participate.

There were no reports of political prisoners; however, the Government detained Feliks Kulov, Emil Aliyev, and Daniyar Usenov on grounds that appeared to be politically motivated (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, and telephonic and telegraphic communications are protected. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts. A change in the law in 1995 weakened these protections by allowing the Procurator to give approval for searches over the telephone; thus no written proof exists to verify that the search was approved. Furthermore, in certain cases, law enforcement officers first may carry out a search and then get approval *ex post facto* within 24 hours. If approval is not given, any evidence seized is inadmissible in court.

Organizational structures responsible for violations during the Soviet era have remained largely in place; however, there were no reports of violations of citizens' privacy. There were concerns by citizens active in politics or human rights problems that the privacy of their communications was violated, but evidence to that effect is not available.

The MNB continues to monitor the Uighur community (see Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government restricted these rights.

The 1992 law on the mass media provides for freedom of speech and of the mass media and outlines registration procedures. It identifies prohibited material: Government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics and symbols such as the national seal, flag, or anthem; pornography; and encroachment on the honor and dignity of a person. Two laws related to the media, *On Guarantees and Free Access to Information* and *On The Protection of the Professional Activities of Journalists*, were adopted in December 1997.

The Government closed three newspapers during the year by refusing to publish them. *Kapitalism* and *Litsa* stopped publishing in October, and *Res Publica* was closed for 4 months. One journalist was arrested as a direct result of journalistic activities.

All media must register with the Ministry of Justice and wait for ministry approval before beginning to operate. The media law states that the registration proc-

ess requires 1 month. During the year, there were no reports of media organizations that could not register in a timely manner.

Libel is a criminal, not a civil, action. The Government attempted at the end of 1997 and the beginning of 1998 to amend the Criminal Code to remove libel; however, its efforts were defeated in Parliament by an overwhelming majority. As a result of the October 1998 referendum, the Constitution now includes language that precludes Parliament from passing laws that infringe on free speech. However, to date there has been no implementing legislation for this amendment.

There are approximately 40 to 50 independent newspapers and magazines, including some with local, not national, standing. There are also several hours daily of independent television and radio broadcasting. However, state television, radio, and government newspapers receive government subsidies, which permit the Government to influence media coverage. Additionally, the State's printing house, Uchkun, is the only newspaper publisher in the country.

Uchkun refused to print the independent newspaper *Res Publica* for 4 months during the year. This action was taken pending *Res Publica*'s full payment of a fine awarded to the president of the state television and radio corporation in an earlier honor and dignity suit. Uchkun also refused to deliver *Res Publica* to the regions via its distribution system after it resumed publishing the newspaper. *Res Publica* also experienced distribution problems with the state postal system prior to the presidential elections, and the newspapers were confiscated from kiosks by authorities in Osh and Jalalabad.

The opposition Kyrgyz-language newspaper *Asaba* again was subjected to pressure and intimidation shortly after the newspaper's owner declared his candidacy to run in the Presidential election. Two honor and dignity suits were lodged against the newspaper, a longstanding tax dispute continued, and a long-dormant debt case was reactivated against the newspaper. A Bishkek district court ruled on October 20 that *Asaba* must pay \$105,000 (5 million soms) in compensation to parliamentary deputy Turdakun Usubaliyev for having insulted him repeatedly over a period of 8 years. Seven *Asaba* journalists also were ordered to pay \$20 to 30 (1,500 soms) each for articles critical of Usubaliyev. The newspaper had lodged a counter suit against Usubaliyev accusing him of insulting the newspaper and its journalists. The judge ruled in favor of the counter suit, Usubaliyev must pay the newspaper \$1,000 (50,000 soms).

After a year of government harassment, tax investigations, and change of its editorial leadership and direction, the independent daily newspaper *Vecherny Bishkek* muted its criticism of the Government.

In June an independent journalist from Jalalabad was sentenced to 2 years' imprisonment and fined \$2,250 (108,000 soms) for libeling a judge. After spending 5 weeks in jail, the journalist upon appeal was released and his fine was reduced to \$210 (10,080 soms). Three NGO's, Internews, the Association of Journalists, and the Osh Media Resource Center provided legal representation for the journalist. On October 27 the independent newspaper *Res Publica* was fined \$5,000 (25,000 soms) for an article it published 2 years earlier that criticized the Ministry of Justice's decisions to revoke the registration of the Kyrgyz Committee for Human Rights in September 1997 and to register in 1998 an alternative body with the same name that was loyal to the Government.

The Government harassed the owner, the editor, and a journalist of the independent newspaper *Delo No.* These journalists underwent lengthy interrogations by the Ministry of Internal Affairs, and their offices and homes were raided and searched. A case is pending against the newspaper, alleging that it published state secrets during its coverage of the closed trial of Feliks Kulov. The Government also pressured independent television stations. The Government interfered with the stations' programming, particularly their coverage of politics, elections, and candidates. During Feliks Kulov's pretrial incarceration, the Government directed stations to air a documentary program that was highly critical of Kulov. Government interference with independent television and radio stations continues.

There are two television stations in Osh that broadcast in Uzbek: Osh Television broadcasts in Uzbek part of the time—although the station has been criticized by the Government for airing too much Uzbek language programming—and Mezon Television, all of whose programs are in Uzbek. The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population in Osh. A case was pending against Mezon Television for broadcasting a candidate's political advertisement, which allegedly had the potential to inspire interethnic hatred during the parliamentary elections.

Although Osh Television has a license to broadcast, its dispute with the National Agency for Communications (NAC) continues. The NAC required Osh Television to change its broadcast frequency. The station and the association of journalists con-

tinue to protest the change as unfair and not justified technically. It also would impose a financial hardship on the station. The NAC's directive that Osh Television switch channels was postponed until the end of the year. In addition Osh television is engaged in an ongoing dispute with the tax authorities for what it considers unfair tax assessments.

Some independent media continue to operate despite these pressures.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to assemble freely; however, at times the Government restricted this right in practice. The Government on occasion used force to disrupt peaceful demonstrations and officials, including those at local levels, sometimes use regulations that require registration of rallies and demonstrations to restrict this right. The law requires official written permission for holding assemblies, rallies, and demonstrations.

Permits are required for public marches and gatherings but are routinely available. Rallies and demonstrations are held regularly in front of the Government Building and in other places. Throughout the year, several peaceful protests were held outside the President's office. Those demonstrating included pensioners, political and human rights monitors, and ethnic groups living in the country, such as Uighurs and Kurds. During the year, there were many demonstrations protesting the results of the parliamentary elections and the arrests of opposition figures. On March 25, approximately 500 demonstrators gathered in front of the Constitutional Court in Bishkek to demonstrate against the results of the second round of parliamentary elections. This demonstration was held without incident. Throughout the spring, demonstrations were held by supporters, particularly in the Talas Oblast in support of Feliks Kulov (see Section 3). While the police and local authorities did not disrupt the majority of demonstrations, there were instances when the Government either broke up peaceful demonstrations, or harassed those protesting. There are credible reports that police used excessive force to break up a peaceful demonstration in Kara Bura (Talas Oblast) on March 20. Over 100 demonstrators were arrested. In April demonstrators who were protesting Kulov's arrest throughout downtown Bishkek were required to move from the steps of a government building to a park. Local authorities stated that the demonstrators did not obtain the required permit and that the demonstrations were impeding traffic and creating disturbances. The demonstrators subsequently were moved to another, less public, area of Bishkek. Pro-Kulov demonstrators also gathered in front of various government offices and the White House. They also demonstrated in front of the U.S. Embassy and the office of the Organization for Security and Cooperation in Europe (OSCE). These demonstrations were peaceful and were not broken up by police.

The opposition Democratic Movement of Kyrgyzstan ("DDK") was denied a permit to organize a demonstration in front of the White House.

Demonstrations also were held in support of opposition People's Party Leader Daniyar Usenov, who was arrested and briefly detained after the second round of the parliamentary elections.

The Constitution provides for the right of association; however, while the Government generally respects this right, at times local authorities inhibited it in practice.

The 1991 Law on Public Organizations, which includes labor unions, political parties, and cultural associations, requires registration of these organizations with the Ministry of Justice. Excessive caution by some officials is a contributing element for the delay some organizations experience in registering. Ultimately all organizations that sought registration during the year were registered. The Kyrgyz Committee for Human Rights (KHCRC) was reregistered in 1999; however, due to government pressure its president, Ramazan Dyryldaev, fled the country (see Section 4).

In June 1999 Parliament passed a new law on NGO's. This law distinguishes NGO's from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The President signed this law into effect at the end of 1999.

c. Freedom of Religion.—The Constitution and the law provide for freedom of religion, and the Government generally respects this right in practice; however, the Government occasionally infringes on this right. The Constitution provides for a secular state and the separation of church and state, and the Government does not support any one religion. The Government expressly forbids the teaching of both religion and atheism in public schools.

In 1996 the Government created a State Commission on Religious Affairs (SCRA), officially in order to promote religious tolerance, protect freedom of conscience, and oversee laws on religion. The Commission quickly became active and has overseen the registration of over 300 religious institutions, of which 210 are Christian denominations. According to a 1997 presidential decree, all religious organizations

must register with the SCRA, which must recognize the registrant as a religious organization; each congregation must register separately. Subsequently a religious organization must register with the Ministry of Justice to obtain status as a legal entity, which is necessary to own property, open bank accounts, and otherwise engage in contractual activities. However, if a religious organization engages in commercial activity, it is required to pay taxes in accordance with the tax code. In practice the Ministry has never registered a religious organization without prior registration by the SCRA. There were no known instances during the year of the Commission refusing attempts by religious groups to register, although the process sometimes is cumbersome, taking a month on average. The Unification Church, which is registered as a social, rather than a religious organization, has "semiofficial status".

Islam is the single most widely practiced faith. Official sources estimate that up to 80 percent of the populace Muslim. There are approximately 1,225 mosques in the country, of which 700 are registered. Approximately 17 percent of the population is Russian Orthodox. There are 40 houses of prayer for other Christian denominations. There were no reports of interference by authorities with worship services.

A number of missionary groups operate in the country. They operate freely, although they are required to register with the Government. There is anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Government authorities indicated that they would monitor the activities of the Unification Church, which is led by Reverend Moon. The Unification Church currently is not active in the country, but it has a presence through the charity organization of Reverend Moon's wife. There were no reports of interference with its activities during the period covered by this report.

The Government is concerned about the threat of political extremism in the guise of conservative Islam, whose followers it labels "Wahabbis". The sentencing in May of three Uighur Islamic militants who were charged with the 1998 bombings in Osh added to the Government's concern about "Wahhabist" elements operating in the country. Armed incursions of the Islamic Movement of Uzbekistan (IMU) in August, as well as between August and October 1999, also increased the Government's apprehension about radical Islam and the actions of its followers.

According to a March 21 Amnesty International report, Jelil Turadi, an ethnic Uighur Chinese national was arrested in Bishkek for not having a necessary residency permit. Unofficial sources stated that after a police search of his apartment turned up religious material that was deemed fundamentalist, Turadi was taken into custody for possessing "Wahabbist" material, and after being interrogated by Chinese and Kyrgyz security agents, was deported back to China.

On September 6, security forces arrested a 23-year-old man in Kara Suu and charged him with instigating "national, racial and religious enmity." He admitted to security forces that he belonged to the banned fundamentalist organization Hezeb-E-Tahrir. According to press accounts, eight persons were arrested in August for distributing literature produced by the IMU.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—In general government policy allows free travel within and outside the country; however, certain Soviet-era policies continue to complicate internal migration, resettlement, and travel abroad. Under the Soviet-era law still in force, citizens need official government permission (a propiska) to work and settle in a particular area of the country. Strictly speaking the propiska affords the right to reside in a given city or region. In addition home and apartment owners legally can sell their property only to buyers with such permission. In practice many employers traditionally have refused to provide employment to any applicant residing illegally. However, this law has not been enforced recently. Persons now move within the country, purchase homes, and sell businesses without hindrance.

There is no law on emigration. In August 1999, a presidential decree stated that exit visa requirements would be abolished by October 1999, and the law was fully implemented by the end of the year. Citizens now can travel abroad without an exit visa; however, some travelers still may be required to present letters of invitation to validate their passports for international travel for their first trips abroad, or for the purpose of emigration. After validation of the passport, travel is unrestricted. A Soviet-era law prohibits emigration within 5 years of working with state secrets. No one is believed to have been barred from emigration under this statute during the year. After validation of the passport, travel is unrestricted. All passport applications are reviewed by the Ministry of National Security. Emigration of both ethnic Russian and Russian-speakers has risen significantly since independence due to fears of discrimination, the threat of continued fighting in the south, and the issue of dual citizenship (an agreement recognizing dual citizenship has not been signed between Russia and Kyrgyzstan). Since independence over 300,000 ethnic Russians

and 200,000 Russian-language speakers have emigrated from the country (see Section 5).

Emigrants are not prevented from returning to the country, and there is reportedly a small but steady flow of returnees.

The armed militants who crossed the border into southern portions of the country from Tajikistan caused an estimated 1,139 citizens to flee their homes and left them internally displaced. Most of those displaced have returned to their homes. The Government, assisted by NGO's and international organizations, rendered assistance to the displaced.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other international humanitarian organizations in assisting refugees.

According to the UNHCR, there were approximately 140 refugees from Chechnya in the country who were granted first asylum. An additional 11,671 were granted refugee status. Of this number, 1,000 were from Afghanistan, and the remainder from Tajikistan. Twenty-two asylum requests from Tajikistan were denied. Since 1993 the country has offered "first asylum" to those who have qualified for first asylum status.

There were no reports of expulsion of those having a valid claim to refugee status. However, there were reports of Uighurs opposed to Chinese policies being repatriated forcibly to China where they feared persecution. The UNHCR assisted approximately 669 Tajik refugees to return to Tajikistan during the year.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice citizens' ability to do so is limited. During the year both presidential and parliamentary elections were held and both were marred by serious irregularities.

The Constitution mandates presidential elections every 5 years. There is a two-term limit. Although the Constitution only allows an individual to serve two presidential terms, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the old Soviet-era Constitution. However the Government took steps to disqualify otherwise qualified candidates through conviction on questionable criminal charges.

Akayev was elected to a third term as President on October 29 in an election that did not follow international standards for equal, free, fair, and accountable elections. Restrictions on the registration of candidates limited the field to six candidates, and there was intervention by local officials in the electoral process. The OSCE/ODIHR stated that "international standards for equal, free, fair, and accountable elections were not met." Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates' activities negatively influenced the fairness of the campaign. Pressure against a major domestic election-monitoring NGO violated fundamental freedoms, a setback from the parliamentary elections. Executive authorities, mostly at local and regional levels, interfered in the functioning of election commissions and the electoral process in general. Campaign restrictions and biased media failed to ensure free and fair conditions for candidates. Central Election Commission chairman Sulaiman Imanbaev conceded that violations occurred but accused the OSCE of bowing to pressure from unnamed political forces to give an overly negative evaluation of the election.

The law requires a demonstration of Kyrgyz language competency before final registration as a presidential candidate. According to the Election Code Article 61, command of the language is the ability to read, write, express one's thoughts and speak publicly. The examination is given by a linguistic commission. The procedure for evaluating the examination is not transparent, and the OSCE noted that the difficulty of the exam was not uniform for all candidates. Examination results eliminated seven candidates from the race, including several native Kyrgyz speakers. In September the Constitutional Court heard and rejected a challenge of the requirement brought by two candidates. According to the OSCE, the language test was used to limit the possibilities of participation by opposition candidates.

The administration of voting procedure technically was correct. All six candidates remained on the ballot through election day. The independent media continued to appear until election day, although the Government interfered with the distribution of opposition newspapers. There were candidate observers in most, if not all precincts, although they tended to be poorly trained and unwilling to challenge precinct commissions when their rights as observers were violated. The Government ex-

cluded independent observers representing the constituent organizations of the “Coalition of NGO’s for Democracy and Civil Society” from polling places. A pattern emerged whereby local Coalition representatives were denied admittance to polling places when the polls opened, then allowed to enter later in the day after they sought relief through the courts, then again denied access on technical grounds at the end of the voting day. As a result, Coalition representatives were not present in many polling places for the vote count.

According to information released by the Central Election Commission, Akayev received 74.4 percent of the vote; his closest opponent Omurbek Tekebayev received 13.6 percent. The election was flawed in numerous ways including ballot box stuffing, voter intimidation, discrepancies in vote counts, a large presence of local and regional administration officials in and around the polling stations, and the discovery during opening procedures in a precinct in Bishkek of 700 ballots marked for Akayev in a ballot box that was supposed to be empty. In some instances, election observers were unable to witness the counting procedure to verify that votes were tallied for the candidate indicated on the ballot.

In February and March, the first and second rounds of parliamentary elections were held. The Constitution provides for parliamentary elections every 5 years. For the first time, 15 of the Legislative Assembly’s 60 seats were distributed proportionally based on party lists. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs, despite international criticism of these practices following the first round. In decisions that appear politically motivated, a number of prominent opposition candidates were disqualified or deregistered before the runoffs, despite having led the voting after the first round. Although there were improvements in overall election administration on the day of the vote, the process was marred by serious irregularities in a number of key electoral districts. There were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders.

Prior to the parliamentary elections, the Government took numerous actions which disadvantaged opposition political parties. Four political parties, including one of the most popular opposition parties, the People’s Party, were blocked from competing because their charters did not state specifically they could compete in elections for state bodies. In a legal challenge, the courts upheld this restriction in the election law. Eight parties were barred from competing because they were registered less than 1 year prior to the announcement of elections. This included a second major opposition party, the Ar-Namys Party, and the progovernment party Adilet. The participation of three registered parties, including the opposition Democratic Movement of Kyrgyzstan, subsequently was challenged on the grounds that their nominating conventions were conducted improperly.

In March a district election commission deregistered opposition candidate Daniyar Usenov from the second round elections on technical grounds related to his alleged failure to include ownership of an apartment in his financial disclosure statement. On March 11, after the parliamentary elections, the Supreme Court reversed the lower court’s decision, but neither the Supreme Court nor the Central Election Commission (CEC) would permit a repeat of the election so that Usenov could run in his district. In another instance, on March 9 the Government declared the Issyk-Kul election invalid. The Government subsequently charged Omurbek Suvanaliev, a leader of the Ar-Namys Party and candidate in that election, with fraud, making him ineligible to run in the second election.

On March 10, the Government attempted to deregister Parliamentarian and candidate Omurbek Tekebayev in Bazar-Korgon for filing an allegedly false financial disclosure form. However, the court did not rule in the Government’s favor. Before the court decision was rendered, hundreds of Tekebayev’s supporters demonstrated and blocked streets in his district.

Opposition candidate Feliks Kulov competed in both rounds of the elections but lost badly in the second round amid credible allegations of ballot tampering. His supporters demonstrated against the election in his district and in Bishkek for several months. The OSCE determined that in the second round of election, in district 44 (in which Kulov ran) there was clear evidence of systematic fraud committed by both state and election authorities. In the second round, more than 10 candidates were automatically declared winners as a result of their opponents’ refusal to run or, in 9 cases, the Government’s cancellation of the opponents’ registration.

The conduct of elections in many places, especially in Talas and Jalalabad, was seriously flawed. Problems included credible reports of a massive increase in advance voting, vote buying, premarked ballots, ballots shown to officials before being deposited in the ballot box, and an atmosphere of intimidation in the election dis-

strict, including threats to students of arrest and eviction from dormitories and confiscation of driver's licenses from truck drivers.

Amendments approved in a 1996 constitutional referendum, which was marred by serious flaws, strengthened the formal power of the President and his advisers, who dominate the Government. The Parliament tends to be subordinate to the executive branch but shows increasing signs of independence, such as the overriding of presidential vetoes. During the year, Parliament adopted 33 laws, of which the President signed 11. The overwhelming majority of local government officials, including mayors and governors, continue to be appointed by the President, but the first elections for local legislative bodies were held in October 1999. The elections were flawed but were an improvement over the 1996 referendum.

Political parties remain weak. There are 27 registered political parties, 15 of which qualified for the proportional representation component of the parliamentary elections. To receive any of the 15 seats available under proportional representation, parties must receive 5 percent of the overall vote. The remaining seats are held by single-mandate candidates. In the lower chamber, 29 of 60 members elected in 2000, including those elected to party seats, claimed party affiliation. In addition there is a parallel structure involving 3 factions with a total of 23 members. In the upper chamber, the People's Representatives Assembly, 7 of 45 members claim party affiliation.

Women and most ethnic minorities are underrepresented in government and politics. Women hold only 7 of 105 seats in the legislature. The Minister of Justice and the Chief Justice of the Constitutional Court are women. The Democratic Party of Women participated in the parliamentary elections and won two party seats, earning 13 percent of the party-list votes. Russians and Uzbeks are underrepresented in government positions, although the newly named First Deputy Prime Minister, is an ethnic Russian, as was his predecessor. In December an ethnic Korean was appointed head of the Supreme Court.

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

Human rights groups operated in an increasingly hostile environment and were faced with continuous government pressure to curtail their activities, especially activities related to the parliamentary and presidential elections. Despite this pressure, most groups were able to continue investigating and publishing their findings on government interference with elections, as well as on human rights cases.

The Government repeatedly threatened leaders of the Kyrgyz Committee for Human Rights (KCHR), the NGO Coalition for Democracy and Civil Society (Coalition), and the Republican party with criminal action for their activity on behalf of opposition political leaders and their supporters. On March 29, the Bishkek city prosecutor sent the Coalition a warning that the Coalition, together with the KCHR, the Public Union for Social Defense of the Population, Union of Kyrgyz Children and Women, and several political parties violated a law that prohibits the destabilization of society by preparing and distributing flyers that appealed for public support of Ar-Namys candidate Feliks Kulov (see Sections 1.d, 1.e, and 3). On March 30, the Bishkek city prosecutor summoned KCHR chairman Ramazan Dyryldayev and Republican Party chairman Giyaz Tokombayev and delivered the same warning.

In June the Minister of Justice stated that since the Coalition was not registered as a public association with the Ministry, it did not have the right to receive funds from abroad to support its activities, nor could it assess internal political developments. Although no formal action was taken against the Coalition, threats against and intimidation of the coalition continued throughout the year.

On May 31, the Government opened a criminal case against KCHR chairman Ramazan Dyryldayev for failure to comply with provisions of the Labor Code related to the firing of an employee. The fired employee in question was terminated during the period when the Government deregistered the KCHR and registered a different organization under different leadership under the KCHR's name. Also in May, the Government charged former KCHR deputy chairman Eleman Mambetaipov with misappropriation of furniture located in a room rented by the KCHR from the Ministry of Agriculture. At the trial, the judge would not accept evidence that the property in question was in its proper place. On July 14, Mambetaipov was given a year prison sentence. Dyryldayev has remained abroad since July. In July police attempted to force their way into the office of the KCHR in an effort to locate him.

In June the Government held a political roundtable including some political parties, NGO's, and social movements. The OSCE initially planned to hold such an event under its auspices. A preparatory committee consisting of nine representatives from the Government, nine representatives from NGO's, and nine representatives from political parties was established for the event. During the preparatory stage,

two political parties, Ar-Namys, whose leader was in jail, and Kairan El, withdrew from the process because their conditions for participation were not met. On June 3, the Government withdrew from the preparations in favor of holding its own event. The majority of NGO's on the preparatory committee and five political parties refused to participate in the Government's roundtable due to unilateral changes of the agenda and the format of the discussion introduced by the Government. The OSCE withdrew its support for the event after the Government's refusal to abide by the formulation worked out by the preparatory committee but attended the event as an observer. OSCE observers stated that the meeting had flaws, including the absence of significant opposition elements and a failure to alleviate tensions that arose after the parliamentary election.

The Government formed a progovernment NGO called the Association of NGO's (the Association). There are reports that local authorities apply pressure on independent NGO's to become affiliated with the government-organized Association. Only those NGO's with independent sources of funding are able to resist this pressure.

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

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language, and the Government expresses a strong commitment to protecting the rights of members of all ethnic, religious, and linguistic groups, as well as those of women; however, in practice it does not always ensure these rights effectively.

Women.—Violence against women is a problem. Research conducted in 1996 on violence against women showed a noticeable increase in such incidents since independence in 1991. Activists note that rape is becoming more common. It is not clear whether the incidence of rape or only the reporting of such attacks is becoming more common, but authorities often ignore such attacks. Government statistics indicate that in 1999, there were 400 to 450 crimes against women, but many crimes never are reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials. The Government has not devised a program to deal with this problem, and the number of shelters for battered women is not increasing to meet the need. The Umut (Hope) Center opened in 1997 to provide basic protection as well as psychological, legal, and medical counseling for battered women and girls. The Umut Center has organized biweekly discussions and training for women to advise and counsel them about their rights. It provides 10 days of emergency shelter, clothing, and meals for battered women as well as employment counseling and legal services. In 1998 the director attributed the rise in the number of women visiting the shelter to the country's severe economic crisis, which had led to increased violence against women. Umut received grants from a variety of foreign sources during the year, and provided shelter for 165 persons and provided advice to 1,524 others through its hot line. Umut also offers psychiatric counseling to victims. There were internationally funded crisis centers for women in need of such assistance in both Talas and Jalalabad.

In 1997 the NGO Tendesh opened a crisis center in Naryn with a hot line to support women affected by violence. It provides psychological, legal, and medical assistance. Another center, Sezim, opened in April 1998 in Bishkek with a staff of lawyers, psychologists, and doctors, and operates a crisis hot line for the public. Staff members conduct training, debates, and seminars on women's rights and family planning. During the year, at least three new programs were introduced to address the needs of women by NGO's. The Congress of Women has set up legal clinics for women throughout the country to help counsel women on legal issues and women's issues. Center Mercy embarked on a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative Aigerim introduced programs to assist with needy families.

Trafficking in women and girls for the purpose of forced prostitution is a growing problem (see Sections 6.c. and 6.f.).

Discrimination against women persists. The law gives equal status to women, and they are well represented in the work force, in professions, and in institutions of higher learning. Women are prominent in law, medicine, accounting, and banking. They also play an active role in the rapidly growing nongovernmental sector.

During the parliamentary elections, NGO's embarked on programs to help educate women in the electoral process and on their voters' rights. The Center of Women's Initiative Aigerim helped train women to monitor during the parliamentary elections. According to Counterpart Consortium, 293 NGO's dealing with women's issues operated in the country during the year, of which 25 deal with women's advocacy. In 1999 women's advocacy NGO's sent an appeal to the Government, Par-

liament, journalists, international organizations, as well as other NGO's in support of women's rights. Nonetheless deteriorating economic conditions have had a severe effect on women, who are more likely than men to lose their jobs. According to a U.N. Development Program report, as of January, the unemployment figures for women were considerably larger (58,300) than those for men (48,100). For women the average wages were lower than \$13 per month (637 soms), and for men \$18 per month (881 soms). Women with children under the age of 16 account for 67 percent of unemployed women. Women make up the majority of pensioners who have felt the negative effects of the country's economic downturn as inflation has eroded pensions that often are paid late. Women's groups express general concern about the situation of rural women. With the end of communism, traditional attitudes toward women are reasserting themselves strongly in the countryside, where women are relegated to the role of wife and mother, and educational opportunities are curtailed. Data indicate that women are becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. A special expert counsel under the State Commission on Family, Women, and Youth Issues reviewed all legislation for a gender perspective and submitted its recommendations to Parliament. The findings demonstrate that while women's rights are supported by legislation, the principle of women's equality is not always observed.

The women's advocacy NGO community is becoming increasingly organized. As a result of conferences held in 1999 an appeal was sent to the Government, Parliament, journalists, NGO's, and international organizations in support of women's rights.

Children.—The socioeconomic situation does not effectively provide decent living conditions for all children. Basic needs for shelter, food, and clothing seldom are met, and the Government does not take effective measures to address these needs. After independence, vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affects a large number of children, especially in rural areas. Traditional social safety measures are now inadequate to cope with the social pressures that affect families, and in major cities children regularly are observed begging or selling cigarettes. There are increasing reports of abandonment due to parents' lack of resources to care for children.

Education is compulsory for the first 9 years, and the country has a 97 percent literacy rate. However, the educational system has suffered material and financial hardships, and conditions continue to deteriorate due to an acute shortage of budgetary and material resources. The Government established two funds, Jetkinchek and Kadry XXI Veka (Cadres the 21st Century), to provide educational benefits for low-income and disabled children. Jetkinchek, a Presidential Educational Program, created in 1999, provides assistance such as pens, books, clothes to low-income children. The program is funded primarily by the Government but has received assistance from international organizations. Kadry XXI Veka is another government program financed by international organizations that helps talented youth continue their education abroad.

The Law on Education requires that secondary education be free and universal. However, financial constraints prevent the Government from implementing this for all students. According to the Criminal Code, the penalty for infringing on a student's right to obtain free secondary education ranges from receiving a public reprimand to 1 year of forced labor. The law penalizes parents who do not send their children to school or obstruct their attendance. Many of those families who can afford it choose to send their children to more expensive private schools. Moreover those families that keep their children in public schools must pay administrative fees. These costs add up and are difficult for families, particularly large ones, to bear.

The Government and its Commission on the Affairs of Under-age Children disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Science and Culture, and Health as well as the state television and radio company and various NGO's also help disseminate information including by translations into Kyrgyz, Russian, and Uzbek in order to reach those segments of the population that speak different languages. There are also plans to publish textbooks on human rights problems for high school students, with information on children's rights. The Talent Support Fund, an NGO funded by Save the Children and UNICEF, produced a series of educational television programs titled "The Rights of Children in Kyrgyzstan" to help educate the population.

Human rights groups and the Kyrgyz Children's Fund (KCF) monitor the condition of children. Human rights groups note that children who are arrested usually

are denied lawyers. Police often do not notify parents of children who are arrested, and neither parents nor lawyers generally are present during questioning, despite laws to the contrary. Children often are intimidated into signing confessions.

The KCF is concerned about the growing number of street children, many of whom have left home because of abusive or alcoholic parents. Social workers and police regularly conduct street sweeps to locate abandoned children. Children who are found are sent to orphanages and police holding centers depending on the amount of space available. The KCF has one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. In 1999, the Svetlii Put shelter (formerly known as the Ak Zhol shelter), was reestablished with assistance from UNICEF. During the year, the shelter received training assistance from UNICEF and cared for approximately 32 children. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, opened in 1998 to care for orphans. Approximately 110 children and 14 mothers live in this village, which offers housing and a kindergarten.

Girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

The forced marriage of underage girls has become more common, and the authorities often tacitly approve this practice. Cultural traditions and social structures discourage victims from going to the authorities.

People with Disabilities.—The Government passed the Law on Social Protection of Invalids in 1991 and adopted amendments in October 1998. The amendments provide for convenient access to public transportation and parking for the disabled; subsidies for mass media sources that make their services available to the hearing or visually impaired; and free plots of land to construct a home. Social facilities for the mentally disabled are strained severely, as budgets have fallen and workloads remain heavy. In one program facilitated by foreign volunteers, local high school students have begun to visit special institutions such as those for the mentally disabled.

National/Racial/Ethnic Minorities.—There are reports of discrimination in the treatment of citizens who are not ethnic Kyrgyz. The most recent statistical data reflect the following ethnic breakdown of the population: 61.2 percent are Kyrgyz; 14.9 percent are Russians; 14.4 percent are Uzbeks; 1.1 percent are Tatars; 0.3 percent are Germans; and others constitute 8.1 percent. Members of the minorities allege discrimination in hiring, promotion, and housing. They complain that government officials at all levels favor ethnic Kyrgyz.

Russian-speaking citizens (those who do not speak Kyrgyz) also allege that a ceiling exists in government employment that precludes their promotion beyond a certain level. The representation of ethnic Kyrgyz at senior and intermediate levels of government is disproportionately high, giving credence to perceptions that career opportunities in government are limited for those who are not ethnic Kyrgyz. There also were complaints about discrimination against non-Kyrgyz in the judicial system (see Section 1.e.).

Since independence, over 300,000 ethnic Russians and 200,000 Russian-language speakers have emigrated. In order to help stem the tide of migration, the Government passed legislation elevating Russian to the status of an "official language." On May 20, President Akayev issued a decree to moderate emigration by improving the situation of ethnic Russians and Russian speakers. During the year, a bilateral agreement was signed with Russia on the legal status of Russian citizens living in Russia and Kyrgyz citizens living in Russia. This agreement is to provide maximum social benefits possible under Kyrgyz law for those Russian citizens living in the country.

The Constitution designates Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages spoken in the country. Kyrgyz increasingly is replacing Russian, and the Government has announced that by 2010 all government documents are to be in Kyrgyz. A new draft law that was introduced in November allows for Russian to be used in the workplace until measures can be established to change to Kyrgyz. On March 20, President Akayev issued a draft decree calling for all high and middle-level government officials to have sufficient proficiency in Kyrgyz, with the aim to have all official business conducted in Kyrgyz by 2005. This draft decree was not enacted into law as a result of widespread criticism. Candidates in the 2000 presidential elections were required to demonstrate ability in Kyrgyz. Some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned (see Section 3).

University education is carried out largely in Russian (although Kyrgyz instruction is available in some departments in some universities, where textbooks are available), so that Russian-language capability remains an important skill for those who wish to pursue higher learning.

Section 6. Worker Rights

a. The Right of Association.—The 1992 Labor law provides for the right of all workers to form and belong to trade unions, and there is no evidence that the Government has tried to obstruct the formation of independent unions. The Federation of Trade Unions of Kyrgyzstan, the successor to the former official union, remains the only trade union umbrella organization in the country, although unions are not required to belong to it. The Federation forms one part of a bilateral commission, along with the Cabinet. Each year the two parties sign an agreement on “cooperation.” There is one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 80,000. Precise numbers for the Federation’s membership are not available, but it is significantly larger than other unions.

The Federation has been critical of government policies, especially privatization, and their effect on working class living standards. The Federation still regards itself as being in a process of transition, during which it is adjusting its relations with the Government, with other unions in the countries of the former Soviet Union, and with other foreign unions. Growing numbers of smaller unions are not affiliated with the umbrella organization.

The law calls for practices consistent with international standards.

While the right to strike is not codified, strikes are not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse generally directed at unions or individual workers. During the year, there were several instances when workers repairing the Bishkek-Osh Highway went on strike against foreign companies that employed them since they did not receive payment for their work. In November vendors at the Dorodoi Market in Bishkek went on strike to protest against the decision of the Dorodoi Market’s administration to allocate preferred selling areas to Chinese merchants over local merchants.

The law permits unions to form and join federations and to affiliate with international trade union bodies. Since independent unions are still in their infancy, no meaningful affiliation with international trade union bodies has taken place.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right of unions to negotiate for better wages and conditions. Although overall union structure and practice are changing only slowly from those of the Soviet era, there is growing evidence of active union participation in state-owned and privatized enterprises. The Government sets the minimum wage, and then each employer sets its own wage level.

The law protects union members from antiunion discrimination, and there were no recorded instances of discrimination against anyone because of union activities.

There are Free Economic Zones (FEZ’s) that can be used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZ’s.

c. Prohibition of Forced or Compulsory Labor.—The law forbids forced or compulsory labor, as well as forced or bonded labor by children; however, women and girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Although the majority of children are enrolled in school, child labor is a problem.

Provisions of the Labor Code, the Law on Public Safety, and the Law on the Protection of Rights of Underage Children address child labor. The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The Labor Code is contradictory in the requirements it sets for the minimum age of employment in work that can harm their physical and moral well being (i.e. employment in casinos, bars, night clubs, etc.). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. According to Article 317 of the Labor Code, those between 14 and 16 years of age are permitted to perform strenuous work with parental consent. However, minors less than 18 years of age cannot work in underground conditions. Minors between 18 and 21 years of age may not perform hazardous or manual work. Article 319 sets the maximum daily hours of work for those between 14 and 16 years of age at 5 to 7 hours respectively. Underage children cannot work beyond this limit or during night shifts. These laws also apply to disabled children who work.

Given its budget constraints and lack of resources, the Government is unable to enforce adequately these laws. Although those employers who are caught violating the Labor Code can be charged with disciplinary, financial, administrative, or criminal penalties, the punishment is usually minimal.

Child labor is becoming more widespread both in towns and rural areas. Since many children are “self-employed” (selling newspapers, carrying handcarts at mar-

kets, selling cigarettes and candy on the streets, etc.) or work for their families, it is very difficult for the Government to determine if their work schedule and environment conform to government regulations. Families are traditionally large, and it is sometimes necessary for children to work at an early age to help support the family on the family farm or in the family business.

According to reports from various NGO's, child labor is particularly evident in the south. During the fall, classes are cancelled, and children are sent to fields to pick cotton. During the summer, children are used to harvest tobacco and are involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Some fields are located on school grounds, and the income earned goes directly to the schools, not to the children. Children also are involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The Prosecutor's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with Labor Code laws. The legislative assembly has established a special commission on education, women's affairs, the family, and minors, which oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament. Public control of compliance with the labor code is enforced by trade unions, a function holdover from the Soviet period.

The Government has undertaken additional initiatives to help protect minors from forced labor. Since the budget is facing severe funding constraints, many children who are entitled to receive help do not.

The Government prohibits forced and bonded labor by children but does not enforce this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Government mandates a national minimum wage at a level theoretically sufficient to assure a decent standard of living for a worker and family. The legal minimum wage is about \$2.50 (100 soms) per month. In practice this wage is insufficient to ensure a decent standard of living for a worker and family, and therefore industries and employers set the minimum level wages that actually are paid. The Federation is responsible for enforcing all labor laws, including the law on minimum wages. Minimum wage regulations largely are observed. However, the enforcement of labor laws is nonexistent in the growing underground economy. Market forces help wages in the unofficial sector keep pace with official wage scales.

The standard workweek is 41 hours, usually within a 5-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories are poor. Despite the recent improvement in economic growth, the previous deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. In March 1999, the State Inspectorate of Labor was established to protect and educate workers as well as also inform business owners on their respective rights and responsibilities. A 1992 law established occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions are assigned active roles in assuring compliance with these measures, but the deterioration of the economy has led to an uneven compliance record among businesses. Workers have the legal right to remove themselves from unsafe working conditions, and workers who choose not to work in an unsafe environment may find employment elsewhere. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

f. Trafficking in Persons.—The law provides that those involved in trafficking can be sentenced up to 15 years' imprisonment; however, very few traffickers are caught, and those that are receive lenient sentences or fines. A lack of coordination between government agencies involved in migration issues, the obscure wording of laws regarding trafficking issues, and corruption contribute to the problem. The trafficking of Kyrgyz women and girls, largely to Turkey, Germany, and the United Arab Emirates for the purpose of forced prostitution, is a growing problem. According to the International Office of Migration (IOM), approximately 4,000 women and 7 boys were trafficked abroad in 1999. Often women are trafficked through deception. They are lured abroad under the pretext of legitimate employment (i.e. waitresses, au pairs, dancers, etc.), and by the time they discover the true intent of the traffickers, they find themselves without the money for return tickets, without documents, and are forced to agree to the conditions and terms of the employers. A flourishing sex trade draws girls, as young as age 10, from destitute mountain villages. Several media articles have raised public awareness of the problem. The Ministry of Interior had planned to establish a special police unit to combat trafficking but was unable to do so due to lack of funding.

According to IOM, fraudulent passports are issued to those being trafficked. Eleven law enforcement officers have been accused of preparing fraudulent documentation for trafficked women, and criminal proceedings have begun against three of the accused officers. During the year, 4 persons were tried and sentenced to prison terms for trafficking; 18 persons were tried and sentenced in 1999.

Trafficked women do not normally receive assistance due to lack of understanding of the problem. Many have reported being victimized by law enforcement officials upon their return.

LATVIA

Latvia is a parliamentary democracy. The Prime Minister, as chief executive, and the Cabinet are responsible for government operations. The President, as Head of State, is elected by the Parliament (Saeima). The Saeima elected Vaira Vike-Freiberga to a 4-year term in June 1999. The October 1998 elections for the 100-seat Parliament and the national referendum to amend the Citizenship Law to meet European standards were free and fair. The judiciary is independent but not well-trained, efficient, or free from corruption.

The security apparatus consists of: The national police and other services, such as the Special Immigration Police and the Border Guards, who are subordinate to the Ministry of Interior; municipal police under local government control; the military Counterintelligence Service and a protective service under the Ministry of Defense; and the National Guard, an element of the national armed forces, which also assists in police activities. Civilian authorities generally maintain effective control of the security forces. The Constitution Protection Bureau (SAB) is responsible for coordinating intelligence activities. Some members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

Privatization essentially is complete, although some large utility companies remain in state hands including the national electric company, railroads, and shipping. The currency remained stable and traded freely; unemployment was 7.8 percent, and annual inflation was 1.8 percent. Per capita gross domestic product was approximately \$2,950.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, problems remained in certain areas. Members of the security forces, including the police and other Interior Ministry personnel, sometimes used excessive force. In most instances, the Government took disciplinary measures against those responsible. Prison conditions remained poor. Lengthy pretrial detention was a problem. The inefficient judiciary did not always ensure the fair administration of justice. Women are discriminated against in the workplace. Domestic violence, trafficking in women (including minors), and child prostitution and abuse are significant problems.

RESPECT FOR HUMAN RIGHTS

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

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

In March 1999, a member of the security police shot and killed two persons and injured three others during a bar fight in Jelgava. In October he was sentenced to 20 years in prison; he appealed to the Supreme Court, which affirmed the verdict of the lower court.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, but there were credible reports that police and prison guards mistreated persons. In September 1999, four prison guards at Riga Central Prison were dismissed for excessive use of force against prisoners.

In conjunction with the Soros Foundation and the National Human Rights Office (NHRO), the Ministry of Interior continued its programs for educating police officers about human rights concerns. In 1999 a local nongovernmental organization (NGO) established a free legal advisory service for prisoners and others who believe that they were victims of police abuse (see Section 4).

Prison conditions remained poor, although human rights groups noted some improvements during the year. Prison cells often are overcrowded severely. Inadequate sanitation facilities, persistent shortages of blankets and medical care, and insufficient lighting and ventilation are common problems, as is the shortage of resources in general. Most jails badly need renovation. The Government has taken additional

steps to upgrade certain facilities. The NHRO records complaints of violations of the right to humane treatment and respect of dignity. During the year, 47 prisoners filed complaints concerning their treatment, and 19 persons filed such complaints relating to the police. The NHRO investigates each complaint. Human rights groups are alarmed by the number of drug-resistant tuberculosis cases in the prisons, and the Government has received assistance from several foreign organizations to address this problem. Although the number of tuberculosis cases has decreased, the Riga central prison hospital remains overcrowded at close to 200 percent capacity.

At a prominent conference attended by human rights groups and government officials in November, the deputy director of the prison administration and the Prosecutor General criticized the Government for its failure to improve the Criminal Code and provide resources to the judicial system. Two youths committed suicide in July while in pretrial detention awaiting trial for murder. They were held in the same cell, one for 17 months, the other for 5 months. The archaic provisions of the Criminal Code make it difficult to investigate and move a case forward in the court system. Press reports estimate that 70 percent of all juveniles in prisons are awaiting trial. While most have been waiting for about 2 years, some have been waiting 4 years or more. Unlike convicts, those in pretrial detention are not allowed to work or go to school, have limited contact with outside NGO's or family, and suffer considerably worse living conditions than prisoners in general. The deputy director of the prison system also noted the lack of work and job training for inmates and the need to provide social support to inmates after release.

The Government permits human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law requires the Prosecutor's Office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. There were no known instances of arbitrary arrest. The responsibility for issuing arrest warrants was transferred from prosecutors to the courts in 1994. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial. According to credible reports, these rights are not always respected in practice, especially outside of Riga.

According to Ministry of Interior personnel, detainees awaiting trial spend an average of 2 years in prison, but many have been there much longer. More than 40 percent of all inmates are in pretrial detention. Complaints were filed by 94 prisoners during the year concerning their right to a just and timely trial.

The law prohibits forced exile, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. However, the courts must rely on the Ministry of Justice for administrative support, and the judiciary is not well trained, efficient, or free from corruption.

The judicial structure is composed of district (city) courts, regional courts, the Supreme Court, and the Constitutional Court. The Constitutional Court is a seven-judge panel that is authorized to hear cases regarding constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated.

The Government continued to reform the judicial system. In 1995 it completed the establishment of regional courts to hear appeals of lower court decisions. For more serious criminal cases, two lay assessors join the professional judge on the bench. Corruption in the judicial system reportedly is widespread. In 1997 the judges appointed to preside over the trial of the president of the collapsed Bank Baltija, Aleksander Lavent, resigned from the case, citing alleged political pressure from the Government. The accusation came after the judges released Lavent to house arrest following a heart attack that he suffered in the courtroom on the first day of the trial. In December 1998, the courts determined that Lavent had recovered his health, and he was returned from house arrest to prison. The trial of Lavent and his alleged accomplices resumed briefly in the fall, but it was suspended again at year's end 1999. The trial resumed in 2000 but was suspended again due to the defendant's illness. On July 27, Lavent filed a complaint with the European Court of Human Rights accusing the Latvian courts of violating his right to a fair and speedy trial. In October Lavents led a hunger strike with several other prisoners to protest lengthy pretrial detention.

Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. A major difficulty in enforcing court decisions is the continuing lack of an effective bailiff or sheriff system. In 1999 a new criminal law went into force, which allows for more alternative punishments, including community service. Despite the new law, alternative punishments are utilized rarely by the courts.

Court decisions are not published systematically, nor is there a centralized index for those that are published. Trials may be closed if state secrets might be revealed or to protect the interests of minors. All defendants have the right to hire an attorney, and the State will lend funds to destitute defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may call witnesses and offer evidence to support their case. They also may make multiple appeals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires that law enforcement authorities have a judicial warrant in order to intercept citizens' mail, telephone calls, or other forms of communication. The laws protecting privacy apply to citizens and noncitizens equally. There were no credible reports of the unsanctioned wiretapping of the telephone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The 1991 Press Law prohibits censorship of the press or other mass media. Most newspapers and magazines are privately owned. Newspapers in both Latvian and Russian publish a wide range of political criticism and viewpoints.

A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of persons receiving satellite television broadcasts continued to increase.

The Law on the Media, revised in October 1998, contains a number of restrictive provisions regulating the content and language of broadcasts. No less than 51 percent of television broadcasts must be of European origin, of which 40 percent should be in the Latvian language. However, these provisions are not always implemented. In addition foreign investment may not exceed 20 percent of the capital in electronic media organizations.

There are no restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for peaceful assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. In 1997 the Saeima passed legislation on public demonstrations that requires protesters to remain specified distances from foreign missions, the Saeima, the Prosecutor's Office, and certain other public institutions. While the law purports to imitate Western European statutes, independent human rights organizations find its provisions contradictory and confusing. Numerous demonstrations nevertheless took place peacefully and without government interference during the year.

The Constitution provides for the right of citizens to associate in public organizations; however, the Law on Registering Public Organizations bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. Noncitizens can join and form political parties, but there must be at least 200 citizens in the party and at least half of the total membership must be citizens. More than 40 political parties are registered officially.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, bureaucratic problems for minority religions persist. There is no state religion, but the Government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptists, and Jewish) and "new" religions.

Although the Government does not require the registration of religious groups, the 1995 Law on Religious Organizations accords religious organizations certain rights and privileges when they register, such as status as a separate legal entity for owning property or other financial transactions, as well as tax benefits for donors.

By law any 10 citizens or permanent residents over the age of 18 may apply to register a church. Congregations functioning in the country for the first time that do not belong to a church association already registered must reregister each year for 10 years. Congregations numbering 10 or more of the same denomination having permanent registration status may form a religious association. Only churches with religious association status may establish theological schools or monasteries. A decision to register a church is made by the Minister of Justice.

According to Ministry of Justice officials, most registration applications are approved eventually once proper documents are submitted. The Ministry has registered over 1,000 congregations. Problems arise and registration is denied because the Law on Religious Organizations does not permit simultaneous registration of more than one religious union (church) in a single confession. Because of this provi-

sion, the Government can not register any splinter groups, including an independent Jewish congregation, the Latvian Free Orthodox Church, and a separate Old Believers group. The Christian Scientists have been refused registration due to opposition from the Doctors Association.

Shortly after the renewal of independence in 1991, the Vatican, with the support of the Latvian Catholic community, requested negotiations for a reestablishment of the 1922 Concordat, which existed between Latvia and the Vatican during Latvia's period of independence between World War I and World War II. In 1996 the Prime Minister established a working group to negotiate a new agreement. This agreement reportedly would grant the Roman Catholic Church privileged status. The negotiations have led to some concern among members of other religions. If approved it is expected that adherents of other faiths would seek similar recognition and benefits for their own religious community. In November the draft agreement was submitted to the Saima for review.

Visa regulations require that religious workers present either an ordination certificate or evidence of religious education that corresponds to a Latvian bachelor's degree in theology. The visa application process still is cumbersome. However, difficulties in this area diminished, and Citizenship and Migration Department officials have worked to ease the situation. The Government cooperated to resolve several difficult visa cases in favor of missionary workers.

Foreign evangelists and missionaries are permitted to hold meetings and to proselytize, but the law stipulates that only domestic religious organizations may invite them to conduct such activities. Foreign religious denominations have criticized this provision.

The law provides that religion may be taught to students in public schools on a voluntary basis only by representatives of Evangelical Lutheran, Roman Catholic, Orthodox, Old Believer, Baptist, and Jewish religions. The State provides funds for this education. Students at state-supported national minority schools also may receive education on the religion "characteristic of the national minority" on a voluntary basis. Other denominations may provide religious education in private schools only.

The Latvian Lutheran Church established its own clergy education center, the Luther Academy in Riga, in 1998. The Roman Catholic Church also has its own seminary but wants to establish its own separate faculty of theology at the University of Latvia or, alternatively, join forces with a Catholic university elsewhere in Europe that would issue degrees. The University of Latvia's theological faculty is now nondenominational.

Citizen's passports currently indicate the ethnicity of the bearer. Jews are considered an ethnic group and are listed as such rather than Latvian, Russian, etc.

Jewish community leaders have regained a number of major properties around the country, and they report that the legal framework for restitution of religious property is adequate. While restitution of a few Jewish properties proceeds, the process is slow, complex, and often delayed by legal wrangling and bureaucratic obstacles.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice. The Government has readmitted noncitizens who claimed refugee status in a foreign country, or who voluntarily abandoned their permanent residence and then decided to return to the country to live and work. Noncitizens who left the country as refugees based on Soviet-era persecution have no difficulty returning on foreign refugee travel documents for business reasons or for family visits. The Government also extends protections to noncitizen residents who travel abroad.

The 1995 Law on the Status of Former Soviet Citizens stipulates that registered permanent resident noncitizens enjoy the right to establish and change residences, travel abroad, and return to the country. Noncitizens, as well as citizens, may be granted amnesty. However, certain rights are denied to noncitizens. They are prohibited from working as armed guards or criminal trial attorneys. Noncitizens may own land only under complex procedures but may not purchase land in the border zones. The law also provides for the issuance of a noncitizen travel document that certifies these rights.

The Government works closely with the U.N. High Commissioner for Refugees, and the Law on Asylum Seekers and Refugees complies with all provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Special immigration police and border guards units help prescreen asylum requests. Decisions of the Citizens and Migration Affairs Office can be appealed to the Asylum Appeals Board in the Ministry of Justice.

The issue of provision of first asylum did not arise during the year and never has arisen. According to statistics provided by the immigration police, during the year 1,126 aliens were detained for questioning. Of those, 218 were deported, and 79 departed voluntarily. The Government has approached Russia and Belarus about concluding refugee readmission agreements, the lack of which poses a major barrier to effective control of the eastern border. However, by year's end agreements had not been concluded.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Free and fair elections for Parliament were held in 1998, and in June 1999 the Parliament elected the President. In the 1998 election, candidates from 6 of the 21 participating parties, representing a broad political spectrum, won Saeima seats, and 72 percent of eligible voters participated.

The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after January 13, 1991, or who worked for such institutions as the former Soviet Committee for State Security, from seeking elected office. Noncitizens, most of whom are ethnic Russians, are not allowed to vote; however, many ethnic Russians are Latvian citizens and can vote.

On December 15, 1999, the Supreme Court upheld a regional court decision that the extreme Russian nationalist of the Equal Rights Movement and Riga city council deputy Tatyana Zhdanok was not eligible to run for public office due to her pro-Soviet activities after January 13, 1991. After the Riga City Council annulled her election, Zhdanok filed suit against the Latvian Government in the European Court of Human Rights.

Following the restoration of independence in 1991, citizenship was accorded immediately only to those persons who were citizens of the independent Latvian Republic in 1940 and their direct descendants. After independence the status of approximately 670,000 persons, mostly ethnic Russians, changed from citizens of the Soviet Union to noncitizen residents in Latvia. Since 1995 about 39,000 persons have become citizens. Approximately 35 percent or 14,000 of these persons were naturalized in 2000 alone. Owing to the Russification policy pursued during the Soviet era, ethnic Latvians constitute only 56 percent of a total population of 2.5 million, and 78 percent of citizens. Ethnic Latvians do not constitute a majority in three of Latvia's seven cities.

The 1998 Citizenship Law includes a Latvian language and residence requirement for those seeking to naturalize, as well as restrictions on former Soviet intelligence and military personnel. The law also requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to Latvia. At present, according to Naturalization Board figures, nearly 95 percent of applicants pass the citizenship tests on the first attempt.

In addition a 1998 referendum brought the citizenship law into compliance with Organization of Security and Cooperation in Europe (OSCE) standards. Children of noncitizens born after August 1992 are entitled to citizenship upon application.

International observers, including the resident OSCE mission, credit the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the law. In the estimation of the NHRO, the OSCE, and various NGO's, the Board has sought to apply the law fairly.

International experts, government officials, and domestic human rights monitors agreed that Latvia must continue to place high priority on and devote sufficient resources to implementing the citizenship law in a fair and impartial manner, as well as seek ways to expedite naturalization and promote social integration. Working with the European Union and the U.N. Development Program, the Government also has implemented a long-term nationwide Latvian language teaching program for adults and children in non-Latvian schools.

There are no ethnic restrictions on eligibility to hold political office. Nonethnic Latvians, including ethnic Russians and the first Roma deputy in the Saeima, serve in various elected bodies. Women are underrepresented in government and politics. There are 20 women in the 100-member Saeima. Two women are in the 15-member Cabinet of Ministers. For the first time, the President of the country is female.

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

A growing number of NGO's devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, operate without government restriction. Several organizations deal with issues of concern to local noncitizens and other nonethnic Latvians, presenting them to the courts and the press.

The Government engages in dialog with NGO's working on human rights issues. The NHRO is an independent governmental institution with a mandate to promote human rights, provide information on human rights, investigate individual complaints, and initiate its own investigation into alleged violations. The office acts as a general ombudsman on social issues and handles a variety of individual complaints, primarily concerning problems receiving social benefits.

A number of NGO's provide assistance to those who wish to complain of police abuse or abuse in prisons.

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

According to the 1922 Constitution, all citizens are equal under the law. In 1998 the Saeima passed amendments to the Constitution that granted constitutional protection to fundamental human rights. The amendments supersede provisions of the 1991 Constitutional Law, which had served in the interim, and contain constitutional provisions for the exercise of the freedoms of speech, religion, association, the press, and other basic liberties. The amendments also provide for protection from discrimination due to race, sex, religion, language, or disability. Only citizens can vote or hold government office. There are some restrictions on land purchases by noncitizens.

Women.—Despite legal protections, international observers and human rights groups increasingly are concerned about problems facing women. Although no overall statistics are available, sources indicate that domestic violence against women, often connected with alcohol abuse, is significant and underreported. Women who are victims of abuse often seem to be uninformed about their rights and reluctant to seek redress through the justice system. Human rights groups assert that the legal system, including the courts, tends to downplay the seriousness of domestic violence and that the police are sometimes reluctant to make arrests in such cases.

There are no shelters designed specifically for battered or abused women. There is one shelter in Riga where homeless women with children may reside for up to 2 months. Likewise, there are no specific rape or assault hot lines; however, two crisis hot lines are managed by NGO's.

Police do not compile figures for domestic violence as a distinct category. Instead, episodes are placed under more general categories such as assault or battery. During the year, 107 rape cases were reported.

Both adult and child prostitution are widespread, often linked to organized crime, and abetted by economic problems (see Section 6.f.). The Government estimates that 3,000 persons work as prostitutes. The NHRO reports that adult prostitutes have no legal protections. Prostitution is legal; procuring is not. There are no state institutions to assist prostitutes. However, the private Latvian Center for Gender Problems provides medical help and social support for prostitutes.

Sexual harassment of women in the workplace, although illegal, is reportedly common. Cultural factors tend to discourage women from coming forth publicly with complaints of abuse.

Women possess the same legal rights as men. The Labor Code prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon by the Cabinet and labor unions. The code also bans employment discrimination. In reality women frequently face hiring and pay discrimination, especially in the emerging private sector. According to the Central Statistics Bureau, the number of women in the lower income brackets exceeds that of men by 75 percent, while men outnumber women two to one in upper income levels. The Ministry of Welfare has designated a one-person office with responsibility for gender issues.

Women's advocacy groups are growing in size and number. They are involved in finding employment for women, lobbying for increased social benefits, and assisting victims of domestic abuse.

Children.—The law on the rights of the child and the constitutional provisions on children are based on Western European models and provide for various protections, including health care and legal protections against physical abuse. However, resources are not adequate to ensure observance of these provisions. There is a national center for the protection of the rights of the child.

Evidence suggests that abandonment and child abuse, including sexual abuse, are relatively widespread, as is child prostitution. An estimated 12 to 15 percent of prostitutes are considered juveniles, that is, between the ages of 8 and 18. Although in theory the Constitution and the Law on the Rights of the Child protect children, these rights only are enforced sporadically in the case of child prostitutes. Schooling is mandatory through the ninth grade, between the ages of 7 and 16, and free through the 12th grade, or age 18. Despite the existence of laws on mandatory education, truancy is widespread and growing. A few children's advocacy groups are active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children.

Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases.

Trafficking in young girls for forced prostitution abroad is increasing (see Sections 6.c. and 6.f.).

People with Disabilities.—The Constitution calls for protection of the disabled against discrimination; the 1992 Law on the Medical and Social Protection of Disabled provides for their right of access to public facilities. Provisions in the Labor Law and other laws aim to protect the disabled from bias in the workplace and from job discrimination. In 1998 the Cabinet adopted a framework document entitled "Equal Opportunity for Everyone." The document is designed to coordinate the efforts of all branches of Government in assisting the disabled. The Government supports special schools for disabled persons. It does not enforce uniformly a 1993 law requiring buildings to be accessible to wheelchairs, and most buildings are not. However, some larger cities, including Riga and Ventspils, have undertaken an extensive wheelchair ramp building program at intersections.

Religious Minorities.—In August the magazine *Kapitals* published a derogatory article about Jews and business. The public and senior government officials immediately condemned the article. The editor of the magazine resigned, and senior officials of the company apologized.

National/Racial/Ethnic Minorities.—Of the country's more than 2.4 million inhabitants, approximately 1 million persons are of non-Latvian ethnicity, including more than 700,000 ethnic Russians, 100,000 ethnic Belarusians, almost 64,000 ethnic Ukrainians, and more than 60,000 ethnic Poles. More than 74 percent of the country's inhabitants are citizens, including nearly 400,000 persons who belong to national or ethnic minorities. There are approximately 583,000 resident noncitizens, of whom an estimated 68 percent are Russian; 12 percent, Belarusian; 9 percent, Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians.

Ethnicity is identified in the passport of Latvian citizens but not in the passports of Latvia's noncitizen residents. Groups such as Roma and Belarusians have complained that, because the passport is a basic form of identification, this requirement has opened them to various forms of discrimination based on ethnicity.

On December 9, 1999, the Saeima passed a revised version of the language law, which went into effect on September 1, 2000. The language law regulates the uses of language that affect public safety, health care, protection of the consumer, and labor rights. The law requires that documents submitted to the Government be translated into Latvian, including company reports and records, except in cases of emergency. If a public event is coorganized by the State, one of the working languages must be Latvian. Labels and user instructions for goods sold must be in Latvian, although other languages can be present as well. The law and its implementing regulations meet international standards. However, the implementation of this law remains a matter of public debate and continued international attention.

In July 1998, the police arrested Vilis Linins, the chief ideologue of the ultranationalist Thundercross organization, which was suspected of terrorist attacks against Soviet memorials and other targets. On May 29, 2000, Linins was found guilty of several acts of vandalism and sentenced to 3 years' imprisonment and fined \$35,000 (21,000 lats). This was the first case where a political group was convicted of violent acts carried out to promote its political goals.

The Government financially supports education in both Latvian and Russian, as well as in eight other minority languages. However, under the revised Education Law, the Government is implementing a bilingual education program at the elementary school level. The goal of this program is to facilitate the eventual transition to Latvian-language secondary schools by 2004. Although all non-Latvian-speaking students in public schools are supposed to learn Latvian and to study a minimum number of subjects in Latvian, there is a shortage of qualified teachers.

State-funded university education is in Latvian, and incoming students whose native language is not Latvian must pass a language entrance examination. However, several private institutions offer higher education in Russian.

Section 6. Worker Rights

a. The Right of Association.—The Law on Trade Unions stipulates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing. Union membership is about 30 percent of the work force. Free elections for union leadership are held every 4 years.

The law does not limit the right to strike, but there were no major strikes during the year. The law bans the dismissal of employees who have invoked the right to strike. No cases of such dismissals have been reported.

Unions are free to affiliate internationally and have established contacts with European labor unions and international labor union organizations.

b. The Right to Organize and Bargain Collectively.—Labor unions have the right to bargain collectively and are largely free of government interference in their negotiations with employers. The law prohibits discrimination against union members and organizers. The Government's ability to protect the right to organize in the private sector is weak.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and it generally is not practiced. Inspectors from the Ministry of Welfare's State Labor Inspection Board or Inspectorate enforce this ban. However, trafficking in women (including minors) for prostitution abroad is a significant problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The statutory minimum age for employment of children is 15 years, although children between the ages of 13 and 15 years may work in certain jobs outside of school hours. The law restricts employment of those under the age of 18; for example, by banning night shift or overtime work. Schooling is compulsory until age 16 and free until age 18. State authorities are lax in their enforcement of child labor and school attendance laws. There generally is no evidence of forced or bonded labor involving children, which is prohibited by law (see Section 6.c.); however, trafficking in young girls for prostitution is a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The monthly minimum wage is about \$82 (50 lats), far below the amount that trade union officials describe as the bare minimum for survival.

The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly, 4 weeks of annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety standards for the workplace, but these standards frequently are ignored. Workers have the legal right to remove themselves from hazardous work situations without endangering their continued employment, but these standards also frequently are ignored in practice.

f. Trafficking in Persons.—In May the Criminal Code was revised to make it illegal to forcibly send a person to a foreign country for the purpose of sexual exploitation. There were no prosecutions by year's end.

There were instances of trafficking in women for purposes of forced prostitution. Prostitution is a significant problem in Riga, and there is evidence that trafficking in women (including minors) for prostitution abroad also is increasing. The country is primarily a source or transit country rather than a destination.

LIECHTENSTEIN

The Principality of Liechtenstein is a constitutional monarchy and a parliamentary democracy. The reigning Prince is the head of state; all legislation enacted by the popularly elected Parliament (Landtag) must have his concurrence. The Parliament elects and the Prince appoints the members of the Government and of the independent judiciary. In July the Prince decided to postpone the ongoing debate on a new Constitution until after parliamentary elections in 2001. Consultations between the Prince and Parliament's constitutional commission collapsed in April over diverging views on the executive powers of the monarch.

The Interior Ministry effectively oversees the regular and auxiliary police forces. There is no standing military force.

Liechtenstein has a prosperous, highly industrialized, free enterprise economy with a vital service sector. It participates in a customs union with Switzerland and uses the Swiss franc as its national currency. As a member of the European Economic Area (EEA), its 32,000 citizens enjoy a very high standard of living. Unemployment fell to 1.1 percent during the year.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence against women is a problem. The Government is working to eliminate societal discrimination against women.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for freedom from arbitrary arrest and detention, and the Government observes these provisions. Within 24 hours of arrest, the police must bring suspects before an examining magistrate, who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing; counsel is provided to indigents. Release on personal recognizance or bail is granted unless the examining magistrate has reason to believe the suspects are a danger to society or will not appear for trial.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judicial system has three tiers: Lower court; high court; and Supreme Court. In addition an Administrative Court hears appeals against government decisions. The State Court protects the rights accorded by the Constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for fair public trials and judicial appeal, and an independent judiciary respects these provisions.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced for a crime in connection with official duties, the Prince can take such action only if the Parliament requests it.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for personal liberty and for the inviolability of the home, postal correspondence, and telephone conversations. No violations were reported. Police need a judicial warrant to search private property.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—An independent press, an effective judiciary, and a democratic political system combine to ensure freedom of speech and of the press. Two daily newspapers are published, each representing the interests of one of the two major political parties, as is one weekly newsmagazine. One state and one private television station broadcast, along with a private radio station, and residents freely receive radio and television broadcasts from neighboring countries. An information bulletin is also issued by the third party (Freie Liste) represented in Parliament. There are no limits on access to the Internet.

In October 1999, the European Court of Human Rights (ECHR) fined Prince Hans-Adam II for abusing one of his subject's freedom of speech. The ECHR reprimanded the monarch for refusing to reappoint a judge, Herbert Wille, who disagreed with him in an ongoing constitutional debate. In a public lecture held in 1995, Wille said that the State Court should decide on cases of disagreement between citizens (represented in parliament) and the Prince. The Prince wrote Wille shortly afterwards that the opinions that he expressed disqualified him from office, and in 1997 he refused to endorse Parliament's support for Wille's reappointment as head of the administrative court. The ECHR found that Hans-Adam II had curbed Wille's right to free speech and ordered him to pay \$59,000 (100,000 Swiss francs) in costs and damages. In his response on the following day, Prince Hans-Adam II stated that he took note of the judgement of the ECHR; however, the Prince had not reappointed Wille to the court by year's end. The Prince further stated that he and his successors will no longer publish the reasons for such appointment decisions. The 100,000 Swiss francs in costs and damages were paid out to Willie and his two legal counsels in February.

The Government respects academic freedom.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government does not hamper the teaching or practice of any faith. The relationship between the Government and the Catholic Church currently is being redefined, and a new agreement is scheduled for 2002. The Government contributes to the Catholic Church, as well as to other denominations. The finances of the Catholic Church are integrated directly into the budgets of the national and local governments. Catholic or Protestant religious education is compulsory in all schools, but the authorities routinely grant exemptions for children whose parents request them.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens have unrestricted freedom to travel in the country, to emigrate, and to return.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. On July 3, the Government signed a trilateral agreement with Switzerland and Austria regarding the return of persons entering the country without permission. The treaty was ratified on October 25.

The Government provides first asylum; however, the country's lack of an airport or international train station means that it receives few requests. The 1998 asylum law is in accord with the U.N. 1951 Convention on Refugees and its 1967 Protocol. Since its passage, the number of asylum requests has increased. Those persons who enter from Austria without permission still are returned to Austrian authorities in accordance with a 1955 bilateral agreement.

The Government granted collective protective status to Kosovar immigrants in the fall of 1998, following rising numbers of asylum applications. In April 1999, the Government decided that children under age 20 and spouses of guest workers from Kosovo could enter the country on request. In total the Government granted temporary protective status to 748 immigrants from Kosovo. In September 1999, the Government stopped granting collective asylum and set a deadline 8 months later (May 31) for repatriations.

By October 1999, 505 Kosovars left the country voluntarily, 481 of whom agreed to their repatriation before the May 31 deadline and thus benefited from government financial and material assistance in coordination with Switzerland's refugee repatriation program. Beginning in June, 19 Kosovars were "forcibly" repatriated, but only 1 was repatriated under police escort. To avoid repatriation, 92 Kosovars disappeared. An additional 115 Kosovars, whose asylum applications are pending, remained in the country awaiting a decision on their applications.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The country is a constitutional monarchy and a parliamentary democracy. The monarchy is hereditary in the male line. The 25-member unicameral legislature is elected every 4 years. Suffrage is universal for adults over age 18, and balloting is secret. Political parties operate freely. Citizens regularly vote on initiatives and referendums.

Women are underrepresented in politics and government, although since gaining the right to vote in 1984, a growing number have been active in politics. A woman, the Foreign Minister, is one of the five members of the Cabinet, and another is a Member of Parliament. Women serve on the executive committees of the major parties. In June 1999, women's organizations, political parties, and the Government's Bureau for the Promotion of Equal Rights for Women and Men held a convention to promote greater participation by women in politics.

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

International and domestic human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

The sole local human rights organization, *Justitia et Pax*, is an informal group of about 10 members who monitor prison conditions and assist foreign workers with immigration matters.

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

The law prohibits discrimination on the basis of race, sex, language, or social status, and the authorities respect these provisions. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, ethnic group, or state.

Women.—Violence against women is a problem. Nongovernmental organizations (NGO's) estimate that one in five women is a victim of physical or psychological violence. There is 1 women's shelter, which provided refuge for 33 women, only 12 of whom were citizens, and 30 children during the year. Annual government financing for the shelter is approximately \$140,000 (240,000 Swiss francs). The law prohibits all forms of domestic violence, and the Government vigorously enforces the law.

NGO's assume that, as in neighboring countries, trafficking in women occurs, but no specific cases have been documented (see Sections 6.c. and 6.f.).

Societal discrimination still limits opportunities for women in fields traditionally dominated by men. Men earn more than women. In accordance with a 1992 constitutional amendment mandating equality for women, Parliament amended a significant number of laws to provide for equality of treatment. For example, Parliament revised the citizenship law, the employment law, the law on labor conditions, the tax law, and the divorce law. The process of amending laws is almost complete. In March 1999, Parliament passed legislation on equal opportunity for women and men. The law is designed to eliminate discrimination and sexual harassment in the workplace and to create conditions that allow both women and men to combine work and family. It entered into force in May 1999. In April 1999, the Government approved a plan to promote equal opportunity and to create conditions that allow both men and women to combine work and family. Measures include: Raising public awareness about the new law; improving programs and infrastructure for traditional and single-parent families, such as affordable housing and childcare; promoting educational and career opportunities for women; and raising recognition for work in the home to the same level as for work outside the home. The Government took steps to end all forms of discrimination against women. In December 1999, the Government signed the optional protocol to the U.N. Convention on the Elimination of All Discrimination Against Women.

Three women's rights groups were active. Their chief concerns were public affairs, information, legal counseling, lobbying, and other political activities.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provided compulsory, free, and universal primary school education for children of both sexes for 9 years, normally until the age of 16.

The Government supported programs to protect the rights of children and matches contributions made to the four NGO's that monitor children's rights. A children and youth service belonging to the Office for Social Services oversaw the implementation of government-supported programs for children.

In September the Government signed two optional protocols to the 1989 U.N. Convention on the Rights of the Child. One protocol strictly regulates the drafting of minors into the armed services, and the other forbids child prostitution and child pornography as well as trafficking in children.

In November the Government established a Commission for the Coordination of Professionals in Cases of Sexual Offences against Children. The group consisted of experts from different backgrounds and focused on assisting professionals (counselors, therapists, and physicians) who deal with sexual offences against children. The Commission takes a comprehensive approach to sexual offences against children.

During the year, two children allegedly were abused sexually by acquaintances, but the prosecutor's office dropped the case after further inquiries undermined the validity of the allegations. The suspect, a Brazilian national, no longer resides in the country.

There is no societal pattern of abuse against children.

People with Disabilities.—Although the law expressly does not prohibit discrimination against people with disabilities, complaints of such discrimination may be pursued in the courts. Amendments to the law on insurance for the disabled, which were intended to improve the economic situation of disabled persons, came into force in 1997.

The Government requires that buildings and government services be made accessible for people with disabilities, but in general they are not, particularly old buildings.

National/Racial/Ethnic Minorities.—In its 1998 security report, the Government confirmed the existence of a small number of rightwing extremists, consisting of

about 20 skinheads between the ages of 20 and 30, and about as many followers of a slightly younger age. A 1999 government survey of 700 young persons indicated that approximately 20 percent of youths expressed ambivalence toward or sympathy for extremist views, while 4 percent supported extremist views. Incidents of violence increased in 1999, according to the survey. On August 19, an adolescent from former Yugoslavia was injured in a fight with a local youth. The attack appeared to have been motivated racially. The rightwing extremists have not been publicly active. One case of repeated verbal attacks against Kosovar refugees was reported to a local NGO. In November 1999, a local youth was fined \$375 (600 Swiss francs) and sentenced to 2 weeks of social work for putting a racist web site on the Internet. There were no reports of rightwing propaganda on the Internet during the year.

Parliament adopted national antiracism legislation in December 1999. The law entered into force on February 11 and makes it a crime to produce or distribute racist propaganda, deny or trivialize genocide and crimes against humanity, engage in racist or religious discrimination, deny services to a particular group, or support racist organizations. Violations are punishable with a maximum 2-year prison sentence. On March 1, the country acceded to the U.N. Convention against Racial Discrimination. On June 18, voters approved a referendum that changed naturalization requirements to facilitate the naturalization of long-term residents, but it required that applicants relinquish their citizenship in other countries.

Section 6. Worker Rights

a. The Right of Association.—All workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives. Due to the country's small size and population, only one trade union operates, representing about 13 percent of the work force. However, the sole trade union looks after the interests of nonmembers as well. It is a member of the World Confederation of Labor but is represented on an ad hoc basis by a Swiss union.

Workers have the right to strike except in certain essential services. No strikes were reported during the year. The law does not provide specific protections for strikers. Employers may dismiss employees for refusing to work; such dismissals may be contested. In 1997 the Government incorporated EEA guidelines into its domestic labor law. These guidelines require that, among other things, employers consult in cases of projected mass dismissals and submit employment contracts in written form.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements generally are adapted from ones negotiated by Swiss employers and unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and it is not known to occur. Except by implication, the law does not forbid forced and bonded labor by children specifically, but such practices are not known to occur. NGO's assume that trafficking in women occurs, but there were no reports of specific cases (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government does not prohibit forced and bonded labor by children specifically, but such practices are not known to occur (see Section 6.c.). The law generally prohibits the employment of children under 16 years of age. However, exceptions may be made for the limited employment of youths at least age 14 and for those who leave school after completing their 9 years of compulsory education. Children ages 14 and older may be employed in light duties for not more than 9 hours a week during the school year and 15 hours a week at other times.

Inspections are adequate. No employers have been fined or imprisoned for violations of the law. The Government devoted adequate resources and oversight to child labor policies. The Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law.

e. Acceptable Conditions of Work.—There is no national minimum wage. The number of working poor households has not increased in recent years. In 1999 36 households (0.3 percent) depended on public welfare to obtain a yearly minimal income, set at \$10,700 (17,720 Swiss francs) for a one-person household, and were considered working poor. A total of 458 households (2.7 percent) received public assistance. The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. With few exceptions, Sunday work is not allowed. Workers over age 20 receive at least 4 weeks of vacation; younger workers receive at least 5 weeks.

The law sets occupational health and safety standards, and the Department for Worker Safety of the Office of the National Economy effectively enforces these provi-

sions. The law provides for a hearing in cases in which workers remove themselves from dangerous situations.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons.

NGOs assume that, as in neighboring countries, trafficking in women occurs, but no specific cases have been documented. Although there were no reports of trafficking during the year, six cases of trafficking in persons (assistance with illegal immigration) were reported in 1999. In most cases, the traffickers concerned were relatives of illegal immigrants.

LITHUANIA

Lithuania is a parliamentary democracy with a Constitution adopted by referendum in 1992. The Constitution established a 141-member unicameral legislature, the Seimas; a directly elected president; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since its independence in 1990, Lithuania has made steady progress in developing a market economy. Most housing and small businesses are privatized, and the contribution of the private sector to gross domestic product amounts to more than 70 percent. Trade is diversifying and expanding both to the West and the East. Agriculture employs the largest number of workers (20 percent). Major exports include textiles, mineral products, machinery, and electronic appliances. Inflation from January to August remained low at 0.3 percent. Per capita GDP in 1999 was \$2,878. During the first half of the year, real GDP reportedly increased by 2 percent. However, unemployment continued to remain high at over 11 percent. (It was above 15 percent according to a labor market survey.)

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Police on occasion beat detainees and misused detention laws. The Government has made some progress in bringing police corruption under control. Prison conditions remained poor, and prolonged detention in a small number of cases remained a problem. State media continued to be subject to political interests. Violence and discrimination against women and child abuse were serious problems. Trafficking in women and girls for the purpose of forced prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

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

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

In 1998 the President formed the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries. The Government allotted \$37,500 (150,000 litas) to establish a full-time working secretariat for the Commission. The secretariat was in operation by October 1999, and the first research group of the Commission began work in December 1999.

In August 1999 a court found six persons guilty of complicity in the January 1991 coup attempt. The defendants were former leaders and officials of the Lithuanian Communist Party who were sentenced to prison terms of from 3 to 12 years for crimes that included premeditated acts of murder and inflicting serious bodily harm. Defense lawyers appealed the verdict, but their appeal was still under consideration at year's end.

Formal charges were filed against alleged war criminals Aleksandras Lileikis and Kazys Gimzauskas. After being stripped of his U.S. citizenship in 1996 for concealing his World War II activities, Lileikis returned to Lithuania. He was accused of acts of genocide committed when he headed the security police of the Vilnius district under Nazi control. Lileikis's trial was postponed several times due to his poor health; he died at age 93 without trial on September 27.

Gimzauskas, who served as Lileikis's deputy during the war, returned to Lithuania in 1993. On October 13, 2000, the Vilnius regional court decided to try the

case of Gimzauskas in absentia due to his poor health. The court hearing started in November. It is expected that the court will hear the case and make a decision regarding guilt, but that there would be no sentence imposed. After considering the case, the court also can adopt a resolution on whether Gimzauskas' actions in this particular case constituted a crime or not, thus formally closing the case.

In June 1999, the Prosecutor General's Office of Special Investigations filed genocide charges against Vincas Valkavickas, who returned to Lithuania in June 1999. In July 1999, a case was initiated against Petras Bernotavicius, a resident of the United States, and Antanas Gudelis, an Australian citizen. In July 1999, the prosecutor launched an investigation into the role of Kazys Ciurinskas in a separate war-related criminal case. No substantial progress was reported in the latter four cases by the end of the year.

b. Disappearance.—There were no reports of politically motivated disappearances. There is a growing problem of women being forced or sold into prostitution by organized crime figures. Their families often believe that they disappeared or were kidnapped (see Sections 5, 6.c., and 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically forbids torture, and there were no reports of its use; however, police sometimes beat or otherwise physically mistreat detainees. The press reported that incidents of police brutality are becoming more common. In many instances, the victims reportedly are reluctant to bring charges against police officers due to fear of reprisals. According to the Ministry of Interior, during the first 6 months of the year no police officers were charged with abuse of power or sentenced. In 1999 four officers were charged and one was sentenced for this crime.

The Interior Ministry states that district police inspectors are the most negligent in the force. To strengthen the integrity of the police, the Inspectorate General of the Interior Ministry was given administrative autonomy in 1997. In 1999 the Inspectorate General was reorganized into an office of the Inspector General, and some functions of the Inspectorate were delegated to the internal investigations division at the police department. The Inspector General cannot investigate abuses on his own authority but can act only on the order of the Minister.

In the past, noncommissioned military personnel committed human rights abuses by hazing recruits, despite efforts to quash the practice, which was inherited from the former Soviet armed forces. As living conditions improve for military personnel, human rights violations committed by noncommissioned officers have declined significantly. During the year, seven criminal cases were filed for "systemic degrading treatment" or breach of discipline involving violence (the relevant legal codes). According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believes that a lack of professionalism among noncommissioned officers—rather than ethnic, regional, or social factors—is a primary factor in cases of hazing, and it is working actively to improve their skills and judgment. In 1999 the Seimas approved a new disciplinary statute for the armed forces, and the military police formed by a 1998 law are charged with maintaining discipline. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions are poor. Due to limited resources, most prisons are overcrowded and poorly maintained. One local human rights group claims that the administration of penal institutions does not do enough to prevent violence among prisoners. During the first 9 months of the year, 35 deaths were recorded among prisoners (16 of them killings) as well as 524 injuries, mostly self-inflicted (in order to escape abuse from fellow inmates or guards).

The Government is attempting to reform the prison system with international assistance; however, progress has been very slow. In September the Seimas adopted a new Criminal Code. The prison department was transferred from the Ministry of Interior to the Justice Ministry, heralding the beginning of practical reforms in the correctional system. New hygiene norms came into effect in 1999 that require a certain amount of space for each convict to assure healthy and safe conditions. However, in 2000 the budget allotted \$5 million (20 million litas) less for running 14 correctional institutions than in 1999. Funding only covers minimal needs and on average amounts to 75 cents for three meals per prisoner per day. Thus prison overcrowding persists, particularly in pretrial detention.

As a result of the funding shortfall and overcrowding, a Law on Amnesty was passed in April that reduced the number of prisoners and detainees from 15,000 (as of January 1, 2000) to 9,000 (as of July 1, 2000). As of August 30, there were 7,045 prisoners, including 251 women and 125 juveniles (2 women). There were 1,612 detainees, including 68 women and 99 juveniles (2 women). The latter are held separately from adults.

Human rights monitors are permitted to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that no person may be arbitrarily arrested or detained; however, there were instances of prolonged detention. Under the law, police temporarily may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Pretrial detention applies only in the case of felonies and when it is impossible to prevent flight by other means or to allow unhindered investigation. A district judge, acting on a prosecutor's application, may order longer pretrial detention, which can last up to 6 months and may be extended using the same procedure for periods not to exceed 18 months in total. However, in practice the prison department admits that pretrial detention has in some instances exceeded 18 months. The prison department faults a slow justice system that cannot bring cases to trial expeditiously. Bail in theory is available, but it is not used widely. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

In an effort to cope with the rise in violent organized crime, the 1997 Law on the Prevention of Organized Crime allows for the imposition of restrictions on the freedom of a person who by his actions might "restrict the rights and freedoms of other persons, create conditions for the emergence and development of social and economic preconditions of organized crime, or pose a threat to public security."

The Government is addressing concerns that periods of detention were excessive. The Prosecutor General is stepping up his monitoring of the investigation of cases, and additional and better qualified judges are being added.

The Government does not use forced exile.

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

The Constitution and the 1994 Law on Courts established a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Supreme Court's Senate of Judges, consisting of the Supreme Court chairman, the division chairmen, and other members of the Supreme Court, rules on the decisions by lower domestic courts that may violate the European Convention on Human Rights. The Constitution also established a Constitutional Court and allowed for specialized courts for administrative, labor, family, and other purposes.

The administrative courts began functioning on May 1, 1999. The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in the sphere of public administration and taxation. The creation of administrative courts completed national court reform, a process that started in 1995. The Ministry of Justice is moving towards a system of specialization of judges in district and local courts according to the types of cases.

A new Civil Code was adopted in July. It will enter into force in July 2001. The Civil Code complies with the requirements of the European Convention on Human Rights and takes into account the jurisprudence of the European Court of Human Rights. The Seimas adopted a Criminal Code in September 2000. It will enter into force simultaneously with the Code of Criminal Procedure, which was still under preparation at year's end.

The Constitutional Court, at the request of the President, members of the Seimas, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet. The Constitutional Court's authority to issue the final word on subjects within its jurisdiction is unquestioned; it is the country's ultimate legal authority with no further appeal of its rulings.

The 1996 Law on Commercial Arbitration provides for the establishment of arbitration institutions and the abolition of the economic court (abolished in 1998). The law provides for private dispute resolution by an arbitration tribunal, either organized by a permanent arbitration institution or by the parties themselves.

The Prosecutor General exercises oversight responsibility through a network of district and local prosecutors who work with police investigators—employed by the Ministry of the Interior—in preparing the prosecution's evidence for the courts.

The Constitution provides for the right to legal counsel for defendants. In practice the right to counsel is abridged by the shortage of trained advocates, who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. Outside observers have recommended the establishment of a public defender system to regularize procedures for the provision of legal assistance to indigent persons charged in criminal cases. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence. By law a judge may decide to hold a closed trial in a limited number of circumstances.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. During the first 8 months of 2000, the Supreme Court overturned the rehabilitation of 15 persons.

Parliamentarian Audrius Butkevicius, a former Minister of National Defense, was charged in 1997 with several counts of corruption. According to the Lithuanian Human Rights Association, the case was based on false information from the State Security Department. Butkevicius's pretrial detention was prolonged without the decision of a judge. The parliamentary ombudsman said that there were many similar cases and confirmed that the authorities had violated the law. Typically, he wrote, judges and prosecutors wrongly interpret the law to mean that pretrial detention can be extended automatically when a case is submitted to a court of law. In 1998 Butkevicius was sentenced to 5^o years in prison, fined \$12,500 (50,000 litas), and half of his property was confiscated. On May 12, 1999, the Supreme Court rejected Butkevicius's appeal. Butkevicius's lawyers appealed to the European Court of Human Rights, and in September the Court agreed to review the case; but it had not been resolved by year's end 2000. Butkevicius was released on March 20 after serving two-thirds of his 5^o-year jail term. He resumed his seat in the Parliament. However, the court decided that he had not completed the sentence at least 65 days before election day, and thus he was not allowed to be a candidate for the parliamentary elections in October.

In November the European Court of Human Rights (ECHR) announced that it would try three new cases against Lithuania. The cases were brought by former Prime Minister Adolfas Slezevicius, former Kaunas Police Commissioner Stasys Sipavicius, and businessman Arvydas Stasaitis. The ECHR found that Stasaitis' entire period of detention (1996–2000) may have been unjustified. He was charged with large-scale financial crime. Slezevicius was accused of abusing his position as Prime Minister when he withdrew his personal funds from a Lithuanian bank just days before it failed. The case was accepted because charges against him were investigated for too long (4 years) and never came under scrutiny in a court of law. Sipavicius spent 10 months in custody before his trial on charges of abusing his powers in a major smuggling case. He was sentenced to the 10 months served for neglecting his duties and released in court. Sipavicius complained that the charges against him suddenly were changed and that he had not had time to prepare to defend himself against the new charges.

Through December 2000, the ECHR ruled against the Government in 5 cases involving various breaches of conventions, laws, and regulations concerning arbitrary detention and the right to a fair trial.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy, and the Government generally respects this right in practice. The authorities do not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens. However, with the written authorization of a prosecutor or judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor before they may enter private premises.

However, it is assumed widely that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. There is some question as to the legal basis for this police surveillance, but there are no known legal challenges to such surveillance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

Prior restraint over either print or broadcast media and restrictions on disclosure are prohibited, unless the Government determines that national security is involved. Under a 1996 media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. This ombudsman position later was established and funded by the Seimas.

The independent print media are flourishing and comprise a wide range of newspapers and magazines. Radio and television include a mix of state and private stations. National television and radio are in the process of being transformed into an

entirely public entity; however, attempts to make it independent financially from the Government have lagged.

There are no restrictions on academic freedom.

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

The Communist Party of Lithuania and other organizations associated with the former Soviet regime continued to be banned.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respects this provision in practice. A 1995 law grants religious communities, associations, and centers property rights to prayer houses, homes, and other buildings. Article 5 of this law mentions nine religious communities that have been declared “traditional” by the law and therefore are eligible for governmental assistance: Latin Rite Catholics; Greek Rite Catholics; Evangelical Lutherans; Evangelical Reformers; Orthodox; Old Believers; Jews; Sunni Muslims; and Karaites. In 1999 the Hasidic Chabad Lubavich community was recognized by the Ministry of Justice as a part of the Jewish religious community, thereby gaining the status of an official religious community that the rest of the Jewish community had enjoyed since 1995. Other religious communities are not eligible for financial assistance from the Government, but there are no restrictions on their activities or property rights. Nontraditional foreign religious workers must obtain work permits, and they face difficult bureaucratic requirements in obtaining residence permits from officials who regard them as representatives of cults and sects. These religious workers complain of unofficial harassment. There are no restrictions on the activities of other religious communities. In 1999 the Seimas amended the Law on Religious Communities and Associations. The amendment provides funding from the national budget for educational institutions of traditional religious organizations. The Government Department of European Law has warned publicly that this amendment discriminates in favor of traditional religious communities versus nontraditional; the law is expected to come into effect in 2001.

Under 1995 legislation, the Catholic community has been more successful in having its property returned than the Jewish community; an agreement between Jewish community leaders and the World Jewish Restitution Organization signed in 1995 never has been implemented. However, some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996.

The law provides for the restitution of private property to citizens, but the deadline for filing claims has passed. A number of successful claims were made, and others still are pending. A lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property. The Government has taken no action on the problem of heirless (community) property and has no plans to do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Under the law, citizens and permanent residents are permitted free movement within the country and the right to return to the country, and the Government respects these rights in practice. There are no restrictions on foreign travel.

Under 1997 and 1998 legislation, the Government grants refugee status to qualified applicants in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

There is a registration center for migrants and asylum seekers in the town of Pabrade, where 30 illegal immigrants were registered in August, and a refugee reception center for asylum seekers in the town of Rukla, where 56 persons were registered. Living conditions at the center for refugees in Rukla are modern, safe, and healthy. The center has benefited from financing from other European countries. The center in Pabrade is overcrowded and rundown, but construction was underway on a new complex there. As of September, of a total of 2,765 foreigners initially settled at the Pabrade center (since 1997), 1,884 eventually were deported. Irregular migration reached its peak in 1997. By mid-2000 it had decreased by more than 400 percent due to improved border control, the adoption of new and strict laws against human smuggling, and the more effective detention and return of migrants to their countries of origin. However, counter to this trend, illegal immigration from CIS countries and Afghanistan was on the rise. The Government continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus, the two countries used by most migrants to reach Lithuania, but no progress had been made by year’s end. A border demarcation agreement with Belarus was ratified. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. There

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Seimas, 71 are elected directly, and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

In 1998 independent candidate Valdas Adamkus was elected President by a narrow margin. Following the resignation of Prime Minister Gediminas Vagnorius, the Seimas endorsed the 14-member Cabinet of Prime Minister Rolandas Paksas, a member of the ruling Conservative Party, to carry out the amended program of the Government. Paksas resigned in October 1998 in opposition to a government oil privatization contract. The next Prime Minister, Andrius Kubilius, stepped down after the October 2000 general elections, and Rolandas Paksas, who switched parties and became leader of the Liberal Union, was sworn in as Prime Minister.

Women are underrepresented in politics and government, although there are no legal restrictions on their participation. The number of female parliamentarians in the new 141-seat Seimas, elected in October, is 14 compared with 24 in the previous Seimas; as in the previous government, there is 1 female minister in the new 14-member Cabinet.

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

Most government authorities cooperate with local nongovernmental organizations and actively encourage visits by international and nongovernmental human rights groups. A key exception in the past was the Ministry of Interior, which continually refused to release information on police brutality and statistics on corruption-related incidents. The Ministry is more willing to share such information; however, it has released few statistics or reports. The Association for the Defense of Human Rights in Lithuania is an umbrella organization for several small human rights groups, all of which operate without government restriction.

The division of human rights of the department of international law and European integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background; however, discrimination against women in employment and other areas persists.

Women.—The abuse of women at home is reportedly common, especially in connection with alcohol abuse by husbands, but institutional mechanisms for coping with this problem are developing slowly. A women's shelter funded in part with Norwegian assistance is now in operation. According to one sociological survey published in 1997, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. During the first 6 months of the year, 154 rapes were reported, but only 78 were registered and prosecuted. Official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

Trafficking in women for the purpose of forced prostitution is a problem (see Sections 1.b., 6.c., and 6.f.).

The Constitution provides for equal rights for men and women; however, women continue to face discrimination. Official policy specifies equal pay for equal work. The Law of Realization on Equal Rights and Opportunities for Women and Men came into effect on March 1, 1999. The Office of the Ombudsman for Equal Opportunities of Women and Men was established in May, and the Seimas appointed lawyer Austra Burneikiene as ombudsman. The Ombudsman's Office is an independent public organization, accountable to the Seimas, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code envisions criminal sanctions for discrimination or harassment. Generally, men and women receive the same pay for comparable work, but women are underrepresented significantly in some professions and in the managerial sector as a whole. Women are underrepresented in businesses. Signifi-

cant inequalities in society based on gender continue, and conservative views about the role of women persist. In 1999 the Ministry of Education and Science abolished preferential university entrance criteria. Since then the equal opportunities ombudsman also closely followed admission examinations to high schools. During the period from March to August, the ombudsman received 20 complaints based on gender discrimination. During the period from July 1999, when the ombudsman's office began operating, to March 2000, 35 complaints were registered.

Children.—The Government demonstrates its commitment to children's rights and welfare through a system of public education and medical care. The Government provides compulsory, free, and universal primary school education for children through the age of 15 or 9th grade. The Government provides low-cost health care for all children. A special office in the Ministry of Social Security and Labor oversees implementation of the Government's program for children, and an ombudsperson for children was established during the year.

The Ministries of Social Security and Labor and of the Interior share official responsibility for the protection of children's rights and welfare. By the end of April 1999, the Minister of Justice had appointed 85 judges in the district courts for hearings in juvenile criminal cases and cases related to children's rights (adoption and paternity matters). Starting in 1994, the Children's Rights Office of the Ministry of Social Security and Labor (also known as the Children's Rights Protection Council) began to take on many of the functions formerly handled by the Interior Ministry and its police officers throughout the country, thereby focusing more attention on the social welfare needs of children. As of January 2000, the service identified 36,856 children in abusive and dysfunctional families, a 44 percent increase compared with 1995. The number of such families grew by 65 percent over the same period.

The ombudsperson's office for children, established in November, is taking over most of the functions of the Children's Rights Protection Council. In August an adoption service at the Ministry of Social Security and Labor was established to oversee implementation of the 1993 Hague Adoption Convention. The Office of Family and Children at the Ministry of Social Security and Labor formulates and implements the Government's program for family and children.

Child abuse is a problem. Child abuse in connection with alcohol abuse by parents is a serious problem. The prevalence of authoritarian values in family upbringing has discouraged more active measures against child abuse; however, the press has reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and murder. Authorities reported that two children were killed by their parents in 1998; however, the media widely reported on five cases during the year. The penalties for violence and cruel behavior against underage persons were made stricter in 1999, providing for imprisonment terms of from 1 to 2 years. No department or organization collects information on child abuse.

There is one rehabilitation center in the country for children who have been abused sexually. The Penal Code provides for terms of up to 3 years' imprisonment for sexual abuse and from 1 to 4 years' imprisonment for exploiting children in the production of pornography. There is no official data on the exploitation of children in pornography cases.

Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

People with Disabilities.—The 1991 Law on Integrating Disabled People provides for a broad category of rights and public benefits to which disabled people are entitled legally. Legal provisions for access to buildings for the disabled are in place but are not enforced widely; the vast majority of public buildings remain inaccessible to the disabled.

In 1999 there were 544,674 adults and 13,276 children with disabilities. The latest data available shows that in 1998 spending for disabled persons was \$166 million (666.58 million litas) or 1.55 percent of GDP, with various assistance programs being implemented. A project in Kaunas to build an apartment building for persons with disabilities has not been finished due to a lack of funds and the pending privatization of the state institution that was to have supervised the project. A center for deaf children and a program for children with special orthopedic problems have been in effect since 1997.

Religious Minorities.—A certain level of anti-Semitic sentiment persists in the country, reflected in sporadic public incidents of anti-Semitism and sensationalist exploitation of anti-Semitism for commercial gain. In November the Prosecutor General launched an official criminal investigation into anti-Semitic articles published on October 18 in the national daily newspaper *Lietuvos Aidas* (circulation 10,000). The President, Prime Minister, and the journalists' union publicly condemned the articles. The Penal Code provides for a sentence of from 2 to 10 years' imprisonment

for incitement of racial or national hatred or incitement of violence against foreigners. The investigation continued at year's end.

National/Racial/Ethnic Minorities.—Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—make up roughly 20 percent of the population. Members of the Polish Parliament criticized the Government in February over alleged discrimination against the Polish minority.

Many nonethnic Lithuanian public sector employees by law were required to attain a functional knowledge of the Lithuanian language within several years, although the authorities have been granting liberal extensions of the time frame in which this competence is to be achieved. In the first half of the year, 223 persons took the language portion of the citizenship test, and 209 persons passed. From January to August, 352 persons were naturalized (compared with 567 in 1999 and 550 in 1998). There is no documented evidence of job dismissals based on the language law. The authorities have indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they have asserted that no one would be dismissed solely because of an inability to meet the language requirements.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the 1991 Law on Trade Unions recognize the right of workers and employees to form and join trade unions. The Law on Trade Unions formally extends this right to employees of the police and the armed forces, although the Collective Agreements Law of 1991 does not allow collective bargaining by government employees involved in law enforcement and security-related work.

In 1990 the Lithuanian branch of the Soviet Union's

All-Union Central Council of Trade Unions, which includes 23 of 25 trade unions, renamed itself the Confederation of Free Trade Unions (CFTU) and began asserting increased independence from its Soviet parent organization. In 1993 the CFTU joined eight other unions that also had been part of the All-Union Central Council to form the Lithuanian Trade Union Center (LTUC).

Four major trade union associations work within the trilateral commission, which is composed of representatives of the Government, trade unions, and employers' organizations: The LTUC (110,000 members as of June 2000), the Lithuanian Workers' Union or LWU (52,000 members), the Association of Lithuanian Trade Unions (41,650 members), and the Lithuanian Work Federation (over 15,000 members).

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not do so. No major strikes took place during the year; 56 other labor actions occurred during the first 8 months of the year.

There are no restrictions on unions affiliating with international trade unions.

b. The Right to Organize and Bargain Collectively.—The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees, although several provisions reportedly hinder the establishment of new unions. Probably as a result of the discrediting of labor unions during the Soviet period, only 10 percent of enterprises have trade unions. Some 10 to 15 percent of the workforce is unionized. Collective negotiations regarding labor relations, including wages, are not very widespread. Workers often present their own case against their employer. Negotiations are more common in enterprises that have trade unions.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some state enterprises discriminated against LWU organizers and have on occasion dismissed employees in retribution for their trade union activities. The LWU also charged that the judicial system was slow to respond to LWU grievances regarding dismissals from work. LWU representatives claimed that state managers sometimes preferred the CFTU/LTUC over LWU unions as collective bargaining partners.

In general trade union spokesmen said that managers often determine wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government issues periodic decrees that serve as guidelines for state enterprise management in setting wage scales. The LWU and the LTUC engage in direct collective bargaining over wages at the workplace level. Wage decisions increasingly are being made at the enterprise level, although government ministries still retain some control over this sphere in state-owned enterprises. The LWU reports that it supplements its bargaining efforts with active lobbying in government ministries that own enterprises.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced labor by all, including children, and this prohibition generally is observed in practice; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 1.b., 5, and 6.f.). Families of women who are trafficked often believe they have disappeared or been kidnaped.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children without parental consent is 16 years; with the written consent of parents, it is 14 years. Complaints about the infringement of child labor regulations generally are referred to local prosecutors who investigate the charges and take legal action to stop violations. Child labor problems appear to be rare.

The Constitution specifically prohibits forced and bonded labor by children, and this prohibition generally is observed in practice; however, girls are trafficked for the purpose of forced prostitution (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—The Constitution provides for every person's right to receive just payment for work.

The legal minimum wage has been stable at \$107.50 (430 litas) per month since December 1999. The minimum wage does not provide a decent standard of living for a worker and family. The average wage in July 2000 was \$275 (1,100 litas) per month, which is a 0.5 percent increase since July 1999. The Council of Ministers and the Ministry of Social Security and Labor periodically adjust the minimum wage. Every 3 months these government bodies must submit their minimum wage proposals to the Seimas, which has the right to approve or revise the minimum wage level. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to increase unemployment.

The 40-hour workweek is standard, with a provision for at least one 24-hour rest period. For a majority of the population, living standards remain low. Some 65 percent of the expenditures of the poorest 16 percent of households goes for food, compared with 30 percent for food in the top 10 percent.

The Constitution provides that workers have the right to safe and healthy working conditions. The State Labor Inspection Service implements the Labor Safety Law. From January to July, the Labor Inspection Service received 2,169 complaints and declarations, of which more than 1,458 were found to have merit. Of the complaints, 90.5 percent involved abuses of labor laws while only 9.5 percent dealt with working conditions. The most numerous abuses include illegal employment (working without a written contract), wage arrears, and time off.

In October the Seimas passed amendments to the Law on Safety at Work. The law now complies with European Union directives and outlines clear responsibility of the employer for the safety and health of employees at work. The 1993 Labor Safety Law sets out the rights of workers facing hazardous conditions and provides legal protection for workers who file complaints about such conditions. Workers may remove themselves from hazardous job conditions without losing their jobs.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and girls for the purpose of forced prostitution was a problem. A 1998 law criminalizes trafficking in persons for purposes of sexual abuse: the penalty is 4 to 8 years' imprisonment. There were no prosecutions under this statute during the year.

The country is a source, transit point, and destination for trafficking in women. Women from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to major cities. Some are trafficked further to Western Europe and elsewhere. Germany, Israel, the Netherlands, Denmark, and Austria are major destinations, based on the figures of women subsequently deported from these countries to Lithuania.

A number of women, some underage, have been enticed or forced into prostitution and sold abroad by organized crime figures. Many are lured by deceptive offers of seemingly innocent jobs such as household helpers, bar dancers, or waitresses. Women also are tricked into prostitution through false marriage advertisements. Their families often are unaware of their predicament and believe that they have disappeared or been kidnaped. However, it is difficult to determine what percentage were enticed or coerced and how many departed voluntarily. Of those returned to Lithuania as deportees, 70 percent reportedly said that they knew what type of work they were going to undertake.

Experts from nongovernmental organizations consider government efforts to prevent trafficking in persons and search for missing persons unsatisfactory. In July the border police were instructed to pay more attention to young persons, particularly females, traveling abroad. Since January statistics on deported persons are being collected. During the first half of the year, 1,618 persons were deported back

to Lithuania. Most of them worked or attempted to work illegally, stayed illegally in other countries, or were turned back at the border. The absolute majority of them are citizens of Lithuania. There are no specific government assistance programs for victims of trafficking; however, the police offer protection for witnesses.

The media report extensively on trafficking in persons. A local nongovernmental organization, the Missing Persons' Families Support Center, received a foreign grant during the year to conduct an awareness campaign on trafficking in persons.

LUXEMBOURG

Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

The Government effectively controls the security apparatus, which consists of the police and gendarmerie.

Luxembourg has a prosperous market economy with active industrial and service sectors. The standard of living and the level of social benefits are high.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards. The Government permits prison visits by human rights monitors.

From December 1999 to May 2000, 6 inmates committed suicide at the penitentiary in Schrassig, which houses 330 inmates. A report commissioned by the Government cited poor management, rampant drug use, and an insufficient number of trained personnel at the prison to cope with the inmates' medical and psychological problems. In October the Minister of Justice appointed a new prison director and allocated \$1.3 million (LUF 60 million) to fund antidrug programs at the penitentiary.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions.

Judicial warrants are required by law for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The independent judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. One of the country's three Justices of the Peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two District Courts hears more serious cases. The Youth and Guardianship Court rules on matters concerning the protection of young people.

Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor can appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased. In response to a 1995 decision by the European Court of Human Rights, the government established an administrative court system to review citizen challenges to legislation.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

The Government failed to act on its 1999 pledge to introduce legislation to reform an 1869 press law that requires journalists to reveal confidential sources, following the 1998 police search of a journalist's office who had alleged corruption on the part of the Interior Minister.

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice. The Government requires and routinely issues permits for public meetings and demonstrations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, but the State pays the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments maintain sectarian religious facilities. The Anglican and Islamic congregations continued to wait for a decision by the Department of Religion regarding requests for government funding made several years ago.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provides first asylum. The law provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not expel those having a valid claim to refugee status, and there were no reports of the forced return of persons to a country where they feared persecution.

The country has a refugee population of 4,681, some 4,400 of whom come from Montenegro, according to government reports. This number represents more than 1 percent of the total population. In March the Government passed legislation to create a status of temporary protection for refugees and to modify procedures to adjudicate requests for asylum. The Government received some 600 new requests for asylum during the year. Of the 1,800 total asylum requests examined, 100 were approved.

In March the Government enacted a financial assistance program to encourage the voluntary repatriation of refugees to their countries of origin. In April the Government created a service council to assist those refugees wanting to utilize the financial aid program. By August some 280 refugees returned voluntarily to their countries of origin, 5 were forcibly returned to Albania, and 29 were transferred to other European Union member states under the 1993 Dublin Convention.

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

Luxembourg is a multiparty democracy. Suffrage is universal and compulsory for citizens 18 years of age and above, and balloting is secret. National parliamentary elections are held every 5 years.

Women are underrepresented in government and politics, although they are active in political life. Of 60 members of Parliament, 10 are women, as are 4 members of the Cabinet.

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

Human rights groups operate without government restriction. Government officials are cooperative and responsive to their views.

In June the Government established the Consultative Commission on Human Rights. This 22-member independent body acts as a consultant to the Government on human rights issues. The commission can propose measures to the Government to increase the protection and promotion of human rights and also serves as the national correspondent for the Vienna-based European Observatory of Racial and Xenophobic Phenomena.

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

The law prohibits racial, sexual, or social discrimination, and the Government enforces these provisions. Blatant societal discrimination occurs only rarely.

Women.—In 1999 shelters provided refuge to 368 women and 413 children, a slight decrease from 1998 levels. Information offices set up to respond to women in

distress reported that they received 4,364 telephone calls in 1999. The Government funds organizations that provide shelter, counseling, and hot lines. Women enjoy the same property rights as men. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage.

The law mandates equal pay for equal work, and the Ministry for the Promotion of Women has a mandate to encourage a climate of equal treatment and opportunity. However, according to government reports, women are paid 20 to 30 percent less than men for comparable work. The Government cites the interruption in the careers of women caused by childbirth and their maternal roles as one reason for the disparity. To date there have been no work-related discrimination lawsuits. Women constitute 38 percent of the work force.

Children.—The Government demonstrates a strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The law mandates school attendance from the ages of 4 to 16. Schooling is free through the secondary level, and the Government provides some financial assistance for postsecondary education.

In September at the millennium summit of the United Nations, the Government signed two children's rights protocols: The Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, and the Protocol to the Convention on the Rights of the Child Concerning the Implications of Armed Conflict.

There is no societal pattern of abuse of children. A physicians' organization estimates that approximately 200 cases of child abuse are treated in hospitals each year that result in legal proceedings. This group is working to reform judicial procedures to permit videotaped testimony in court proceedings and the testimony of child psychiatrists, as well as the coordination of hospital records in child abuse cases. In May the Government set up a hot line for young persons in distress; by the end of the year it had received 183 calls.

In 1999 the Government passed a comprehensive new law dealing with the sexual exploitation of children. The law increased penalties for adults who traffic in children, facilitate child prostitution, or exploit children through pornography. The law also extended the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such trafficking was reported during the year.

People with Disabilities.—The law prohibits discrimination against people with disabilities in employment, education, and the provision of other state services. The law does not directly mandate accessibility for the disabled, but the Government pays subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a modest proportion of buildings and public transportation are modified to accommodate people with disabilities.

The Government helps disabled persons obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring disabled workers and must pay them prevailing wages. The quotas are fixed according to the total number of employees; employers who do not fulfill them are subject to sizable monthly fines. The Government provides subsidies and tax breaks for employers who hire the disabled. There have been no known complaints of noncompliance with the disability laws.

Despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons are not applied or enforced consistently, and there is a particular problem in the case of persons with mental disabilities. The Government was reviewing the effectiveness of the disability legislation, particularly the provisions that establish quotas, at year's end.

Section 6. Worker Rights

a. The Right of Association.—All workers have the right to associate freely and choose their representatives. About 57 percent of the working population belongs to a trade union. Membership is not mandatory. Unions operate free of governmental interference. The two largest labor federations are linked to, but organized independently of, major political parties. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

The Constitution provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government's National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. No strikes, legal or illegal, occurred during the year.

Unions maintain unrestricted contact with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for and protects collective bargaining, which is conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more em-

ployees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal can fine an employer found guilty of antiunion discrimination, but it cannot require the employer to reinstate a worker fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor by children and adults, and it is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16 and requires all children to remain in school until the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitor the enforcement of child labor and education laws.

e. Acceptable Conditions of Work.—The law provides for minimum wage rates that vary according to the worker's age and number of dependents. The minimum wage for a single worker over the age of 18 is \$6.34 (LUF 285) per hour. Supporting a family is difficult on the minimum wage, but most employees earn more than the minimum.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Employment on Sunday is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries have requested permission for Sunday work, which the government grants on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage; employees must be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers receive at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provides severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carry out their inspections effectively.

No laws or regulations specifically provide workers the right to remove themselves from dangerous work situations without jeopardy to continued employment, but every worker has the right to ask the Labor Inspectorate to make a determination, and the inspectorate usually does so expeditiously.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country. In August the Ministry of Labor denied allegations made by a European Parliament Deputy that Luxembourg is a "turntable" for trafficking in women. The Deputy's report stated that the Government grants limited entry visas to Eastern and Central European women to work as performers in cabarets. The Ministry said that it issued 146 limited visas during the year to women who had received job offers as janitors, hairdressers, and other similar positions.

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

Macedonia, which became independent in 1991 following the breakup of Yugoslavia, is a parliamentary democracy led by a coalition government. It has a popularly elected president. In multiparty parliamentary elections held in October and November 1998, opposition parties defeated parties of the governing coalition in voting that international observers concluded was conducted fairly and reflected the will of the electorate. International observers considered the conduct of the first round of voting for president on October 31, 1999, to be satisfactory; however, there were allegations of fraud and ballot stuffing in the second round on November 14, and the Supreme Court ordered another vote in most of the country's ethnic Albanian polling stations, which was conducted on December 5. That final round also

was marred by irregularities; however, international observers concluded that these likely did not affect the final outcome and resulted in the election of President Boris Trajkovski. The judiciary is generally independent, although at times inefficient.

The Ministry of Interior oversees the uniformed police, criminal police, border police, and the state intelligence service. Municipal police chiefs are responsible to the Ministry of Interior, not to municipal leaders. The Ministry is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense shares with the border police responsibility for border security. Some members of the police occasionally committed human rights abuses.

The economy is in transition from Yugoslav-style communism to a market-based system. Most firms are privatized, large money-losing state enterprises are being restructured, and inflation has remained below 4 percent in recent years. However, during the year, the transitive effects of introducing a new Value Added Tax system, coupled with a year-end surge in fuel prices, caused inflation to reach about 10 percent. The economy improved substantially after the lifting of the Greek embargo and the suspension of international sanctions against Serbia, both in 1995, before which the gross domestic product (GDP) had fallen an estimated 50 percent. Growth resumed slowly in 1996 and continued at about a 5 percent rate until the outbreak of the Kosovo crisis in the spring of 1999. The crisis cut many firms off from customers in Serbia and made the transportation of goods to and from other parts of Europe more difficult and expensive. The overall economic effects of the Kosovo crisis were quite negative, but the local and regional influx of international funds related to humanitarian efforts and the NATO Kosovo Force (KFOR) mission has helped stem the economic decline and generated positive growth. The economy made broad-based gains during the year, and GDP grew about 6 percent. Unemployment was high; the gray economy was large. Some workers received their pay weeks or months late.

The Government generally respected the human rights of its citizens; however, serious problems remained in several areas. Police were accused of extrajudicial killings involving at least two deaths of detainees in custody, and the Government took inadequate steps to clarify the circumstances or discipline responsible officers. Police on occasion abused suspects and prisoners, in particular Roma and ethnic Albanians. Arbitrary arrest and detention were problems. The Government was working to end the practice of police compelling citizens to appear for questioning, pursuant to a 1997 law; however, incidents involving the use of such practices still occurred. Another 1997 law imposes some limitations on religious practices. The Government took inadequate measures to ensure the security of the electoral process during nationwide local elections, resulting in incidents of violence and procedural problems that were strongly criticized by the OSCE. Societal discrimination against minorities, including Roma, ethnic Albanians, ethnic Turks, and ethnic Serbs, was a problem. Ethnic minorities continued to make progress in securing more representation in Government and politics, although ethnic Macedonians still hold a disproportionately high number of positions. Violence and discrimination against women remained problems; trafficking in women and girls for prostitution was also a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, there were credible reports of at least two deaths in police custody. An ethnic Albanian suspected of involvement in the January 11 murder of three police officers died under suspicious circumstances while in police custody in January. The official report stated that the suspect died of a drug overdose, but friends and family members who saw the body before the burial charged that he was shot. No autopsy report has been made public. A second ethnic Albanian suspect died in police custody in February after his arrest for theft. Authorities reported his death to be a suicide, but his family claimed that he died due to injuries received while being questioned. On May 14, an ethnic Albanian man died in a Skopje prison. The Government did not take adequate steps to investigate, to inform the public, or to discipline the responsible officers in any of these cases. During a December 1998 police raid on the home of an ethnic Albanian suspect believed to have stockpiled illegal arms, the suspect's father was killed by police gunfire. A government inquiry cleared the police of any wrongdoing, but the incident remained controversial.

b. Disappearance.—There were no reports of politically motivated disappearances attributed to government agents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such treatment and punishment; however, police occasionally used excessive force during the apprehension of criminal suspects, and they occasionally abused prisoners, especially members of ethnic minorities.

Following the killing of three police officers outside Aracinovo on January 11, police beat numerous ethnic Albanian residents, destroyed property, and used tear gas in raids. One of the three suspects arrested in connection with the killings died in police custody (see Section 1.a.). Human Rights Watch reported that nine other suspects were arrested and beaten in custody and that some were forced to sign confessions. An investigation by the Office of the Ombudsman found that the police had used excessive force in Aracinovo and recommended an internal investigation. Although some families were compensated for damage to their property, the Government did little to address police abuse in the wake of the incident.

There are credible reports of occasional police violence against Roma, including beatings during arrest and while in detention. Roma rights organizations also complained of police harassment of Roma and accused the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma.

On April 21, police reportedly beat an “Egyptian” couple (the country’s Egyptians consider themselves distinct from Roma) near Ohrid at a traffic stop. The husband, a taxi driver, was arrested for not presenting the necessary permits, although he later claimed that he had presented them. Police allegedly beat the man in custody and kept him in jail for 8 days. According to the European Roma Rights Center (ERRC), a police officer reportedly beat a 20-year-old Romani man with a truncheon at the police station in Stip on January 9. Police reportedly beat a 16-year-old Romani boy in the village of Krivolak on May 14. Police officers and non-Romani civilians reportedly attacked and severely beat six Romani men in Stip on May 26.

The vast majority of Kosovar refugees returned to Kosovo during the second half of 1999; most of those who remain are Roma. Several thousand Roma refugees are housed in collective centers or in private accommodations. According to the ERRC, the police allegedly beat and detained a Romani refugee from Kosovo on September 10. In October the Roma residents of the Suto Orizari collective center began a series of protests over the food served to them. The World Food Program (WFP) inspected the facility and reviewed the food situation; WFP concluded that the water system at the center was barely adequate and needed improvements, but that the food rations given to refugees were up to international standards.

There were three attacks on police stations during the year. On February 2, a bomb exploded in front of the Directorate of Interior in Kumanovo. No one was reported injured in the explosion.

There were some incidents of violence during the September elections. Police beat an opposition supporter; several police officers were suspended pending an investigation. There were a few shootings by members of political parties. In another incident, a Member of Parliament fired into a crowd of demonstrators (see Section 3).

Prison conditions meet minimum international standards; however, there were two deaths in custody. Prisons meet basic needs of food, hygiene, and access to medical care. Men and women are held separately. While juveniles are also supposed to be held separately, limited facilities sometimes result in older juveniles being confined with adults.

The Government permits prison visits by human rights monitors and the Human Rights Ombudsman. The Government agreed to allow the International Committee of the Red Cross (ICRC) to visit prisons under procedures which the ICRC finds acceptable, but has not yet agreed to commit to those procedures in a binding, written agreement with the ICRC.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that a person must be arraigned in court within 24 hours of arrest. The maximum length of pre-trial detention was increased in 1998 from 90 to 180 days by constitutional amendment. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. Arbitrary arrest and detention are problems. Although the law requires warrants for arrests, this provision frequently is ignored, and it is not uncommon for a warrant to be issued some time after an arrest. According to human rights observers and criminal defense attorneys, police sometimes violate the 24-hour time period within which a suspect must be arraigned and deny immediate access to an attorney.

The Government has not yet ended completely the practice of police compelling citizens to appear at police stations through an “invitation” for “informative talks.” Although a law on criminal procedures was passed in 1997 that states that police cannot force citizens to appear for these sessions without presentation of a court order, the practice continued to be applied on occasion. Roma rights organizations

accuse the police of arbitrarily arresting and detaining Roma, and there are credible reports of such police actions.

The police continued a pattern of selective enforcement of various laws and regulations against individuals and businesses linked with the political opposition. The police initiated a series of raids on businesses in 1999, seized records, and briefly detained some 20 enterprise directors and officers to question them on charges of corruption and failure to pay taxes. Almost all of the individuals who were questioned or whose offices were raided were connected to opposition political parties, and the raids were widely viewed as having been politically motivated. The Government publicly defended itself against media criticism of its actions by releasing information on the alleged crimes under investigation, but no charges were ever brought against the subjects of the raids. During the year several opposition-oriented media outlets and other firms were the subject of tax inquiries; in one case official action was initiated to tear down an illegally constructed building erected by an opposition-oriented media owner (see Section 2.a.). The authorities defended their actions as being based upon law, but the individuals and firms involved noted that while tax and construction offenses are very common, the Government appeared to take enforcement actions mostly against entities linked to the opposition. A similar police raid in December 1999 against the director of a company involved in a dispute with the Government resulted in a media outcry and the suspension by the Ministry of Interior of the local chief of police who conducted the operation.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice, although the court system is still developing and is sometimes inefficient and slow.

The court system is three tiered and comprises municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation.

The Constitutional Court has a mandate to protect the human rights of citizens but has not taken action in any case in this area. In addition the Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates. The Office of the People's Ombudsman was created and became functional in 1997 (see Section 4).

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. The judges are assisted by two members of the community who serve essentially as consulting jurors, although the judge makes the final decision. Court hearings and the rendering of verdicts are open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant is of concern. Trials cannot be televised, pursuant to the Criminal Procedure Code, although the court in certain cases can authorize the presence of television and film cameras.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and government authorities generally respect these prohibitions. Opposition political leaders accused the Government of wiretapping their telephones and released some transcripts of telephone conversations from late in the year that they claimed proved the truth of their charges. An investigation into the charges is underway.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Several daily newspapers are published in Skopje, as well as numerous weekly or periodical political and other publications. Most towns and municipalities have local newspapers. Government-subsidized newspapers in the Albanian and Turkish languages are published and distributed nationally by the leading news publishing house. The Government subsidizes some other newspapers and magazines. The process of granting media subsidies is not transparent, leading to charges of political bias in government support for the independent media. Several privately owned publications have a wide distribution throughout the country, and some are considered to be oriented toward opposition political parties. The media that remain partially state owned are government oriented but report on opposition press conferences and statements and in general provide coverage of the major opposition parties. The leading newspaper publisher is still partially government owned and controls one of only two modern, high-speed printing facilities in the country, as well as many newspaper kiosks. Following the parliamentary elections in late 1998, influence over this publisher passed to the new Government. International monitors noted that the media provided generally unbiased coverage of the full spectrum of

political debate. However, media outlets often reflected the views of one or another political party.

Distributors of foreign newspapers and magazines must obtain the permission of the Ministry of Interior. All such requests during the year were approved. Media reports indicated that one edition of the Albanian newspaper *Bota Sot* was confiscated in Gostivar and Tetovo because it contained articles critical of the leadership of the Democratic Party of Albanians (DPA). The party denied any involvement and quickly arranged for the articles in question to be reprinted and run in the local Albanian language newspapers. Foreign newspapers, including those from neighboring countries, are available throughout the country.

State-run radio and television is in countrywide competition with two private television stations and one private radio station that are licensed to broadcast nationally. The state broadcast media also face the competition of dozens of small independent local radio and television stations throughout the country. The Broadcast Council issues licenses to broadcasters, in a process that international observers consider generally meets international norms. License fees collected from private broadcasters are supposed to help subsidize the state-run system, but collections are inconsistent. Dozens of illegal, "pirate" radio and television stations operate without licenses and pay no fees.

Individuals and opposition political groups criticize the Government, but during the year media complaints arose over alleged intimidation of newspapers and television companies critical of the Government. The intimidation took the form of law enforcement action against the media companies and their financial backers in areas such as tax collection and checks of building permits, areas in which there is widespread noncompliance among private companies. One notable case involved the Government's order to tear down a building belonging to the owner of an opposition-oriented media company because of a supposed failure to obtain the proper building permit. The Government eventually reversed its order, but the incident left the impression that officials were selectively enforcing laws in an effort to control the behavior of the media (see Section 1.d.).

On May 12, the Government introduced a draft law on information to replace existing regulations from the Communist era. Local journalists and international press groups criticized the draft law and provisions that would require local journalists to obtain government-issued press accreditation. The law remained pending at year's end.

The Government respects academic freedom. Because government-recognized higher education is not yet available in the Albanian language (except for teacher training), some ethnic Albanians claim that they do not have complete academic freedom. They want to see the currently unauthorized Albanian-language Tetovo University gain legal status, or a new accredited private institution to be established, so that they can study in their native language at the university level (see Section 5).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Advance notification of large meetings is optional; political and protest rallies occur regularly without major incident. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups (see Section 2.c.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties and organizations are required to register with a court. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. However, the 1997 Law on Religious Communities and Groups limits some aspects of religious practice, although the law does not appear to be enforced consistently. While the Macedonian Orthodox Church is mentioned by name in the Constitution, it does not enjoy official status.

The 1997 Law on Religious Communities and Groups designates the Macedonian Orthodox Church, the Islamic community, and the Roman Catholic Church as "religious communities," while all other religions are designated "religious groups." However, despite the difference in designation, there is no legal difference between the two categories.

The law places some limitations on religious practices. For example, only a citizen may found a religious group. The law also stipulates that anyone carrying out religious work be registered with the Government's Commission on Religious Communities and Groups.

The Government requires that religious groups be registered. The 1997 Law on Religious Communities and Religious Groups contained a number of specific re-

quirements for the registration of religious groups that were struck down by the Constitutional Court in 1999. Subsequently there was considerable confusion over which procedures still applied, and several foreign religious groups experienced delays in their efforts to register. During the year, the Government acted to make the remaining requirements more transparent, but the process remained slow and cumbersome. At least one international Protestant church was granted legal registration, and several others are at some stage of the process. One Islamic group withdrew its 1998 application for registration but continues to operate openly without taking further steps toward legal registration, and the Government has not taken any enforcement actions against the group. The Government no longer keeps a count of registered religious groups and communities.

Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups.

The refusal of the Serbian Orthodox Church to recognize the self-proclaimed Macedonian Orthodox Church has led to difficulties for ethnic Serbs who wish to worship in their own church. On several occasions in 1998 the Government refused Serbian Orthodox priests permission to enter the country because of the recognition issue. No Serbian Orthodox priests attempted to enter the country for religious purposes during the year. In December 1999 a delegation from the Macedonian Orthodox Church traveled to Istanbul to consult with Orthodox leaders on ways to end the impasse with the Serbian Orthodox Church.

On March 10, the Jewish community of Skopje inaugurated a new synagogue. The Government supported the opening of the synagogue; the mayor of Skopje and former President Gligorov attended the events.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respects them in practice.

Citizenship in the old Yugoslav system was national, but all records and processing were at the level of the individual republics, so some residents at the time of independence had Yugoslav citizenship that became citizenship in other newly independent former republics. During the first year of independence, beginning with the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence (of any duration) in the republic could acquire citizenship by simple application. The Law on Citizenship adopted in November 1992 established new procedures for conferring citizenship, and under its transitional provisions citizenship was granted essentially automatically to any legal resident who applied before November 1993. Despite this 2-year window of opportunity for residents to become citizens by simple application, several thousand residents did not regularize their status before November 1993. Some of these persons, and others who arrived in the country later, have complained that the provisions of the Law on Citizenship that followed the transition period are too restrictive and have prevented them from obtaining citizenship. For example, after the transition period the law required applicants for naturalization to have 15 years of residency. The law also affects many Roma who wish to become citizens, particularly with regard to difficulties they encountered in establishing residence and meeting requirements of a regular income. During 1999 the 15-year residence requirement was lowered to 10 years, in conformity with the Council of Europe Convention on Citizenship, but the enabling legislation needed to fully implement the change still was not completed. New procedures instituted in 1998 have made the citizenship application process considerably more transparent; the Macedonian Helsinki Committee has full access to all files, and the office within the Ministry of Interior that processes the cases works closely with the U.N. High Commissioner for Refugees (UNHCR) and with the Organization for Security and Cooperation in Europe (OSCE) mission in Skopje. A total of 2,124,599 citizens have established their status since independence; since the end of the early procedures for gaining citizenship, 140,495 individuals have applied through the Ministry of Interior, and about 96 percent of those applications have been approved. About 2,000 new applications for citizenship are received annually by the Ministry of Interior.

During the 1999 crisis, over 360,000 Kosovars found refuge in Macedonia. Following the conclusion of the crisis, the great majority of those refugees still in the country returned to Kosovo; the exception were the Roma, who feared returning because of dramatically deteriorated relations with the ethnic Albanian Kosovars. During the year, the overall number of refugees continued to decrease, and at year's end only 7,600 registered refugees remained. In addition officials estimate that about another 2,000 unregistered individuals remain. Of the registered refugees, approximately 60 percent are Roma. The largest number of registered Roma refugees (about 1,200) reside in the Suto Orizani collective center. Roma also reside in collec-

tive centers at Dare Bombol, Llubanci, Saraj, and Struga. Ethnic Albanian refugees all reside at the Radusa collective center. In all only about 2,100 of the total registered refugee population reside in centers; however, the remaining 5,500 live with host families or in rental accommodations. During the year there were several Roma protests about living conditions and food at the collective centers, although international donors and administrators judge conditions to meet generally accepted standards.

Continued tensions in the Presevo region of southern Serbia also generated potential for refugee flows during the year, but by year's end only a small number of Presevo residents had chosen to come to Macedonia; they did not enter as refugees, but rather as temporary visitors.

Macedonia provides first asylum, and there were no reports of persons being returned to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country's third parliamentary elections were held in October and November 1998 and resulted in an opposition victory and a peaceful change of government. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that produces a majority in the Parliament. The Prime Minister and the other Ministers may not be Members of Parliament. The Prime Minister is formally appointed by the President, who is head of state, Chairman of the Security Council, and commander in chief of the armed forces.

The Government was accused by opposition leaders and the media of harassing members of the opposition prior to the presidential elections held in October 1999. In the summer of 1999, police conducted a number of raids on businesses and charged some 20 enterprise directors with corruption and failure to pay taxes. Almost all of the enterprise directors singled out for this treatment belonged to an opposition party (see Section 1.d.).

On October 31, 1999, the first round of balloting in the presidential election was held. There were six candidates on the ballot, representing every major political party, including both ethnic Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the candidates who received the most votes advanced to the second round. The ruling VMRO (Internal Macedonian Revolutionary Organization) candidate Trajkovski gained the majority of the votes cast in round two on November 14, but the opposition SDSM (Social Democratic Alliance of Macedonia) candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country in the second round, and the Supreme Court ruled that round two should be rerun in 230 polling precincts, all of which were predominantly ethnic Albanian. The voting held on December 5, 1999, was as flawed as the previous round, according to international monitors, who reported numerous incidents of ballot stuffing and other problems in some polling stations. Trajkovski again gained the majority of votes cast, and the SDSM filed a list of complaints of irregularities. Claiming that the Government was incapable of conducting a fair vote in the contested precincts, the SDSM later withdrew those complaints and did not press for another repeat of the voting. President Trajkovski was sworn into office on December 15, 1999.

Nationwide local elections held in September drew OSCE and other international criticism due to poor organization, sporadic violence, and voting irregularities. While the voting was calm and orderly in most of the country, serious incidents of violence caused the polls to be closed in several municipalities. Irregularities and intimidation in other areas further marred the process. The worst election day problems included some blatant cases of ballot stuffing, some smashing of ballot boxes, incidents of unauthorized persons being present at polling stations in an intimidating manner, and shooting incidents in Debar and Ohrid that left four persons wounded. In Debar a Democratic Party of Albania (DPA) activist shot a Party for Democratic Prosperity (PDP) activist on September 10, although investigators concluded that the incident was personally "rather than politically—motivated. In Ohrid two opposition members belonging to the SDSM were shot, one in the head, causing serious injury. Several arrests were made in these cases, and charges were brought against individuals who had been identified as participants in violent acts; however, in several cases the perpetrators remained unknown at year's end. These problems caused the elections to be rerun in several areas, and the Government did not act decisively to prevent some repetition of the same difficulties during the reruns. During the campaign period, six Members of Parliament (M.P.'s) from the ruling party defected

to an opposition party, and their homes were surrounded briefly by crowds of angry party loyalists; some property damage occurred before police moved to protect the homes. Following an incident in which an opposition supporter was beaten by police during the campaign, several police officers were suspended pending an investigation. In Skopje approximately 200 demonstrators threatened a Member of Parliament at his home; in response he fired several pistol shots into the crowd, lightly injuring two persons. The police, slow to respond to the initial disturbance, later charged the M.P. with illegal use of a firearm. A local NGO reported the alleged beating of a group of Roma in the town of Strumica on September 24, the day of the second round of the local elections. Non-Romani men allegedly beat Roma in the street with their fists and rubber truncheons. Many electoral difficulties were judged by international observers to have resulted from a weak and ambiguous Law on Local Elections, and they criticized the State Electoral Committee for not acting to anticipate or overcome those weaknesses.

Although no formal restrictions exist on the participation of women in politics and government, they are severely underrepresented in these areas. The Government has two female ministers. In the Parliament, 9 of 120 members are women, an increase from 4 women in the previous Parliament. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 5).

A number of political parties represent the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Two ethnic Albanian parties and the Roma party have members in the Parliament; the ruling government coalition includes one of the two major ethnic Albanian parties, as well as the Romani party. The Parliament includes 25 ethnic Albanian members, 1 Macedonian Muslim, 1 Rom, and a small number of Vlachs. Minorities nonetheless maintain that political structures continue to be biased against them. Partly to address these concerns, the electoral law includes elements of proportional representation. A total of 35 of the 120 parliamentary members are chosen on the basis of proportionality, while the other 85 members are elected in single-member districts. Some ethnic Albanians and Roma complain that discrimination against them in citizenship decisions effectively disenfranchises them (see Section 2.d.).

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

The Government generally is responsive to the concerns of human rights groups. Human rights groups and ethnic community representatives meet freely with foreign representatives without government interference. Several independent forums for human rights exist and operate freely, but their activities have not been prominent.

The Office of the Ombudsman, established in 1997, is active; however, most complaints filed with the office do not relate to human rights issues.

The Government allows independent missions by foreign observers. The Kosovo crisis led many international NGO's to establish new offices in the country, staffed by scores of international workers; many of these organizations have a strong interest in human rights issues. The Government generally has been cooperative in its dealings with these and other international organizations concerning such issues.

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

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political or religious beliefs, property, or social status. However, societal discrimination against ethnic minorities and the protection of women's rights remain problems.

Women.—Violence against women, especially in the family setting, is a persistent and common problem. Criminal procedures are available to victims of rape, including limited legal recourse in the case of marital rape. Cultural norms discourage the reporting of such violence, and criminal charges on grounds of domestic violence are very rare. Public concern about violence against women is not evident in the media, although some women's groups are working to raise awareness of the issue. Shelters for victims of spousal abuse are operated by NGO's. A hot line remains open but has limited hours. The Government offers some limited support for victims of domestic violence, but relies heavily on international donor support to maintain a hot line and shelter.

Trafficking in women and girls for prostitution and pornography is a growing problem (see Section 6.f.). Traffickers have recruited women and girls from other

countries, especially Bulgaria, Moldova, Romania, and Ukraine, to work as prostitutes in several towns (see Section 6.c. and 6.f.).

Sexual harassment of women in the workplace is a problem, but no statistics are available to indicate its scope. Maternity benefits include 9-months' paid leave, and benefits are received in practice. Women also retain the right to return to their jobs for 2 years after giving birth.

The Constitution provides that women possess the same legal rights as men. Macedonian society, in both the Muslim and Christian communities, is strongly patriarchal, and the advancement of women into nontraditional roles is limited. Women are underrepresented severely in the higher levels of the private sector, although some professional women are prominent. Women from some parts of the ethnic Albanian community do not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 3).

Women's advocacy groups include the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

Children.—The Government is committed to the rights and welfare of children; however, in some areas it is limited by resource constraints. Education is compulsory through the eighth grade, or to the age of 15 or 16. At both the primary and secondary levels, girls in some ethnic Albanian communities are underrepresented in schools. The Ministry of Education encourages ethnic minority students, especially girls, to enroll in secondary schools. Secondary education is free to all. Medical care for children is adequate but is hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

Trafficking in girls for prostitution and pornography is a growing problem (see Section 6.f.).

There is no societal pattern of abuse against children.

People with Disabilities.—Social programs to meet the needs of the disabled exist to the extent that government resources allow. Discrimination on the basis of disability is forbidden by law; however, in practice this mandate is not enforced. No laws or regulations mandate accessibility to buildings for disabled persons.

National/Racial/Ethnic Minorities.—The population of 2.2 million is composed of a variety of national and ethnic groups, mainly Macedonians, Albanians, Turks, Roma, Serbs, and Vlachs. All citizens are equal under the law. The Constitution provides for the protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school and the official use of ethnic minority languages in areas where ethnic minorities make up a majority of the population.

Ethnic tensions and prejudices are present in society. The Government is committed to a policy of peaceful integration of all ethnic groups into society but faces political resistance and continued popular prejudices regarding the means to achieve this goal (hiring quotas, affirmative action in school admissions, education in minority languages, etc.).

Representatives of the ethnic Albanian community, by far the largest minority group with 23 percent of the population according to government statistics, are the most vocal in charging discrimination. The underrepresentation of ethnic Albanians in the military and police is a major grievance in the community. Despite government efforts to recruit more ethnic Albanians, the police force remains overwhelmingly Slavic Macedonian, even in areas where the ethnic Albanian population is large. Members of ethnic minorities constitute 8.7 percent of the law enforcement officers of the Ministry of the Interior; in the primarily ethnic Albanian cities of Tetovo and Gostivar the respective figures are 17 percent and 12 percent. To raise the percentage of ethnic minority police officers, the Government for several years has set a recruiting quota of 22 percent for enrolling minority students at the police secondary school. Attrition has kept the graduating classes from retaining that percentage of ethnic minorities.

The military continues efforts to recruit and retain minority officers and cadets. The military is composed mostly of short-service conscripts, drawn from all ethnic groups. The proportion of ethnic Albanians in the ranks is estimated to be about 25 percent, but the proportion is significantly lower in the officer corps. Minorities constitute about 12 percent of the total of officers, noncommissioned officers, and professional soldiers; about 15 percent of the cadets at the military academy are from ethnic minorities. Ethnic minorities constitute about 11 percent of Ministry of Defense civilian employees. The Deputy Minister of Defense and 2 of a total of 10 general officers are ethnic Albanians.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities. Primary education is available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education is a crucial issue for the ethnic Albanian community; it is seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children receive 8 years of education in Albanian-language schools. The number of ethnic minority students who receive secondary education in their native languages is increasing and was about 15 percent in 1999, up from 14 percent in 1998. However, only about half of ethnic minority students go on to high school, partly because of the lack of available classes in minority languages at the secondary level and partly because the traditional nature of parts of Albanian society leads many families in rural areas to see no need to educate their children, particularly girls, beyond the eighth grade.

At the university level, ethnic minorities are underrepresented, but there has been much progress in increasing the number of ethnic minority applicants and students since independence in 1991. There are eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of entering places, although the quota has not always been filled. In 1991 302 ethnic minority students attended university; in 1998 1,073 attended, representing about 16 percent of all university students; no updated figures were available for the year. Most university education is conducted in the Macedonian language; there is Albanian-language university education only for students at Skopje University's teacher training faculty, for students studying to be teachers at Albanian-language primary and secondary schools. An obstacle to increasing university attendance of ethnic Albanians and Roma, especially for girls, is their low but slowly increasing enrollment in secondary education.

In July the Government adopted legislation to address longstanding demands by ethnic Albanians for university-level courses taught in the Albanian language with the passage of a new Law on Higher Education. The new law authorizes private institutions of higher learning and, under an OSCE sponsored plan, a new internationally funded institution is being created which would be designed to conduct classes in Albanian, English, and Macedonian, with initial funding coming from foreign donors. Plans have been made for construction to begin early in 2001. This legislation was designed to resolve the question of Tetovo University, a private Albanian-language institution that the authorities declined to accredit but tacitly allowed to function. The new, internationally funded institution would allow ethnic Albanians to study in their own language; however, courses in Macedonian must also be provided in at least two subjects. The law received the support of the Albanian party in the ruling government coalition; however, many ethnic Albanians, who favor recognition and funding of Tetovo University, did not support the new institution.

The new Government met one major demand of the ethnic Albanian community in 1999 by agreeing to change the 15-year residence requirement for naturalization to 10 years (see Section 2.d.); however, enabling legislation still is pending to complete that change. The new Government has continued previous governments' rejection of demands for legalizing use of the Albanian language in dealings with the central Government and in the Parliament and for allowing official use of the Albanian flag.

Ethnic Turks, who make up about 4 percent of the population, also complain of governmental, societal, and cultural discrimination. Their main complaints center on Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to educate their children in Turkish despite the fact that they do not speak Turkish at home. The Education Ministry refuses to provide Turkish-language education for them, noting that the Constitution provides for education in the native languages of minorities, not in foreign languages. Some parents have hired teachers of their own, although this kind of private education is not authorized legally.

Ethnic Serbs, who constitute about 2 percent of the population, also complain about discrimination and their inability to worship freely in the Serbian Orthodox Church (see Section 2.c.).

There were credible reports of occasional police violence and harassment against Roma during the year. Roma rights organizations also complain of police harassment of Roma and accuse the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma (see Section 1.c.).

In June five Romani houses in Stip burned under suspicious circumstances; police suspected arson.

Relations between Roma and other citizens were strained during 1999 as a result of dislocations of Roma caused by the Kosovo crisis. According to the 1994 census,

there were 43,700 Roma in the country (2.0 percent of the population). Romani leaders claim that the 1994 census seriously undercounted the actual number of Roma. There were incidents of societal violence against Roma (see Section 1.c.). In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country. They left not only because of the direct dangers of the conflict, but also because of the hostility of ethnic Albanian Kosovars, who widely consider the Roma to have supported the Serbs and to have committed theft and other crimes against ethnic Albanians during the crisis. The new Roma arrivals initially were sheltered in a refugee camp (about 2,000 persons) and under host family arrangements (about 4,000 persons) that were underwritten by the international relief community. During the year, all of the registered Romani refugees were staying with host families or in collective centers. The presence of these Romani refugees is not popular among ethnic Albanians, who largely share the view of the ethnic Albanian Kosovars concerning both Roma and Serbs. Ethnic Macedonians also express irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequent busy traffic intersections to beg, wash car windows, or sell small items. The Macedonian Roma already tended to occupy the lowest economic position of society, and the new arrivals added to the ranks of the very poor. Optional Romani-language education has been offered at several primary schools since 1996, but there has been limited demand and no pressure for a more extensive curriculum. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. There is some Romani-language broadcasting.

There are also a number of ethnic Macedonian Muslims and Bosnian Muslims in the country. Some ethnic Macedonian Muslims contend that they are identified too closely with ethnic Albanians, most of whom are also Muslim, and with whose policies the ethnic Macedonian Muslims often disagree.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form trade unions, but this right is restricted for members of the military, police, and civil service. Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed. However, there is still a national trade union. The Confederation of Trade Unions of Macedonia is the successor organization to the old Communist labor confederation. It maintains the assets of the old unions and is the Government's main negotiating partner on labor issues, along with the Chamber of the Economy. While its officers may tend to oppose strikes because of the legacy of the past, they appear to be genuinely independent of the Government and committed to the interests of the workers they represent.

The total number of strikes during the year was 100 to 150, which included many protest work stoppages of a few hours or less. The reasons for the strikes included demands for overdue pay, workers' objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Strikes were generally small and confined to company grounds, although in September 1999 striking workers at a government-owned smelting plant blocked a major highway for several hours, protesting government plans to close the plant if a private purchaser or partner could not be found. Most strikes were calm and well organized and took place without serious incident.

b. The Right to Organize and Bargain Collectively.—The Constitution implicitly recognizes employees' right to bargain collectively, a concept that nonetheless is still in its infancy. Collective bargaining takes place, but in the country's weak economic environment employees have very little practical leverage. Legislation in this area has yet to be passed by Parliament.

An export processing zone is being developed with the advice and financial support of the Taiwanese Government and various Taiwanese businesses. No date has been set for the beginning of operations.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor, including that performed by children; however, trafficking of women and girls for prostitution and pornography is a growing problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The constitutional minimum age for employment is 15 years. Children legally may not work nights or more than 40 hours per week. Education is compulsory through grade eight, or to the ages of 14 or 15. The Ministry of Labor and Social Welfare is responsible for enforcing laws regulating the employment of children. These laws are generally enforced; however, the authorities are reluctant to attempt to enforce these laws on Roma. The law prohibits forced or bonded labor by children; however, trafficking in girls for prostitution and pornography is a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The average monthly wage was about \$158. The minimum wage is by law two-thirds of the average wage; however, it was not sufficient to provide a decent standard of living for a worker and family. The average month's worth of food for a family of four exceeded average incomes by about 20 percent. This economic situation meant that few workers could support a family on their wages alone. Many households are dual-income, and many persons take on additional work, often in the gray market.

Yugoslavia had extensive laws concerning acceptable conditions of work, including an official 42-hour workweek with a minimum 24-hour rest period and generous vacation and sick leave benefits. The Government adopted many of these provisions, including the workweek and rest period. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that do not comply with the law. Small retail businesses in particular often require employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although laws and regulations on worker safety remain from the Yugoslav era, they are not enforced strictly. The Ministry of Labor and Social Welfare is responsible for enforcing regulations pertaining to working conditions.

Under the law, if workers have safety concerns, employers are obliged to address dangerous situations. Should an employer fail to do so, employees are entitled legally to leave the dangerous situation without losing their jobs; however, this does not happen often, if ever, in practice.

f. Trafficking in Persons.—The law specifically prohibits trafficking for the purpose of prostitution; however, trafficking in women and girls for prostitution and pornography is a growing problem. Trafficking in persons for the purpose of illegal immigration is not prohibited specifically by law but is covered by immigration regulations. The country is a source, transit, and destination point for trafficking in persons. Traffickers have recruited women from other countries, especially Bulgaria, Moldova, Romania, Russia, and Ukraine, to work as prostitutes in several towns. Women are trafficked through the country on their way to West European countries, especially Italy. There are no reliable estimates of the number of victims of trafficking in the country.

Trafficking in women is not treated as a priority on either the governmental or nongovernmental level. Trafficking is handled by the Interior Ministry Department on Organized Crime. The Government cooperated with the International Organization for Migration (IOM) to provide shelter and assistance to trafficked women on an ad hoc basis in several cases, and late in the year a small center was opened to establish such services on a more regular basis.

Police expelled 108 prostitutes from Serbia, Ukraine, Belarus, and Russia in December. Deputy Interior Minister Rifat Elmazi said the police intend "to deport all prostitutes from other countries." The Government cooperated with the IOM to arrange passage of these and other trafficking victims to their home countries. Very few traffickers have been caught, and the owners of the establishments where the women worked have either fled or managed otherwise to avoid prosecution.

MALTA

Malta is a constitutional republic and parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

The appointed commissioner who commands the police is under the effective supervision of the Government and may be either a civilian or career member of the force.

The economy is a mixture of state-owned and private industry, with tourism and light manufacturing as the largest sectors, and it provides residents with a moderate to high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. An independent judiciary upholds the Constitution's protections for individual rights and freedoms. Violence against women is a problem, and societal discrimination against women persists, but the Government has taken steps to address both issues.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them. Prison conditions meet minimal international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the law prohibit arbitrary arrest, detention, or exile, and the Government observes these prohibitions. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or lodge charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial are granted access to counsel. Bail normally is granted. In June the European Court of Human Rights ruled that the Government had violated articles 5/3 and 5/4 of the European Convention on Human Rights by holding a Tunisian citizen in custody for 2 years prior to trial, thereby denying the accused prompt due process.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The Chief Justice and 16 judges are appointed by the President on the advice of the Prime Minister; judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil court, court of magistrates, special tribunals, and from the criminal court, respectively. The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,207 (1,000 Maltese liri) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age.

The Constitution requires a fair public trial before an impartial court. Defendants have the right to counsel of their choice or, if they cannot pay the cost, to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence. They may confront witnesses, present evidence, and have the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanctions. Police officers with the rank of inspector and above may issue search warrants based on perceived reasonable grounds for suspicion of wrongdoing. Reportedly only the Home Affairs Minister and the Prime Minister may issue warrants for telephone tapping, and then only in drug-related cases and matters relating to national security.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. However, the 1987 Foreign Interference Act bans foreign participation in local politics during the period leading up to elections. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

Diverse views are expressed in four daily newspapers, seven weeklies, and five Sunday editions. A total of 6 television stations, a commercial cable network, and 19 radio stations function freely.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The state-supported religion is Roman Catholicism. The Government and the Catholic Church participate in a foundation that finances Catholic schools. The church transferred nonpastoral land to this foundation as part of the 1991 Ecclesiastical Entities Act. Parts of the proceeds accruing from the dispersal of the land are transferred to the foundation to support free education of church school students. Students in government schools may decline instruction in Catholicism.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not arbitrarily restrict movement within the country, foreign travel, or emigration. A court order may prohibit the departure from the country of anyone who is the subject of a formal complaint alleging non-fulfillment of a legal obligation, such as the nonpayment of a debt or nonsupport of an estranged spouse.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The passage of a new refugee law in February expanded due process and the protection available to refugee applicants and formalizes what had been a system of de facto refugee status. However, enabling legislation and regulations had not been implemented by year's end. Under the law, the position of commissioner for refugees, as well as an appeals board will be established. In addition to the current humanitarian temporary protected status, the law provides for refugee status, access to free social services and education, residence permits, and travel documents. Work permits for refugees are issued on a case-by-case basis.

The UNHCR considers approximately 165 immigrants to be refugees and another 215 to be applicants. The authorities expel or repatriate those determined to be ineligible for refugee status. However, the Government did not force the return of any persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are underrepresented in government and politics. In the September 1998 elections, six women were elected to Parliament, three in each party, and one received a ministerial post. The Government has taken steps to include more women in civil service and other government positions.

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

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views.

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

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex. The Government respects this prohibition. Alleged victims of job discrimination may apply directly for relief to the Employment Commission of the first hall of the Civil Court in the appropriate jurisdiction.

Women.—Domestic violence against women is a problem. During the first 6 months of the year, 235 cases of domestic violence were reported to the Police Domestic Violence Unit. A special police unit and several voluntary organizations provide support to victims of domestic violence. For women who are threatened or physically abused, the Government also maintains an emergency fund and subsidizes shelters. During the year, 53 women used the shelters.

The Government set up a hot line in 1996 to assist victims of abuse through counseling and through referrals to legal assistance and shelters.

A committee was set up during 1998 to review existing family legislation and propose amendments dealing with domestic violence. Its findings were under consideration by the Government.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Rape and violent indecent assault carry sentences of up to 10 years imprisonment. The law treats spousal rape the same as other rape. Divorce and abortion are not legal.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education. While women constitute a growing portion of the work force, they are underrepresented in management. Cultural and traditional employment patterns often direct them either into traditional "women's jobs" (such as sales clerk, secretary, bank teller, teacher, or nurse) or into better paying jobs in family-owned businesses or select professions (e.g., academia or medicine). Therefore women generally earn less than their male counterparts.

Women's issues are handled by the Department of Women's Rights under the Minister of Social Policy. The Minister is a prominent member of the Government who is also Deputy Prime Minister and the Nationalist Party's deputy leader. Legislation enacted in 1993 granted women equality in matters of family law, and a 1991 constitutional amendment committed the Government to promote equal rights for

all persons regardless of sex. The Government has taken steps to ensure that legislation is gender neutral to the degree possible. Redress in the courts for sexual discrimination is available. The Government's policy on gender abandoned the concept of introducing gender-based quotas in the civil service. The Government is sponsoring a report to study the prevalence of sexual harassment.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and health care. It provides compulsory, free, and universal education and free health care for children through age 16. The Government voices concern for children's rights and welfare but addresses those concerns within family law. In September the Government signed the Protocol to the UN Convention on the Rights of the Child and the Nairobi Protocol.

There is no societal pattern of abuse of children. The number of reported cases of child abuse has grown as public awareness has increased. For the first 6 months of the year, 434 cases of child abuse were reported. The introduction of a "helpline" telephone number to report suspected cases of child abuse has been effective.

People with Disabilities.—The law provides for rights for the disabled. The Persons with Disabilities Act built on provisions in the 1969 (public employment) and 1992 (accessibility) laws. The new law requires the private sector to apply equal employment guarantees already in place in the public sector. During the year for the first time, private development project plans must include access for the disabled. Government and private sector efforts to advance the status of the disabled are improving.

National/Racial/Ethnic Minorities.—Approximately 2,000 men of North African origin are married to Maltese women. This community has a mosque and a separate school.

Owners of some bars and discos reportedly discourage or prohibit darker-skinned persons from entering. In a February report, the leisure industry acknowledged that such incidents do occur and recommended corrective steps to both the Government and industry. In September the Government announced that it plans include criminalization of "racial hatred" in proposed amendments to the Criminal Code.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to associate freely and to strike, and the Government respects these rights in practice. Only noncivilian personnel of the armed forces and police are prohibited from striking. There are 36 registered trade unions, representing about 50 percent of the work force. Although all unions are independent of political parties, the largest, the General Workers' Union, generally is regarded as having close informal ties with the Labor Party.

Under the Industrial Relations Act of 1976, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization Committee of Experts objects to a provision of the act that permits compulsory arbitration to be held at the request of only one of the parties, but neither unions nor employers appear to object to this provision. In practice a striking union can ignore an unfavorable decision of the Tribunal by continuing the strike on other grounds. During the first 6 months of the year, one strike was referred to the Industrial Tribunal.

There is no prohibition on unions affiliating internationally.

b. The Right to Organize and Bargain Collectively.—Workers are free, in law and practice, to organize and bargain collectively. Unions and employers meet annually with government representatives to work out a comprehensive agreement regulating industrial relations and income policy.

Under the Industrial Relations Act, an employer may not take action against any employee for participation or membership in a trade union. Complaints may be pursued through a court of law, through the Industrial Tribunal, or through the Tribunal for the Investigation of Injustices (presided over by a judge of the Superior Court); however, most disputes are resolved directly between the parties. Workers fired solely for union activities must be reinstated.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not known to occur.

The Government prohibits forced and bonded labor by children and enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children younger than age 16. This injunction generally is respected, but some underage children were employed during summer months, especially as domestics, restaurant kitchen help, or vendors. The Department of Labor

enforces the law effectively, but it is lenient in cases of summer employment of underage youths in businesses run by their families. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The weekly legal minimum wage is \$96 (44 Maltese liri) for persons under age 17; \$99 (45 Maltese liri) for 17-year-olds; and \$105 (48 Maltese liri) for persons age 18 and over. Additionally a mandatory bonus of \$10 (4 Maltese liri) per week is paid. This minimum wage structure provides a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulate work hours; for most sectors the standard is 40 hours per week, but in some trades it is 43 or 45 hours per week.

Government regulations prescribe a daily rest period, which is normally 1 hour. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor effectively enforces these requirements.

Enforcement of the 1994 Occupational Health and Safety (Promotion) Act is uneven, and industrial accidents remain frequent. Workers may remove themselves from unsafe working conditions without jeopardy to their continued employment.

f. Trafficking in Persons.—No law specifically prohibits trafficking in persons, although traffickers may be prosecuted under the Immigration Act for unlawful entry or unregulated status.

There were no reports that persons were trafficked to, from, through, or within the country.

MOLDOVA

Moldova gained its independence from the Soviet Union in 1991 and in 1994 adopted a constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. International observers considered the 1996 presidential and 1998 parliamentary elections to be free and fair, but authorities in the separatist Transnistrian region interfered with citizens' ability to vote. President Petru Lucinschi's 4-year term ends in January 2001. The Parliament, which was dismissed at the end of the year, was composed of: The Communist Party with 40 seats, centrist parties with 39 seats, a rightwing party with 9 seats, and 13 independents. The Parliament amended the 1994 Constitution on July 21 by voting to transform the country into a parliamentary republic, significantly reducing the President's powers and changing the presidential election from a popular to a parliamentary vote. The amendment also eliminated the President's ability to introduce legislation for Parliament's consideration. The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence continued to increase.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered into negotiations with the national Government on the possibility of a special status for the region. Progress in resolving the ongoing conflict has been blocked by the separatists' continuing demands for statehood and recognition of the country as a confederation of two equal states. The Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, and Ukraine act as mediators. The two sides generally have observed the cease-fire of 1992, which ended armed conflict between them, but other agreements to normalize relations often have not been honored. In the second half of the year, Russian State Commission chairman Yevgeniy Primakov launched a new initiative for a resolution of the Transnistrian issue. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor (Bashkan) and 35 deputies to their Popular Assembly in free and fair elections in September 1999. The stability of the agreement on autonomy was put in doubt as differences developed between the Gagauz and central authorities over the distribution of tax revenues, budget allocations, and property ownership.

The Ministry of Internal Affairs has responsibility for the police. The Ministry of National Security renamed by Parliament the Information and Security Service (ISS) was placed under Parliament's control. The Border Guards are no longer under ISS control, but are a separate agency. The ISS has the right to investigate, but not to arrest. The Constitution assigns to Parliament the authority to investigate the activities of the Ministry of Internal Affairs and the ISS, and ensures that they comply with existing legislation. Some members of the security forces com-

mitted a number of human rights abuses. General Aleksei, the head of the Anti-Organized Crime and Corruption Department under the Ministry of Internal Affairs, was suspended from his position and is under investigation for misuse of funds. The General Prosecutor's office is conducting the investigation, which was still ongoing at year's end.

The country continued to make progress in economic reform. International observers viewed the Government of Prime Minister Braghis as strongly proreform. The economy is largely based on agriculture. Citizens and foreigners can buy and sell land at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. Over 900 of approximately 1,000 large collective farms have applied for the Government's land privatization program. By year's end, approximately 634,000 landowners have received title to almost 1.7 million plots of land. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The gross domestic product (GDP) is estimated officially at about \$312 (3900 lei) per capita but may be considerably underestimated because of activity in the large shadow economy and underreporting for tax purposes. According to some estimates, the shadow economy accounts for about two-thirds of the national economy. The officially reported median salary is \$33 per month (410 Moldovan lei). According to government statistics about 80 percent of the population lives below the poverty level and 20 percent of the population is classified as extremely poor. Some 65.4 percent of the poorest people live in rural areas. According to the results of the Government's household budget survey for the first quarter of the year, the monthly disposable income per person was about \$15.50 (193 Moldovan lei) and 92 percent of the population lives on less than \$1 per day. A majority of citizens cannot afford to buy fish, meat, milk and other dairy products on a regular basis. Malnutrition is recognizable in the rates of anemia for children, and the percentage of young men not physically fit for military service. The infant mortality rate is increasing, life expectancy is decreasing, and deaths in childbirth are increasing. The GDP increased by 1.9 percent during the year. GDP per capita was \$353 (439 Moldovan lei). A program privatizing state-owned enterprises and real estate based on vouchers issued to all citizens is complete. The exchange rate remained stable for most of the year, with local currency depreciation in the beginning of the year and its slow appreciation in mid-year. Inflation for the year was 18.4 percent. The country has considerable foreign debt. The economic situation is worse in Transnistria.

The Government generally respects the human rights of its citizens; however, there were problems in some areas. The police occasionally beat and otherwise abused detainees and prisoners. Prison conditions remained harsh, with attempts to improve them are hampered by lack of funding. While the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence continued to increase. It is widely believed that security forces monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. The Constitution potentially limits the activities of the press, political parties, and religious groups. In the past, journalists have practiced self-censorship, due to fear of protracted legal battles. A recent Supreme Court decision tightened the requirements for bringing such suits. The law also imposes restrictions on some religious groups. Societal discrimination and violence against women persisted. The Constitution allows parents the right to choose the language of education for their children. Trafficking in women and girls was a very serious problem.

The Transnistrian authorities continued to be responsible for abuses, including questionable detentions, harassment of independent media, restrictions on freedom of religion, and discrimination against Moldovan/Romanian speakers.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings in the country or its separatist region.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment; however, there were credible reports that police sometimes beat and abused prisoners or suspects.

From April 17 to 19, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges (see Section 2.b.). Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed

and the students were subsequently released. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end. Subsequent protests over wage arrears were peaceful (see Section 1.d.).

A businessman alleged that the police kidnaped his brother for 3 days in July 1999. The police reportedly tortured him, then released him after charging him with drunkenness and resisting arrest. The businessman also charged that this was a case of racketeering and involved persons from the prosecutor's office as well as the police. The Prosecutor's Office announced in December 1999 that physical assault charges were pending against three police officers, but the case was dismissed on April 17 for lack of evidence. There was no investigation into the racketeering charges.

Conditions in most prisons remain harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or minimum international standards. Conditions are especially harsh in prisons used to hold persons awaiting trial or sentencing. These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences are better only marginally. According to the 1999 Human Development Report of the United Nations Development Program (UNDP), 2.3 percent of the total number of inmates are children. There are separate facilities for children and teenaged prisoners; most are in detention camps. The incidence of malnutrition and disease, especially tuberculosis, is high in all facilities. The medical section of the Department of Penitentiaries released figures of 1,871 inmates with tuberculosis and 124 with HIV/AIDS. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continued at diminished levels. The Ministry of Justice administers the prison system. Attempts to improve prison conditions are frustrated by a lack of financing.

Human rights monitors are permitted to visit prisons. Local and international human rights monitors were allowed to visit prisons in Moldova, and Council of Europe (COE) monitors were allowed to visit some prisoners in Transnistria; however, COE monitors were not allowed to inspect prisons in Transnistria.

After questionable trials in 1993, four ethnic Moldovans continued to serve sentences in Transnistria for alleged terrorism-related crimes (see Section 1.e.). At the end of July 1999, one of the four, Ilie Ilascu, wrote a letter to the press claiming to be on his 77th day of a hunger strike and alleging a number of abuses by the Transnistrian authorities. A member of the OSCE mission visited him in July 1999 and observed that he did not appear to be in imminent danger. At the end of 1999, he still was claiming to be on a hunger strike. In December 1999, the wives of all four complained that they were not able to visit, although they were allowed to send food. In March a Commonwealth of Independent States (CIS) official visited Ilascu, but OSCE members were not allowed to accompany him. None of the visitors made any observation of imminent danger to the state of health of the prisoner. In May Moldovan Parliamentary President Diacov visited Ilascu. This was the first time a senior government official met with him. The visit was filmed and televised by local television stations (see Section 1.e.). The International Committee of the Red Cross (ICRC) visited these prisoners in 1992 and again in 1993 in Tiraspol, but later were denied visitation. The ICRC continued negotiating with Transnistrian officials at year's end to visit the prisoners with an international medical team. In June the Government of Moldova officially requested a retrial of the Ilascu group in a third country OSCE member state. In August Ilascu himself conveyed to a visiting Council of Europe official that he wanted a retrial. Some OSCE member states are considering the Government's request; however, at year's end, no state had yet confirmed its willingness to do so.

d. Arbitrary Arrest, Detention, or Exile.—The former Soviet Code on Penal Procedure remains in force with some amendments, and authorities respect its provisions. New penal and civil codes and the Code on Punishment for Minor Offenses were undergoing hearings in Parliament. The July session of Parliament decided that the Prosecutor General's office would no longer supervise the implementation of laws. Its function was restricted to criminal prosecution, presentation of formal charges before a court, and overall protection of the rule of law and civil freedoms. The Prosecutor General's office is under the judiciary branch. A law was passed during the year to make the Prosecutor General's office an independent body within the Supreme Council of Magistrates. Judges issue arrest warrants based on cases being presented by prosecutors. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect normally is allowed family visits during this period. The 24-hour time limit is not always respected, especially if a person is arrested late on a Friday or on a weekend. If charged a suspect may be released on personal recognizance or pending trial. There is no system of bail, but in some cases,

in order to arrange release, a friend or relative may give a written pledge that the accused will appear for trial. Suspects accused of violent or serious crimes generally are not released before trial.

The Constitution permits pretrial arrest for an initial period of 30 days, which may be extended up to 6 months. Detentions of several months are fairly frequent. In exceptional cases, Parliament may approve extension of pretrial detention on an individual basis of up to 12 months. The accused has the right, under the Constitution, to a hearing before a court regarding the legality of his arrest. According to figures provided by the Ministry of Justice, 3,477 persons of a total prison population of 9,449, were held in confinement awaiting trial at year's end (these statistics do not include persons held in Transnistria).

According to the Constitution, a detained person must be informed immediately of the reason for his arrest and must be made aware of the charges as quickly as possible. The accused has the right to a defense attorney throughout the entire process, and the attorney must be present when the charges are brought. Many lawyers point out that access to a lawyer generally is granted only after a person has been detained for 24 hours. If the defendant cannot afford an attorney, the State requires the local bar association to provide one. Because the State is unable to pay ongoing legal fees, defendants often do not have adequate legal representation.

From April 17 to 19, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges (see Section 2.b.). Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed and the students were subsequently released. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end (see Section 1.c.).

The Transnistrian authorities have imposed a state of emergency that allows law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually have been applied to persons suspected of being critical of the regime and sometimes last up to several months. According to a credible report by Amnesty International (AI), many pretrial detentions in Transnistria fit this description; however, there were no reports that Transnistrian authorities used this provision during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch has exerted undue influence on the judiciary. Many observers believe that arrears in salary payments also make it difficult for judges to remain independent from outside influences and free from corruption. There were continuing indications during the year that judicial independence was increasing.

Since 1997 prosecutors have the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. The Constitution provides that the President, acting on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. This provision for judicial tenure is designed to increase judicial independence. Beginning during the year, judges being considered for reappointment were required to take a specialized training course at the Judicial Training Center. At the end of this training, they are tested. The test is evaluated by the Superior Council of Judges and the results are considered when making reappointment decisions. This process was designed to increase the professionalism of the judges.

The judiciary consists of lower courts of the first instance, five appellate courts (tribunals), a Higher Court of Appeals, a Supreme Court, and a Constitutional Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal.

By law defendants in criminal cases are presumed innocent. In practice prosecutors' recommendations still carry considerable weight and limit the defendant's actual presumption of innocence. Trials generally are open to the public. Defendants have the right to attend proceedings, confront witnesses, and present evidence. Defense attorneys are able to review the evidence against their clients when preparing cases. The accused enjoys a right to appeal to a higher court. Because of a lack of funding for adequate facilities and personnel, there is a large backlog of cases at the tribunal and Higher Appeals Court levels. Court decisions involving the restitution of salary or a position are not always implemented.

To date no pattern of discrimination has emerged in the judicial system. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Moldovan/Romanian.

There continued to be credible reports that local prosecutors and judges extort bribes for reducing charges or sentences. In January 1999, a judge in the Chisinau economic court was arrested for allegedly accepting a bribe to reduce a fine against a firm. He was convicted and sentenced to 10 years in prison.

Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

The Constitutional Court showed signs of increasing independence during the year. The Court reviewed 90 cases during the year, a 40 percent decrease from 1999. The Court declared unconstitutional 16 laws, 1 parliamentary decision, and 4 government acts. In the period since Parliament passed the July 5 amendment to the constitution, the court has been called upon to issue a number of rulings on the interpretation of the amendment and subsequent implementing legislation. Despite the political rivalry between the President and the Parliament, the court's decisions have generally been regarded as fair and objective. On October 10, the Court ruled recent legislation requiring political parties be registered for 2 years before participating in elections to be unconstitutional.

There were no reports of political prisoners outside Transnistria.

In Transnistria four ethnic Moldovans, members of the "Ilascu Group," (one of whom, Ilie Ilascu, is an elected member of the Romanian Parliament but has never been able to take his seat) remained in prison following their conviction in 1993 for allegedly killing two separatist officials (see Section 1.c.). International human rights groups raised serious questions about the fairness of the trial; local organizations alleged that the Moldovans were prosecuted solely because of their membership in the Christian Democratic Popular Party (PPCD), a Moldovan political party that favors unification with Romania. Family members have been allowed access. In April 1999, the Ilascu Group filed a case with the European Court of Human Rights (ECHR) against the Government of Moldova and the Russian Federation. In June 1999, the ECHR registered the case and began examining it. The ECHR notified both Governments during the year that it would hear the case and ordered them to file their responses by September 25. Both governments submitted their documents on October 25, which were sent by the ECHR to the Ilascu Group's lawyers. Lawyers for the Ilascu Group are scheduled to present their case before the ECHR in January 2001. The President of the Parliament of Moldova, Dumitru Diacov, visited Ilascu on May 16. This was the first time a senior government official met with Ilascu. The visit was filmed and then broadcast by local television stations. International organizations continued to pressure the Transnistrian authorities to retry the Ilascu Group in another OSCE-member state; however, by year's end no country had expressed willingness to retry them. In July 1999, the Transnistrians issued a moratorium on capital punishment, which in effect suspended implementation of Ilascu's death sentence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Prosecutors issue search warrants; however, in some instances searches are conducted without warrants. Courts do not exclude evidence that was obtained illegally. There is no judicial review of search warrants. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. It also forbids searches at night, except in the case of flagrant crime.

It is widely believed that security agencies continue to use electronic monitoring of residences and telephones without proper authorization. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is under way. In practice the prosecutor's office lacks the ability to control the security organizations and police and prevent them from using wiretaps illegally.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press, although with some restrictions. The Government does not limit freedom of speech, and the print media express a wide variety of political views and commentary. National and city governments subsidize a number of newspapers, but political parties and professional organizations, including trade unions, also publish newspapers. Most newspapers have a circulation of less than 5,000.

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these independent media still are in the service of a political movement, commercial interest, or foreign country, and secure large subsidies from these sources. There are several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. There are three independent television stations in the Chisinau area and one in the city of Balti. The Government owns and oper-

ates several radio stations and a television station that covers most of the country. A number of local governments, including Gagauzia, operate television and radio stations. The Association of Electronic Press was founded in September 1999. The Association of Independent Press was founded in July 1997.

The 1995 Moldovan Audiovisual (AV) law requires a minimum of 65 percent of broadcasting be in the state (Moldovan/Romanian) language. The law did not specify if the 65 percent rule applied to all broadcast content or only that locally produced. In August the Audio-Visual Council (AVC) suspended the licenses of two radio stations and two television channels for their failure to respect the 65 percent requirement. On September 20, the Court of Appeals affirmed the revocation of the licenses and ordered the AVC to enforce the revocation. A court case brought by the Club of Romanian and Western University Graduates, against a number of other stations for failure to respect the 65 percent rule, was decided in favor of the plaintiffs. This decision forced the AVC to suspend the licenses of several other radio and television stations. This decision caused much controversy within the country and abroad. The Transnistrian authorities immediately proclaimed it further proof of their need to be independent of Chisinau. The Communist faction in Parliament demanded that the court decisions be annulled and the audiovisual legislation be modified. Several groups, among them the Student Association at the Academy of Economic Studies and a group of performing artists and composers, spoke out against the closure of television and radio stations under this law, as did the OSCE High Commissioner for National Minorities and the Head of the OSCE mission in Moldova. The law also elicited strong criticism from Russia. The television and radio stations continued broadcasting despite suspension of their licenses, because the AVC had no real means to enforce the suspension. In October Parliament passed an amendment to the AV law, specifying that the 65 percent rule applied only to locally produced broadcast content. This allowed the AVC to reinstate the suspended licenses, because the affected stations were primarily repeater stations for foreign produced material.

The Constitution restricts press freedoms, forbidding "disputing or defaming the State and the people" and political parties that "militate" against the country's sovereignty, independence, and territorial integrity. These restrictions lack implementing legislation and are not invoked. In the past, criticism of public figures had resulted in a number of lawsuits. Consequently to avoid lengthy lawsuits, journalists practiced self-censorship. The Supreme Court in 1999 overturned an article in the Civil Code that allowed public figures to sue for defamation without distinguishing between their public and private persons. Under the Court's 1999 ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since the 1999 decision, the plaintiffs generally have lost in cases where suits have been filed against journalists and media organs.

Legislation was passed in May giving access to public information. Journalists and ordinary citizens now have the right to obtain information from government organizations, which must also provide a timetable of when they will supply the information; however, at year's end the Government had not yet put into place the necessary mechanisms to respond to public inquiries.

The Government does not restrict foreign publications. However, Western publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish a special Moldovan weekly supplement. The country receives television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers receive a variety of foreign cable television programs. Parliament prohibited the use of locally based foreign media outlets from accepting political ads and publishing editorials in favor of a particular candidate. Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There is one independent newspaper in Tiraspol and one in the northern Transnistrian city of Ribnitsa. At times the independent newspapers criticize the Transnistrian regime and have been harassed by separatist authorities. Other print media in Transnistria do not have a large circulation and appear only on a weekly or monthly basis. Nonetheless some of them also criticize local authorities. The one independent television station is trying to enlarge its broadcast radius, but produced less than 10 hours of programming per week. The official Transnistrian television station, which previously had enjoyed a virtual monopoly of advertising revenues, continued to resist the independent station's expansion. Most Moldovan newspapers do not circulate in Transnistria although they are available in Tiraspol. Circulation of all print media in Transnistria is hampered by the closed nature of the society. The independent newspaper in Tiraspol, the *Novaya Gazeta*, was effectively shut down from January to August 1999 through the repeated confiscation of its press run by the

Transnistrian authorities. Authorities did not present search warrants or court orders authorizing these confiscations. After a number of legal proceedings in which Transnistrian courts ruled the interventions illegal, and an intervention by the OSCE, the newspaper began to publish again in August 1999, although with a sharply limited circulation and under a modified name (Samya Novaya Gazeta). An independent newspaper in Ribnitsa was almost put out of business by two costly libel suits by local officials during the year.

Article 34.5 of the Constitution prohibits censorship and the Government does not officially censor books, films, or any other media; however, members of Parliament and other government officials often contact a media outlet with complaints about their reporting, which usually results in the criticism being toned down. Internet access is not limited by the government, but is prohibitively expensive; however, Internet cafes are plentiful in major cities.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to peaceful assembly, and authorities respected this right in practice. Mayors' offices issue permits for demonstrations; they may consult the national government if a demonstration is likely to be extremely large. On March 20, approximately 5,000 teachers and other protesters went on strike in front of the government building, protesting the nonpayment and low level of teachers' salaries. Although over 500 police officers and cadets were present with riot gear and gas masks, the protest remained peaceful.

From April 17 to 19, violent clashes took place between police and as many as 20,000 students, reportedly from every higher education institution in Chisinau, protesting the municipal decision to cancel the students' free public transportation privileges. Both police and students sustained serious injuries, including broken arms and legs (see Section 1.c.). It is estimated that some 400 students were detained over the 3 days. The incident was currently under investigation by the Chisinau municipal prosecutor's office at year's end.

On September 7, about 180 pensioners and others demonstrated peacefully in downtown Chisinau against the municipal withdrawal of free transportation on trolleys and buses for pensioners. The pensioners later enlarged their grievances to include a call for a larger increase in the size of pension deemed necessary to maintain a decent standard of living. Approximately 2,500 pensioners returned to protest on November 1, demanding an increase in their monthly payments and the provision of free public transportation. In December pensioners staged a small, peaceful demonstration protesting pension arrears; there was a similar demonstration in support of veterans who had illegally occupied a building earmarked for parliamentary delegates. Police did not use force at any of the demonstrations.

The Constitution states that citizens are free to form parties and other social and political organizations, and authorities respected this right in practice. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution forbids parties that "militate against the sovereignty, independence, and territorial integrity of Moldova." A total of 30 parties met the requirement of the October 1998 law requiring 5,000 members and are registered officially. An amendment to this law, which required that parties must have been registered for at least 2 years before taking part in elections, was ruled unconstitutional by the Constitutional Court in October. Parties registered for less than 2 years will therefore be allowed to participate in February 2001 elections.

c. Freedom of Religion.—The Government generally permits the free practice of religion; however, a 1992 law on religion that codifies religious freedoms contains restrictions that could and in some instances did—inhibit the activities of some religious groups. The law provides for freedom of religious practice, including each person's right to profess his religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. The procedures for registering a religious organization are the same for all groups. In the territory under effective control of the Moldovan authorities the Bessarabian Orthodox Church is the only religious group presently denied registration.

Several religious organizations face difficulties registering or conducting religious activities in the area under control of the Transnistrian authorities.

The law on religion as amended to legalize proselytizing—in principle bringing the legislation in line with the ECHR—went into effect in June 1999. However, the law on religion explicitly forbids "abusive proselytizing." Abusive is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." Although some Protestant groups were concerned that the previous prohibition on

proselytizing could inhibit their activities, the Government has not taken legal action against individuals for proselytizing.

Although Eastern Orthodoxy is not designated in the law on religion as the official religion, it continued to be a strong religious force and exerted significant influence. A notable example has been that of the Bessarabian Orthodox Church. The Government denied recognition to the Bessarabian Orthodox Church in October 1992, March 1996, August 1996, and March 1997. The Bessarabian Orthodox Church was formed in 1992 when a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Nistru and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. The Government consistently has refused to register the Bessarabian Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The issue has political as well as religious overtones, because it raises the question whether the Orthodox Church should be united and oriented toward Moscow, or divided with a branch oriented toward Bucharest. (Leaders of the Moldovan Orthodox Church appear more interested in independence than in links to Moscow.) In 1997 the Supreme Court overturned an appellate court decision affirming the right of the Bessarabian Church to register with the Government. However, the Supreme Court's decision was based on a procedural issue rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court of Human Rights in June 1998. The Government submitted its response in February, arguing that registering the Bessarabian Church would interfere with an internal matter of the Moldovan Orthodox Church. There was no decision by year's end.

In January 1998, authorities in Transnistria canceled the registration of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials regularly confiscate religious tracts from members of Jehovah's Witnesses, most recently in January, because the group is not registered properly. According to local leaders of Jehovah's Witnesses, two preachers were arrested and detained for several days in April 1999. The Church of the Living God has been denied registration in five towns in Transnistria. Baptist leaders have complained that they are not allowed to distribute religious literature or organize public meetings in Transnistria. Non-Orthodox groups complain that they generally are not allowed to rent property and often are harassed during religious services.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to travel freely; however, there are some restrictions on emigration. Close relatives with a claim to support from the applicant must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets. However, such cases are very rare, and none were reported during the year. It is generally accepted that a large number of Moldovan citizens are working in foreign countries without having legal status in those countries. Figures on emigration from a variety of official Moldovan sources are statistically inaccurate; however, current government estimates claim that between 600,000 and 800,000 Moldovans are illegally working outside the country due to economic depravation. Estimates indicate that the majority of them are working in Russia, Romania, Ukraine and Bulgaria. There also are occasional news stories of arrests of illegal Moldovans in South Africa and South Korea. The Interior Ministry reported in October that 2,240 Moldovan citizens working illegally abroad had been extradited back to the country.

Travel between Transnistria and the rest of the country is not prevented. There are regularly scheduled buses and trains. However, the separatist authorities often stop and search incoming and outgoing vehicles. In May 1999, the Moldovan Government established fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria.

Moldova is not a party to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government has no processing procedures for potential refugees resident in the country. According to a representative of the U.N. High Commission for Refugees (UNHCR) about 10 to 15 people per month arrive in Moldova seeking refuge. Many originate in Chechnya, Iraq, Sudan, Afghanistan and Nigeria. Most are detained at the airport until they can be deported. The Chechens, Russian speakers who physically resemble resident Moldovans, are more successful in gaining admission. The Government formally started cooperating with the UNHCR in late 1997.

The approximately 60 to 100 Chechen refugees who arrived in Moldova during the year led to controversy between the Government and the UNHCR over the extent

of legal protection refugees should receive. According to a UNHCR representative, the authorities frequently fail to inform the UNHCR of the arrival of refugees or disregard UNHCR guidance and advice. At the urging of the UNHCR, the Government accelerated the submission of a law on refugees to the Parliament, but it had not been passed by year's end.

The issue of providing first asylum has never arisen formally. There were no official reports of the forced return of persons to a country where they feared prosecution; however AI reported a case in which such a forced return took place. According to AI, a Kurdish Turk, allegedly a leader in the Kurdistan Workers Party (PKK), was seized on July 13 by unidentified men in Chisinau and flown to Turkey where he faces charges that could carry a death sentence. Local human rights organizations charge that the Government failed to follow correct procedures in the case. There are allegations that national security officers were involved; however, the authorities deny them.

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

Citizens have voted in multiparty presidential and parliamentary elections in 1996 and 1998 respectively. International observers considered the elections to be free and fair, but Transnistrian authorities have interfered with citizens' ability to vote in these elections.

The Constitution adopted in 1994 provided for the division of power among the popularly elected President, the Cabinet, the Parliament, and the judiciary. The President as Head of State, in consultation with the Parliament, appoints the Cabinet and the Prime Minister, who functions as the head of government. A minister can be dismissed only with the assent of the Prime Minister. Some observers believe that the Constitution does not define adequately how executive powers are to be shared between the President and the Prime Minister. The President held a non-binding referendum in May 1999, asking if citizens wanted a stronger presidency. Based on a 65 percent positive response, the President proposed an initiative to revise portions of the Constitution in August 1999. The proposal sought to create a "presidential republic" with more power in the hands of the chief executive. Two groups of parliamentarians presented alternative constitutional amendments to create a "parliamentary republic." On July 5, Parliament acted on the proposals and voted to amend the 1994 Constitution to transform the country into a parliamentary republic, significantly reducing the president's powers and changing the presidential election from a popular to a parliamentary vote. The bill was sent to the President who vetoed it and sent it back to parliament. The Parliament overrode the veto on July 21 and the bill became law.

In September Parliament passed implementing legislation. According to this legislation, three-fifths of the vote in Parliament are required to elect a candidate, and the vote must be held by secret ballot. If Parliament fails to elect a candidate in the first round of voting, a runoff can be held between the two leading candidates. If the runoff fails to produce a winner, another vote can be held within 15 days. If Parliament fails to elect a president after the second round of voting, the sitting President can dissolve Parliament.

On December 1, Parliament held the first round of the presidential election. Two candidates competed for the position of President: Communist Party leader Vladimir Voronin and Constitutional Court President Pavel Barbat. Several Parliamentarians did not respect the secret ballot and the results of the first round of voting were declared invalid by the Constitutional Court. A repeat of the first vote was held on December 4. Neither candidate secured the necessary

three-fifths majority of the vote, therefore a runoff was held on December 6; however, both candidates were again unsuccessful in securing a three-fifths majority. A second round of voting on December 21 ended in disarray when several parties boycotted the vote, preventing Parliament from achieving the required quorum to hold the vote. The Constitutional Court however ruled that the December 21 Parliamentary session, although unsuccessful, constituted the legal second round of elections. Thus on December 31, Moldovan President Petru Lucinschi dissolved the Parliament and scheduled new parliamentary elections for February 25, 2001. His decision to dissolve Parliament was made on the grounds that Parliament had failed to elect a new president according to the constitutional procedure and timeframe, a position supported by the Constitutional Court.

The Constitution states that citizens are free to form parties and other socio-political organizations. However, the controversial Article 41 of the Constitution states that organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are unconstitutional. Small parties that favor unification

with neighboring Romania have charged that this provision is intended to impede their political activities. The Association of Victims succeeded in registering as a political party, but a request to change its name to the National Romanian Party, was refused. Following an appeal, the Court of Appeals ruled that the organization could change its name. The Ministry of Justice followed the decision of the Court of Appeals and registered the party under its new name in December.

A law on administrative and territorial reform went into effect in January 1999 and reduced the number of administrative districts from 42 to 12. New districts included the municipality of Chisinau, the Gagauz autonomous region, and the Transnistrian region. Citizens voted for mayors and newly created district and municipal councils in May 1999 elections. Twenty-three parties and a number of independent candidates participated in the campaign. Although the parties in Parliament won most of the posts, a leftist party, not in Parliament, gained several positions in the north, and independents were elected throughout the country. Transnistrian authorities did not allow citizens to vote in their region. The Gagauz did not participate in the May 1999 elections but held separate elections in September 1999 for governor (Bashkan) and 35 deputies to its Popular Assembly.

In 1991 separatist elements, assisted by uniformed Russian military forces in the area and led by supporters of the 1991 coup attempt in Moscow, declared a "Dniester Republic" in the area of the country that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992 but ended after Russian forces intervened, and a truce has held since. Russian, Ukrainian, and OSCE mediators have attempted to encourage the two sides to reach a settlement that preserves Moldovan sovereignty and independence while granting a measure of autonomy to Transnistria. In 1997 the Transnistrian authorities signed a memorandum of understanding with the Government. Since then further negotiations have been inconclusive, and there was no significant progress towards a settlement by year's end. In August Russian State Commission chairman Yevgeniy Primakov launched a new initiative for a resolution of the Transnistrian issue. The initiative recommended the federalization of Moldova and the creation of a Russian-led OSCE peacekeeping force.

Women are underrepresented in leading positions both in government and political parties, although there are no restrictions in law or practice on the participation of women or minorities in political life. Women hold 8 of 101 parliamentary seats. All female parliamentarians formed a club in September 1999 to unite efforts to improve the social condition of women and children. The Association of Moldovan Women, a sociopolitical organization, competed in the 1998 parliamentary elections but was unable to gain parliamentary representation. Russian, Ukrainian, Bulgarian, and Gagauz minorities are represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate takes place in either the Moldovan/Romanian or Russian language, with translation provided.

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

Several local human rights groups exist. They operate without interference except in the Transnistrian region. The local Helsinki Watch Organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly. AI established a satellite office in Chisinau in 1997 and has become active in the country, although the authorities in Tiraspol impede its activities in the Transnistrian region. Amnesty, a local human rights nongovernmental organization (NGO) unaffiliated with Amnesty International, applied for registration in Transnistria, as required by the Transnistrian "Constitution." Their petition took 8 months to be approved (as opposed to the usual 2 months) and their members were called in separately by the police for questioning. Two members reported they had received veiled death threats.

Citizens may appeal to the ECHR in Strasbourg if they believe their rights have been violated or Moldovan laws are not in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). In the first half of the year, citizens filed 50 cases with the ECHR. The majority of the cases dealt with lack of social protection and salary and pension arrears accumulated by the Government. At year's end, none of the cases had been resolved. Most citizens are unaware of the convention and their rights to legal remedies in general.

Parliament passed the Law on Parliamentary Advocates in October 1997, which created three positions of parliamentary advocates (ombudsmen) and established an independent center for human rights. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for 5-year terms. A parliamentary advocate may only be removed from office by a two-thirds vote of Parliament, which gives them substantial independence. Parliamentary advocates are

empowered to examine claims of human rights violations and advise Parliament on human rights issues. Advocates also have the right to submit any legislation to the Constitutional Court for a review of constitutionality, even if no specific case has been brought before them. The advocates oversee the operation of a human rights center, which opened in April 1998 with the support of the U.N. Development Program. The center provides training for lawyers and journalists, visits jails, tries to influence legislation, and conducts seminars and training programs. In 1999 with financial aid from the Government of the Netherlands, it organized eight seminars and 17 training sessions on human rights issues. Of the approximately 7,300 complaints handled by the center this year, the majority involved private property violations, labor rights, access to justice, personal security, right to life and personal dignity issues. The center also held approximately 80 specialized seminars and educational training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students.

The Government has supported the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to resolve the separatist conflict. The OSCE participates in the Joint Control Commission-composed of Moldovan, Russian, Ukrainian, and Transnistrian members-which reviews violations of the cease-fire agreement. The mission generally enjoys access to the security zone along the river dividing the separatist-controlled territory from the rest of the country.

The Government has cooperated with the ICRC in the past, permitting visits to prisoners from the 1992 conflict. In August Transnistrian separatist authorities agreed in principle to allow the ICRC access to the four members of the original Ilascu Group, who have remained in prison since 1993 (see Sections 1.c. and 1.e.); however, the visit had not taken place by year's end.

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

The Constitution states that persons are equal before the law regardless of race, sex, disability, religion, or social origin. There are remedies for violations, such as orders for redress of grievances, but these are not always enforced.

Women.—Spousal violence is known to occur, although the Government does not keep official data on incidences of domestic violence. A prominent women's rights advocate asserts that one-half of women are victims of domestic violence. The Government supports educational efforts, usually undertaken with foreign assistance, to increase public awareness of this problem and to train public officials and law enforcement officials in how to address domestic violence. The Criminal Code does not specifically address crimes of domestic assault, and the Government rarely prosecutes domestic assault crimes under its general assault laws; however, women abused by their husbands have the right to press charges. Husbands convicted of such abuse may receive prison sentences (typically up to 6 months). There is no law on spousal rape. The Ministry of Internal Affairs reported 382 cases of spousal abuse cases during the year, including 95 resulting in serious bodily injury, 10 murder attempts, and 72 murders.

The First Lady and the mayor of Chisinau initiated a project in October 1999 to open a women's shelter in Chisinau. The city donated a former kindergarten to a private organization to operate the shelter, and a member of Parliament was named as executive director of the organization. By year's end, the shelter had not yet opened due to lack of funds. A private organization operates a confidential service to provide support to abused spouses, including a hot line for battered women. According to knowledgeable sources, women generally do not appeal to police or the courts for protection against abusive spouses because they are embarrassed to do so and are not convinced that the authorities would react positively, as the police generally do not consider spousal abuse a serious crime. The Ministry of Internal Affairs recorded 193 cases of rape and 22 cases of attempted rape, an 11 percent decrease from the same period in 1999. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

Trafficking in women is a very serious problem (see Sections 6.e. and 6.f.).

The law provides that women shall be equal to men; however, according to statistics, women have been affected disproportionately by growing unemployment. By law women are paid the same as men for the same work, although they still are victimized by societal discrimination. There are a significant number of female managers in the public sector and in banking. The president of the country's largest bank is a woman.

Children.—There is extensive legislation designed to protect children, including extended paid maternity leave and government supplementary payments for families with many children. Free, basic education is compulsory for 9 years, and may be followed by either technical school or further study leading to higher education.

The requirement can change at the discretion of the Minister of Education or budgetary constraints. During the year, many inadequately funded schools in the countryside started charging parents for their children's education. While not technically illegal, it runs counter to the educational guarantees of the government. This resulted in many children being kept at home by their parents. Children are sent to work in the fields or to find other work in violation of the child labor laws. Some credible estimates state that as many as 25 percent of the students in the countryside are no longer in school. The health system devotes extensive resources to childcare.

There are no statistics on child abuse, but it is believed to be widespread. Observers allege that women begging on the streets of Chisinau often sedate their babies in order to spend long hours begging without having to take time out to attend to their babies' needs. Child support programs suffer from inadequate funding.

The situation of children in the country's orphanages is generally very bad. Official estimates put the number of orphans at about 10,000, although NGO's estimate up to 30,000 children. Among the major problems are insufficient food, warehousing of children, lack of heat in the winter, and disease. Most of these problems are caused by lack of funding. One orphanage director lost his job for selling the food earmarked for the children on the black market. He also was rumored to have sterilized forcibly a teenage girl in his care.

Homeless children live on the streets of Chisinau and other large urban areas. Reliable statistical information is not available, although estimates were as high as 1,000 in 1998.

The Ministry of Internal Affairs announced in December 1999 that it had uncovered a network trafficking children for purposes of adoption between Moldova and Uzbekistan. According to the Ministry, 18 children, most of them under one year of age, were sold in Tashkent during 1998 and 1999 for an average price of between approximately \$2,000 and \$3,000 (approximately 25,000 "37,000 Moldovan lei). The Ministry of National Security stopped a similar ring that trafficked children between Moldova and Israel in 1995.

Trafficking in girls for forced prostitution between the ages of 15 to 18 years is a very serious problem (see Sections 6.c. and 6.f.).

People with Disabilities.—There is no legal discrimination against persons with disabilities; however, there are no laws providing for access to buildings, and there are few government resources devoted to training persons with disabilities. The Government does provide tax advantages to charitable groups that assist the disabled.

Religious Minorities.—There were no reports during the year of incidents such as that in May 1999 when a group of about 500 Orthodox Christians led by 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons, and partially destroying a Baptist church.

National/Racial/Ethnic Minorities.—According to the 1989 census, the population is about 4.3 million, of which 65 percent are ethnic Moldovans. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, lives primarily in the southern regions of the country. The Gagauz are largely Russian-speaking and represent about 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma NGO's range from 50,000 to 200,000. The Government announced in September that it would allocate money from the budget to conduct a national census in 2001; however, no action had been taken by year's end.

The issue of minority rights and the language issue are closely related, particularly in the perceptions of the Russian speaking minority and the Moldovan/Romanian speaking majority. Moldovan/Romanian was declared at independence to be the state language; however, in 1989 Russian was designated a language for interethnic communication. The 1990 citizenship law offered an equal opportunity to all persons residing in the country at the time of independence to adopt Moldovan citizenship. The OSCE's Office of Democratic Institutions and Human Rights described the law as very liberal. A new law permitting dual citizenship went into effect in August. According to this law, dual citizenship can be obtained through birth, marriage, on the basis of a bilateral agreement (although no such agreements are in effect), or if it is provided by an international accord to which the country is a party. Naturalization requirements of the new law include a "sufficient knowledge" of the state language and constitution.

Parliament has postponed indefinitely the implementation of language testing, which was called for in the 1989 language law and was to have begun by 1994. According to the law, a citizen should be able to choose which language to use in dealing with government officials or commercial entities. Officials are required to know Russian and Moldovan/Romanian "to the degree necessary to fulfill their profes-

sional obligations." Since many Russian speakers do not speak Moldovan/Romanian (while most educated Moldovans speak both languages), they argued for a delay in the implementation of the law in order to permit more time to learn the language. The Constitution provides parents with the right to choose the language of instruction for their children.

In October 1999, the Parliament approved the Government's decision to grant district status to Taraclia, a region in the south with a 64 percent ethnic Bulgarian majority. The vote reversed the results of the territorial-administrative reform begun in January 1999, which had eliminated Taraclia's district status and subsumed it under a region where Bulgarians would no longer constitute a majority. Voters in the Taraclia district approved a referendum in January 1999 specifying they not be included in the larger district, with 88 percent of eligible voters participating and 92 percent voting in favor of the referendum.

In the separatist Transnistrian region discrimination against Moldovan/Romanian speakers continued. State schools are required to use the Cyrillic alphabet when teaching Romanian. Many teachers, parents, and students objected to the use of the Cyrillic script to teach Romanian. They believe that it disadvantages pupils who wish to pursue higher education opportunities in the rest of the country or in Romania. (Cyrillic script was used to write the Romanian language in Moldova until 1989, since "Moldovan," as it was then called, was decreed officially during the Soviet era to be a different language from Romanian, which is written in the Latin alphabet. The 1989 language law reinstituted obligatory use of the Latin script. As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region obtained permission in 1996 to use the Latin alphabet, with salaries and textbooks to be supplied by the Moldovan Ministry of Education. These schools are considered private schools by the local authorities. They must pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The Government still has no budgetary provisions to pay the high rents of such facilities. As a result, classes were held in local homes or run in shifts in the few available buildings.

After delaying its opening and threatening to keep it closed, separatist authorities allowed the Romanian Language School (Latin alphabet) in Tiraspol to open in September 1999 without restriction from the authorities. The Ministry of Education and the Romanian government supplied books to the school and the UNHCR provided furniture and vehicles. The school is running three to four shifts per day to accommodate the number of students.

Section 6. Worker Rights

a. The Right of Association.—The 1990 Soviet law on trade unions enacted by Moldova's then Supreme Soviet remains in effect and provides for independent trade unions. Laws passed in 1989 and 1991, which give citizens the right to form all kinds of social organizations, also provide a legal basis for the formation of independent unions. The 1994 Constitution states that any employee may found a union or join a union that defends workers' interests. However, there have been no known successful attempts to establish alternate trade union structures independent of the successor to the Soviet trade union system.

The successor organization is the General Federation of Trade Unions (GFTU). The GFTU's continuing role in managing the state insurance system and its retention of former official union headquarters and vacation facilities provide an inherent advantage over other groups who might wish to form a union. The growing dissatisfaction with the GFTU's policies resulted in several splits within the organization; however, these informal splinter groups have been unsuccessful in forming a new independent union. Virtually all employed adults are members of a union.

Government workers do not have the right to strike, nor do those in essential services such as health care and energy. Other unions may strike if two-thirds of the members vote for a strike in a secret ballot. There were several labor actions for payment of wage arrears, including a number of strikes by teachers, health care workers, and spouses of police officers in various parts of the country.

Unions may affiliate and maintain contacts with international organizations. The GFTU became a member of the International Confederation of Trade Unions in 1999.

b. The Right to Organize and Bargain Collectively.—The law, which is based on former Soviet legislation, provides for collective bargaining rights; however, wages are set through a tripartite negotiation process involving government, management, and unions. The three parties meet and negotiate national minimum wages for all categories of workers. Then each branch union representing a particular industry negotiates with management and the government ministries responsible for that industry. They may set wages higher than the minimum set on the national level and

often do, especially if the industry in question is more profitable than average. Finally on the enterprise level, union and management representatives negotiate directly on wages. Again they may set wages higher than negotiators on the industry level.

There were no reports of actions taken against union members for union activities. The 1990 Soviet law on trade unions provides that union leaders may not be fired from their jobs while in leadership positions or for a period after they leave those positions. There were no reports of such firings this year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced and compulsory labor, and it generally is not known to occur; however, trafficking in women is a very serious problem (see Section 6.f.). The Government specifically prohibits forced and bonded labor by children; however, trafficking in girls for purposes of forced prostitution is a very serious problem (see Section 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for unrestricted employment is 18 years. Employment of those between the ages of 16 and 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. The Ministry of Labor, Social Protection, and the Family is primarily responsible for enforcing these restrictions, and the Ministry of Health also has a role. Child labor is not used in industry, although children living in rural areas often assist in the agricultural sector. Education is compulsory for 9 years (see Section 5). The Government specifically prohibits forced and bonded labor by children; however there were reports of trafficking in girls (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—There is a legal minimum monthly wage of \$9 (100 Moldovan lei), for those employed by the state and \$12.75 (150 Moldovan lei) for those employed by private firms, but this is used primarily as a basis for calculating pensions, scholarships, and fines. The average monthly wage of approximately \$33 (410 Moldovan lei) does not provide a decent standard of living for a worker and family. The lowest wages are in the agricultural sector, where the monthly average is approximately \$17 (216 Moldovan lei). Due to severe budgetary constraints, the Government and private sector often do not meet payrolls for employees, and workers conducted labor actions to protest wage arrears several times during the year (see Section 2.b.). The Constitution sets the maximum workweek at 40 hours, and the Labor Code provides for at least 1 day off per week.

The State is required to set and check safety standards in the workplace. The unions within the GFTU also have inspection personnel who have a right to stop work in the factory or fine the enterprise if safety standards are not met; however, this right is rarely exercised. Further, workers have the right to refuse to work, but they may continue to draw their salaries if working conditions represent a serious threat to their health. However, in practice the depressed economic situation has led enterprises to economize on safety equipment and generally to show little concern for worker safety issues. Workers often do not know their rights in this area. The Ministry of Labor reported 83 serious industrial injuries, 38 of which resulted in death during the year. The Ministry of Labor has announced it will publish a new statistical report on labor standards in April 2001.

f. Trafficking in Persons.—The law does not prohibit trafficking and it cannot be prosecuted under other statutes, and trafficking in women and girls is a very serious problem (see sections 5 and 6.c.). The new criminal code under consideration in Parliament does contain a prohibition on trafficking in persons. Although no statistics are available, Moldova is a source country for women and girls, who are trafficked to various locations, including Turkey, Greece, Italy, Kosovo, and Israel for forced prostitution. The International Organization for Migration (IOM) reports that more than 50 percent of the women working in forced prostitution in Kosovo are from Moldova. Turkey deports approximately 2,500 Moldovan women for prostitution yearly. Women and girls reportedly are trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. There are also reports that women are trafficked to Syria, Saudi Arabia, Portugal, France, Spain, and the Former Republic of Yugoslavia. A prominent women's rights activist and member of Parliament states that more than 10,000 Moldovan women are working as prostitutes in other countries. The large profits of the trafficking industry allow traffickers to exploit opportunities for the corruption of officials. There have been unsubstantiated reports by local NGO's of involvement by government officials; however, no official charges have been made. Women and girls accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. Then traffickers take their passports, require them to "repay" a sizeable sum, and force them into sexual bondage. It is common for traffickers to recruit women from rural villages; the women are brought to larger cities and then trafficked abroad.

Apart from a 1999 documentary shown on state television the problem, the Government has taken few steps to prevent the trafficking of women or to assist victims; however, it slowly is beginning to address the problem. In addition to participating in a Southeast European Cooperative Initiative (SECI) Human Trafficking Task Force, the Government started a working group in May to implement a project of the IOM on trafficking in women and girls. The group consists of the Vice-Prime Minister, the Ministers of Labor, Justice, and External Affairs, and three Parliamentarians involved in women's issues. The group created a special law enforcement unit within the Ministry of Internal Affairs, during the year. The Ministry of Internal Affairs proposed strengthening laws against trafficking in women in the new criminal code; however, the amendment had not yet been sent to Parliament by year's end. There are no government-operated assistance programs for victims.

Several NGO's made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. Save the Children works with victims, especially repatriated girls. There are also local NGO's involved in public school programs to educate young women about the dangers of prostitution and to establish a hot line for those in need of advice. The IOM established an office in Chisinau in January.

MONACO

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 18-member National Council. In addition, there are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Government officials control both forces.

The principal economic activities are services and banking, light manufacturing, and tourism.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 5,000 residents who hold Monegasque nationality. The latter enjoy free education, financial assistance in case of unemployment or illness, and the right to vote and hold elective office. Women traditionally have played a less active role than men in public life, but this is changing; women currently hold both elective and appointive offices.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them. Prison conditions meet or exceed minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees.

The Government does not use forced exile on its own nationals. However, sometimes it expels non-Monegasque nationals who violate of residency laws or who have committed minor offenses, such as disorderly conduct.

e. Denial of Fair Public Trial.—Under the 1962 Constitution, the Prince delegated his judicial powers to an independent judiciary. The law provides for a fair, public trial, and an independent judiciary respects these provisions. The defendant has the right to be present and the right to counsel, at public expense if necessary. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices and Government authorities generally respect these rights in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. However, the Monegasque Penal Code prohibits public denunciations of the ruling family, a provision that the media respect in practice. Several periodicals are published. Foreign newspapers and magazines circulate freely, including French journals that specifically cover news in the Principality. Foreign radio and television are received without restriction. There are no restrictions in the access to the Internet. Stations that broadcast from the Principality operate in accordance with French and Italian regulations.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the rights of peaceful assembly and association. Outdoor meetings require police authorization, which is not withheld for political or arbitrary reasons. Formal associations must be registered and authorized by the Government.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government respects this right in practice. Roman Catholicism is the state religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Residents move freely within the country and across its open borders with France. Monegasque nationals enjoy the rights of emigration and repatriation. They can be deprived of their nationality only for specified acts, including naturalization in a foreign state. Only the Prince can grant or restore Monegasque nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of cases is very small. There were no reports of the forced return of persons to a country where they feared persecution.

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

Authority to change the government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He names as well the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. Each is responsible to the Prince.

Only the Prince may initiate legislation, but the 18-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting. Both political parties currently are represented on the Council. There is one independent member.

The Constitution provides for three consultative bodies. The seven-member Crown Council (composed exclusively of Monegasque nationals) must be consulted by the Prince on certain questions of national importance. He may choose to consult it on other matters as well. The 12-member Council of State advises the Prince on proposed legislation and regulations. The 30-member Economic Council advises the government on social, financial, and economic questions. One-third of its members come from the trade union movement, and one-third from the employers' federation.

Women are active in public service. The Mayor of Monaco, one member of the Crown Council, four members of the National Council, and four members of the Economic Council are women.

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

While the Government imposes no impediments to the establishment or operation of local groups devoted to monitoring human rights, no such groups have been formed. Outside groups have not sought to investigate human rights conditions.

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

The Constitution provides that all Monegasque nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded all residents for example, freedom of religion and inviolability of the home.

Women.—Reported instances of violence against women are rare. Marital violence is prohibited strictly and any wife who is a victim may bring criminal charges against her husband. Women are represented fairly well in the professions; they are represented less well in business. The law governing transmission of citizenship provides for equality of treatment between men and women who are Monegasque by birth. However, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Children.—The Government is committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provides compulsory free and universal education for children. There is no societal pattern of abuse of children.

People with Disabilities.—The Government mandated that public buildings provide access for the disabled, and this objective has been largely accomplished.

Section 6. Worker Rights

a. The Right of Association.—Workers are free to form unions, but fewer than 10 percent of workers are unionized, and relatively few of these reside in the Principality. Unions are independent of both the Government and the Monegasque political parties. The Monegasque Confederation of Unions is not affiliated with any larger labor organization but is free to join international bodies.

The Constitution provides for the right to strike in conformity with relevant legislation. However, government workers may not strike. Strikes are rare. The last strike occurred in 1996, when the Monegasque Confederation of Unions organized a 1-day work stoppage by bank, transportation, and factory employees.

b. The Right to Organize and Bargain Collectively.—The law provides for the free exercise of union activity. Agreements on working conditions are negotiated between organizations representing employers in a given sector of the economy and the respective union. Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not known to occur. The Constitution prohibits forced and bonded labor by children and enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old. The Constitution prohibits forced and bonded child labor, and the government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The legal minimum wage for full-time work is the French minimum wage plus 5 percent, that is approximately \$6.90 (42.76 French francs) per hour. The 5 percent adjustment is intended to compensate for the travel costs of the three-quarters of the workforce who commute daily from France. The minimum wage is adequate to provide a decent living for a worker and family. Most workers receive more than the minimum. The legal workweek is 39 hours. Health and safety standards are fixed by law and government decree. These standards are enforced by health and safety committees in the workplace and by the government Labor Inspector.

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

THE NETHERLANDS

The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by the Prime Minister and Cabinet representing the governing political parties (traditionally a coalition of at least two major parties). The bicameral Parliament is elected through free and fair elections. The judiciary is independent.

Regional police forces are primarily responsible for maintaining internal security. The police, the royal constabulary, and investigative organizations concerned with internal and external security are under effective civilian authority.

The market-based economy is export oriented and features a mixture of industry, services, and agriculture. Key industries include chemicals, oil refining, natural gas, machinery, and electronics. The agricultural sector produces fruit, vegetables, flowers, meat, and dairy products. Living standards and the level of social benefits are high. Unemployment is 2.7 percent; however, long-term unemployment, particularly among ethnic minorities, remains a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Problems include violence and discrimination against women, child abuse, trafficking in women and children, and discrimination against minorities. The Government is taking steps to deal with all of these problems.

Aruba and the Netherlands Antilles, which are two autonomous regions of the kingdom, also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally is little different from that in the European Netherlands. The islands' prison conditions remain substandard.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them.

The Government took steps in 1999 to facilitate the filing of complaints about police behavior, to create uniform complaint procedures, and to ensure that complaints are assessed by an independent committee.

Prison conditions in the Netherlands meet minimum international standards, and the Government permits visits by human rights monitors.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has urged the Governments of the Netherlands, the Netherlands Antilles, and Aruba to improve the "inhuman" conditions in Curacao's Koraal Specht prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. In May the CPT specifically criticized the Government for not doing enough to prevent outbursts of violence among prisoners—including sexual assaults—and the use of riot police to guard prisoners at the Koraal Specht prison.

The Dutch Government repeatedly offered financial assistance to the Government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum security facility, and other improvements at Koraal Specht. The Government also sent experts on prison organization and the training of guards. Steady progress has been made in improving conditions (prisoners now have mattresses, hygiene and food have improved, and construction began on a new wing to relieve overcrowding). The entire prison complex is being renovated, and a new facility is being built. The Antillean Government reached agreement with a private company to supply expert personnel who are to reorganize prison management and train mid-level staff during

a period of 1 year. The management team began work on September 1 and is being paid by the Dutch Government. New wardens and security guards also were hired.

The Governments of the Netherlands Antilles and Aruba allow access by non-governmental organizations to prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low income persons), and to appeal. The law provides for the right to a fair trial, and the independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. State subsidies are provided to religious organizations that maintain educational facilities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced expulsion of those having a valid claim to refugee status. The Government does not provide first asylum as such, but most asylum seekers (86 percent in 1999), except those who obviously came from a "safe country of origin" or stayed for some time in a "safe third country," are permitted to apply for resident status. In 1999 the Government turned down 75 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay temporarily on humanitarian grounds or as long as their country of origin was considered unsafe.

The Government's asylum policy is designed to protect genuine refugees while excluding economic migrants and illegal immigrants. In the early 1990's, the Government adopted several measures to curb the relatively high influx of asylum seekers. This policy initially resulted in the desired decrease, but as other countries adopted even stricter laws, the influx rose again to 45,217 in 1998, a 31 percent increase over 1997. In 1999 the number of asylum seekers fell to 41,306. A new series of harsher rules aims to discourage economic migrants at all stages of the asylum process, by means of a stricter intake, the accelerated processing of asylum requests, limited appeal procedures, and a denial of social assistance to asylum seekers who are screened out. Several of the measures are scheduled to come into effect in 2001.

The Justice Ministry estimates on the basis of interviews with applicants that two-thirds of asylum seekers came to the country via alien smuggling organizations.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

No restrictions in law or in practice hinder the participation of women and minorities in government and politics; women are nevertheless underrepresented. A total of 52 of the 150 members of the second chamber of Parliament are women, as are 4 of the 15 cabinet ministers. However, the two Deputy Prime Ministers are

women. The Government pursues an active policy to promote the participation of women in politics and public administration.

Although a minority, women also hold positions in the Parliaments and Cabinets of the Netherlands Antilles and Aruba.

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

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In view of its longstanding tradition of hosting international legal tribunals, the Government facilitated the trial of two Libyans accused of the bombing of PanAm flight 103 on December 21, 1988, which killed 270 persons. By agreement among the parties, the Government provided Camp Zeist to the United Kingdom as an extraterritorial venue for the trial, which began in 1999 and is being conducted under Scottish law. The trial continued at year's end.

The Government also hosts the International Criminal Tribunal for the Former Yugoslavia and the headquarters of the International Criminal Tribunal for Rwanda.

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

The Constitution bans discrimination on the basis of any of these factors or political preference. The Government generally is effective in enforcing these provisions. Under the Equal Treatment Act, complainants may take offenders to court under civil law.

Women.—Violence against women is a problem. A recent report by the Utrecht University's human rights department showed that about 1 out of 25 women, particularly of ethnic minority groups, are victims of violence by their former and present partners. Each year 60 to 80 women and 40 children die of domestic violence.

The Government supports programs to reduce and prevent violence against women. Battered women find refuge in a network of 48 government-subsidized shelters offering the services of social workers and psychologists. In addition battered women who leave their domestic partners become eligible for social benefits, which include an adequate basic subsidy as well as an allowance for dependent children. Nongovernmental organizations also advise and assist women who are victims of sexual assault. Marital rape is a crime and carries the same penalty as nonmarital rape, a maximum of 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery.

In addition to helping victims of sexual abuse, the Government has pursued an active prevention campaign through commercials and awareness training of educators. A recent evaluation showed that, on average, the campaign positively influenced two-thirds of the population.

Prostitution is legal, and since 1999 the law no longer treats "organizing the prostitution of somebody else" as a crime when done with the consent of the prostitute. However, any form of forced prostitution remains punishable. All brothels now require licenses issued by local governments with strict conditions to be observed by brothel owners. The Government's assumption is that by decriminalizing prostitution, licensing brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, prostitution would be less susceptible to criminal organizations trafficking in women and children. An additional advantage is that the licensing system would make prostitution more transparent and easier for the police to monitor. Between 20,000 and 30,000 individuals are employed in prostitution. It is estimated that half of all prostitutes originate in non-European Union countries and are residing illegally in the country. Trafficking in women for the purpose of forced prostitution remains a problem, which the Government is giving priority to fighting (see Section 6.f.).

The law requires employers to take measures to protect workers from sexual harassment; research shows that about 245,000 women, or 6.6 percent of the female working population, are confronted with sexual intimidation in the work place each year. The Government funds an ongoing publicity campaign to increase awareness of the problem. As the largest employer, it has taken measures to counter harassment among civil servants, for example, in the police force.

Women increasingly are entering the job market, but traditional cultural factors and an inadequate number of day care facilities tend to discourage them—especially women with young children—from working. One-third of women stop working after

the birth of their first child. The participation of women in the labor market increased significantly in the last 25 years, from 29 percent of the working-age female population in 1975 to 58 percent in 2000. The Government wants to raise this figure to at least 65 percent in 2010 through various measures, including an expansion of child care facilities and special leave programs. About 42 percent of women hold part-time jobs. In 1998 the Government established favorable conditions for part-time employment by adopting a law that prohibits employers from treating part-time workers differently from those in full-time jobs.

Women often are underemployed and have less chance of promotion than their male colleagues. They often hold lower level positions than men, mostly because of their part-time status. According to the Ministry of Social Affairs and Employment, the difference in earnings between men and women is 23 percent. Some women nevertheless are making steady progress by moving into professional and high-visibility jobs.

In 1988 the Government started affirmative action programs for women. Collective labor agreements usually include one or more provisions to strengthen the position of women. Legislation mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursues complaints of discrimination in these areas as well as allegations of pay discrimination.

The social welfare and national health systems provide considerable assistance to working women with families. Women are eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows parents to take (unpaid) full-time leave during 3 months and to extend the leave over a period longer than 6 months to care for children up to 8 years old. Persons working fewer than 20 hours per week also are entitled to parental leave.

Children.—The Government works to ensure the well-being of children through numerous well-funded health, education, and public information programs. The Council for the Protection of Children, operated through the Ministry of Justice, enforces child support orders, investigates cases of child abuse, and recommends remedies ranging from counseling to withdrawal of parental rights. The Government also maintains a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis.

An estimated 50,000 children are victims of child abuse each year, although only approximately 15,000 formal reports of child abuse are registered. As a result of abuse, 40 children died in 1998. The U.N. Commission on Children's Rights in 1999 questioned the Government about its performance in this area. In particular the United Nations questioned the long waiting list for assistance to abused children. Approximately 7,000 abused children are on the waiting list.

The age of consent is 16. Sexual intercourse with minors under age 12 always constitutes a criminal offense; in cases involving minors between the ages of 12 and 16, an interested party must file a complaint. The new prostitution law imposes heavier penalties on prostitution activities involving minors. Maximum penalties vary between 6 years' imprisonment for sex with minors (in the context of prostitution) under age 18, 8 years for sex with minors under 16 years of age, and 10 for sex with minors under 12 years. International sex tourism involving the abuse of minor children is prosecutable. Since 1996 several Dutch citizens have been tried and convicted for the abuse of minors in other countries.

Trafficking in female African youths for the purpose of prostitution is a problem (see Section 6.f.).

The maximum penalty for child pornography is 4 years' imprisonment and 6 years in the event of financial gain. The law allows for provisional arrest, house searches, and criminal financial investigations. The mere possession of child pornography is punishable, but exemptions are made for scientific or educational use. However, these exemptions caused some problems with two child pornographic collections claimed to be of historic value. The age at which minors are allowed to act in pornographic movies was expected to be raised shortly from 16 to 18 years.

The Government has begun a national offensive against child pornography on the Internet. The police monitored the Internet in a year-long pilot project that ended in August. Another police investigation showed that child pornography on the Internet has increased. The police discovered that a large portion of new photographs are processed digitally into pornographic material. The law does not yet include a provision to fight this new form of child pornography. The current law is aimed at the abuse of children, but the children shown on the manipulated pictures in fact have not been abused.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Local governments increasingly mandate access to public buildings for the disabled.

Religious Minorities.—There were a number of complaints about anti-Semitism on Internet sites set up by Dutch citizens.

National/Racial/Ethnic Minorities.—The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers who make up about 9 percent of the population. Despite comprehensive policies to promote the integration of racial and ethnic minorities, integration remains a problem. In general citizens are averse to discrimination and unequal treatment and support integration. Society has become increasingly alert to racial discrimination, and various organizations monitor violations.

The Government pursues an active campaign aimed at increasing public awareness of racism and discrimination. According to the latest statistics, 112 persons or organizations were tried on discrimination charges in 1997 (latest statistics available). The chief public prosecutor set up the National Expertise Center on Discrimination in 2000 to improve the prosecution's handling of discrimination cases.

A central government organization was set up in 1999 to fight racial discrimination and to collect nationwide statistics on incidents of discrimination, but it has yet to work out a uniform system. The 29 local antidiscrimination bureaus together registered about 3,000 complaints per year in recent years. Many complaints concern discrimination in the workplace.

In 1998 the Equal Opportunities Committee received 104 complaints relating to race or nationality and ruled in 53 cases of discrimination. Its rulings on such issues as headscarves, dismissal, accent, and language requirements are of major importance because they are applied widely. Most complaints concerned the labor market, including denial of promotion, discrimination in the work place, unequal pay, and dismissal.

At the request of the Ministry of Internal Affairs, the University of Leiden each year investigates the extent of rightwing and racist violence. It reported an increase from 201 registered incidents in 1996 to 313 in 1998, but it assumed that the problem is more widespread because many cases remain unregistered. The 313 cases in 1998 were subdivided as follows: Threats 157; abuse 41; painting slogans 41; vandalism 27; bomb threat 23; other 24. Only a limited number of incidents can be attributed to rightwing extremism: about 19 percent of the 313 cases in 1998. However, that percentage was much higher in the past, which may be connected with the steady decline in membership of rightwing groups from about 1,400 in 1997 to some 600 in 1999. Most of the racist violence is committed at random and arbitrarily by youths often under the influence of alcohol. The culprits rarely are tracked down. In 1998 the culprits were identified in only 22 of the 313 cases. Only half of all discrimination cases are prosecuted.

Immigrant groups also face some discrimination in housing and employment. These groups, concentrated in the larger cities, suffer from a high rate of unemployment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average.

The 1998 Act on the Stimulation of Labor Participation by Ethnic Minorities is intended to increase job opportunities for ethnic minorities. It requires employers with a work force of over 35 persons to register their non-Dutch employees. Employers are to strive for a composition of their work force that reflects the regional working population. They must submit their annual social action plans, including recruitment targets, to the regional labor bureaus. The Labor Inspectorate oversees implementation of the law. Despite these efforts, unemployment among ethnic minorities is still about four times higher than within the ethnically Dutch workforce. In May the U.N. Committee on the Elimination of Racial Discrimination criticized the Government for not doing enough to prevent discrimination in hiring. It recommended that the Government take steps to reduce segregation in schools and create a police force whose composition reflects the entire population.

A campaign beginning in April, in which several ministries, government job centers, and the Dutch small business association pledged to find jobs for some 20,000 persons from ethnic minorities before May 2001, had succeeded in recruiting just 240 persons by the end of August.

With the proliferation of Internet web sites, the dissemination of racial and discriminatory material on Internet has also increased. The privately run Discrimination on the Internet Registration Center received 181 complaints in 1999 about 360 controversial statements, subdivided by category as follows: Racism 147, anti-Semitism 91, denial of the Holocaust 21, sexual preference 46, religion 15, discrimination against asylum seekers 12, incitement to violence 6, and "other" 19. It also investigates web sites and home pages on its own. Over 70 percent of the statements are

removed voluntarily at the Center's request. In 2 cases in 1999, the Center requested that criminal proceedings be initiated; such a request was still under review in 18 other cases; and another 25 cases were being prepared. Four cases were passed on to the Government's antidiscrimination office for action.

Section 6. Worker Rights

a. The Right of Association.—Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Workers are entitled to form or join unions of their own choosing without prior government authorization, and unions are free to affiliate with national trade union federations. This right is exercised freely.

Unions are free of control by the Government and political parties. Union members may and do participate in political activities.

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations are very harmonious, and strikes are infrequent. In 1999 some 75 labor days per 1,000 workers were lost, mostly over union demands for higher pay and a 36-hour workweek. By law retribution against striking workers is prohibited.

About 28 percent of the work force is unionized, but union-negotiated collective bargaining agreements usually are extended to cover about three-quarters of the work force. The white-collar unions' membership is the fastest growing.

The three union federations are active internationally, without restriction.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is recognized and well established. Discrimination against workers because of union membership is illegal and does not occur.

Collective bargaining agreements are negotiated in the framework of the "Social Partnership" developed between trade unions and private employers. Representatives of the main union federations, employers' organizations, and the Government meet each autumn to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions lead to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiate sectoral agreements, which the Government usually extends to all companies in the sector.

Antiunion discrimination is prohibited. Union federations and employers' organizations are represented, along with independent experts, on the Social and Economic Council. The Council is the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited by the Constitution and generally does not occur; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Mandatory attendance at school ends at age 16, or after at least 12 years of education. Those still in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working at night, overtime, or in areas dangerous to their physical or mental well-being. Anyone working more than 4.5 hours per day is entitled to a 30-minute break. The laws are enforced effectively by the tripartite Labor Commission, which monitors hiring practices and conducts inspections.

Holiday work and after school jobs are subject to very strict rules, which are set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. Observance of the rules is overseen by the Social Ministry's Labor Inspection Office. Although child labor is banned, an increasing number of children work for pay during holidays. The parents of such children are to be reported officially by labor inspectors, and the Public Prosecutor may decide to prosecute the parents for violating the ban on child labor. In 1999 the labor inspections showed that one out of four companies violated the regulations applying to holiday work, including by employing children under age 13.

The law prohibits forced and bonded labor by children, and this prohibition is enforced effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage for adults is established by law and can be adjusted every 6 months to changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage is about \$1,000 (2,448 guilders) per month. For workers earning the minimum wage, employers currently pay \$3,750 a year (6,000 guilders) in premiums for social security benefits,

which includes medical insurance. Only 3 percent of workers earn the minimum wage because collective bargaining agreements, which normally are extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and to decrease employers' social payments in order to lower the cost of hiring new workers and to create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young persons under the age of 23—one of the groups with the highest rate of unemployment—and is intended to provide incentives for their employment. This wage ranges from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age. The legislated minimum wage and social benefits available to all minimum wage earners provide an adequate standard of living for workers and their families.

Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs is 37² hours. This workweek is the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. This combination makes it possible to adapt shorter working hours to the specific situation in a particular business or branch of industry.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, are monitored actively by the tripartite Labor Commission. Enforcement is effective. Workers may refuse to continue working at a hazardous work site. The Ministry of Labor and Social Affairs also monitors standards through its Labor Inspectorate.

f. Trafficking in Persons.—The law specifically criminalizes alien smuggling and trafficking in persons, both of which are problems. The maximum sentence for trafficking in persons is 6 years. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. The maximum sentence for alien smuggling is 8 years.

The Government has an active policy to combat trafficking in persons, including a more aggressive prosecution policy as well as closer international cooperation. A number of police forces have established special units to deal with the problem. The Justice Minister appointed a national rapporteur on trafficking in persons in April. The rapporteur is to study the extent of the problem and report annually to the Government.

The country is a major destination for trafficked women. According to the Justice Ministry, 20,000 to 30,000 persons work in prostitution, about half of them illegal residents from non-EU countries. Many come from Colombia, the Dominican Republic, Eastern Europe, and Nigeria. The Foundation Against Trafficking in Women estimates that each year some 3,000 women and girls are brought into the country for the purpose of prostitution. With the introduction of the new prostitution law, which prohibits the employment of prostitutes in the country illegally, the Government seeks to intensify the fight against criminal organizations trafficking in women and children (see Section 5).

In 1998 a ruling was obtained under the Aliens Law to prevent illegal residents, who may have become victims of trafficking, from being expelled before investigations are completed. Victims are allowed 3 months to consider pressing charges. Victims who do so are allowed to stay in the country until the judicial process is completed. During this period, victims receive legal, financial, and psychological assistance. In special circumstances, residence permits are granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes returning to their native countries are eligible for temporary financial assistance.

African women, in particular those from Nigeria, make up a sizeable portion of foreign women illegally working as prostitutes. According to the authorities, the most widely used ploy for trafficking African women is the fraudulent use of special asylum procedures for minors, who are virtually ensured entry. Although most such women are not actually under age 18, all claim to be. Once at the open-door asylum center, they remain for a few days and then disappear, only to turn up later as prostitutes in the country or elsewhere in Europe. Most such young African women are under extreme pressure to work as prostitutes. According to the Terre des Hommes organization, their families have signed contracts with trafficking organizations, often sanctioned by "voodoo" priests. The girls strongly believe in the magical power of voodoo.

A Dutch study of prostitutes from Central and Eastern Europe shows that five out of six, "liberated" from trafficking organizations in the Netherlands, knew exactly that they were to be employed in the sex industry when they accepted the offer of their recruiters. Some 40 percent already had worked as prostitutes in their native country. The study concluded that most such women came to the Netherlands

voluntarily, and only after their arrival, did they become victims of their traffickers. They are often treated as slaves: intimidated, threatened, and locked up.

NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the Head of State. It is governed by a prime minister, cabinet, and a 165-seat Storting (Parliament) that is elected every 4 years and cannot be dissolved. The judiciary is independent.

The national police have primary responsibility for internal security, but in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are always under police authority. The civilian authorities maintain effective control of the security forces.

Norway is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents. The key industries are oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing (including fish processing equipment). The leading exports are oil and gas, manufactured goods, fish, and metals. During the year, 80.6 percent of workers were in the service sector (including public service), and 13.3 percent were in the manufacturing sector.

The Government generally respected the rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence against women and abuse of children are problems.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them.

The Government in the past has been criticized for its practice of indefinite detention, often in solitary confinement with restricted communications, for suspects during the investigation of criminal cases (most recently in September 1999 by the Council of Europe's Committee for the Prevention of Torture). Restrictions were used sometimes to pressure prisoners to be more cooperative during investigations. In response to international criticism, the Government was reevaluating its practices and by year's end had made some changes. In September the Government tightened the requirements for restricting prisoners' communications and visitation rights. In June two working groups commissioned by the Ministry of Justice presented their recommendations for a more comprehensive reform of the practice. The reports will form the basis for a white paper, which is expected to be presented to the Parliament in 2001. Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions.

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

The court system consists of the Supreme Court, the Supreme Court Appellate Court (committee), superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (composed of parliamentarians), the labor court, trusteeship courts, fishery courts, and land ownership severance courts.

All courts, some of which date to laws passed in the 11th century, meet internationally accepted standards for fair trials, including providing counsel to the indigent. The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Both the Constitution and the law prohibit such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

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

In August a small, previously unknown neo-Nazi group was denied permission to stage a Rudolf Hess commemorative march in downtown Oslo; the group then staged an illegal march in the nearby town of Askim; a counter demonstration by 15,000 persons took place in Oslo on August 19.

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

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State, and to which 93 percent of the population nominally belong. The Constitution requires that the King and one-half of the Cabinet belong to this church. The relationship between church and State is increasingly debated by the public. The Workers' Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools, or in day care centers, whether they respect Christian beliefs and principles.

In July 1998, the Government suspended two priests in the Church of Norway and asked the courts for approval legally to terminate their priesthood due to insubordination and disloyalty. The priests openly refused to accept religious and spiritual guidance from their bishop, with whom they were in disagreement on a number of social issues (such as gay rights). In January 2000, the Alta district court ruled that the priests' employment could not be terminated legally. Upon taking office in March, the new Labor Party Government appealed the ruling to a higher regional court, which had not ruled by year's end.

Other denominations operate freely. A religious community is required to register with the Government only if it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership. In 1995 the Parliament introduced the subject "religious knowledge and education in ethics" into the national school system. The class teaches the ethical values of Christianity, as well as Christian beliefs and the main features of Christianity. All children must attend this mandatory class; there are no exceptions for children of other faiths. Organizations for atheists as well as Muslim communities have contested the legality of forced religious teaching, but the Oslo city court twice has ruled against their arguments. The case was being tried in a regional appellate court. Because of its potential for setting a precedent, the case is expected to go ultimately to the Supreme Court. Workers belonging to minority denominations are allowed leave for their religious holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government grants refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

During the year, the Government granted protective residency to 8,231 persons. The total included: Political asylum for 97 persons; temporary collective residency permits for 2,019 Iraqi Kurds; individual residency permits for 2,856 persons; and asylum as U.N. quota refugees for 1,485 persons. Immigration authorities rejected 4,899 applications for protective residency. In addition 1,778 persons received residency status through a family reunification program.

The collective 1-year residency permits that were granted to Kosovar Albanians in 1999 expired in August 2000, and all members of this group were encouraged to return to Kosovo voluntarily. The Government gives financial aid for repatriation to all Kosovar Albanians who do so. Of almost 8,000 Kosovar Albanians who sought refuge in Norway during and after NATO's campaign in Kosovo, 1,500 returned voluntarily in 2000 (3,600 returned voluntarily in 1999). Of those who had previously gone back to Kosovo, 1,063 came back to Norway once again in 2000. When the collective residency permits expired, the Kosovar Albanians could apply for individual permits—and most did. By year's end, most had been rejected. However, in October all Kosovar Albanian families with small children were granted so-called postponed implementation of deportation until after March 1, 2001. The decision was based on complaints made by the UNHCR and other onsite U.N. agencies in October 2000 that Kosovo could not handle a major influx of returning refugees before the winter.

However, as the March 1 extension deadline passes, a mass repatriation of Kosovar Albanians is expected in the spring and summer of 2001.

There were no reports of the forced expulsion of persons with a valid claim to refugee status or of persons being forcibly returned to countries where they feared persecution.

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

The law provides citizens with the right to change their Government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are increasingly well represented at all levels of government. However, no restrictions in law or practice hinder their participation. Women lead 8 of the 18 government ministries. They hold 60 of the 165 seats in Parliament (36.4 percent), chair 5 of 12 standing committees in Parliament, and lead 2 of the 6 main political parties. A woman heads the Parliament.

In addition to participating freely in the national political process, in 1997 Norwegian Sami (formerly known as Lapps) elected their own constituent assembly, the Sameting, for the third time. Under the law establishing the 39-seat body, the Sameting is a consultative group which meets regularly to deal with "all matters which in [its] opinion are of special importance to the Sami people." In practice the Sameting has been most interested in protecting the group's language and cultural rights and in influencing decisions on resources and lands where Sami are a majority.

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

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

When the new Labor Government took office in March, the Prime Minister transferred the human rights portfolio from the Ministry of Development, Cooperation, and Human Rights to the Ministry of Foreign Affairs. The new Government reversed the previous government's decision to appoint a minister for human rights issues. In 1999 the previous government presented a white paper to the Parliament on human rights, which addresses how the country can improve the state of human rights both domestically and internationally. On November 2, 2000, the Parliament's committee on foreign affairs supported the previous government's proposal and stressed the importance of incorporating human rights into law and society in general. The white paper was debated and passed in Parliament on November 14. It then was sent back to the respective ministries for implementation.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government enforces this prohibition in practice.

Women.—Violence against women is a problem. Public and private organizations run several shelters that give battered women an alternative to returning to a violent domestic situation. In 1999 the country's 14 shelters registered 9,183 overnight stays. In addition 967 other women contacted the shelters for advice or counseling. During the year, 555 rapes were reported, along with 126 attempted rapes. The police believe that increases in reported rapes and domestic abuse in recent years have been largely due to greater willingness among women to report these crimes. The police vigorously investigate and prosecute such crimes. They also instituted special programs to prevent rape and domestic violence and to counsel victims.

The rights of women are protected under the 1978 Equal Rights Law and other regulations. According to that law, "women and men engaged in the same activity shall have equal wages for work of equal value." However, the equal rights ombudsman's office, which monitors enforcement of the law, confirms that women generally receive 10 to 15 percent less pay and benefits than men for work of "equal value."

The equal rights ombudsman processes complaints of sexual discrimination. In 1999 there were 254 written complaints and 393 telephone inquiries to the ombudsman. Women filed 40 percent of the complaints, men 28 percent, organizations 23 percent, and the remainder were filed by the ombudsman's office. The increase in men filing complaints is related to an increase in postdivorce child custody cases.

In 1995 the Parliament adopted a harassment amendment to the Working Environment Act, which states that "employees shall not be subjected to harassment or other unseemly behavior." Employers who violate these provisions, including the

harassment clause, are subject to fines or prison sentences of up to 2 years, depending on the seriousness of the offense.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of education and medical care. The Government provides education for children through the postsecondary level. There is no difference in the treatment of girls and boys in education or health care services. An independent Children's Ombudsman Office, within the Ministry of Children and Families, assures the protection of children in law and in practice.

Abuse of children is a problem. A total of 191 sexual assaults on children by non-family members were reported, along with 96 such assaults by family members. The latter is a substantial decrease from the 153 cases reported in 1999. Children's rights advocates have expressed concern that authorities may have found investigation of these crimes so difficult that they have not pursued investigations in some legitimate cases. The Government is examining this problem. In 1999 welfare services assisted 23,800 abused or neglected children (2.1 percent of children under 18). Of these, 4,950 received assistance in the home (such as financial assistance, guidance and support for parents, or temporary stays at respite homes).

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to public buildings for people with disabilities, and the Government enforces these provisions in practice.

Indigenous People.—Apart from a tiny Finnish population in the northeast, the indigenous Sami constituted the only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect Sami cultural rights by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami. In a rare political statement in October 1999 at the opening of the third Sami Parliament, King Harald V publicly apologized to the Sami people for repression under Norwegian rule. In 1997 the Government created the position of Deputy Minister in the Ministry of Local Government and Regional Affairs to deal specifically with Sami issues. When the Labor Party Government took office in March, new State Secretary Steinar Pedersen—of Sami origin like his predecessor—took over responsibility for coordinating government policies for the Sami minority.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to associate freely and to strike. The Government changed the wage negotiating process in 1996, shifting negotiations from the national to the local and company level. During the year, almost 100,000 workers in the private and public sectors went on strike, an 80-year high. The strikes were settled mainly through negotiations, although compulsory arbitration was used to settle a 2-week oil workers' strike. The strikers achieved the largest wage settlement in many years and also obtained a fifth week of annual leave.

The Government has the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances. The Government came under increasing criticism in 1995 for resorting to compulsory arbitration too quickly during strikes. In addition this procedure, which was also invoked several times in the 1980's, particularly in the oil industry, was criticized repeatedly by the Committee of Experts of the International Labor Organization, which argued that the situations were not a sufficient threat to public health and safety to justify invoking compulsory arbitration. The Supreme Court is reviewing a case that will allow it to rule on whether the national process in this regard violates the country's international commitments.

After the 1998 wage negotiations, the Government appointed a committee with representatives from all employer organizations and employee unions to look at the present practice of using compulsory arbitration in especially difficult labor conflicts. Its mandate is to provide a new system for handling labor conflicts and wage negotiations, and avoid situations in future labor conflicts that could lead to the use of compulsory arbitration. The committee is expected to present its proposal by April 1, 2001. The Ministry of Regional Affairs takes the position that it is not the legislation itself that needs to be amended, but the way in which this legislation is interpreted by the parties in labor conflicts and implemented by the Government.

With membership totaling about 60 percent of the work force, unions play an important role in political and economic life, and the Government consults them on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions and labor federations are free of party and government control.

Unions are free to form federations and to affiliate internationally. They maintain strong ties with such international bodies as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—All workers, including government employees and military personnel, exercise the right to organize and bargain collectively. Collective bargaining is widespread, with most wage earners covered by negotiated settlements, either directly or through understandings that extend the contract terms to workers outside the main labor federation and the employers' bargaining group. Any complaint of antiunion discrimination would be dealt with by the Labor Court, but there have been no complaints in recent years.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Compulsory labor is prohibited by law and does not exist. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred. The Directorate of Labor Inspections (DLI) ensures compliance and is effective. Domestics, children, or foreign workers are not required to remain in situations amounting to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children 13 to 18 years of age may be employed part time in light work that will not affect adversely their health, development, or schooling. Minimum age rules are observed in practice and enforced by the DLI. Education is compulsory for 9 years. School is mandatory through the ninth grade; most children stay in school at least until the age of 18. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in December.

e. Acceptable Conditions of Work.—Normal working hours are mandated by law and limited to 37.5 hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays. There is no specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the Government. Average income, not including extensive social benefits, is adequate to provide a worker and family with a decent living.

The 1977 Workers' Protection and Working Environment Act provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with nongovernmental experts. According to the act, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI ensures effective compliance with labor legislation and standards.

f. Trafficking in Persons.—No law specifically criminalizes trafficking in persons, but existing labor and immigration statutes may be used in such cases.

Norway is becoming a destination country for trafficked women, according to an OSCE report.

POLAND

Poland is a parliamentary democracy based on a multiparty political system. Free and fair presidential elections were held in October, resulting in the re-election of President Aleksander Kwasniewski. Executive power is shared by the Prime Minister, the Council of Ministers, and to a lesser extent, the President. The Parliament is bicameral (Senate and Sejm). The Government formed after free and fair elections in 1997 was a two-party coalition composed of the center-right Solidarity Electoral Action (AWS) party anchored by the Solidarity Labor Union and the Centrist Freedom Union (UW), also with origins in Solidarity. The majority government dissolved in June when UW withdrew and five of its ministers resigned; AWS is now a minority government. Parliamentary elections are next scheduled for fall 2001. The judiciary is independent but inefficient.

Internal security forces and the armed forces are subject to effective civilian control by the Government. Since 1996 the civilian Minister of Defense has had clear command and control authority over the military chief of the general staff as well as oversight of military intelligence. Civilian control was reinforced further by a restructuring of the Ministry of Defense and general staff undertaken as part of the country's entry into NATO in April.

After several years of strong growth in the mid-1990's, the economy slowed starting in 1998 as a result of the Russian financial crisis and economic slowdown in the country's largest export markets in Europe. Gross domestic product (GDP)

growth dropped to 4.1 percent in 1999 and stayed at this level in 2000. After dropping steadily through the last decade, inflation began increasing again in 1999, climbing as high as 11.7 percent in the summer but dropping to 8.5 percent in December 2000. The ongoing process of restructuring, and increasing numbers of youths entering the labor force, have increased unemployment in recent years. The official unemployment rate was 15 percent at year's end. Since 1989 most small- and medium-sized state-owned enterprises have been privatized, and the Government has launched privatizations of major state-owned enterprises such as insurance, telephone, airline, power generation, petroleum refining, steel, coal, and banks. Significant reforms are underway in other areas as well, including pensions, health, decentralization of government, and education. Still to be addressed are the agriculture sector, a major part of the economy (employing more than 25 percent of the labor force), and lagging development in rural areas.

The Government generally respects the human rights of its citizens; however, problems remain in some areas. Prison conditions are generally poor. A cumbersome legal process, poor administration, and an inadequate budget hamper the court system. Lengthy pretrial detention occurs occasionally. Court decisions frequently are not implemented, particularly those of the administrative courts, and simple civil cases can take as long as 2 or 3 years. As a result, public confidence in the judicial system is low. Many poorly paid prosecutors and judges have left public service for more lucrative employment. The threat of organized crime has provoked legislative responses that raise questions regarding the right to privacy. The Government maintains a large number of wiretaps without judicial review.

There are some marginal restrictions in law and in practice on freedom of speech and of the press. With few exceptions, the Criminal Code provides protection for journalists' sources. Spousal abuse continues to affect many women. Women continue to experience serious discrimination in the labor market and are subject to various legal inequities as a consequence of paternalistic laws. Child prostitution is a problem. There were incidents of desecration of graves in both Jewish and Catholic cemeteries and anti-Semitic graffiti on Jewish buildings. The Government has worked constructively toward resolving issues of concern to the Jewish community. There is some societal discrimination and violence against ethnic minorities. Although the right to organize unions and bargain collectively largely was observed, some employers violated worker rights provided for by law, particularly in the growing private sector. Trafficking in women and children in, to, and from the country is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

In January 1998, a police officer was charged with the beating death of 13-year-old Przemek Czaja following a basketball game in the Baltic coast city of Slupsk. The officer was sentenced in May 1999 to 6 years in prison. In December 1999, the appeals court increased the sentence to 8 years. The defendant has lodged an appeal to the Supreme Court. At year's end, the defendant was still free on appeal. On March 7, the District Court in Koszalin decided that the defendant should be examined by psychiatrists from the Szczecin Medical Academy.

A police officer indicted in connection with the shooting deaths of two unarmed civilians and the wounding of another in Brodno, a suburb of Warsaw, was sentenced in December 1999 to 7 years in prison. His appeal was pending at year's end.

On October 30, the Lublin Appeals Court sentenced the former Lomaz police chief to 4.5 years in prison (originally he was sentenced to 15 years in 1998, but he appealed the decision). The October verdict is final.

Trials related to extrajudicial killings during the Communist period continued in 1999. A new trial began in a Katowice appeals court in October 1999 in the case of 22 riot policemen accused of killing miners during the Communist martial law era after a 1998 appeals court decision annulled their acquittals. In September 1999, the decision of a district court was upheld in the case of the appeal of two officers convicted in 1997 of the 1983 Communist era beating death of Grzegorz Przemyski.

One officer was sentenced to 2 years in prison for participating in the beating, and the other officer was found not guilty of attempting to destroy the file in the case. In November 1999, the Supreme Court ordered a new trial for former Communist leader Wojciech Jaruzelski and nine other officials who allegedly ordered police to shoot workers during the 1970 riots in Gdansk. The Court ruled that the trial that began in the Gdansk provincial court should be started over in the Warsaw

district court. No new trial date was set. In December 1999, lawyers representing miners submitted a motion requesting the retrial of former Communist Interior Minister Czeslaw Kiszczak for his role in the pacification of the Wujek mine, but a Katowice district court did not rule on the motion by year's end. In December 1999, the Warsaw regional court ruled that Kiszczak's health made it possible for him (although to a limited degree) to face the court and thus rejected a defense motion to suspend his trial because of poor health. Kiszczak appealed; the trial was still pending at year's end.

On October 30, the retrial began in Warsaw of General Wladyslaw Ciaston, one of the two former Communist Security Services (SB) generals accused (and acquitted in 1994) of having directed the 1984 murder of Father Jerzy Popieluszko. Popieluszko upset the Communist regime during martial law for openly supporting the cause of the then-outlawed Solidarity trade unions in his sermons. He was tortured to death in October 1984 by the secret police at the time and became a martyr and the "patron saint" of Solidarity. In March 1996, the appeal court ordered a retrial. The other accused general was excused from the trial in January of this year for health reasons.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code prohibits torture, and there were no reported incidents of it. Unlike in the previous year, there were no reports of police using force to disperse violent protestors or to break up illegal roadblocks.

In June 1998, a Gdansk court indicted 11 riot policemen for their participation in the October 1997 beating of soccer fans attending a match in the town of Gdynia. The officers' activities, which took place before, during, and after the match, both at the stadium and at a nearby bar, were captured on videotape. A civil case against the officers, launched by the father of one of the teenage victims, also was pending. Both civil and criminal cases stemming from the incident were pending at year's end. The civil case against the officers ended during the year; it was suspended pending resolution of the criminal case. Public television was fined \$2,400 (10,000 PLN) and the private television station TVN \$1,200 (5,000 PLN) for airing tapes of the incident. Both stations also must apologize to the victim on their main news programs. Initially the court acquitted the police officers but the prosecutor appealed; the criminal case was still pending at year's end.

Prison conditions are still generally poor, according to reports by nongovernmental organizations (NGO's); overcrowding, damp cells, and a lack of medical treatment are the chief problems. According to a July 1998 report by the National Penitentiary Authority, the prison system is in urgent need of additional funding. Of 156 detention facilities, 100 require considerable renovation. At the same time, the National Penitentiary Authority's annual budget continued to fall; it has declined by approximately 34 percent since 1991. The Ombudsman for Human Rights complained about the safety of prisoners, noting that inmates are often the victims of violent attacks by other prisoners. Civil litigation against the prison administration in the 1996 case of an 18-year-old mentally retarded boy who was beaten and sodomized by fellow inmates was considered by the Bydgoszcz district court in February; the case was still pending at year's end. The Ombudsman also suggested in 1999 that the prison population be reduced, including by decriminalizing certain offenses, pointing out that the ratio of prisoners to rehabilitation officers is very poor.

The Government permits human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government observes this prohibition. Courts rather than prosecutors issue arrest warrants. The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. During this period, access to a lawyer normally is limited. Once a prosecutor presents the legal basis for a formal investigation, the law provides for access to counsel. Detainees may be held in pretrial detention for up to 3 months and may challenge the legality of an arrest through appeal to the district court. A court may extend this pretrial confinement period every 3 months for up to 18 months until the trial date. Total time of temporary arrest until the first sentence rendered by the court of lower instance cannot be more than 2 years. However, under certain circumstances, the 2-year period may be extended further by the Supreme Court. Bail is available, and most detainees are released on bail pending trial.

The Government does not employ forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. However, the judiciary remains inefficient and lacks resources and public confidence.

The Government continues to restructure the court system in order to streamline and accelerate the legal process. At present there is a four-tiered court and prosecutorial structure. The courts consist of regional, provincial, and appellate divisions, as well as a Supreme Court. These tiers are subdivided further into five parts: Military, civil, criminal, labor, and family. Regional courts are courts of first instance, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while enjoying original jurisdiction for the most serious types of offenses. Appellate courts handle appeals tried at the provincial level, and the Supreme Court only handles appeals about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate, and regional offices.

Judges are nominated by the national judicial council and appointed by the President. They are appointed for life and can be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. In October 1999, Constitutional Tribunal decisions became final and binding, after a 2-year interim period following the entry into force of the new Constitution during which a two-thirds majority in the Sejm could overrule its decisions.

The court system is cumbersome, poorly administered, overstaffed, and underfunded. There are numerous inefficiencies, most notably the fact that many districts have more criminal judges than prosecutors. These factors contribute to a lack of public confidence. Many effective judges and prosecutors have left public service for the more lucrative private sector. Court decisions frequently are not implemented. Bailiffs normally ensure the execution of civil verdicts such as damage payments and evictions. However, according to some observers, they are underpaid, subject to intimidation and bribery, and have a mixed record of implementing court decisions. Civil and administrative rulings against public institutions such as hospitals often cannot be enforced due to a lack of funds. Simple civil cases can take as long as 2 to 3 years before resolution, and the pretrial waiting time in criminal cases can be several months. The backlog and the costs of legal action appear to deter many citizens from using the justice system at all, particularly in civil matters such as divorce. The long wait for routine court decisions in commercial matters is an incentive for bribery and corruption.

All defendants are presumed innocent until proven guilty. At the end of a trial, the court renders its decision orally and then has 7 days to prepare a written decision. A defendant has the right to appeal within 14 days of the written decision. Appeals may be made on the basis of new evidence or procedural irregularities.

Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. The seriousness of the offense determines which is the court of first instance. Once formal charges are filed, the defendant is allowed to study the charges and consult with an attorney, who is provided at public expense if necessary. Once the defendant is prepared, a trial date is set. Defendants are required to be present during trial and may present evidence and confront witnesses in their own defense. Since 1995 prosecutors have had the authority to grant witnesses anonymity at trial if they express fear of retribution from the defendant. This law, designed to help combat organized crime, impairs defendants' right to confront their accusers. In 1996 reforms were made that provide for a two-level appeal process in most civil and criminal matters; previously, citizens enjoyed access only to a one-step appeal process.

Trials are normally public. However, the courts reserve the right to close a trial to the public in some circumstances, such as divorce cases, trials in which state secrets may be disclosed, or cases whose content might offend "public morality." (See Section 1.f.) The courts rarely invoke this prerogative.

The current Criminal Code and Code of Criminal Procedure went into effect in September 1998. However, in March 1998 the European Court of Human Rights (ECHR) unanimously ruled that a provincial appellate court's examination of the verdict in the presence of the prosecutor, but not the defendant or his representative, infringed on the European Convention on Human Rights provisions concerning fair trial. Article 451 of the Code of Criminal Procedure was amended to take account of all implications of the March 1998 ruling of the ECHR. This amendment came into force on September 1.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy of correspondence; however, the Government maintains, without judicial review or oversight, a large number of wiretaps. There is no legislation that provides for the general right to privacy. However, a 1998 law prohibits the collection of information about a person's ethnic origin, religious convictions, health condition, political views, or membership in religious, political, or trade union organizations. The law allows for certain exceptions, specifically,

the gathering of information without a person's permission by courts, hospitals, or organizations if the information pertains to their members. All exceptions are subject to some restrictions. A few continuing practices (such as a requirement to fill out "creed" or "nationality" items in some questionnaires) became illegal, effective April 1999. Violators of these provisions are subject to imprisonment for up to 3 years. The Ministry of Justice reports that from March 1998 to September of this year, the office of the prosecutor received 324 notifications of crimes pursuant to Articles 49 to 54 of the 1998 Law on Personal Data Protection. Of those, 304 have been closed; the office declined to prosecute 90 cases; 39 cases were referred to the court; and 170 cases were discontinued by the court. In nine cases, the prosecutor recommended conditional discontinuance. There is no record of a conviction obtained in any case.

In response to the growing threat of organized crime and money laundering, Parliament permitted the police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering, or illegal firearms sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior, both political appointees, must authorize these investigative methods. In emergency cases, the police may initiate an investigation that utilizes wiretaps or the opening of private correspondence at the same time that they seek permission from the ministers. Estimates on the number of wiretapping devices installed annually at the request of the police vary widely; however, a high-ranking public prosecutor in 1998 put the number at 4,000. After interventions by the Human Rights Ombudsman, the Prosecutor General curtailed the number of warrants for wiretapping. Levels are reportedly back at pre-1998 levels, over 4,000.

Parliamentarians and human rights groups expressed concern about the lack of control over this type of surveillance. There is no independent judicial review of surveillance activities, nor is there any control over how the information derived from investigations is used. A growing number of agencies have access to wiretap information, and the Police Code allows electronic surveillance to be used for the prevention of crime as well as for investigative purposes. As is the case under the Criminal Code, police must obtain permission from the Ministers of Justice and Interior before initiating wiretap procedures.

The law forbids arbitrary forced entry into homes. Search warrants issued by a prosecutor are required in order to enter private residences. In emergency cases, when a prosecutor is not immediately available, police may enter a residence with the approval of the local police commander. In the most urgent cases, in which there is no time to consult with the police commander, police may enter a private residence after showing their official identification. There were no reports that police abused search warrant procedures.

A law on "lustration" or vetting went into effect in November 1998. The law, designed to expose government officials who collaborated with the Communist-era secret police, bans from office for 10 years those caught lying about their past. The law requires officials to provide sworn affidavits concerning their possible cooperation with the secret police; the public interest spokesman (lustration prosecutor) then verifies the affidavits and brings suspected cases of misrepresentation before the lustration court, a special three-judge panel whose decisions may be appealed. Several high-profile cases came before the court during the year, including that of a Deputy Defense Minister who was judged to have lied in his affidavit; the case is currently on appeal. Many of these cases are closed to the public because they involve classified documents. In accordance with the presidential election law, all candidates for the October presidential elections were vetted in August; after some controversy surrounding the lustration of President Kwasniewski and former president Walesa, all passed muster. Critics continue to voice concern that the procedures may be unfair, in view of the likelihood that secret police records were subject to loss or tampering. In June Parliament agreed on a chairman for the Institute of National Remembrance, creation of which the lustration law mandated in order to organize all communist-era secret police files and eventually give citizens access to information in files compiled on them.

In June 1998, the Constitutional Tribunal ruled unconstitutional a 1997 draft law envisioning the possible removal from service of judges proven to have violated judicial independence by issuing unjust verdicts between 1944 and 1989 at the request of the Communist authorities. Disciplinary proceedings against the judges in question were to be initiated by the Minister of Justice, the presidents of the appellate or regional courts, the National Judiciary Council, or individuals who felt wronged by court verdicts. In December 1998, the Sejm addressed the issue and adopted amendments to the law requiring that procedures against accused judges be initiated before December 31, 2002. The law went into effect in January 1999. According

to the National Judiciary Council, at the end of the year, 10 cases had been filed against 13 judges.

Men are not permitted to marry without parental permission until the age of 21, whereas women may marry at the age of 18 (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government respects these rights; however, there are some marginal restrictions in law and practice. Nonetheless, the press is vigorous and independent.

The Criminal Code states that an individual who “publicly insults or humiliates a constitutional institution of the Republic of Poland” is subject to a fine or imprisonment of up to 2 years, while an individual who insults a public functionary is subject to a fine or imprisonment of up to 1 year. In December 1999, the trial began in Elblag in the case of Andrzej Lepper, who was accused of insulting Prime Minister Jerzy Buzek and state officials in January 1999; the case was still pending at year’s end. Prosecutors charge that during a road blockade in Nowy Dwor Gdanski, Lepper called Buzek’s cabinet a “government of national betrayal, a government of dilettantes, traitors to Poland.” He is said to have called the Prime Minister and another political leader “bandits and criminals.” In May the Warsaw district court ruled that the daily newspaper “Zycie” must apologize to President Aleksander Kwasniewski for publishing untrue information suggesting that the President had contacts with Russian spies. However, the court rejected the President’s demand that Zycie pay \$0.6 million (2.5 million PLN) in damages in favor of flood victims. The President said he would not appeal the verdict, while Zycie said that it would. This provision of the Criminal Code also can be used by individual citizens and businesses “to protect their good name.” In March 1998, Network Twenty One, which sells Amway products, and seven of its employees used the provision to prevent the broadcast, showing, or copying of a 1-hour documentary critical of the company and its practices. The documentary had not been shown by year’s end.

The case against talk show host Wojciech Cejrowski, charged with publicly insulting President Kwasniewski, was decided against the defendant in April 1998; it since has been appealed and still was pending decision at year’s end. Also pending was a 1995 case against presidential candidate Leszek Bubel for violating a section of the Penal Code that prohibits acts that “publicly insult, ridicule, and deride the Polish nation, the Polish Republic, its political system, or its principal organs.” Bubel had claimed publicly that a former head of the Presidential Chancellery protected a group of criminals.

There was no progress during the year in the ongoing investigation into the case of Mikolaj Siwicki for publishing an allegedly hate-mongering book that could damage the nation’s interests.

The Criminal Code also stipulates that offending religious sentiment through public speech is punishable by a fine or a 3-year prison term. In 1995 a provincial court charged presidential candidate Leszek Bubel with violating this article by publishing a pamphlet containing anti-Semitic “humor.” A verdict on the case was still pending at year’s end.

In July 1999, the Warsaw district court revoked the 1998 decision of prosecutors not to start proceedings against the leftist newspaper Trybuna for insulting Pope John Paul II in one of its articles. In 1997 Tadeusz Rydzyk and AllPolish Youth director Roman Giertych, both acting on behalf of the Council for the Coordination of the Defense of the Dignity of Poland and Poles, originally filed charges against Trybuna for its alleged insults of the Pope. In April 1998, the Warsaw prosecutor’s office decided to drop the case; subsequently, some 1,500 persons appealed to the Warsaw district court to reopen. In the wake of the lost lawsuit, Trybuna had to apologize twice for publishing the article. A separate suit against the author was ended when he died, but it appears that the Prosecutor’s Office may charge the then editor-in-chief of the paper for having allowed the article to go to press. At least one civil suit related to the Trybuna case was still pending at year’s end.

The State Secrets Act allows for the prosecution of citizens who publish or otherwise betray state secrets. Human rights groups criticize this law, since it restricts the right of free speech of private citizens.

The Criminal Code regulates the protection of journalistic sources. The code grants news sources absolute protection, except in cases involving national security, murder, and terrorist acts. Pursuant to the law, statutory provisions are applied retroactively if their terms are beneficial to the accused. Journalists who refused to divulge sources prior to the new code’s enactment also can avoid sanctions by invoking “journalistic privilege.”

There is no restriction on the establishment of private newspapers or distribution of journals; private newspapers and magazines flourish. There was no progress in the ongoing privatization of RUCH, a national network of newspaper kiosks.

The national radio and television broadcasting council (KRRiTV) has broad powers in monitoring and regulating programming on radio and television, allocating broadcasting frequencies and licenses, and apportioning subscription revenues to public media.

In order to encourage the KRRiTV's apolitical character, the nine KRRiTV members are obliged legally to suspend any membership in political parties or public associations. However, they are chosen for their political allegiances and nominated by the Sejm, the Senate, and the President following political bargaining, thus raising potentially serious questions about the independence of broadcasting oversight from political influence.

The broadcasting law stipulates that programs should not promote activities that are illegal or against state policy, morality, or the common good. The law, whose constitutionality has been confirmed by the Constitutional Tribunal, requires that all broadcasts "respect the religious feelings of the audiences and in particular respect the Christian system of values." This provision has never been used as a means of censorship, although the restrictions theoretically could be used as such.

Private television broadcasters operate on frequencies selected by the Ministry of Communications and auctioned by the KRRiTV. Private radio flourishes on the local, regional, and national levels alongside public radio.

The Government owns 2 of the 3 most widely-viewed television channels and 17 regional stations, as well as 5 national radio networks. PAP, the national wire service, was privatized partially in 1997, and a five-member supervisory board is preparing the service for full privatization. However, there was no progress at year's end. Although public television remains a major source of news and information, private broadcast television, satellite, and private cable services (domestic and foreign) are available across most of the country. Cable services, available in all major cities, carry the main public channels, two nationwide private networks (Polsat and TVN), as well as local and regional stations and a variety of foreign offerings.

The law on radio and television requires public television to provide direct media access to the main state institutions, including the presidency, "to make presentations or explanations of public policy." The President and the Prime Minister have complained occasionally of the other's abuse of the access privilege. Both public and private radio and television provide coverage of all ranges of political opinion.

Books expressing a wide range of political and social viewpoints are widely available, as are foreign periodicals and other publications from abroad.

The Internet is widely available and is not regulated.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government respects this right in practice. Permits are not necessary for public meetings but are required for public demonstrations; demonstration organizers must obtain these permits from local authorities if the demonstration might block a public road. For large demonstrations, organizers also are required to inform the local police of the time and place of their activities and their planned route. Every gathering must have a chairperson who is required to open the demonstration, preside over it, and close it.

Unlike in 1999, there were no violent clashes between police and demonstrators during the year.

The law provides for freedom of association, and the Government generally respects this right in practice. Private associations need government approval to organize and must register with their district court. The procedure essentially requires the organization to sign a declaration that commits it to abide by the law. However, in practice the procedure is complicated and may be subject to the discretion of the judge in charge.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Citizens enjoy the freedom to practice any faith they choose. Religious groups may organize, select, and train personnel; solicit and receive contributions; publish; and engage in consultations without government interference. There are 15 religious groups in the country whose relationship with the State is governed by specific legislation and 140 other religious communities. The legislation outlines the internal structure of the religious groups, their activities, and procedures for property restitution. There are no government restrictions on establishing and maintaining places of worship. More than 95 percent of Poles are Roman Catholic, but Eastern Orthodox, Greek Catholic, and much smaller Protestant, Jewish, and Muslim congregations meet freely. Although the Constitution provides for the separation of church and state, a crucifix hangs in

both the upper and lower houses of Parliament. State-run radio broadcasts Catholic mass on Sundays, and the Catholic Church is authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the KRRiTV allowed to do so.

Religious communities may register with the Government, but they are not required to do so and may function freely without registration. Registration requires that the group have submitted the names of 100 members as well as information regarding the group itself. This information on membership must be confirmed by a notary public, although the registration itself often appears to be a formality. Four new religious communities were registered during the year. All churches and recognized religious groups share the same privileges, such as duty-free importation of office equipment and reduced taxes.

Although the Constitution gives parents the right to bring up their children in compliance with their own religious and philosophical beliefs, religious education classes continue to be taught in the public schools at public expense. While children are supposed to have the choice between religious instruction and ethics, the Ombudsman's office states that in most schools, ethics courses are not offered due to financial constraints. Catholic Church representatives are employed to teach religious classes in the schools. Such classes constitute the vast majority of all religious education classes offered, since the population of the country is approximately 95 percent Catholic. However, parents can request religious classes in any of the religions legally registered, including Protestant, Orthodox, and Jewish. Such non-Catholic religious instruction exists in practice, although it is not common; the Ministry of Education pays the instructors. Priests receive salaries from the state budget for teaching religion in public schools.

In mid-year the Government announced plans to establish by September, a department within the Ministry of Interior to monitor the activities of "new religious groups" and cults; by year's end, the new department had not yet been formed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although the Constitution does not address freedom of movement, the Government does not restrict internal or foreign travel. Citizens who leave the country have no trouble returning. There are no restrictions on emigration.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were no reports of the forced repatriation of persons with a valid claim to refugee status. Foreigners recognized as refugees under the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol are granted full refugee status and permission to remain permanently. The Government received 4,519 petitions for refugee status during the year, compared with 2,864 for all of 1999. Including petitions carried over from 1999, 76 have been approved, 2,626 were denied, and 1,206 discontinued or abandoned. The increase from 1999 can be attributed to the marked increase in Chechen refugees. The Government approved 22 Chechens for refugee status prior to August, when they ceased granting approvals for political reasons.

The 1997 Aliens Act addresses immigration issues. Human rights organizations generally view the Aliens Act as positive. The law gives all prospective refugees access to a procedure for adjudicating refugee status and established an independent board to which prospective refugees can appeal negative status decisions by the Ministry of Internal Affairs. Refugee advocates note that the board serves as an impartial and independent adjudicator of appeals. The law does not recognize the concept of first asylum or any other form of temporary protection.

The new Aliens Act would, for the first time, include the category of humanitarian assistance as a reason for re-settling aliens. The Government currently only has categories for asylum seekers and for refugees (for example, those who qualify under the Geneva Convention standards). A new category would be created for those who do not qualify as refugees but who cannot be returned to their countries of origin. Previously the Government had to find creative means of allowing refugees to stay in the country, as the Government did during the Kosovo conflict when they issued 1-year residency permits.

The new Aliens Act would create the Office of Repatriation and Aliens. This office would control the various refugee boards and agencies as well as have some political control over the border guards. The law would also create an expedited system of refugee processing. Aliens would receive an answer to their petition within 2 days. If they were denied, they would be able to appeal to the refugee board, from whom they would receive an answer within 5 days. If their claims were found to be "manifestly unfounded," they would be denied and no further appeal would be available to them. This would represent a significant change from the current system, in which refugees could wait up to 3 months for the first answer and could then appeal all the way to the Supreme Court.

During the year, the Government cooperated with the UNHCR and the Polish NGO Caritas in a program monitoring portions of the country's eastern and western borders from offices in Bialystok and Zgorzelec. The UNHCR reports that the Government has been cooperative as the offices monitor relevant issues such as tracking asylum cases.

The UNHCR reports isolated incidents of the border guards turning away potential refugees, in particular Chechen refugees. In addition UNHCR expressed concern during the year over the fate of unaccompanied children seeking asylum in the country. It urged that procedures and practices concerning the appointment and maintenance of supervisors and guardians for minors be improved.

Many of the problems that the Government faces in dealing with aliens present in the country center around funding. The Government receives significant EU funds for upgrading its refugee processing system, which includes money for such things as fingerprinting equipment and running the refugee centers. However, the Government has very little money available to send aliens who have been denied petitions back to their country of origin (only 20 were returned by air in 1999). Most denied applicants simply receive a letter informing them that their petition has been denied and that they should leave the country. The Government does not have funding to help assimilate those persons who receive permission to permanently reside in the country. The approved petitioners receive funds from various NGO's, but this money covers only basic living needs, and not services such as language training, medical care, or other social benefits.

The country is becoming a destination point for refugees, rather than simply a transit point. The UNHCR reports that significantly fewer persons are abandoning their refugee applications and that fewer persons are leaving the country after receiving status. The National Labor Office also estimates that as many as 200,000 foreigners are working illegally in the country, while the International Organization for Migration (IOM) estimates that some 300,000 irregular migrants are present at any given moment in the country. The IOM also reports that in recent years, 10,000 to 15,000 foreigners annually have been apprehended crossing the border into the country. Most of the illegal residents come from the countries of the former Soviet Union, although an increasingly larger number are coming from Vietnam, Afghanistan, and Sri Lanka. Poland's relatively strong economic growth and its status as an EU candidate country are mainly responsible for this phenomenon, and illegal and legal immigrants alike can find employment in the country.

The UNHCR has been working with government officials, police, and hospital personnel to sensitize them to the plight of refugees and train them in better ways of handling refugees. As part of this campaign, in September the UNHCR, in conjunction with the domestic NGO Polska Akcja Humanitarska and the entertainment agency 'Alter Art,' hosted a "Refugee Day" in Warsaw that featured bands, food, and entertainment appealing to younger persons.

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

Citizens have the right to change their government peacefully. This right is provided for in the Constitution and exists in practice. All citizens 18 years of age and older have the right to vote and to cast secret ballots, and voting is voluntary. The country is a multiparty democracy. A permanent, democratic Constitution entered into force in 1997. Free and fair presidential elections were held in October. Multiple candidates ran and had access to the media. President Kwasniewski was re-elected to a second (and final) 5-year term in the first round with 53 percent of the vote.

Executive power is divided between the President and a government chosen by the Sejm, or lower house of Parliament. There is also an upper house (the Senate). The Constitution provides for parliamentary elections at least once every 4 years. The President, elected for 5 years, has the right, in certain very limited cases and after seeking the opinion of the Speakers of the Sejm and the Senate, to shorten the Sejm's term of office. Whenever the Sejm's term of office is shortened, the Senate's term automatically is shortened as well. Parliament may impeach the President.

Women are underrepresented in government and politics. Only 13.7 percent of parliamentarians (63 of 460) are women, and presently none of the 19 cabinet ministers is a woman. The Speaker of the Senate is the only female parliamentary leader, and none of the leaders of the nation's largest political parties are women.

Two members of the German minority party are Members of Parliament (M.P.s) (see Section 5). The electoral law exempts ethnic minority parties from the requirement to win 5 percent of the vote nationwide in order to qualify for seats in individual districts.

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

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

The Helsinki Foundation, a major NGO, conducts human rights investigations without government interference. Members of the foundation report that the Government displays a generally positive and helpful attitude towards human rights investigations. However, some domestic NGO's believe that a hostile regulatory climate is developing in parts of the government bureaucracy.

The Office of the Commissioner for Civil Rights Protection (the Ombudsman), established in 1987, is the Government's watchdog for human rights. The Ombudsman's office is an effective, independent body with broad authority to investigate alleged violations of civil rights and liberties. The Ombudsman registers each reported case and files grievances, where appropriate, with the relevant government office. He has no legislative authority and is sworn to act apolitically. The Government cooperates with his office.

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

The Constitution states that "no one shall be discriminated against in political, social, or economic life for any reason whatsoever." The Government attempts to ensure that these provisions are observed; however, violence and societal discrimination against women and ethnic minorities persist.

Women.—Violence against women continues to be a problem. Women's rights advocates report that unofficial statistics are similar to those of previous years, although there are no recent comprehensive surveys. Physical abuse is illegal and spousal rape is treated the same as other types of rape. In 1996 some 9 percent of women polled by the Public Opinion Research Center admitted to being beaten repeatedly by their husbands. Women's organizations assert that the number of women suffering from domestic abuse is probably much higher. They explain that battered women usually refuse to admit abuse even to themselves. Violence against women remains hidden, particularly in small towns and villages. Government and police statistics do not differentiate between male and female victims of violence. Police intervene in cases of domestic violence, and husbands can be convicted for beating their wives. In 1998 the police, in cooperation with the State Agency for Solving Alcoholic Problems, introduced the so-called "blue card," a record-keeping system designed to better document incidents of spousal abuse. Sentences for abuse of family members range from 3 months to 5 years, or from 2 to 10 years if the victim attempts suicide as a result of the abuse. However, statistics suggest that a large majority of convictions result in suspended sentences. According to a spokesman for the police, there were 23,147 cases of family abuse reported during the year, with 161 of those being of particularly severe abuse. According to NGO's, the courts often treat domestic violence as a minor crime, pronounce lenient verdicts, or dismiss cases.

According to the Women's Rights Center Report published during the year, there has been significant progress in raising public awareness of the problem of violence against women. The topic received increasing coverage in the media during the year, most notably through a highly visible media campaign. In addition an increasing number of NGO's are addressing the problem. Fifteen centers have been established to assist victims, to provide preventive treatment as well as resocialization counseling to perpetrators, and to train personnel working with victims of domestic violence. As of July 6, an Office of Victims' Rights Spokesman at the Ministry of Internal Affairs and Administration has been established. The main task of the office is to ensure that victims of violence are treated with respect by law enforcement and the judicial system. The office provides legal and psychological assistance for victims and their families.

The law has no provision for restraining orders to protect battered women against further abuse. For example, in divorce cases, courts frequently grant a divorce but do not issue a property settlement, sending the woman back to live with the abusive husband. This problem is exacerbated by a lack of alternative housing in the country. Women's advocacy groups also have complained about the small number of state-supported shelters for battered women.

According to police statistics, the frequency of rape is increasing. During the year, there were 2,399 cases reported, compared with 2,029 in 1999. NGO's report that women often are unwilling to report the crime and estimate that the actual number of rapes is 10 times higher than reported statistics suggest.

Trafficking in women is a serious problem (see Sections 6.c. and 6.f.).

While laws specifically addressing sexual harassment do not exist, social awareness is increasing, as are mechanisms with the potential to deal with the problem. For example, the Criminal Code states that whoever takes advantage of a position of power in a relationship to gain sexual gratification may be sentenced to up to 3 years in prison. According to a Supreme Court advisory opinion, such a relationship can occur between employers and employees, between supervisors and subordinates, or between teachers and students. However, this provision can be invoked only when alleged sexual harassment occurs between a supervisor and an individual in a subordinate position. Abuse of power cannot be claimed when harassment occurs between persons of equal rank. In August a prosecutor charged a former director of a hospital emergency ward of sexually harassing six nurses; the case was still pending at year's end. Public discussion of the problem of sexual harassment is relatively new, but women increasingly are talking about the problem and speaking out against it.

The Constitution provides for equal rights regardless of gender and grants women equal rights with men in all areas of family, political, social, and economic life, including equal compensation for work of similar value. However, in practice women frequently are paid less for equivalent work, mainly hold lower level positions, are discharged more quickly, and are less likely to be promoted than men. According to the 1999 government statistical bulletin, men have a higher employment rate (54 percent) than women (45.9 percent), and women have a higher unemployment rate (13.5 percent) than men (11.7 percent). Despite a generally higher level of education, women earn on average 30 percent less than men. In August 1999, the U.N. Human Rights Commission expressed its concern about the situation and agreed that women are discriminated against in the labor market.

Women are employed in a wide variety of professions and occupations, and a number of women occupy high positions in government and in the private sector. Although clauses in social insurance law limit child sick care benefits to women, since June 1999, both men and women have the right to claim child sick care. The pension law passed in late 1998 did not change the mandatory earlier retirement for women at age 60 (65 for men). As a result women get about 60 percent of the average pension that men receive. In December the Constitutional Tribunal ruled that the law setting retirement age at 60 for women and 65 for men is discriminatory, as it reduces women's chances of promotion and better pensions. Based on this verdict women can appeal to the labor court if employers insist that they retire at 60. The law does not address equality in hiring practices (there are no legal penalties for discriminatory behavior in this area), and advertisements for jobs frequently indicate a gender preference. Although women have access to a number of previously forbidden careers since the Labor Code was modified in 1996, they still are prevented from working underground or in jobs that require heavy lifting. In March 1999, the Parliament failed to approve the proposed law on equal status that would have remedied some of these inequalities. Apart from the Constitution, there is no other legal provision for equal rights for women.

The Ombudsman for Human Rights monitors the rights of women within the broader context of human rights. Observers note that the broad scope of the office's mandate dilutes its ability to function as an effective advocate of women's issues. In 1997 the government Plenipotentiary for Family Affairs within the Cabinet replaced the government Plenipotentiary for Women and the Family, a change that many women's rights groups perceived as an example of discrimination. There are several women's rights NGO's. Among the most notable are the Polish Foundation for Women and Family Planning and the Women's Rights Center. These groups are active advocates of gender equality and advance their goals through research, monitoring, and publishing. There are several church-sponsored women's advocacy organizations, but their cooperation with other women's NGO's is limited.

Women have the same right as men to transmit citizenship to their foreign-born spouses.

Children.—The Constitution extends some state protection to the family and children and the Sejm appointed an ombudsman for children's rights in June, although he resigned in August. A replacement was being sought at year's end. The Government sponsors some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools. In reality, budget shortfalls prevent complete implementation of these programs. There are no procedures in schools to protect children from abuse by teachers; in fact, the teachers' work code provides legal immunity from prosecution for the use of corporal punishment in classrooms.

Violence against children is illegal. A provision of the Criminal Code threatens those who physically or psychologically abuse a juvenile with a prison sentence of 3 months to 5 years. If the victim attempts suicide the sentence is increased, as it

is if the perpetrator is found to have acted with extreme cruelty. Abuse rarely is reported, and convictions for child abuse are even more rare. There is no societal pattern of abuse of children; however, trafficking in children is a problem (see Sections 6.c. and 6.f.).

Young men and women are treated unequally in terms of the age of majority. Men and women reach majority at the age of 18 under the Civil Code. However, a young woman can reach majority at the age of 16 if she has entered into marriage with the consent of her parents and the guardianship court. In addition men are not permitted to marry without parental consent until the age of 21, whereas women may do so at the age of 18 (see Section 1.f.). Lawmakers' rationale for this difference in treatment is the assumption that it is better that men entering compulsory military service not be encumbered with families.

People with Disabilities.—There were approximately 5.5 million disabled persons in the country by year's end, and the number is expected to reach 6 million by the year 2010. During the year, the Central Bureau of Statistics (GUS) reported that 17 percent of disabled persons able to work are unemployed. Advocacy groups claim that the percentage is much higher. GUS data from 1999 indicate that 48.7 percent of the disabled have no more than an elementary school education, compared with 33.7 percent of those without disabilities, and that only 4.2 percent have a university education, compared with 8.2 percent of the nondisabled.

The Constitution provides for aid to disabled persons "to ensure their subsistence, professional training, and social communication," and a number of laws protect the rights of the disabled. However, implementation falls short of rights set forth in the legislation. Public buildings and transportation generally are not accessible to the disabled. Current law provides only that buildings "should be accessible."

The law creates a state fund for the rehabilitation of the disabled that derives its assets from a tax on employers of over 50 persons, unless 6 percent of the employer's work force are disabled persons. While the fund has adequate resources, its management has encountered difficulties, including frequent changes in leadership. According to press reports, the fund has 4,000 grant applications pending. During the year, the fund had \$0.4 billion (1.8 billion PLN) at its disposal. Thirty percent of this sum was spent for social rehabilitation and the rest for professional rehabilitation. The fund has branches in all 16 provinces. According to the August 1997 revision of the law on professional and social rehabilitation, 5 to 10 percent of the fund can be used to assist disabled children.

A 1996 law allows individuals from certain disability groups to take up gainful employment without the risk of losing their disability benefits. Previously, disabled individuals from those groups lost their benefits once they began to work.

Religious Minorities.—Current law places Protestant, Catholic, Orthodox, and Jewish communities on the same legal footing, and the Government attempts to address problems that minority religious groups face. Among the most important of these problems is that of property restitution. The laws governing restitution of communal property allow for the return of churches and synagogues, cemeteries, and community headquarters, as well as buildings that were used for other religious, educational, or charitable activities. The laws included time limits for filing claims; in several cases the deadlines have expired, and no additional claims may be filed. Restitution commissions (composed of representatives of the Government and of the affected religious community) are continuing to adjudicate previously filed claims. The Government established four separate commissions to process the claims of the Catholic, Lutheran, and Orthodox Churches, and the Jewish community. A fifth commission to handle the claims of other religious groups became active on September 1.

The Concordat, a treaty regulating relations between the Government and the Vatican, took effect in April 1998.

The time limit for applications by the Catholic Church expired in December 1991. At the end of December, 2,512 of 3,045 claims filed by the Catholic church had been concluded, with 1,184 claims settled by agreement between the church and the party in possession of the property (usually the national or a local government); 859 properties were returned through decisions of the commission on property restitution, which rules on disputed claims; 456 claims were rejected; and 13 cases were expected to go to court. The local Jewish community's deadline for filing claims under the 1997 law expires in 2002. By year's end, 532 had been filed. Of those 532 claims, by year's end the commission on property restitution considered and closed 145 cases; 78 of the 145 cases were closed by an agreement between the parties. As of early in the year, Lutheran claims for 1,200 properties had resulted in 392 cases being closed with the return of the properties in question (the deadline for filing such claims was August 1993). Seventy-four claims were filed by the Orthodox

Church, one property has been transferred, and the commission is considering another 20 claims.

Laws on religious communal property do not address the private property of any group, and laws on communal property restitution do not address the issue of communal properties to which third parties now have title, leaving several controversial and complicated cases unresolved. In a number of cases over the years, buildings and residences were built on land that included Jewish cemeteries that were destroyed during or after World War II. For example, a school for disabled children now stands on the site of a completely destroyed Jewish cemetery in Kalisz. The existence of the school complicated the issue of returning the cemetery to the Jewish community. Efforts continued during the year to reach a resolution acceptable to all concerned.

Units set up to monitor new religious movements that are being trained to deal with criminal activities by sects have been criticized by Adventist church leaders, who allege that the "anti-sect" training material gives a distorted picture of minority religions that could lead to discrimination against them.

Relations between the various religious communities are generally amicable, although anti-Semitic feelings persist among certain sectors of the population, occasionally manifesting themselves in acts of vandalism and physical or verbal abuse. It is not always clear that vandalism of graves is anti-Semitic in nature. Surveys in recent years show a continuing decline in anti-Semitic sentiment and avowedly anti-Semitic candidates fare very poorly in elections.

Sporadic and isolated incidents of harassment and violence against Jews continue to occur in the country, often generated by skinheads and other marginal societal groups. Occasional cases of cemetery desecration, including both Jewish and Catholic shrines, also occurred during the year. Government authorities consistently criticized such actions and made efforts to prevent similar acts from occurring in the future, for example, by increasing police patrols around Jewish sites. No arrests or prosecutions took place after any of these events.

In February near Katowice, some 60 graves were desecrated in what apparently was an attempt to steal and sell the stones from the local Catholic cemetery; no one was charged in the case. Later in the month, two other Catholic cemeteries were desecrated with Satanist graffiti, one near Zamosc and one near Wroclaw. Perpetrators in the case were not found and the investigation was discontinued.

In March hooligans vandalized a monument to martyred priest Jerzy Popielusko; no one was arrested in the case. Also in March, the citizens of Lodz took action of their own accord to clean up anti-Semitic (and other) graffiti in the town. The same evening as the clean-up, vandals spray-painted anti-Semitic and anti-Roma graffiti on the home of Marek Edelman, the last surviving commander of the 1943 Warsaw ghetto uprising. The attack was criticized strongly by both the President and the Prime Minister. The case was investigated, but no perpetrators were identified and the investigation was discontinued.

In April anti-Semitic and anti-Roma graffiti were painted on the Wall of the Jewish cemetery at Oswiecim (Auschwitz). The perpetrators were not caught. The town paid to have the graffiti removed. Also in April, on 2 successive nights, vandals in Krakow painted swastikas and anti-Semitic graffiti on the walls of a local museum, whose site once had housed a pharmacy operated by the only non-Jewish Pole to live in the Krakow ghetto. The pharmacy's owner had received the Israeli "righteous among nations" award for the help he rendered to many Jews during the war. Although the local public housing authorities responsible for maintenance of the property painted over the graffiti the following afternoon, the next evening the vandals wrote anti-Semitic slogans over the fresh paint. The second set of graffiti was painted over the next morning. Local police vowed to step up patrols in the area but no arrests were made by year's end.

Also in April, Satanist graffiti defaced some 20 gravestones in a Catholic cemetery in a village near Poznan. The vandals were never identified. In August a group of eight to nine teenagers armed with clubs attacked a Buddhist center in Krakow. The teenagers assaulted three persons inside the center, one of whom required hospitalization, and broke windows and smashed furniture. Center representatives said the attack was the most serious in a series of incidents—including assaults on Buddhists visiting the center, breaking windows, and threatening graffiti—that began earlier in the year. Although the center has been open since 1991, this is the first year that it became the target of such attacks. The Krakow prosecutor initiated an investigation into the case and two persons have been arrested in relation to the case. The investigation is ongoing and legal proceedings against the arrestees continued at year's end.

The "Pope's Cross," located on the grounds of a former Carmelite convent in Oswiecim adjacent to the Auschwitz concentration camp museum, remained in place at year's end.

In April Opole University fired professor Dariusz Ratajczak for publishing a book denying the Holocaust. The firing followed the unsuccessful prosecution of Ratajczak in December 1999 for violating the law on the preservation of national remembrance, a provision of which criminalizes public denials of Nazi and communist-era crimes. The University announced that Ratajczak had violated ethical standards and would be barred from teaching at other universities for 3 years.

In January 1999, vandals damaged or destroyed 57 gravestones in the Jewish cemetery in Krakow. In May 1999, the cemetery was vandalized again when unidentified perpetrators overturned 30 gravestones and set fire to the main door of the pre-burial house. Perpetrators in these events were not found and the investigation into the cases was discontinued. The local Jewish community now pays for two guards and two guard dogs at the cemetery, where such incidents have ceased.

In July 1999, unknown vandals sprayed swastikas and anti-Semitic graffiti on the Jewish community headquarters in Bielsko-Biala. According to the mayor of Bielsko-Biala, city police officers were ordered to guard the building after the attack and an investigation opened in 1999 into the case was discontinued in 2000. There were no further incidents reported during the year.

In May during the 12th March of the Living from Auschwitz to Birkenau to honor victims of the Holocaust, several hundred Poles joined the Presidents of Israel and Poland as well as some 6,000 marchers from Israel and other countries. This was the largest participation of Polish citizens in the event to date. Government officials participating in the march included M.P.s, the province's governor, and Oswiecim's mayor and city council chairman. Schoolchildren, Boy Scouts, the Polish-Israeli Friendship Society, and the Jewish Students Association of Poland also participated in the march.

Investigations continued into the May 1998 desecration of graves in the Warsaw Jewish cemetery and the July 1998 vandalism of a plaque commemorating Jewish Holocaust victims in Rzeszow. No charges have been filed to date, and the Rzeszow case was still under investigation at year's end.

In September dignitaries from Poland, Israel, the United States, and other countries (including Prince Hassan of Jordan) gathered in Oswiecim (Auschwitz) to commemorate the opening of the refurbished Chevra Lomdei Mishnayot synagogue and the Auschwitz Jewish Center. The synagogue, the sole synagogue in Oswiecim to survive World War II, and an adjacent Jewish cultural and educational center, provide visitors a place to pray and to learn about the active pre-war Jewish community that once existed in Oswiecim. The synagogue was the first communal property in the country to be returned to the Jewish community after the fall of communism under a 1997 law allowing restitution of Jewish communal property.

On November 11, some 400 persons participated in a demonstration in Katowice officially organized by the No To Europe Association; some of the participants chanted anti-Semitic slogans and burned the EU and Israeli flags. The association's head told prosecutors investigating the case that only some 30 percent of the rally's participants were actual members of his organization.

There is some public concern about the growth of groups perceived to be "sects" and the influence of non-mainstream religious groups, especially in the wake of press reports of the deaths of a few young persons in circumstances suggesting cult activity.

National/Racial/Ethnic Minorities.—The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. There were 5 Lithuanian-language textbooks in use during the year and the number will probably increase to 8 or 9 in 2001. The Ministry of Education fully finances their publication and uses Lithuanian minority representation on development of the texts. The issue of Lithuanian minority rights, including language instruction, is routinely addressed during governmental talks at the highest levels.

The Romani community, numbering around 30,000, faces disproportionately high unemployment and was hit harder by economic changes and restructuring than were ethnic Poles, according to its leaders. The national Government does not discriminate overtly against Roma, though discrimination against Roma is commonplace in society at large and some local officials have been known to discriminate by not providing services in a timely manner or at all. Romani leaders complain of widespread discrimination in employment, housing, banking, the justice system, the media, and education. There have been occasional incidents of skinheads clashing with Roma and racially motivated violence directed at Roma. The central Government is cooperating with local governments to develop and finance programs to assist the poorest Roma. Some local governments are becoming more active in dealing

with the problems of local Romani communities. In the southern town of Nowy Sacz, where some of the country's poorest Roma reside, the local government launched a new initiative to improve the lives of the city's Roma. The initiative calls for hiring a special liaison to the Romani community, improving housing and access to utilities (sewers and running water), and expanding educational opportunities for Roma. The Government has also mounted an advertising campaign featuring a famous Polish actor that emphasizes tolerance and friendly attitudes towards foreigners and refugees resident in the country. A November poll showed no significant change in Polish attitudes toward other nationalities. The highest negative attitude is towards Roma and Romanians (64 percent and 63 percent); Russians, Ukrainians and Belarussians (57 percent, 58 percent, 50 percent); and Jews (49 percent).

The small Ukrainian and Belarussian minorities occasionally experience petty harassment and discrimination. Individuals of African, Asian, or Arab descent have experienced verbal or other types of abuse, including physical abuse. In February an African-American woman was kicked at the Czestochowa train station, in what she felt was a racially-motivated attack. In April a group of African-American military personnel visiting Wroclaw in connection with a NATO exercise were singled out for harassment by a group of skinheads. Part of the group was involved in a shoving match outside of a local restaurant, which ended when a larger group of military personnel arrived and the skinheads dispersed. In a second related incident, three of the servicemen were cornered by a group of skinheads carrying bottles who identified themselves as "white racists." In June two African-Americans were verbally harassed by a group of skinheads in Gdansk. They did not respond to the taunts and there was no further incident.

The German minority in Opole province makes up one-third of the 1 million inhabitants of this area of Poland that was part of Germany prior to World War II. Some members of the community complain that not enough German is used in the province's schools and that the minority rights bill will not successfully pass Parliament. However, two members of the German minority party are able to voice such concerns as Members of Parliament (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including civilian employees of the Armed Forces, police, and frontier guards have the right to establish and join trade unions of their own choosing. The law sets minimum size requirements for establishing a trade union: 10 persons may form a local union, and 30 may establish a national union. Unions, including interbranch national unions and national interbranch federations, must be registered with the courts. A court decision refusing registration may be appealed to an appeals court. During the year, the number of officially registered national-level unions remained at about 360, about the same as in 1999. No precise data exist on work force unionization, although the trend continues to be downward. Recent studies suggest that only 9 to 10 percent of workers belong to a union. As a rule, newly established small- and medium-sized firms were nonunion, while union activity in most cases carried over into privatized (former state-owned) enterprises. The Independent Selfgoverning Trade Union (NSZZ) Solidarity has a verified regular dues-paying membership of about 1 million. Small spin-offs from mainstream Solidarity include the rival factions Solidarity '80, August '80, and the Christian Trade Union Solidarity (Popieluszko). There are no reliable estimates of their membership.

The other principal national unions are those affiliated with the All-Poland Trade Union Alliance (OPZZ), the formerly Communist-aligned confederation established in 1984 as the sole legal alternative to then-outlawed NSZZ Solidarity, and its teachers' affiliate, the Polish Union of Teachers (ZNP). The OPZZ reports that its membership has dropped by more than 50 percent in recent years to about 1.7 million, but this figure is unverified, and independent sociological surveys suggest that its regular dues-paying membership is considerably less than Solidarity's. A recent survey found that Solidarity represents some 7.6 percent of all Polish workers, while the OPZZ represents only 3.6 percent (one estimate put OPZZ membership at roughly 700,000 to 800,000 workers). According to a 1999 study by the State Labor Inspectorate, out of some 27,000 local union organizations, Solidarity had 13,500 organizations, the OPZZ had 11,000 organizations, and Solidarity '80 had 770 organizations.

The law on collective bargaining, in force since 1994, does not require union membership figures to be verified or based on dues-paying members in order for unions to be considered "representative" negotiating partners for management and government. Solidarity protested some unions' (largely OPZZ affiliates) participation in negotiations with the Government on the grounds that their membership figures remain unproved.

Most trade unions were active in politics at all levels. Trade unions are affiliated with political parties and scores of union activists were parliamentarians, and several became senior government officials. Solidarity plays a key role in political life. With 62 deputies, 27 senators, dozens of ministers, governors, and other senior national and local officials, the union serves as the backbone of the ruling AWS coalition. The OPZZ has 42 deputies, about one-quarter of the opposition Democratic Left Alliance (SLD) caucus.

Unions have the right to strike except in "essential services." However, labor leaders complain that the 1991 Act on Collective Dispute Resolution prescribes an overly lengthy process before a strike may be called. Employers consider the law too lenient, since it allows only one-quarter of the work force to vote to call a strike. As a result, as many as 60 to 90 percent of strikes called in recent years have been technically "illegal" because one or both of the sides did not follow each step exactly as required by law. Labor courts act slowly on deciding the legality of strikes, while sanctions against unions for calling illegal strikes, or against employers for provoking them, are minimal. Arbitration is not obligatory and depends on the agreement of disputing parties. Unions allege that laws prohibiting retribution against strikers are not enforced consistently and that fines imposed as punishment are so minimal that they are ineffective sanctions to illegal activity. Workers who strike in accordance with the law retain their right to social insurance but not to pay. However, if a court rules a strike "illegal," workers may lose social benefits, and organizers are liable for damages and may face civil charges and fines. The social partners (unions, employers, and the Government) continued to work out ambiguities in dispute resolution mechanisms in the new Labor Code, which went into effect in 1996, and which represented a major overhaul of communist-era labor regulations.

The number of strikes in the first 6 months of the year remained relatively low and dropped to 6 from 25, compared with the same time period in 1999. There were strikes lasting for a few days in public transportation, health, armaments, and metallurgy sectors. Railroad (PKP) workers struck for a few hours during the year, demanding overdue payments, changes in the privatization process, and protesting layoffs.

In November hundreds of nurses began hunger strikes and protests throughout the country to protest the Government's failure to pay wage increases. In December the Sejm passed a bill giving the nurses a raise. The nurses found the offer unsatisfactory, and the matter was still pending conclusion at year's end.

Unions have the right to join labor federations and confederations and to affiliate with international labor organizations. Independent labor leaders reported that these rights were observed in practice. Solidarity is a full member of the International Confederation of Free Trade Unions, the World Confederation of Labor, and the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively.—The 1991 Law on Trade Unions created a favorable environment for trade union activity. However, labor leaders report that the 1991 law has not prevented employers from discriminating against workers who attempt to organize or join unions, particularly in the growing private sector. The law also has not prevented employer harassment of union members for labor activity. The ICFTU alleges that the sanctions provided in the law against acts of antiunion discrimination are not sufficiently dissuasive.

The 1991 law provides for parties to take disputes first to labor courts, then to the prosecutor general, and, in the last resort, to the Supreme Court. In a typical year, Solidarity takes several thousand cases to labor courts, several hundred to the Prosecutor General, and dozens to the Supreme Court for resolution. In an overwhelming majority of these cases, the courts ordered employers to correct practices or reinstate dismissed workers or unions to reimburse employers for activity found to be illegal. However, penalties are minimal and are not an effective deterrent.

Enterprise-level collective bargaining over wages and working conditions increasingly characterized the labor relations system. Labor and management are adapting their relationship to the demands of a market economy, but experience in modern labor relations is still in its early stages. Many enterprises rolled over agreements concluded in earlier years.

Since its formation in early 1994, the Tripartite Commission (unions, employers, and the Government), currently chaired by Labor Minister Longin Komolowski, has become the main forum that determines national-level wage and benefit increases in such politically sensitive areas as the so-called budget sector (health, education, and public employees), while rendering opinions on pension indexation, energy pricing, and other important aspects of social policy. The Commission serves as an important forum in which the social partners air differences, discuss grievances, and often negotiate agreements before problems erupt into social conflict.

Many disputes arose because of the weakness of the employer side of the union/employer/Government triangle. Key state sector employers (largely in heavy industry and the budget sector) still were unable to negotiate independently with organized labor without the extensive involvement of central government ministries to which they are subordinate, although the Government repeatedly stated that its intention was not to be drawn into labor disputes. This weakness complicated and politicized the Government's labor relations system. Claiming that the Government was refusing seriously to discuss labor issues with it, the OPZZ suspended participation in the commission in April 1999 and stayed away all throughout this year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Compulsory labor does not exist, except for prisoners convicted of criminal offenses, and otherwise is prohibited by law, including that performed by children. There were no reports of forced or compulsory labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law contains strict legal prescriptions about the conditions in which children may work. Education is universal and mandatory until age 18, and public schools are free of charge. The Labor Code forbids the employment of persons under the age of 15. Those between the ages of 15 and 18 may be employed only if they have completed primary school and if the proposed employment constitutes vocational training and is not harmful to their health. The age requirement rises to 18 years if a particular job might pose a health danger.

Child labor is not a problem, although the State Labor Inspectorate reported that increasing numbers of minors now work, and that many employers violate labor rules in employing them (by underpaying workers, paying them late, etc.). Inspectors found violations on stud farms, in restaurants, and, in some instances, in small private sector businesses and factories. Sanctions for illegal employment of children range from warning letters through orders to cease the work of under-age employees. These orders can be enforced through the police to demand the transfer of under-age employees or shut down all or part of the offending workplace, or, working through the Ministry of Labor, to impose fines ranging from \$5 to \$125 (20 to 500 PLN) per offense. Cases may also be referred to an administrative tribunal, which can levy fines of up to \$1,250 (5,000 PLN). Jail sentence may be imposed if the infractions are serious enough; such cases generally involve serious injury or death. In 1999, the last year for which figures are available, the State Labor Inspectorate (PIP) conducted 1,494 investigations involving some 12,000 possible underage employees. Fines were levied in 417 of these cases, amounting to some \$35,000 (140,000 PLN). The number of cases sent to the administrative tribunal were 358.

The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Labor, the unions, and employers' organizations negotiate a revised national minimum wage every 3 months. The minimum monthly wage in state-owned enterprises is approximately \$162.50 (700 PLN), which constitutes no real increase over 1999 figures. This amount was insufficient to provide a worker and family with a decent standard of living in view of rising prices. A large percentage of construction workers and seasonal agricultural laborers from the former Soviet Union earn less than the minimum wage. The large size of the informal economy and the small number of state labor inspectors make enforcement of the minimum wage very difficult. As long as unemployment remains high, workers often agree to inferior working conditions and lower pay in order to find or keep their jobs.

The standard legal workweek is 42 hours, which allows 6- or 7-hour days, including at least one 24-hour rest period. The law requires overtime payment for hours in excess of the standard workweek.

The Labor Code defines minimum conditions for the protection of workers' health and safety. Provisions are strict and extensive, and trade unions have the right to stop production or extract a worker from dangerous working conditions without jeopardizing the worker's continued employment. However, enforcement is a major problem because the Labor Inspectorate is unable to monitor the state sector sufficiently, much less the private sector, where a growing percentage of accidents take place. In addition there is a lack of clarity concerning which government or legislative body has responsibility for enforcing the law. The Labor Inspectorate can shut down workplaces in which it finds unsafe conditions. In 1999, the last year for which figures are available, there were 16 shutdowns of either a part or of a whole workplace.

In the 41,011 work-related accidents reported during the first 6 months of the year, 277 individuals were killed and 602 seriously injured. The Government's Cen-

tral Statistical Office reported that most accidents were in the public sector, while most serious accidents were in the private sector, where proportionally more deaths also occurred. Solidarity contends that the problem lies not in the law, which establishes safe standards, but in enforcement, because employer sanctions for illegal behavior are minimal. Standards for exposure to chemicals, dust, and noise are exceeded routinely. Workers may remove themselves from dangerous working conditions without losing their jobs, but there were reports that fears of such loss prompted some to stay on the job.

f. Trafficking in Persons.—Trafficking in women and children is illegal and several specific provisions in the Criminal Code address this issue; however, it remains a problem. The Criminal Code prohibits trafficking in human beings, and pimping, and imposes sentences of up to 10 years on those convicted. It also bans recruiting or luring persons into prostitution; penalties for this offense are also up to 10 years. The most severe sentences are reserved for individuals trafficking in children and those luring women into prostitution abroad. Statutes on trafficking were most recently revised in 1998.

Due to the illicit nature of the activity, it is difficult to estimate the numbers of women who are trafficked. There was an increase in numbers of prosecutions from 1998 to 1999. In 1998 the police reported 70 cases (18 cases of trafficking and 52 of luring women and children into prostitution); in 1999 they reported 184 (8 cases of trafficking and 176 cases of luring women and children into prostitution). It is not clear whether this increase is due to a growth in the number of women trafficked or to greater activity by the Polish authorities. According to a recent press report, road prostitution has doubled since 1998. However, in 1999 there was a police crackdown on highway trafficking and prostitution in response to a letter from the Polish Episcopate to the Prime Minister, and the Polish police report that the crackdown resulted in an estimated 20 percent decrease in such activity. Nonetheless, the international NGO La Strada, which focuses on trafficking in women and girls worldwide, and other sources report that this did not represent an overall decrease in the problem. Rather the activities were moved to secondary roads and agencies. La Strada also estimates that 90 percent of cases handled by Polish prosecutors are the results of deportations from Germany to Poland that are initiated and investigated in Germany. According to La Strada, Polish authorities lack the resources to initiate and investigate cases originating within Poland.

It is particularly difficult to estimate the extent to which children are victims of trafficking. Trafficking in children is reported to be marginal; that which exists appears to be in connection with illegal adoption. Police authorities deal with child traffickers more severely, in part because laws on statutory rape are easier to prosecute. As a result the activity has been driven completely underground. Child prostitution is a crime, while prostitution of adults is neither banned nor regulated by law, making it more difficult for the police to pursue. The authorities do not always recognize trafficking in children since minors can be trafficked on false documents identifying them as adults. Twenty of the 184 cases initiated by prosecutors in 1999 involved victims who were minors.

Poland is a source, transit, and destination country for trafficked women and girls. Polish women are trafficked into the sex trade to Germany and other Western European countries through such means as fake employment offers, arranged marriages, fraud, and coercive measures. Women and girls are trafficked into Poland primarily from east and south central Europe, where they are recruited from areas with low socioeconomic conditions, sometimes quite openly. Many believe that they are accepting employment as waitresses or maids in the west. While they are en route to what they believe to be their destinations, their passports and identity papers are taken away from them. Stripped of their personal identity, the women and girls are kept under the control of the traffickers through fear and intimidation. They are required to serve a minimum number of clients each day in order to earn their keep. They are threatened with violence, and those who resist are raped or beaten. If they try to flee, their legs may be broken. There are also reports of victims being killed by their traffickers. Since the border guards and police may regard them as criminals who have violated passport laws, the women and girls are afraid to turn to officials for help. They have no legal status and there are no public resources available to assist them. When detained by the police, they may be deported to the border, where they are met by traffickers who quickly provide them with new travel documents and return them to Poland. One official mentioned the case of a Bulgarian woman who had been arrested in Poland four times, each time under a different name. Bulgaria is the largest single source of foreign women trafficked in Poland. Women from Bulgaria tend to be from the Turkish and Roma minorities. There are also significant numbers of women from Ukraine, Belarus, Moldova, and Latvia. Recently there also have been reports of Roma women from Romania who

are trafficked on Bulgarian documents. Those women and girls with the lowest socioeconomic status are most vulnerable, and subjected to the worst conditions. For example, Roma and ethnically Turkish Bulgarians tend to be employed on highways. They may spend a few months in Poland before they are trafficked further west. In contrast, women from other countries of Eastern Europe are also trafficked in agencies run as brothels. Educated Polish and Russian women are more likely than others to be employed voluntarily by escort services.

In the last few years, trafficking has become increasingly organized and has been associated with a rampant growth in document fraud. As many as 90 percent of the women and girls trafficked in the country have false travel documents, and the trafficking of a single woman will involve a whole network of criminals. One criminal will recruit the woman; the second will provide false travel documents and traffic her across the border. A third criminal will supervise her work with clients, functioning as a pimp. La Strada reports that last year a large scale "auction" of women was held at a convention of traffickers meeting at a major hotel outside Warsaw. Polish authorities are investigating reports that such auctions occur regularly; one news source indicates that such auctions take place regularly. Prices paid for women and girls who are trafficked reportedly range from \$2,000 to \$4000 (4,000 to 8,000 DM). They are usually trafficked by nationals from the same source country. For example, Bulgarian women are trafficked by Bulgarians and Ukrainians by Ukrainians. Foreign traffickers systematically pay a percentage of their receipts to Polish traffickers operating out of the same region.

PORTUGAL

The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, a Parliament freely elected by secret ballot in multiparty elections, and an independent judiciary.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. Security forces are controlled by, and responsive to, the Government. They occasionally committed human rights abuses.

Portugal has a market-based economy. The service sector (with tourism playing a prominent role) is the leading source of employment, while employment in agriculture and industry continues to be static or decline. Manufacturing provides about 35 percent of total economic output. The principal exports are textiles, machinery, and vehicles. The standard of living has increased: per capita gross domestic product is approximately \$10,000 (2.15 million escudos).

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Credible reports continued that security personnel occasionally beat detainees. Prison conditions remained poor but improved somewhat. There were lengthy delays in holding trials. Violence against women and trafficking in women are problems, as are discrimination and violence against Roma, minorities, and immigrants. The Government is taking active steps to deal with the problem of child labor.

RESPECT FOR HUMAN RIGHTS

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

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

In a widely reported January incident in Porto, Alvaro Rosa Cardoso, a member of the Roma community, died from internal abdominal bleeding after a violent encounter with police. The officers had been called to the scene of a local disturbance. The two officers alleged to be responsible were charged, but in August a court found the officers not guilty since it could not be determined whether the internal bleeding was due to the fight before the arrest or the alleged police mistreatment afterwards. Cardoso's family continued to blame the death on police mistreatment.

A similar event happened on the same day in another part of the city in which Paulo Silva died of internal bleeding which may have come about during an arrest for drug use. This case was reopened in October and was pending at year's end.

An inmate was reported to have died as a result of beatings by prison guards in Vale de Judeus in 1997; however, the Ministry of Justice later determined that the inmate committed suicide.

No one was ever charged or disciplined in the case of the death of Olivio Almada, whose body was found in 1996. He was last seen in the company of three police officers.

Three PSP officers were convicted on criminal charges related to the death in custody in 1996 of Carlos Areujo. The officers appealed the verdict, and their case remained in the appeals process at year's end. Disciplinary proceedings against the officers were deferred until after the criminal case is resolved.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture, inhuman or degrading treatment or punishment, and the use of evidence obtained under torture in criminal proceedings; however, credible but infrequent reports continued that police and prison guards beat and otherwise abused detainees, particularly non-Europeans.

In an attempt to respond to past negative reports on the treatment of detainees and to consolidate alleged improvements in the system, new legislation entitled "Regulations on the Material Conditions of Detention in Police Establishments" was adopted in May 1999. The law provides detailed guidelines covering all aspects of arrest and custody.

According to the nongovernmental organization (NGO) Amnesty International (AI), a National Republican Guard (GNR) infantry sergeant reported in August 1999 that in spite of the new regulations, the mistreatment of detainees was "virtually systematic." In November 1999, the General Inspectorate of Internal Administration (IGAI) opened an inquiry into the sergeant's allegations and began disciplinary proceedings against him personally, on unrelated charges. However, the IGAI stated that these proceedings were not in response to the allegations he made.

AI also brought to light the alleged mistreatment of Jorge Manuel da Conceicao Simoes. He was arrested in May 1999 on suspicion of possessing drugs and allegedly was beaten when he refused to sign a confession. In a September 1999 Madeira incident, also reported by AI, Marco Fernandes claimed to have been beaten by police with a pipe and a police radio. Judicial and disciplinary proceedings were opened and remained pending at year's end.

A police officer who used electroshock torture in Sintra in 1999 was fired from the force. A civil case against him was ongoing at year's end. Police were disciplined for misconduct during a January 1999 street festival in Lisbon.

In late 1997, two police officers were accused of having violated sexually a female drug addict in 1994. The supervisors of the officers initially delayed the opening of an investigation, but in December 1997 the divisional commander in Lisbon suspended the officers and ordered an investigation. The officers subsequently were fired and jailed, according to the Inspector General's office.

In April AI released a report covering the last 6 months of 1998, which noted the mistreatment of prisoners and excessive use of force by the police. In September 1997, Marcelino Soares, a 17-year-old inmate at the Caxias prison, reportedly was beaten and confined to an isolation cell for 3 days by guards for complaining that prison authorities had blocked visits by his brother. The guards involved in this case were fired, according to the Ministry of Justice.

Prison conditions remained poor; however, the Directorate General of Prison Services (DGSP) has taken steps to improve them. Prison crowding remains a major problem, but due to higher levels of funding and DGSP-led improvements, the rate of overcrowding went from a 1996 high of 57.5 percent (14,177 prisoners and 8,999 places) to a low of 13.4 percent (12,728 prisoners and 11,221 places) as of September 1.

By year's end, every cell was equipped with proper hygiene facilities. Health problems such as hepatitis and drug dependency nevertheless continued, and prisoners suffer from a high AIDS infection rate. In 1999 the health services director of the Bureau of Prisons reported that 7 out of every 10 convicts entering the prison system were infected with AIDS, Hepatitis B, or Hepatitis C. An estimated 20 percent of the total prison population is infected with AIDS. Tuberculosis was also on the rise. Prison health services, although still not adequately staffed, have benefited from increased spending on health services, the use of local health care providers to help prison inmates, and the construction of new health care facilities in many prisons.

Reports persisted about the mistreatment of prisoners by prison guards, severe overcrowding, poor medical treatment and the spread of contagious diseases, drug addiction, and cold temperatures in winter. Prisoners alleged that at Linho the warden and other supervisory staff seemed powerless to stop daily beatings of inmates by guards. Prison authorities deny these reports and point to the existence of organized violence among inmates. According to AI, other prisons where brutality by guards was alleged were Pinheiro da Cruz and Angra Heroismo. To help combat brutality by guards, the General Directorate of Prison Services began using resources from AI; all guards participate in mandatory training conducted by AI on such topics as nonviolent control of prisoners and conflict resolution.

An independent ombudsman, chosen by the Parliament, investigates complaints of mistreatment by the police and prison authorities. IGAI also conducts internal investigations in cases of alleged mistreatment. Police officers receive training in human rights and proper investigative procedure. However, NGO's have been critical of the slow pace of police investigations in general and internal investigations by the police in particular.

The Government permits prison visits by human rights monitors. Human rights organizations reported no difficulties in gaining access to inmates at detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for protection against arbitrary arrest and detention, and the Government respects its provisions in practice.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes, for example, murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers; the state assumes the cost if necessary.

Exile is illegal and is not practiced.

e. Denial of Fair Public Trial.—The judiciary is independent and impartial.

The court system, laid out in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a Supreme Court of Administration, which deals with administrative and tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials are extremely rare.

The judicial system provides citizens with a fair legal process. However, frequent critics point to a large backlog of pending trials resulting from inefficient functioning of the courts. A new law passed during the year aims to reduce the case backlog by increasing the number of judges. The bill also has provisions to reduce the time it takes a lawyer to become a judge. Another new law provides for witnesses to testify in cases heard in distant jurisdictions via teleconference. Also the Ministry of Justice announced in November a plan to speed the service of subpoenas. Many factors, from the underutilization of technology (case folders are still sewn closed by a large number of "needlewomen"), to the heretofore confusing and drawn out method of serving subpoenas, to the reluctance of the justice system to change old ways of doing things all contribute to the backlog problem. The extremely slow pace of the judicial process was cited as contributing to a violation of Article 6 of the European Convention on Human Rights in a 1999 report from the European Court of Human Rights (ECHR).

In March the ECHR ordered the Ministry of Justice to pay a fine to three plaintiffs in three separate civil cases. The first case involved two sets of proceedings that lasted nearly 11 years. The second case was not resolved after 7 years, and the third case had continued for 4.5 years. In April the ECHR ordered the Ministry of Justice to pay a fine to a corporate plaintiff in a case that had lasted over 17 years without a final resolution. Many similar examples of judicial delay and backlog are reported in the press.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution forbids such practices, and the Government respects these provisions in practice. Violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution (law) provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

In a September freedom of the press case, the ECHR found in favor of Vicente Jorge Silva, a former editor of the center-left daily, *Publico*, in his appeal of a decision of the Constitutional Court. In 1993 he published a scathing editorial highly critical of the policies of a local politician running for public office. The politician sued for "abuse of freedom of the press," but Silva won the case in criminal court. Upon appeal two higher courts found in favor of the politician. The ECHR determined that the Constitutional Court had failed to support the freedom of the press in Silva's case.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Roman Catholic Church is the dominant religion; it receives tax exemptions and other privileges unavailable to other denominations. Although the overwhelming majority of citizens are Roman Catholic, other religions practice freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and laws provide for these rights, and the Government respects them in practice.

The law provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualify as refugees are entitled to residence permits. There were no reports of the forced expulsion of persons with a valid claim to refugee status. However, the Government almost never rules that an asylum seeker has a "valid" claim. Immigration authorities attempt to distinguish among political, humanitarian, and temporary refugees, but the Government continues to maintain that the majority are economic refugees using Portugal as a gateway to the other European Union "Schengen" countries.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections on the basis of universal suffrage. Portugal is a multiparty parliamentary democracy.

Women are underrepresented in government and politics. However, they and minorities have full political rights and participate actively in political life. Women head the Ministries of Health and of Environment. There are 49 female members of the 230-member Parliament. Race is rarely an issue in politics; persons of minority origin have achieved political prominence. Some persons advocate laws mandating female quotas on political party lists, but such legislation has not been passed. Some political parties nevertheless adopted their own internal quotas.

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

A number of domestic (and international) human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative, although most groups complain of slow investigations or remedial actions.

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

The Constitution forbids discrimination based on ancestry, sex, language, origin, religion, political or ideological convictions, education, economic situation, or social condition, and the Government enforces these prohibitions.

Women.—Domestic and other violence against women is reportedly a common but hidden problem for which few seek legal recourse. According to the first national report on family violence, presented in March 1999, police agencies recorded 2,889 cases of family violence during the period October 1998 through January 1999. Of the 633 family violence crimes reported in January, more than two-thirds involved acts of physical violence and occurred between spouses or partners. Of the victims, 81 percent were women, and 87 percent of the suspects were men.

According to the 1999 statistics of a major NGO providing services to victims of crime, 46 percent of the 4,653 cases it handled involved domestic violence, and in the vast majority of those cases the target of the violence was women. The same NGO agreed with the Governmental Commission for Equality and Women's Rights that the frequency of violent incidents is probably the same, but increased publicity and resources have increased the number of victims who seek help. The law provides for criminal penalties in cases of violence by a spouse, and the judicial system

shows no apparent reluctance to prosecute suspects accused of abusing women. Changes to the Penal Code in May granted any interested party the ability to file charges in domestic violence cases. However, traditional societal attitudes still discourage many battered women from recourse to the judicial system.

The toll-free hot line for victims of domestic violence, in service since November 1998, now operates 24 hours a day, 7 days a week. In its first 6 months of operation, approximately 64 percent of the calls related to acts of physical violence, while 30 percent related to psychological concerns. The majority of callers (66 percent) were themselves victims. Women between the ages of 25 and 35 accounted for about 29 percent of the calls, while about 31 percent were women between the ages of 35 and 45. Although calls came from all over the country, the vast majority came from the large urban centers of Lisbon and Porto. These percentages have remained essentially unchanged.

Parliament has continued to address the problem of domestic violence with the passage of several laws in recent years. One provided for the expansion of the system of shelters for victims. Educational campaigns for the public and specialized training for the police also were strengthened. The creation of domestic violence units in the police, and of a new domestic violence category in the Attorney General's report on crime, were mandated by one of the new laws in May. Perpetrators of domestic violence now can be barred from contact with their victims, and in extreme cases, the police can order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to the perpetrators of domestic violence and to assist victims with the professional development necessary to live independent lives.

In August 1999, Parliament passed legislation to establish a national support network and a system of compensation for victims of domestic violence. In May 2000 Parliament changed the legal definition of domestic violence, the net result of which was expected to give police and the courts more leverage to prosecute such cases and remove some of the burden of bringing charges from the victim.

Prostitution is legal, but procurement is not. Trafficking in women for the purposes of forced prostitution continues to be a problem (see Section 5 and 6.f.). Prostitution is linked closely to other types of organized crime, especially international narcotics trafficking. Specific legislation prohibits forced prostitution and trafficking in human beings. The Nest, an NGO, operates economic and social recovery programs for prostitutes.

The Civil Code provides for full legal equality for women. Sexual harassment, a problem that continues to gain public attention, is covered in the Penal Code as a sex crime, but only if perpetrated by a superior and in the workplace. The penalties are 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discourage many women from taking advantage of the legal protection available.

The Commission on Equality in the Workplace and in Employment, made up of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment, but it receives few. It does review numerous complaints of discrimination by employers against pregnant workers and new mothers, who are protected by law. Maternity leave was increased in 2000 from 90 days to 120 days with full pay and benefits. Also after return to work a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the government Equality Commission (CITE), which was established to deal with equal opportunity complaints. If CITE finds that the employee's legal rights were violated, the employer must reinstate the worker and pay double back pay and benefits for the time at work missed due to the wrongful firing.

Women increasingly are represented in university student bodies, business, science, and the professions. However, a gap remains between male and female salaries: according to the most recent figures available (1997), women earned an average of 77 percent of men's earnings. Women make up the majority of university graduates.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides 9 years of compulsory, free, and universal education for children through the age of 15. The Government provides free or low cost health care for all children up to the age of 15. A special office in the Directorate General of Health oversees implementation of the Government's programs for children. A 9-year period of education is compulsory. A 1996 study by the European Commission indicated that only 50 percent of children receive preschool education. To counter this problem, the Ministry of Education instituted a pilot project on early childhood

education in the Algarve region in 1997. This program proved successful. More teachers were hired, and more new schools were constructed in remote places. Preschool education became free for 5 year olds in 1998 and was scheduled to become free for 3 and 4 year olds by 2001. Each year the number of students enrolled in preschool has increased. In the 1998–99 school year, 207,109 attended; in 1999–2000, the number increased to 218,225; and in the 2000–2001 school year, 230,000 students attended preschool.

The National Children's Rights Commission is charged with implementing the principles of the International Convention on the Rights of the Child. The Commission operates under the aegis of the High Commissioner for the Promotion of Equality and of the Family and includes representatives from the Ministries of Justice, Health, Education, and Solidarity, as well as from leading NGO's. The quasi-independent Institute for the Support of Children organized a network of 48 NGO's dedicated to helping at-risk youth. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues. The Institute for the Support of Children organizes public awareness programs, serves as an information clearinghouse for NGO's working on children's issues and promotes legislation protecting children's rights. It provides telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect. It also operates services assisting the at-risk youth known as "criancas da rua"—"street kids."

There is no societal pattern of abuse of children, although child labor remains a problem (see Section 6.d.).

Following the uncovering of a pedophile ring in Madeira in 1997, the Parliament passed a law in 1998 that enlarged the definition of pedophilia to include the consumers of child pornography as well as the producers.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government enforces these provisions in practice. However, no such legislation covers private businesses or other facilities.

National/Racial/Ethnic Minorities.—The principal minority groups are immigrants, legal and illegal, from Portugal's former African colonies. There is also a resident Romani population of approximately 40,000 persons, who are the subject of some discrimination and violence.

In 1999 the U.N. Committee on the Elimination of Racial Discrimination conducted a periodic review of the Government's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In its report, the Committee expressed concern about racial discrimination and xenophobia in the country, including violence against blacks, Roma, immigrants, and foreigners—frequently perpetrated by skinheads. While acknowledging efforts by the Government to combat such acts, the Committee urged that the law be extended to prohibit all racist groups. According to an NGO that tracks racist and xenophobic issues, activities by racist groups are increasing, and the police response to such actions tends to be inconsistent.

The law permits victims and antiracism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. In 1999 the Parliament approved a new set of antiracism laws, reiterating antidiscrimination sections of the Constitution and the Penal Code. The new laws prohibit and penalize racial discrimination in housing, business, and health services. They also provided for the creation of a new Commission for Equality and Against Racial Discrimination to work alongside the High Commissioner for Immigration and Ethnic Minorities. However, by year's end the new commission had yet to be established.

The growing number undocumented persons who enter the country illegally in order to work is a problem. Recent economic growth has created a need for many workers, especially in the construction and service sectors. These undocumented workers, usually ethnic minorities, are allowed to remain and work but have no access to health care, education, or other social services. Parliament rejected legislation during the year that was intended to bring them into the social services system.

Section 6. Worker Rights

a. The Right of Association.—Workers in both the private and public sectors have the right to associate freely and to establish committees in the workplace to defend their interests. The Constitution provides for the right to establish unions by profession or industry. Trade union associations have the right to participate in the preparation of labor legislation. Strikes are permitted by the Constitution for any reason, including political causes; they are common and generally are resolved through di-

rect negotiations. Policemen and members of the armed forces may not strike. The authorities respect all provisions of the law on labor's rights.

Two principal labor federations exist, the Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limit the formation of additional labor federations. Unions function without hindrance by the Government and are associated closely with political parties.

There are no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—Unions are free to organize without interference by the Government or by employers. Collective bargaining is provided for in the Constitution and is practiced extensively in the public and private sectors.

Collective bargaining disputes usually are resolved through negotiation. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes last only 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement is applied infrequently. When it is applied, minimum levels of service are established by agreement between the Government and the striking unions, although unions have complained, including to the International Labor Organization (ILO), that the minimum levels were set too high. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The law prohibits antiunion discrimination, and the authorities enforce this prohibition in practice. The General Directorate of Labor promptly examines complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including by children, is prohibited and generally does not occur. Specific legislation prohibits trafficking in persons; however, trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years. There are instances of child labor, but the overall incidence is small and is concentrated geographically and sectorally. The greatest problems are reported in Braga, Porto, and Aveiro and tend to occur in the clothing, footwear, construction, and hotel industries. Government agencies have noted a recent gradual shift from child labor in industries to the home, where children work in family businesses. The extensive national network designed to combat child labor is beginning to shift some of its resources in this direction. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

In 1998 the Government created a commission called Plan for the Elimination of Exploitation of Child Labor (PEETI). Working with several NGO's, PEETI has developed an integrated program of education and training in which local teams of social workers and educators intervene in situations involving dropouts and working children. These teams develop programs of scholastic and vocational study tailored to the individual child and his community. PEETI gives "scholarships" to help offset the loss of income to the family. In the first year of PEETI's existence, 600 teenagers were involved. The Government also created in 1996 the National Council Against the Exploitation of Child Labor (CNETI), a multiagency body that coordinates government efforts to eliminate child labor. CNETI is the successor to the National Children's Rights Commission CCNCTI.

In a first-of-its-kind study, conducted in conjunction with the ILO in 1998, the Government polled 26,500 families, with separate questionnaires for parents and children, to try to measure the incidence of child labor. According to this survey, as many as 20,000 to 40,000 children under the age of 16 may be engaged in some form of labor. The majority of these cases consist of daily chores on family farms, which do not prevent school attendance. However, the study estimates that as many as 11,000 children may be working for nonfamily employers, a figure that represents 0.2 percent of the labor force. The next comprehensive study of the problem is scheduled for April 2001.

The key enforcement mechanisms of labor laws falls to labor inspectors. Because of an increase in the minimum working age from 15 to 16 in 1997, the total number of child labor cases has increased in the last few years. However, according to the Ministry of Labor and Equality, the incidence of child labor is decreasing as a result of government efforts to combat child labor and a move towards a higher technology industrial base (with a corresponding need for better educated and skilled labor). The Ministry reported a 74 percent decrease in child labor cases from 1997 to 2000. The Minister of Labor attributed this decrease to the extensive reorganization of

groups fighting this problem and the effectiveness of new programs being carried out. Portugal's fight against exploitative child labor is no longer limited to inspectors' visits to factories and farms, but includes policies designed to address some of the root causes of this problem.

e. Acceptable Conditions of Work.—Minimum wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 years and over. For 2000 the monthly minimum wage was approximately \$284 (63,800 escudos). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage affords a basic standard of living for a worker and family. Only 9.2 percent of the work force received the minimum wage.

Employees generally receive 14 months' pay for 11 months' work: the extra 3 months' pay are for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday is 8 hours, and the maximum workweek is 40 hours. There is a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitors compliance through its regional inspectors.

Employers legally are responsible for accidents at work and are required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continue to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in harmony with European Union standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacks sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiate lawsuits. A relatively large proportion of accidents occurs in the construction industry. Poor environmental controls in textile production also cause considerable concern.

While the ability of workers to remove themselves from situations where these hazards exist is limited, it is difficult to fire workers for any reason.

f. Trafficking in Persons.—Specific legislation prohibits trafficking in persons, which nevertheless is a problem. Under the Penal Code, trafficking in persons is punishable by 2 to 8 years' imprisonment. Parliament passed legislation during the year that established training programs for those who provide services for victims of trafficking. The Commission for Equality and Women's Rights has two working groups, one to oversee the training of social service workers and the other to inform victims of their legal rights; both are providing services.

However, trafficking in women for the purpose of forced prostitution continues to be a problem. International trafficking rings take Portuguese women abroad, often to Spain, and bring foreign women to Portugal. The Portuguese women involved tend to be from poorer areas and are often, but not always, drug users. Women from Brazil and from Lusophone Africa also are involved, as are women from non-Lusophone countries such as Senegal.

Russian mafia organizations are present in the country in increasing numbers, largely as the networks behind the trafficking in Eastern European women. One such network reportedly sells Moldovan and Ukrainian women for the equivalent of around \$4,000 each. The authorities broke up one such ring in 1999 that was headed by a nuclear scientist from the former Soviet Union.

ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prior to the end-of-year elections, Prime Minister Mugur Isarescu was the Head of Government, and President Emil Constantinescu, who was elected directly, was the Head of State. On December 29, Adrian Nastase was sworn into office as the new Prime Minister, and Ion Iliescu was elected President on December 10. The judiciary is a separate branch of the Government; however, in practice the executive branch exercises influence over the judiciary.

Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organizations are somewhat vague, and their security responsibilities overlap. All security and intelligence organizations operate under the authority of civilian leadership. The Ministry of the Interior supervises the national police, which have primary responsibility for security, and the border police. Some police officers committed serious human rights abuses.

Romania is a middle-income, developing country in transition from a centrally planned economy to a market economy. The private sector accounted for 61.5 percent of gross domestic product (GDP) and employed 61.9 percent of the work force, primarily in agriculture, commerce, and services. Although privatization is under way, government ownership remains dominant in the industrial sector. From 1993 through October 2000, 7,108 firms were privatized; 1,162 during the year. Approximately 1,200 firms are left in the State Privatization Fund's portfolio, including several of the country's largest firms. The economy contracted 6.6 percent in 1997, 5.4 percent in 1998, and 3.2 percent in 1999. However, GDP grew 2 percent during the year. GDP per capita in 1999 was about \$1,512. Exports decreased 1.5 percent in 1998 and rose 2.4 percent in 1999. Inflation increased from 40.6 percent in 1998 to 54.8 percent in 1999. Official statistics significantly understated economic activity because of the size of the informal economy.

The Government generally respected the rights of its citizens; however, several serious problems remained. Police use of excessive force resulted in one death. Some police officers continued to beat detainees. The Government investigated police officers suspected of abuse and in some cases indicted those accused of criminal activities in military courts. However, investigations of police abuses generally are lengthy and inconclusive and rarely result in prosecution or punishment. While some progress was made in reforming the police, cases of inhuman and degrading treatment continue to be reported. The Government promised important modifications to the criminal code in 1998, but no such changes were made. Prison conditions did not meet minimum international standards, and overcrowding remained a serious problem, despite improvements made in 1999. The judiciary remained subject to executive branch influence. Violence and discrimination against women remained serious problems. There was a large number of impoverished homeless children in large cities. Societal harassment of religious minorities still remained a problem, and religious groups not officially recognized by the Government sometimes complain that they receive discriminatory treatment from the authorities. Discrimination and instances of societal violence against Roma continued. Child labor was a problem. Trafficking in women and girls for the purpose of forced prostitution was a problem.

The Ombudsman's Office, which was established in 1997, registered 3,326 complaints as of early September 2000, 4,372 complaints in 1999, 2,985 in 1998, and 1,168 in 1997. The Ombudsman's role still is not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, Amnesty International and APADOR-CH, a nongovernmental organization (NGO) affiliated with the International Helsinki Federation, reported one case in which police used excessive lethal force against a member of the Romani minority.

On May 21, a police officer shot and killed Petre Letea, a Romani man, and wounded Marian Pilos in Bucharest as they were attempting to escape in a car. Police had stopped to ask Letea what he was doing in a parked car by an apartment block. When told that he was waiting for two friends, police entered the apartment block and found two men attempting to burglarize an apartment. The men fled. One disappeared, while the other, Pilos, got into Letea's car, and Letea drove away. The police officer who had remained on the street opened fire on the car, shooting Letea in the head and killing him and wounding Pilos with a shot in the back. A 1994 law on the organization of the police force allows police to shoot in order to stop persons who are fleeing from attempts to take them into custody. The law also allows the use of firearms against persons who have escaped detention or run away from an escort.

On November 30, Sorin Moldovan, deputy chairman of the Hunedoara County branch of the Party of Social Democracy in Romania (PDSR) was killed by an unknown assailant. It was unclear whether the murder was politically motivated. Moldovan was the head of the Hunedoara customs office and had been sentenced for taking bribes in 1997; the Supreme Court later lifted his sentence.

In several cases of deaths in custody or deaths reportedly due to police brutality during 1999, investigations and trials still are dragging on. There was no progress in the investigation of the death of Aurel Uluiteanu in police custody in September 1999 in Barcanesti. There were no further developments in the case of Cristian-Venus Dumitrescu, who allegedly was beaten by police in September 1999 and died

after he “threw” himself out of a third floor window en route to a police station. There was no progress in the investigation of the death of Sevastian Apostol, a Rom killed by police while trying to flee a bar where he had a serious conflict with the owner and other clients. There was no further investigation into the August 1999 case of Elinoiu Toader, who died after being beaten by police. There was no further investigation into the killing of Radu Marian, an unarmed Rom who was killed in October 1999 during a police raid on a group of cigarette smugglers.

According to the Government, the chief of police in Valcele was indicted in June 1999 for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot in the back and killed while in police custody. A lower court found the police officer not guilty, but the prosecutor’s office appealed the verdict in May 1999; the superior court’s decision still was pending at year’s end.

In several earlier cases of deaths in custody or deaths reportedly due to police brutality, investigations and trials still are dragging on, years later.

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

c. Torture and other Cruel, Inhuman, or Degrading.—Treatment or Punishment The Constitution prohibits torture and inhuman or degrading punishment or treatment, and these prohibitions generally were respected in practice; however, there were credible reports that police beat detainees and used excessive force.

Amnesty International cited numerous reports of torture and mistreatment. In 1999 in seeking to cover up the death of Elinoiu Toader, a witness allegedly was beaten to induce him to sign a statement that Toader had died as a result of alcohol abuse. At least two other witnesses were threatened similarly (see Section 1.a.).

Romani NGO’s claimed that police used excessive force against Roma and also subjected them to brutal treatment and harassment (see Section 5). In one case excessive force reportedly resulted in death (see Section 1.a.).

On January 8, Constantin Vrabie, of Candesti, was beaten severely by police officers in Buzau County. In December 1999, Vrabie had been fined approximately \$30 (600,000 lei) for failure to produce identification and insulting the police. On the evening of January 8 Vrabie, a friend named Valentin Barbu, and two more friends were stopped by three plainclothes policemen who took Vrabie and Barbu to a van and allegedly beat them. The two men were then taken to the Buzau police station. Vrabie was reportedly fined \$10 (200,000 lei) for insulting the police and Barbu was admonished. Medical examination of Vrabie by the Buzau county hospital after he was released noted that he had massive bruises on his eye, lip, and forehead. Marks on Vrabie’s lips and eye were still obvious on February 4 when he was interviewed by APADOR-CH representatives. Vrabie reportedly filed a complaint with the military prosecutor’s office and challenged his fine. Barbu also reportedly filed a complaint.

On January 25, Silviu Rosioru from Buzau County became involved in an altercation with several police officers from the Buzau intervention unit in a bar. The police threw Rosioru to the floor, handcuffed him, kicked him, and beat him with their batons. Rosioru was placed into a police van and then beaten on the way to Buzau police station. Rosioru was fined \$10 (200,000 lei) for insulting the bar owner and refusing a reasonable request to provide personal identification. Rosioru claims that his signature was falsified on his police report, which claimed that he confessed to these crimes. Police officers allegedly subjected a witness to the incident to pressure and intimidation to ensure that her statement was consistent with police reports. The chief of the Buzau intervention unit was reported by local press reports to have a record of violence. As a result of this case and the Vrabie case, both involving the Buzau County intervention unit, several police officers in the unit, including the commander, were administratively sanctioned, and several were removed from the unit.

On February 14, Alexandru Botu, of Prunaru village in the county of Teleorman, was reportedly beaten seriously by police. Botu had stopped in front of the shop S.C. Dina to talk to some acquaintances. The shop owner, the brother of Prunaru’s mayor, had had an altercation with Botu’s brother, beating him, in January. Botu finished his conversation and began to cross the street when he was stopped by the police chief and his deputy and led back to the shop. The shop owner closed the shop and its blinds and left. The policemen proceeded to beat Botu for about half an hour. A villager who heard Botu scream alerted Botu’s wife, who rushed to the shop and took Botu home. The next day he was taken to Alexandria hospital where he was diagnosed with a series of deep bruises and two broken ribs. When interviewed by APADOR-CH representatives a month later he was still in poor physical condition.

On May 18, in Bucharest a police officer shot Mugurel Soare, a Romani man, in the head and severely injured him. Police reports claimed that Soare and his brother, Vipan Soare, were chasing their former brother-in-law, Sorin Cutea, in order to

kill him. When detained by three plainclothes policeman sitting nearby in an unmarked car, who been informed of the chase by Sorin Cutea, Soare attacked one officer, allegedly injuring him with a knife, and was shot in the scuffle that followed. However, local newspapers later reported that witnesses to the incident claimed that Soare was unarmed. Soare's right side remains paralyzed, and he is unable to speak. He is reportedly unlikely to make a full recovery. The case remained under investigation.

Police reportedly abused journalists (see Section 2.a.).

In April 1998, a policeman with whom he had refused to share a pool game beat Nicolae Iloaie of Tandareni. Iloaie was hospitalized for 90 days. When he asked for a certified medical report for the forensic laboratory, the physician in charge refused to issue it. The case remained under investigation. In May 1998, a policeman shot Marian Ciulei from Brasov in the leg while he was running from a confrontation in a discotheque. The case remained under investigation.

In April 1998, the Government responded to the 1997 report of the U.N. Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Special Rapporteur received allegations of torture and mistreatment of detainees by the police. The Government in its response promised in 1998 to make modifications to the criminal code and to detention regulations, but no such modifications have been made.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive, and that some military prosecutors sometimes block proper investigation of alleged police abuses. The Government declined to provide updated information on cases of alleged police abuse from 1998 and 1997.

Prison conditions do not meet minimum international standards; however, the prison system is improving slowly as efforts increase to bring prisons in line with these requirements. The year's prison budget increased 74 percent over the 1999 budget. There are now a total of 41 penal units, 34 prisons, (an increase from 33 prisons in 1999), 5 prison hospitals, and 2 juvenile detention facilities. Nevertheless, overcrowding remains a serious problem, although it has improved slightly from 1999. On September 22, 49,540 people, including 1,571 minors, were under detention. The legal capacity of the system was 33,464.

In May 1999 a law providing for alternative sentences for minor offenses went into effect. The law provides for community service instead of a prison sentence and is aimed at reducing the prison population.

Human rights organizations continued to report the abuse of prisoners by other prisoners and prison authorities. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners. There were attempts to ameliorate this system in some prisons by giving the inmates some input in the selection of these "cell bosses." Prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely, and inmates had the right to telephone calls. Prison authorities introduced some vocational training programs to assist inmates' future integration into society.

The Government permitted prison visits by human rights monitors, and several NGO's made such visits.

d. Arbitrary Arrest, Detention, or Exile.—The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respected this provision in practice. Detention can be extended past the 30-day limit only by a court ruling. Detainees have the right to apply for bail and may ask for a hearing before a judge. Such a request must be granted within 24 hours.

However, police often appear to take advantage of Article 16, Section b in the Police Organization Law 26 of 1994, which states that persons endangering the public, other people, or social order and whose identity cannot be established, can be taken to a police station. Police often use this provision of the law to detain people for up to 24 hours at a police station.

Police often do not inform citizens of their rights. The law requires the authorities to inform arrestees of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement. However, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if aged between 14 and 16, they have

consciously committed a crime. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the Government to change it.

According to APADOR-CH, the Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers.

Exile was not used as a means of punishment.

e. Denial of Fair Public Trial.—Under the terms of a 1992 law, the judicial branch is independent of other government branches; however, it remains subject to influence by the executive branch. Although members of the Senior Council of Magistrates, which controls the selection, promotion, transfer and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council, the Justice Minister may avoid the appointment of members he does not want by simply keeping them off the agenda.

The 1992 law reestablished a four-tier legal system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The 1992 law that reorganized the judicial system divided the Prosecutor General's Office into 16 local offices (paralleling the appeals court structure) and established an office at the Supreme Court; the law also curtailed certain powers of the Prosecutor General, including the right to overturn court decisions and bypass appeals courts by going directly to the Supreme Court.

The law provides for fair public trial and the presumption of innocence. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice the local bar association provides attorneys to the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. These provisions of the law are respected in practice. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court.

In a notable case in January 1999, a criminal appeals court ruled against miners' union leader Miron Cozma and overturned the Government's implicit deal to protect Cozma from prosecution for his role in a miner's strike.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—During the year there were no reported instances of interference with individual citizens' right to privacy.

The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. Security officials may enter residences without proper authorization from a prosecutor if they deem a threat to national security "imminent."

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Internal Intelligence Service (SRI) is prohibited legally from engaging in political acts (for example, wiretapping on behalf of the Government for political reasons). However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage legally in a wide variety of operations to determine if a situation meets the legal definition of a threat to national security, or to prevent a crime.

Legislation that permits citizens access to secret police files kept by the Communist government was passed in 1999. Under the law, any Romanian or foreign citizen who had Romanian citizenship after 1945 is entitled to have access to his file; a council approved by Parliament reviews the files and release the information unless it was a state secret or could threaten national security. The files remain in the custody of Romania's intelligence services. This law has been criticized on the grounds that it exempts files of current employees of the intelligence services for review, and changes the definition of informer to require actual payment. Many informers were unpaid volunteers.

The NGO Romani CRISS reported that on September 26, police evicted 12 Romani families from an apartment building in Bucharest. According to the testi-

mony of the evicted Roma, they did not receive prior notice of the evictions, nor did the police present them with warrants for eviction. During the eviction police reportedly intimidated and harassed the families. The police station chief stated that the eviction was conducted pursuant to the permission of the prosecutor's office of the Sector Three Court of Bucharest. A spokesperson for the Bucharest city government stated that the Roma were illegally occupying the building and that they were housed in a hostel after their eviction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting “defamation of the country” and “offense to authority;” the Government respected the constitutional provisions in practice.

An amended Penal Code passed by Parliament in 1996 rectified many of the shortcomings of the former, Communist-era code. However, the new version is criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. Despite official promises that jail terms would be removed from penalties for libel and calumny, Parliament has yet to amend the relevant sections of the Penal Code. Consequently, Articles 205 and 206 concerning libel and calumny and articles 238 and 239 concerning offense to authority and defamation of character are still in force.

On the recommendation of the Council of Europe, legislation that would reduce the sentence for violating Article 205 to a fine instead of a prison term, and that would decrease a violation of Article 206 to 3 to 12 months instead of the previous 2 to 6 years passed the Chamber of Deputies in June. This legislative package would have abolished Article 238, which criminalizes an offense against authority, along with Article 239, paragraph 1, which establishes a crime of verbal outrage against the authorities. However, the legislation failed to pass in the Senate during the year.

The Government failed to rescind the prohibitions on “defamation of the nation” and “defamation of public officials” used to harass and punish journalists who report governmental or bureaucratic corruption. In 1999 several journalists were arrested and tried during the year for reporting on corruption by local government officials; journalists who were investigating corruption cases were also targets of violence.

There were reports of police abuse of journalists. In May police severely beat Valentin Dragin, a Constanta-based journalist, while he was trying to photograph a party hosted by Constanta County's police chief. Dragan suffered several injuries, including a broken leg. He received most of his injuries from press officer Major Marian Saragea. The Interior Ministry still was investigating the matter.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers are published. Several private television stations broadcast nationwide, with the largest reaching approximately 20 percent of the rural and 80 percent of the urban market. There are 72 private television stations and 162 private radio stations. Approximately 2.8 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. Romanian State Television (RTV) and Radio Romania remained at year's end the only national broadcasters capable of reaching the bulk of the rural population. Independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions. A French media group received a license for a private radio nationwide broadcasting operation in 1999 and is operating. Romania plans to bid licenses for another nationwide radio license in the future.

Foreign news publications may be imported and distributed freely, but high costs, relative to domestic publications, limit their circulation.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counterdemonstration held at the same time as a scheduled public gathering.

The law forbids public gatherings to espouse Communist, racist, or Fascist ideologies or to commit actions contrary to public order or national security. Unau-

thorized demonstrations or other violations are punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties gain legal status if they have at least 10,000 members. (The minimum membership required was increased in 1996 in order to reduce the number of small parties.) Associations may be granted legal status with proof of only 20 founding members and over 200 supporting members.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally does not impede the observance of religious belief. However, several denominations continued to make credible allegations that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing. The press reported several instances when adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. Members of religious communities not officially recognized by the Government during the year again accused government officials of harassment—allegations denied by the Government. Proselytizing that involves denigrating recognized churches is perceived as provocative.

Under the provisions of a 1948 decree, the Government recognizes 14 religions. A December 1989 decree reestablished the Catholic Church of the Byzantine rite, or Greek Catholic Church, which had been merged forcibly with the Romanian Orthodox Church by the communists in 1948. Only the clergy of these 15 recognized religions are eligible to receive state financial support. The number of adherents each religion had in the last census determines the proportion of the budget each recognized religion receives. Representatives of minority religious groups dispute the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or simply assigned an affiliation in some cases even without inquiring about religious affiliation.

The Government requires religious groups to register. To be recognized as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organizational, leadership, and management diagrams, and the body of dogma and doctrines formally stated by a religion. Representatives of religious groups that sought recognition after 1990 allege that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church. They also allege that they did not receive clear instructions concerning the requirements and that often the time frame in which a decision on their application has to be made is not respected by the State Secretary of Religions. Not one religious group has succeeded in receiving religion status since 1990. For example, although the Romanian Supreme Court has recognized that Jehovah's Witnesses are a religion, the State Secretariat for Cults and the Military Court of Appeals refuse to do so.

The Government registers religious groups that it does not recognize as "independent religions" either as religious and charitable foundations or as cultural associations. This registration process was simplified, in theory, by a new law enacted on May 1. The Government currently interprets this law as forbidding religious groups registered as associations or foundations from building churches or other buildings designated as houses of worship.

The Romanian Orthodox Church, to which approximately 86 percent of the population nominally adheres, predominates. The official registration of religious associations is extremely slow because of bureaucratic delays; in this regard, smaller religious groups have criticized the State Secretariat for Religious Affairs for its obstructionist tactics in favor of the Romanian Orthodox Church. A draft bill on religious denominations proposed in September 1999, which most religious groups objected to on the grounds it would have increased state control over religious activity and made the Romanian Orthodox Church the national church, was withdrawn in February.

The Greek Catholic Church has made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. Of approximately 2,600 properties to which it has claim, only a handful have been returned. The Greek Catholics say they have received 136 churches, while the Government claims 142 churches have been returned as of this year. The Greek Catholic Church has very few places of worship. Many followers still are compelled to hold services in public places or parks (260 such cases, according to Greek Catholic reports) because most of the former Greek Catholic churches have not been returned. A joint Orthodox and Greek Catholic committee formed by government decree in 1990 has failed to resolve the issue due to Orthodox resistance, despite the scaling back of the Greek Catholic requests from 2,600 properties to 300 churches. Restitution of the existing churches is important to both sides because local residents, who prize tradition, are likely to attend their local church whether it is Greek Catholic

or Orthodox. Thus the number of believers and share of the state budget allocation for religions is at stake. The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, largely have not received their property back from the Government. Out of 1,400 to 1,450 buildings claimed by the Hungarian churches, they have received about 10. The Jewish community reported in May that out of 21 properties nominally returned by the Government, it only has obtained actual possession of 5.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes. Citizens who wish to change their place of work or residence do not face any official barriers. The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice citizens freely exercise these rights.

The 1996 refugee law implemented the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. This legislation established a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Ministry received 807 applications for asylum in the first 6 months of 1999; more recent figures were unavailable.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. In mid-1998 the Interior Ministry and the Labor Ministry began funding programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) is minimal, usually not enough to cover basic needs. The Government provides temporary accommodation in only a few locations; more facilities are to open as funds are made available. Programs for integrating refugees into society are developing slowly. An increasing number of transiting illegal migrants regards the country as a springboard to the West.

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

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

The Constitution provides citizens with the right to change their government through periodic and free elections held on the basis of universal suffrage, and citizens exercise this right in practice.

In November and December the left-center Democratic Socialist Party of Romania (PDSR) won a near majority in the legislature and the PDSR candidate, Ion Iliescu, won the Romanian presidency. The PDSR planned to govern as a minority government. The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread voting fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged credible.

No legal restrictions hinder the participation of women in government or politics; however, societal attitudes are a significant impediment, and women are underrepresented significantly in government and politics. Before the November 26 elections, there were 2 women out of 143 senators, and 25 women out of the 343 deputies in the lower house of Parliament, or 5.6 percent of total seats in Parliament. However, after the November elections, the percent of women in Parliament increased to 9.8 percent. Prior to the November elections, there was one female cabinet member; the current cabinet has five female members.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright (1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. One Romani parliamentarian, the former Romani minority representative, joined the PDSR and sits in the legislature in addition to the one seat provided for Roma by the Constitution and electoral legislation.

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

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Insti-

tute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections monitoring the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

The Government cooperates with local and international monitoring groups, although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard.

The Ministry of the Interior stiffened conditions for prison visits by human rights organizations in February. The new regulations, which are authorized by internal regulations the Ministry does not release to the public, require the visit be requested by a prisoner, and be announced 3 to 4 days in advance.

With the aim of protecting citizens against abuses or capricious acts of public officers, the Ombudsman's Office envisioned under the 1991 Constitution was instituted by law in March 1997, and its first appointee, Paul Mitroi, took office in June 1997. However, due to a lack of office space, the office began working at normal capacity only at the beginning of 1998; by November it had received 4,255 cases. The office is registering these complaints and is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights but with all facets of citizens' interaction with the Government.

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

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth, or social background. However, in practice the Government does not enforce these provisions effectively, and women, Roma, and other minorities are subject to various forms of extralegal discrimination. Homosexuals reportedly have been the victims of police brutality in the past.

In September the Government issued emergency ordinance number 137 which outlaws discrimination based on a number of factors and introduces the ability to sue on the grounds of discrimination. An emergency ordinance has the effect of law unless it is nullified by the Parliament.

Women.—Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence is common, and a 1999 report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace is not uncommon since their subordinate position exposes them to greater risk. According to UNICEF, the country has an average of 108 sexual incidents per 1,000 women and 41 assaults per 1,000 women. Under a government pilot project begun in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only four persons. It received 490 calls for help during 1998 on a hot line, and registered 230 walk-in victims. The prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. There is no specific legislation dealing with spousal abuse or rape, and successful prosecution of spousal rape is almost impossible. Police are often reluctant to intervene in instances of domestic violence.

In April the Romanian edition of Playboy published a satirical article that explained in graphic detail how to beat one's wife without leaving marks. International and domestic protests led to apologies by Playboy's foreign editors and local publisher, and in July the Romanian edition of Playboy published an article on the costs of domestic violence.

Trafficking in women for the purpose of forced prostitution continues to be a growing problem. Several domestic prostitution rings are active (see Section 6.f.).

The Constitution grants women and men equal rights. However, in practice the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues.

Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. In 1996 the Government created a department in the Ministry of Labor and Social Protection to advance women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled profes-

sions, and addresses the problems of single mothers, especially in rural areas. In 1998 this department organized with the U.N. Development Program a series of conferences on "promoting gender politics." An Ombudsman was created within the department for child, woman, and family protection in 1998, but the total budget for women's programs for 1999 was less than \$75,000.

Children.—The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas. However, living conditions in all child care institutions very seriously deteriorated in 1999 for financial and administrative reasons and did not improve during the year. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 orphans in state institutions.

There was no perceptible societal pattern of abuse against children. Nevertheless large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. The Government does not have statistics defining the scope of the problem. NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. These NGO's continued to seek alternative solutions, such as parole for juveniles. Because time served while awaiting trial counts as part of the prison sentence but does not count towards time to be served in a juvenile detention center, some minors actually requested prison sentences.

The prevalence of child labor in the Roma community is widespread (see Section 6.d.).

The sexual exploitation of children continued to attract press attention, and the police staged a few high-publicity arrests of foreign pedophiles. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.). Other issues, such as adequate legislation to protect children, received less attention. The law does not outlaw pedophilia expressly. Instead, pedophiles are charged with rape, corporal harm, and sexual corruption.

People with Disabilities.—Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Many disabled persons cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for the disabled to buildings and public transportation. According to official statistics, there were 3,500 disabled children living in state institutions.

Religious Minorities.—Most mainstream politicians publicly have criticized anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues. The Romanian Orthodox Church has attacked the "aggressive proselytism" of Protestant and neo-Protestant groups.

In October a 19th century synagogue in Timisoara was vandalized and several religious items were stolen. A Jewish cemetery was desecrated in Turnu-Severin. There was no progress in the investigations of the desecrations of Jewish cemeteries in Galati and Transylvania in 1999. On December 28, two men attacked a guard at the Jewish History Museum in Bucharest and vandalized the exhibit. No arrests had been made at year's end.

National/Racial/Ethnic Minorities.—The Department for the Protection of National Minorities has the responsibility to monitor the specific problems of persons belonging to ethnic minorities, to maintain contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

Ethnic Hungarians, numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR party was a coalition member in the ruling Government for most of the year. Many of the issues addressed in the Romanian-Hungarian treaty of 1996 were implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. A government decree on Hungarian-language minority education was enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania.

The Romani population, officially estimated by the Government at 400,000, is estimated by the European Commission to number between 1.1 and 1.5 million. The European Roma Rights Center (ERRC) reported a case of ethnically motivated violence against Vasile Florica, a Rom, and his family in April. Non-Romani villagers

in Palos repeatedly beat Florica and attacked his wife and children. Florica filed a complaint with the Military Prosecutor's Office against a police officer and four civilian perpetrators; the case remained under investigation. Romani groups complain of routine police brutality, prejudice, and racial harassment at the local level. Four people arrested, tried, and convicted in a 1993 incident in Hadareni, in which three Roma died in a house burning, were released in 2000 after serving their sentences. The victims are considering appealing to the European Court of Justice, arguing that the sentences given to the perpetrators were too light at 2 to 6 years.

In February Bucharest-based Roma organizations filed charges against Marcel Fluerau, a journalist for the National, for using racist language in an article. On March 21, Radio Free Europe/Radio Liberty reported that Minister of Foreign Affairs Petre Roman stated that the Government had an obligation to "protect 23 million Romanians against the few thousand Gypsies" who were damaging the country's image abroad. The NGO Romani CRISS reported a job announcement, posted in Bucharest's Third Sector Labor Force Office by a private firm called S.C. Guard, which stated, "no Roma accepted." Romani CRISS filed a complaint with the Ombudsman's Office but had not received a response as of October 10. There was no further progress on the ban on Roma in the Iasi County hospital, where Roma who cannot afford to pay for medical treatment and cannot prove that they have medical insurance provided by the State are banned from the hospital. Some steps have been taken toward establishing an institutional framework to improve the conditions of the Roma, but in practice little progress has been made. The Department for the Protection of National Minorities and a working group of Roma associations set up by the Roma community signed an agreement for drafting a strategy for the protection of the Roma minority. However, the Roma office within the GOR is still understaffed with two civil servants. Meanwhile, the Roma population continues to be subject to societal discrimination.

According to Human Rights Watch, the ERRC lodged applications against Romania with the European Court of Human Rights regarding cases of violence and destruction of property in Casinul Nou (1990) and Plaiesii de Sus (1991). These cases had been denied in Romanian courts in part because the statute of limitations had expired before they could initiate final appeals, due to the slowness of the court system. Police in both cases failed to conduct on-site investigations.

Section 6. Worker Rights

a. The Right of Association.—All workers except certain public employees have the right to associate freely, engage in collective bargaining, and form and join labor unions without previous authorization. Intelligence, Ministry of Defense, and Ministry of Interior personnel are not allowed to unionize. Trade unions may acquire property, support their member's exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching and research bodies, establish commercial enterprises and banks, and borrow money. Limitations on the right to strike apply only to industries that the Government considers critical to the public interest and to other public employees. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nationwide trade union confederations and smaller independent trade unions.

The International Confederation of Free Trade Unions (ICFTU) 2000 "Annual Survey of Violations of Trade Union Rights" reported that violations of trade union rights continued in practice. The unions reported that the Government interfered in trade union activities, collective bargaining, and strikes. The requirements to register a union were excessive.

Amendments to Romania's 1991 law on labor disputes in November 1999 brought some improvements and eliminated many restrictions. It widened the scope of the right to strike, although it continues to be difficult to hold a legal strike because of lengthy and cumbersome procedures. Union members complained that unions must submit their grievances to government-sponsored conciliation before initiating a strike, and they were frustrated with the courts' propensity to declare illegal the majority of strikes on which they have been asked to rule. Past studies indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, the financial liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices to "employees." Although the 1991 legislation supports collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Unions representing a wide range of economic sectors carried out strikes during the year, often protesting wage levels that did not

keep pace with the rate of inflation. Early in the year, railway workers went on strike and only returned after a court determination that their strike was illegal. Additionally public education was suspended for several weeks until the Government awarded back wages and a pay increase to teachers. Utility company employees, lawyers, defense industry workers, textile workers, and public finance workers also carried out strikes, pressing for higher wages during the year. While most of these strikes ended with government promises to improve wages and working conditions, union leaders complain that these agreements frequently are not implemented.

The November 1991 collective labor dispute law defined the conciliation, mediation, and arbitration procedures under which strikes can be conducted. An important provision from both the labor and management perspective was the establishment of tripartite arbitration panels. The list of arbitrators must be approved by the economic and social council where trade unions and employers associations each have one-third of the membership.

In January 1999 striking coal miners from the Jiu valley launched a march on Bucharest to protest mine closures. Due to previous violent miners' demonstrations the government denied them permission to march to Bucharest. Defying the Government decision, the miners continued on and attacked law enforcement officials. However, the Government succeeded in restoring order, and the perpetrators of the violence were arrested and tried.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government has honored in practice. Unions are free to engage in political activity and have done so.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania is affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise domestic trade unionists.

b. The Right to Organize and Bargain Collectively.—Workers have the legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which are set by the Government.

Antiunion discrimination is prohibited by law.

Labor legislation is applied uniformly throughout the country, including in the four free trade zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children, and the Ministry of Labor and Social Protection generally enforces this prohibition; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working under dangerous or hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of from 2 months to 3 years, although there is no recent evidence of anyone being charged or convicted under this law. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law. There is no recent evidence of anyone being charged or convicted under this law. The Constitution prohibits forced and bonded child labor, and the Government generally enforces this provision; however, trafficking in girls is a problem (see Sections 5, 6.c., and 6.f.).

A department in the Office of the Prime Minister was established in 1997 responsible for child protection. Local organizations were established in the counties and city of Bucharest to enforce child labor laws. As of September, the Ministry of Labor and Social Protection confirmed that violations of the child labor laws have not been controlled.

There are no accurate statistics of the number of illegally employed children. However, there is growing recognition of the problem. The Ministry of Education reported that 500,000 children under the age of 15 left school in 1997–98, which is approximately 20 percent of the school-age population. The prevalence of child labor

in the Roma community is widespread (see Section 5). As the economy continues to restructure and as the gray market grows, the incidence of child labor is expected to increase. In March the ILO and the Ministry of Labor and Social Protection agreed to form a task force to collect data and assist in organizing a national steering committee to combat child labor. The first meeting of the committee was held on July 4. The ILO is to provide \$600,000 to assist 1,500 children to return to school.

e. Acceptable Conditions of Work.—Most wage rates are established through collective bargaining at the enterprise level. However, they are based on minimum wages for specific economic sectors and categories of workers that the government sets after negotiations with industry representatives and the labor confederations. Minimum wage rates generally are observed and enforced. During the year, the minimum monthly wage, an equivalent of about \$30 (700,000 lei), did not keep pace with inflation and did not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating have risen dramatically. However, basic foodstuffs and pharmaceutical products still are subject to price ceilings. Housing is no longer subsidized. A proposal to raise the minimum wage to 1 million lei was approved in November.

The Labor Code of 1991 provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. The Labor Code was to be revised during the year. However, trade unions and business associations were not included in the drafting discussion. No agreement could be reached on changes and no new legislation was presented to Parliament by year's end.

Some labor organizations lobby for healthier, safer working conditions on behalf of their members. However, neither the government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them. However, it lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. In 1999 a department was established within the Ministry to conduct comprehensive safety inspections. European Union PHARE funds have assisted in building capacity within the new department. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe work environment.

f. Trafficking in Persons.—Trafficking in women is an underreported but serious problem. The law is vague and outdated and does not address trafficking directly. Those involved in trafficking may be prosecuted for such offenses as prostitution and procurement, falsifying documents, assisting individuals to cross borders illegally, blackmail, forced labor, or illegal deprivation of freedom.

Romania is both a source and a transit country for trafficked women and girls. The full extent of the problem is not known, since neither the Government nor NGO's maintain statistics on this issue; however, there is evidence that the problem is growing. The International Organization for Migration (IOM) office in the country reported that during the year about 141 women and girls were repatriated from sexual slavery by December, including 7 from Cambodia and 5 from Moldova. Figures for 1999 were less than 10. The number of individuals prosecuted for prostitution and procurement has been increasing since 1997, but this phenomenon appears to be partially due to an increased awareness of the problem among law enforcement officials as well as to an increase in the activities themselves. The IOM Romania estimates that as many as 20,000 women are trafficked from Romania each year.

It is estimated that there are between 20,000 to 22,000 illegal immigrants, and that part of this total is a result of illegal trafficking. According to official statistics, 28 groups that tried to transit the country illegally were discovered in 1998. Women reportedly were trafficked to Serbia, Macedonia, Turkey, Albania, Bosnia and Herzegovina, Greece, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan and Cambodia. Romania remains a popular transit country for persons, especially women, being trafficked from the Republic of Moldova, Ukraine, and other parts of the former Soviet Union. Iasi and Timisoara are major centers. Romania is also a source country; in 1997 the Government of Turkey deported some 7,000 Romanian women. Authorities in the Netherlands broke up a trafficking ring late in 1999 that victimized some women from Romania. In May of this year, the Romanian embassy in Abu Dhabi had under its protection

3 Romanian women who alleged that they were brought to the United Arab Emirates under false pretenses and were forced to engage in prostitution. Their passports were allegedly confiscated by their traffickers. In August Cambodian police and U.N. human rights officers rescued seven women from Romania and Moldova who had been trafficked and forced into prostitution there.

Women often are recruited to work abroad by friends, relatives, or newspaper advertisements. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women are sold into prostitution by their parents or husbands or are kidnaped by trafficking rings. Ministry of Interior officials reported that trafficking rings appear to be operated primarily by Romanians. Several domestic prostitution rings are active.

No separate IOM statistics exist for children trafficked to other countries. The Romanian NGO Sanse Egale Pentru Femei (Equal Opportunities for Women) reports that cases of trafficking in children rose from 8 in 1997 to 43 in 1999. In 1998, the NGO Save the Children dealt with 101 cases of children, mostly Roma, being taken to Germany and Italy and being forced to work as beggars or petty thieves. Trafficking of girls for prostitution is also a problem. The country has an extensive system of orphanages with approximately 60,000 dependents, and many are complicit in letting girls escape into prostitution. Children forced out of orphanages between the ages of 16 and 18 often have no identity documents, very little education, and few, if any job skills. NGO's estimate that many girls from these orphanages fall victim to trafficking networks.

Legislation is generally inadequate to deal with this issue, and while the Government is beginning to recognize trafficking as a problem, it has not yet been able to mount any effective efforts to combat it. Corruption in the police force, particularly in local forces, also may contribute to the problem. Police officials often deny that Romania is a source country for trafficking; however, acceptance of the problem is slowly growing.

One problem raised by law enforcement officers is that victims transiting or leaving the country may be doing so voluntarily, under the false belief they are accepting legitimate jobs or are unaware of the exploitation they will face if they are aware that they are to be prostitutes. Victims returned to Romania in the past have been prosecuted for the crime of leaving the country illegally, reducing their willingness to return or to cooperate with law enforcement authorities. Because there is no legislation that directly addresses trafficking, victims have no way to press charges against traffickers. The law also does not ensure a woman's safety if she decides to speak out against a trafficker. Legislation for the protection of minors is similarly inadequate.

A very small number of local NGO's deal with trafficking issues. There are two shelters for victims of sexual abuse. Some NGO's expressed fear of reprisal from organized crime groups as a deterrent that prevents them from taking aggressive action against traffickers. NGO's are having some success in providing training for and working with local police forces on trafficking.

Awareness of human trafficking is low. No large-scale awareness campaigns have been launched to publicize the issue and the dangers of accepting employment abroad. The IOM, working with local NGO's, plans to start a campaign in 2001.

The Southeastern Europe Cooperation Initiative's task force on trafficking in human beings met twice during the year. As part of this initiative a seven man police unit of officers fully dedicated to combating human trafficking was established in November and December.

RUSSIA

The 1993 Constitution established a governmental structure with a strong head of state (a president), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of the State Duma (lower house) and the Federation Council (upper house). Unlike its predecessor, this Duma is characterized by a strong pro-presidential center that puts a majority within reach of almost all presidential priorities. Both the President and the Duma were selected in competitive elections, with a broad range of political parties and movements contesting offices. President Vladimir Putin was elected in March, and Prime Minister Mikhail Kasyanov took office in May. Both the presidential elections and the December 1999 Duma Elections were judged by international observers to be largely free and fair, although in both cases preelection manipulation of the media was a problem. There were credible reports in March of election fraud in some locations; however, there was no evidence that such abuses affected the outcome of the presidential election.

There were some modifications to the legislature and administrative structures; however, democratic institution building continues to face serious challenges, in part due to significant limitations on the state's financial resources. The judiciary, although still seriously impaired by a lack of resources and by high levels of corruption, has shown signs of limited independence.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces is national defense, although they have been employed in local internal conflicts for which they are prepared inadequately, and they are available to control civil disturbances. Internal security threats in parts of the Russian Federation in some recent cases have been dealt with by militarized elements of the security services. These same organizations are tasked with domestic law enforcement. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous, serious human rights abuses.

Economic recovery following the August 1998 financial crisis and the steep ruble devaluation continued to exceed expectations. Gross domestic product (GDP) grew 3.5 percent in 1999, and according to preliminary estimates was 7.6 percent in 2000. Industrial production increased by 9 percent in 2000. GDP was estimated at \$197.1 billion for the year. In 1999 inflation was 36.5 percent; by year's end it was 20.2 percent. The ruble's devaluation continued to give domestic producers a significant cost advantage over imported goods, although the ruble has appreciated approximately 10 percent since the 1998 crisis. Economic growth during the year was led by a recovery in domestic demand, with net exports contributing less than in previous years. Real income grew in the first half of the year by 8.7 percent, compared with the same period in 1999 but remained 10 percent lower than in 1998 and 25 percent lower than in 1997. Average wages increased to \$89 per month by year's end, compared with \$66 per month in the fall of 1999. However, approximately 36 percent of citizens continue to live below the official monthly subsistence level of \$35. Official unemployment was 10.2 percent, down from 12 percent at the beginning of the year. Reported levels of barter transactions—which make up a significant element in the economy—declined steadily in 1999, stabilizing during the last quarter of 1999 and the first quarter of the year. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in many areas, serious problems remain, including the independence and freedom of the media and the conditions of pre-trial detention and torture of prisoners. Its record was poor in Chechnya, where the Russian security forces demonstrated little respect for basic human rights and there were credible reports of serious violations. There were numerous reports of extrajudicial killings by both the Government and Chechen separatists. Beatings by security officials throughout the country resulted in numerous deaths and injuries. Law enforcement and correctional officials tortured and severely beat detainees and inmates. Police also beat, harassed, and extorted money from persons. Prison conditions continued to be extremely harsh and frequently life-threatening. According to human rights groups, approximately 11,000 detainees and prison inmates die in penitentiary facilities annually, some from beatings, but most as a result of overcrowding, inferior sanitary conditions, disease, and lack of medical care. The Government made little progress in combating abuses committed by soldiers, including "dedovshchina" (violent hazing of new recruits). Military justice systems consistent with democratic practices remained largely underdeveloped. While the military Procuracy reported decreases in the number of reported crimes and hazing incidents in 1999, human rights groups continued to receive the same number of complaints of such abuses and claimed that only about 10 to 12 percent of serious cases are reported. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, elevating arbitrary judgments of unit commanders over the rule of law.

Arbitrary arrest and detention and police corruption remain problems. Police and other security forces in various parts of the country continued their practice of harassing citizens from the Caucasus, Central Asia, Africa, and darker-skinned persons in general through arbitrary searches, detention, beatings, and extortions on the pretext of fighting crime and enforcing residential registration requirements. In August human rights groups in Moscow complained of increased detentions of persons from the Caucasus. Lengthy pretrial detention remained a serious problem. Institutions such as the Ministry of Internal Affairs have attempted to educate officers

about safeguarding human rights during law enforcement activities through training provided by other countries; however, such institutions remain largely unreformed and have not yet adopted practices fully consistent with standards of law enforcement in a democratic society. The President and the Government were mostly silent about violations of human rights and democratic practice. While the President made statements about the need for a "dictatorship of law," the Government has not institutionalized the rule of law required to protect human rights. Most abuses occur at lower levels, but government officials do not investigate the majority of cases of abuse and rarely dismiss or discipline the perpetrators.

The Government made no progress during the year in the implementation of constitutional provisions for due process, fair and timely trial, and humane punishment. In addition the judiciary often was subject to manipulation by central and local political authorities and was plagued by large case backlogs and trial delays. There were some indications that the law was becoming an increasingly important tool for those seeking to protect human rights; however, serious problems remain. For example, in August the Procurator appealed the December 1999 ruling by a St. Petersburg judge that found Aleksandr Nikitin, a retired Soviet Navy captain and environmental reporter, not guilty on charges of treason and espionage. The Presidium of the Supreme Court rejected this appeal on September 13, ending Nikitin's four year legal battle with the FSB and the Procurator.

Authorities continued to infringe on citizens' privacy rights. Government technical regulations that require Internet service providers and telecommunications companies to invest in equipment that enables the FSB to monitor Internet traffic, telephone calls, and pagers without judicial approval caused serious concern. However, in response to a challenge by a St. Petersburg journalist, the Supreme Court ruled in September that the FSB is required to obtain and show court approval to telecommunications companies before it can proceed to initiate surveillance. Past practices raised questions among many observers about whether the FSB would abide by this ruling.

The Government's record on media freedom worsened and significant problems persist. There was persistent evidence of government pressure on the media. Federal, regional, and local governments continued to exert pressure on journalists by: initiating investigations by the federal tax police, FSB, and MVD of media companies such as independent Media-Most; selectively denying access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence unduly the appointment of senior editors at regional and local newspapers and broadcast media organizations; and removing reporters from their jobs and bringing libel suits against them. The disappearance and subsequent arrest and prosecution of Radio Liberty reporter Andrey Babitskiy caused great concern, since there was credible evidence that the Babitskiy case was politically motivated and that units of the Federal Government were involved in trying to silence critical reporting about the Chechen conflict.

The Federal Government took few steps to mitigate the potentially discriminatory effects of a 1997 religion law that required national and local religious organizations to register or reregister with the Government. By year's end approximately 70 percent of religious organizations had managed to register or reregister their local organizations successfully. There were numerous reports that religious organizations from certain minority or "nontraditional" denominations either were denied registration or experienced long delays in reregistration. The delays in reregistration are in part due to the slow pace at which the federal Ministry of Justice at first disseminated the regulations and guidelines to local authorities and to understaffing both at the Ministry of Justice and at local levels. However, delays and rejections also are due in part to discrimination by some local officials. Religious organizations and human rights experts have suggested repeatedly that the law be amended to extend the period for reregistration to prevent a situation in which a large number of religious organizations are left unregistered and therefore vulnerable to legal liquidation by court order after year's end. No extension was implemented by year's end. While the previous presidential administration promised to implement measures to discourage local authorities from attempting to liquidate (i.e., eliminate the organization's status as a juridical person) unregistered religious organizations, President Putin and the Government did not comment on the law by year's end. Critics of the Religion Law fear that, while the law does not require the closure of unregistered religious organizations, that may be the practical effect of losing legal status. Discriminatory practices at the local level were attributable in part to the decentralization of power that took place during the Yeltsin administration, as well as

to government inaction and widely held discriminatory attitudes; it remains unclear whether President Putin's efforts to strengthen central authority throughout the country might in some cases affect the situation for religious minorities.

Despite constitutional protections for citizens' freedom of movement, the Government places some limits on this right, and some regional and local authorities (most notably the city of Moscow) restrict movement through residence registration mechanisms. These restrictions, although repeatedly challenged in city court (most recently in September with success by a human rights organization), remain largely in force and are tolerated by the Federal Government. The presence of these restrictions, which increased following terrorist bombings in September 1999 and were reinvigorated following an explosion in Moscow in August, demonstrated the continued obstacles to the enforcement of judicial rulings.

Government institutions intended to protect human rights are still weak and lack independence but are becoming more active. Human Rights Ombudsman Oleg Mironov has played an increasingly public role in promoting human rights, speaking out on human rights abuses in pretrial detention, Chechnya, psychiatry, and on religious freedom. Mironov has an office with 150 staff members who investigate human rights complaints and promote human rights education. The Presidential Human Rights Commission, chaired by Vladimir Kartashkin, also investigates human rights complaints and promotes human rights education. Kartashkin currently is working with the armed forces to introduce human rights training manuals for soldiers. Nonetheless, the Presidential Commission has not played a vital role and receives limited financial support from the Government. The Office of Vladimir Kalamonov, the Presidential Representative for Securing and Defending Human Rights and Freedoms in Chechnya, is understaffed, underfunded, and has a limited mandate. While Kalamonov worked with the Council of Europe and the nongovernmental organization Memorial, he lacked a prosecutorial mandate and even the independence and resources to monitor human rights abuses adequately. Nongovernmental organizations (NGO's) in the human rights field documented and reported on human rights violations; however, they also reported some limited governmental interference. Some environmental and human rights groups complained of harassment from the Procuracy, tax police, and the FSB. In August armed masked men accompanied by a local police official in uniform raided the office in Moscow of the Glasnost Public Foundation, a human rights organization, holding personnel at gunpoint for nearly 40 minutes.

Violence against women, and the abuse of children remain problems, as does discrimination against women and religious and ethnic minorities. People with disabilities continue to face immense problems from both societal attitudes and lack of governmental support. Societal discrimination, harassment, and violence against members of some religious minorities remained a problem. Although there were improvements in some areas, there were continued reports of religious violence in the North Caucasus and several serious anti-Semitic incidents to which the government did not adequately respond. There were credible allegations of politically motivated government interference in the internal affairs of the Jewish community. There are some limits on worker rights, and there were reports of instances of forced labor. Trafficking in women and young girls is a serious problem.

Chechen separatists reportedly committed abuses, including the killing of civilians and Russian security forces they captured. Government officials accused separatists of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999 and continuing into the year; hundreds of civilians were killed or injured.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed political killings by agents of the Government.

During the conflict in Chechnya in February, there were credible reports that the military used indiscriminate force in areas of significant civilian populations, resulting in numerous deaths (see Section 1.g.). There also were credible reports that military forces engaged in extrajudicial killings in Chechnya. For example, on February 5 Russian riot police and contract soldiers (men hired by the military for short-term service contracts) executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Grozny. The perpetrators raped some of the victims and extorted money, later setting many houses on fire to destroy evidence. According to Human Rights Watch (HRW), authorities suspended their investigation of the incident, and there were no indications that those responsible for similar incidents in late 1999 were apprehended or punished (see Section 1.g.). According to the Presidential press service,

since the start of the second war in Chechnya, 35 cases relating to crimes committed by servicemen against the local population were initiated; seven have been found guilty. NGO's argue that this is only a fraction of the true number of cases and there is little or no progress in accountability. According to HRW, no one has been held accountable for the extrajudicial killings of 130 civilians in Alkjan-Yurt, Staropromyslovski, and Novye Aldi in late 1999 and 2000.

A number of government officials were murdered throughout the country. Some of these killings appear to have been politically motivated, connected with the ongoing strife in Chechnya, and others may be connected to local politics. For example, on December 5 Svetlana Semenova, SPS regional coordinator for the Leningrad Oblast was murdered; that same day the Mayor of Murom, Petr Kaurov was also murdered. It is not clear whether these incidents were politically motivated.

An estimated 11,000 detainees and prisoners died during the year (see Section 1.e.). Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

On August 11, a bomb exploded in a crowded Moscow pedestrian way at the Pushkinskaya metro station, killing 12 people and injuring nearly 90. Government officials implied at first that Chechnya-based Islamic extremist groups were responsible for the bombing and arrested four Muslim suspects from the Northern Caucasus. However, investigators have not ruled out the possibility that the incident was a result of feuding between rival criminal gangs.

According to media reports in February, a woman was being held in connection with the murder of a prominent member of Parliament, Galina Starovoitova. Starovoitova was shot outside of her apartment in 1998 in what appeared to be a political killing. In 1999 a former police officer became a suspect in the assassination, but charges were dropped due to lack of evidence.

There were no developments in the 1999 killings of the St. Petersburg Liberal Democratic Party (LDPR) leader Gennadiy Tuganov and Deputy Mayor Mikhail Menevich. In the case of St. Petersburg legislative assembly Deputy Viktor Novoselov, police arrested the killers but had no information on who hired them.

On November 9, a military court began hearings against five former military intelligence officers accused of organizing the murder of "Moskovskii Kosomolets" journalist Dmitri Kholodov. A sixth defendant, the head of a bodyguard agency, is charged with complicity. Kholodov was killed by a suitcase bomb in 1994; at the time of his murder, he was investigating widespread corruption among the military leadership.

There were no developments in the 1998 murder of St. Petersburg city official Yevgeniy Agarev, although the investigation into the case reportedly continues. There were no developments in the 1998 murders of Deputy Representative of the Russian Federation to the Chechen Republic Akmal Saidov, Dagestani mufti Said-Mukhamed Abubakarov, or Chechen official Shadid Bargishev.

Religious figures also were kidnapped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5).

There were credible press reports that Chechen separatists tortured and killed a number of civilians and Russian captives. For example, on September 10, separatists shot and killed Mayor of Oktyabrskoye village Bukara Akhmatov. Government officials accuse separatists of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999. Since then, authorities have tied incidents in Dagestan and several cities in Southern Russia to separatists. Authorities have produced evidence and tried and convicted at least six persons for bombings around Russia. In addition separatists have executed summarily Russian soldiers whom they have taken prisoner (see Section 1.g.).

There has been no resolution to the December 1998 beheading of four foreign telecommunications workers, whom kidnapers had been holding hostage in Chechnya for 2 months.

Government forces and Chechen Separatists have used landmines extensively in Chechnya and Dagestan since August 1999 (see Section 1.g.).

b. Disappearance.—There were reports of Government involvement in politically motivated disappearances in Chechnya. According to credible reports, units of the Government were involved in the detention and the temporary disappearance of journalist Andrey Babitskiy in January. The Government at first denied any knowledge of Babitskiy's whereabouts, but after considerable international pressure officials asserted that the journalist was in the custody of "local Chechens." Despite assurances that Babitskiy would be released on February 2, Russian officials declared the following day that he had been delivered to Chechen separatists in exchange for three Russian prisoners of war. However, separatists denied they had participated in such an exchange or that they held Babitskiy. Almost 2 months after his initial disappearance, Babitskiy was released but then was held by Russian authorities at

a detention center in Makhachkala, Dagestan. Authorities stated that he had been charged with carrying a falsified passport. Babitskiy subsequently claimed that the passport was thrust upon him, essentially to set him up to be arrested. Journalists and human rights activists believe Babitskiy was targeted by the Government for his critical reports on the conflict in Chechnya. Babitskiy was tried in Makhachkala in September and convicted of possession and use of a false passport. However, he was covered under the amnesty granted for the anniversary of World War II and was released (see Sections 1.g. and 2.a.).

The NGO Memorial claimed in October that the total number of detainees had exceeded 15,000 persons. Many of these persons disappeared, but the majority were bought back by relatives. Memorial estimated that the number of individuals unaccounted for was somewhere between several hundred to one thousand.

In a December report, Vladimir Kalamonov, the President's Special Representative for Human Rights in Chechnya, stated that his office had received complaints of 853 disappearances by year's end. His office forwarded a list of 462 missing residents of Chechnya to the Ministry of Interior. Forty-eight of the 462 were found to have been convicted and incarcerated into corrective labor institutions. According to this report, the Government began 34 criminal cases in connection with the disappearances of persons after their detention, including the Chairman of the Chechen Parliament, R.A. Alikhagiyev. Several media reports in October claimed that Alikhagiyev was being held in Lefortovo prison by the FSB; however, to at year's end there is no word on his whereabouts.

In 1999 Chechen president Maskhadov's adviser on relations with ethnic Russians, himself a Russian, was kidnaped in Grozny.

On March 5, 1999, unknown assailants abducted Major General Gennadiy Shipgun—the Interior Ministry's special envoy to Chechnya—from his airplane at Grozny airport. Although the motives behind Shipgun's kidnaping are unclear, Russian press reports indicate that his role in the 1994–96 Chechen war earned him much local animosity. Chechen law enforcement officials later claimed to have issued arrest warrants for six unnamed assailants. Russian authorities reported that what most likely were Shipgun's remains were found in May; forensics tests were being conducted in a laboratory in Rostov at year's end.

There has been no progress in the case against the alleged kidnapers of a foreign missionary and university instructor, who was kidnaped in the Dagestan capital of Makhachkala in November 1998. In 1999 Dagestani law enforcement officials told the Russian press that they had arrested four unnamed suspects in connection with the case. Russian and Ingush interior ministry troops later freed the victim on June 29, 1999. Other religious figures also were kidnaped (see Sections 1.a. and 5).

Kidnaping frequently is used by criminal groups in the Northern Caucasus, some of which may have links to elements of the separatist forces. The main motivation behind such cases apparently is ransom, although some cases have political or religious overtones. Many of the hostages are being held in Chechnya or Dagestan. For example, Alla Geyfman, the daughter of a Jewish businessman, was held for nearly 7 months by a Chechen gang demanding ransom. She was freed in February by security forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Article 21 of the Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there are credible reports that law enforcement personnel regularly use torture to coerce confessions from suspects and that the Government does not hold most of the torturers accountable for their actions. There were credible reports that Government and separatist forces in Chechnya tortured detainees. There are also claims of abuse of psychiatry by authorities. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries but remain largely unreformed and have not yet adopted practices fully consistent with law enforcement in a democratic society. Since torture has never been defined in a subsequent law or the Criminal Code and is only mentioned in the Constitution, it is difficult to charge perpetrators. Police only can be accused of exceeding granted authority, a far milder violation of the Criminal Code.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups describe the practice of torture as "widespread." Numerous press reports indicate that the police frequently strike persons based on little or no provocation or use excessive force to subdue those whom they arrest. Reports by refugees, NGO's, and the press suggest a pattern of beatings, arrests, and extortion by police against persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. However, press reports and

human rights groups indicate that police in some republics engage in beatings and torture as part of investigative procedures as well. Police also increasingly harassed defense lawyers, including beatings and arrests, and intimidated witnesses (see Section 1.e.). Police are reported to plant drugs and other false evidence as pretexts for arrests, arrest and detain persons based on their political views and religious beliefs, and conduct illegal searches of homes. Police also are reported often to extort money from suspects, their friends, and their relatives.

According to Human Rights Watch's (HRW) report on torture in Russia released in November 1999, torture by police officers usually occurs within the first few hours or days of arrest and usually takes one of four forms: beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g. suspending a victim from the wrists, which are tied together behind the back). Allegations of torture are difficult to substantiate because of lack of access by medical professionals and because the techniques used often leave few or no permanent physical traces.

Research conducted by HRW indicates that the country's justice system encourages police to resort to torture and hampers an adequate defense of the accused. Law enforcement entities are expected to meet an unreasonably high 80 percent target rate for solving crimes, despite the loss of experienced officers and underfunding since the breakup of the Soviet Union. The official rate for crimes solved in 1998 was 74.4 percent; experts consider a 30 to 40 percent rate to be consistent with democratic practices and international standards for due process.

In 1999 Sergey Pashin, a Moscow judge and rule of law activist, stated repeatedly that, in the cases that come before him, confessions often have been coerced from suspects through beatings. He also charged that "witnesses" often have been beaten to force them into testifying, when in fact they may have no knowledge of the case. As Pashin has told the press, he estimates that out of 1,200 official torture complaints received in the country annually, only 20 criminal investigations are opened, and only 3 or 4 go to trial. Human Rights Ombudsman Oleg Mironov estimated in October that 50 percent of prisoners with whom he spoke claimed to have been tortured. In April 1998, the Permanent Human Rights Chamber, an advisory presidential committee, concluded that torture was "common" among representatives of the Ministry of Interior, and that it was "widespread and systematic," especially in the pretrial stages of law enforcement. Yakov Pister, head of the administration of the Procurator General's office, testified to the Chamber that the Criminal Code has no definition of torture, and that no statistics were gathered on the use of torture. He blamed police reliance on torture as a means of gathering evidence on a lack of professional training.

HRW noted that, assuming that they are aware of their rights under the law, defendants often are not granted access to defense attorneys or to medical treatment. Pretrial detention conditions are so miserable that defendants sometimes confess simply to be moved to relatively easier prison conditions. Retractions of forced confessions usually are ignored. The accused can spend many months or even years in pretrial detention because the current criminal procedure code allows judges to send cases back for investigation an unlimited number of times (see Section 1.e.).

Under the "Operation Clean Hands" program, created in 1995, MVD officials continued to combat police crime. By the end of 1998, more than 34,000 citizen complaints were lodged against police officers. Over 2,100 cases were initiated against police personnel. Of that number, 922 were group crimes, and 127 included civilian perpetrators. For example, in Ulyanovsk court, proceedings were initiated against five militiamen on charges of "exceeding their authority," for regularly subjecting young male suspects to torture. A Ministry of Justice (MOJ) official estimated that during the first nine months of the year, the number of cases initiated against police personnel was similar to the number registered during the same period in 1999, with 108 convictions in the first six months of the year.

Various abuses against military servicemen, including but not limited to the practice of "dedovshchina" (the violent, sometimes fatal, hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports citing serving and former armed forces personnel, the Military Procurator's Office, and NGO's monitoring conditions in the armed forces indicate that this mistreatment often includes extortion of money or material goods in the face of the threat of increased hazing or actual beatings. Press reports also indicate that this type of mistreatment resulted in permanent injuries and deaths among servicemen. Soldiers often do not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerate or even encourage such hazing as a means of controlling their units. There are also reports that officers in some cases use beatings to discipline soldiers whom they find to be "inattentive to their duties."

In July 1999, the Main Military Procurator's Office (MMPO) reported that cases involving the abuse of military position or authority increased by 23 percent. Half of such cases involved physical violence. However, the MMPO also recorded a 14 percent drop in reported crimes during 1999 and a 10 percent decrease in reports of hazing. Statistics for the year were unavailable, although MMPO officials estimated that from January to June, over 4,800 investigations into allegations of human rights abuses were initiated.

Both the Union of Soldiers' Mothers Committee (USMC) and the MPPO also noted an increase in the number of reports about "nonstatutory relations" in which officers or sergeants physically assault or demean their subordinates. This tendency commonly is attributed to stressful conditions throughout the armed forces and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, in primary troop leadership positions. In 1998 every second draftee expressed concern that his life, health, or sanity would be threatened during the period of military service by such incidents.

In the navy, investigations reportedly uncovered about 20 incidents of nonstatutory treatment of sailors since the beginning of 1999 just on the aircraft carrier cruiser Admiral Kuznetsov. Similar activity, including the theft of hardware and weapons by sailors seeking to escape hazing, reportedly was uncovered on the heavy nuclear cruiser (and flagship) Petr Velikiy in 1999. According to press reports, in September, a warrant officer on a Pacific Fleet ship became drunk and began to beat enlisted men on board. As a result, 41 sailors, over half the ship's company, left the ship and went to the Pacific Fleet Headquarters to complain about repeated, savage beatings by drunken noncommissioned officers. Admiral Rasskazov told the press that sailors complain to him or to prosecutors every day. In the same article, a prosecutor revealed that, as of July 10, criminal cases had been filed in Vladivostok against naval officers and sailors who "tortured" their subordinates and shipmates.

Other reported abuses of armed forces personnel included the practice by officers and sergeants of "selling" soldiers to others as slave labor (to build dachas, etc.) or to other officers who have a military need for personnel but are not able to work through the system, most often linked to units in the Northern Caucasus military district. The USMC reported that such practices continue. In one recent complaint received in the USMC's Moscow office, a soldier was allegedly sold for approximately \$2 (50 rubles) to another unit. In another case, an officer bought a soldier for 10 bottles of vodka. The USMC continues to receive complaints about the Ministry of Internal Affairs and accused it of being among the worst of the branches in its human rights record.

The MMPO continues to cooperate with the USMC to investigate allegations of abuse and established telephone and postal "hot lines" to receive reports directly from soldiers. Nonetheless, the USMC believes that the majority of hazing incidents and assaults are not reported, due to fear of reprisals, indifference of commanders, and deliberate efforts to cover up such activity. The USMC estimates that only 10 to 12 percent of serious incidents are reported; it received nearly 4,000 complaints in its Moscow office alone during the year.

According to the armed forces' Medical Service, approximately 45 percent of military personnel committing or attempting suicide were driven to it by either physical abuse or the often inhuman conditions of military service. Nonpayment of wages could also be a factor, although nonpayment decreased significantly during the year. (However, contract soldiers serving in Chechnya complained of chronic nonpayment, and in some cases, such as in Rostov on the Don in September, they engaged in protests). The USMC reported in 1997 that in 60 percent of the cases brought to the authorities attention, there was an official finding that abuse had taken place, and that some disciplinary action was taken as a result. These figures remained unchanged by year's end. The deteriorating quality of the armed forces, cited as the main reason for the breakdown in discipline, is aggravated by negligence during the conscription process. A rise in the acceptance of draftees who are unfit for military service allegedly also is contributing to crime within the armed forces. Draft evasion is common, including the reported "purchase" of unwarranted medical deferments by potential conscripts otherwise ineligible for one of the many categories of legal deferment. The Military Procuracy continued its campaign against draft evasion and cracked down on conscription abuses. The USMC reported that after the spring draft, police often dragged unsuspecting recruits without documents, regardless of their mental or physical health, into draft board offices.

Degrading and substandard living conditions persist throughout the armed forces, principally due to insufficient funding. August television reports of naval housing in the Murmansk region showed decrepit, crowded apartments even for officers.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces has made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. Their limited efforts were due at least in part to lack of funding and the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya.

There was still no law providing for the constitutional right to alternative civilian service, and the proposal for an all-volunteer armed forces has been put off indefinitely by the Government's inability to raise military pay sufficiently. Although some regional authorities have attempted to introduce alternative service programs, national legislation necessary to implement the constitutional right to alternative service has not been passed by the Duma. Without such legislation there is no legal basis beyond the constitutional language itself for any alternative service program. As a result, the courts often rule against the individual based upon the legal requirements relating to military service.

The systematic abuse of psychiatry as a form of punishment prevalent during the Soviet era has ended. However, human rights groups charge that psychiatric hospitals continue to conceal their archives and their practices. Further, authorities reportedly still sometimes abuse the practice of psychiatry for other purposes. The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects" and in testifying against "nontraditional" religions in court cases. In deprogramming cases, authorities allegedly use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 2.c.). Human rights groups are concerned about court-appointed "expert commissions" charged with evaluating rituals, beliefs, and the mental health of believers. Groups assert that the commissions lack objectivity and often act under pressure from regional authorities negatively disposed toward the religious denominations.

Yuriy Savenko, Head of the Independent Psychiatric Association of Russia (originally formed during the Soviet era when psychiatric hospitals were used to punish dissidents), and other human rights activists such as the Moscow Helsinki Group head Lyudmila Alekseyeva, criticized the trial of Platon Obukhov, a Russian diplomat charged with espionage. Although independent psychiatrists deemed Obukhov mentally unfit to stand trial, a court-appointed commission found him competent. Human rights activists charge that the evaluation was based on political considerations and pressure from the FSB. Obukhov's case is currently under appeal.

Prison conditions are extremely harsh and frequently life threatening. Since 1998 the penitentiary system has been administered centrally from Moscow by the Ministry of Justice. The Ministry of Justice, the Ministry of Health, the Ministry of Defense, and the Ministry of Education all maintain penal facilities. There are five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention (SIZO's), correctional labor colonies (ITK's), prisons designated for those who violate ITK rules, and educational labor colonies (VTK's) for juveniles. Responsibility for operating the country's penal facilities falls under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). The country's penal institutions remain extremely overcrowded. According to January statistics of the Public Center for Penitentiary Reform (PCPR), 1,060,000 persons were incarcerated in the prison system run by GUIN. By year's end, PCPR estimated there had been a decrease of prisoners that brought the total to 912,100, approximately 655 per 100,000 persons of the population at large. While this number only includes prisoners in the GUIN system, PCPR estimates that approximately 90 percent of all prisoners fall into this system. Conditions for detainees and prisoners in most government facilities remain extremely harsh. According to the 1995 Law On the Detention of Those Suspected or Accused of Committing Crimes, inmates must be provided with adequate space, food, and medical attention. Although most of the law's provisions went into effect at the end of 1996, the authorities were not able to ensure compliance, due in part to lack of funds, most judges' failure to use the option of bail, and a very large prison population.

Conditions in police station detention centers vary considerably, but as a rule are harsh. In most cases, detainees are not fed and have no bedding, places to sleep, running water, or toilets.

Suspects awaiting completion of criminal investigation, trial, sentencing, or appeal, are confined in a Special Isolation Facility (SIZO), which is a pretrial detention facility, mainly for a person who is awaiting trial. Persons can spend up to three years awaiting trial in a SIZO. Around 280,000 persons are held in the 195 SIZO's. Around 65,000 are held in police detention centers with another 5,000 to 6,000 in special facilities for the homeless. Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remain ex-

tremely harsh and pose a serious threat to life and health. Health, nutrition, and sanitation standards in penal facilities remain low due to a lack of funding. Head lice, scabies, and various skin diseases are prevalent. Prisoners and detainees typically rely on families to provide them with extra food. The PCPR estimates that SIZO's are filled to 230 percent of capacity. In larger cities such as Moscow, the average space per prisoner amounts to 0.5 cubic meters. In the majority of police detention centers there is no shower and no outdoor exercise, and inmates are fed only twice a day. To alleviate overcrowding, the Government announced an amnesty (to reach 120,000). According to PCPR, on September 1 more than 99,000 inmates were released in an amnesty (358 of them were juveniles). The total number amnestied was expected to reach 120,000 by November. While the amnesty has affected the overall number of prisoners, by most accounts the greatest decrease is due to the increased use of alternative punishments such as selective parole for certain offenses. In some regions such as Murmansk, more than 70 percent of all convicted offenders are given sentences not involving incarceration. In 1998 the occupancy rate for the overall penitentiary system was 112 percent. Special facilities exclusively for women are filled to 1.5 times of capacity, according to a study financed by Penal Reform International. As of September, there were 40,800 women held in correctional labor colonies, according to the MCPCJR. Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within the cell. In most pretrial detention centers and prisons, there is no ventilation system. Poor ventilation is thought to contribute to cardiac problems and lowered resistance to disease. Cells are overcrowded and stiflingly hot in the summer.

Correctional labor colonies (ITK's) hold the bulk of the nation's convicts. Of the 742 ITK's, 644 are designated for men (122 of these are "timber" correctional colonies). Although they are not as crowded as SIZO's, guards reportedly severely discipline prisoners to break down resistance. Prisoners sometimes are humiliated, beaten, and starved. According to the PCPR, conditions in the ITK's are better than in SIZO's prisons only to the extent that there is fresh air. In the timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards reportedly are common. A total 678,500 male prisoners and 40,800 female prisoners are held in the ITK's. Of the 34 colonies for women, there are a few special facilities for children to be held with their mothers (465 children up to 4 years old). In the educational labor facilities, there are 19,000 males and 1,100 females. The country's "prisons"—distinct from the labor colonies or ITK's—are penitentiary institutions for those who repeatedly violate the rules in effect in ITK's.

Educational labor colonies for juveniles (VTK's) are facilities for from 14 to 20 years of age. The PCPR's September statistics indicate that there were approximately 20,000 persons in the 64 educational colonies, some 19,000 males and 1,000 females. Conditions in VTK's are significantly better than in ITK's, but juveniles in VTK's and juvenile SIZO cells reportedly also suffer from beatings, torture, and rape. The PCPR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights. There currently are two prisons for children in Moscow. Boys are held in small crowded, smoky cells with adults. Schooling in the prisons for children is sporadic at best, with students of different ages studying together when a teacher can be found.

According to statistics provided by the PCPR, the proposed federal budget as of the end of September allocated \$778 million (14 billion rubles) for the upkeep of the GUIN system. According to GUIN, \$1.3 billion (23 billion rubles) are needed to maintain the system adequately. However, the full allotment is not always spent. For example, in a Ryazan educational colony for females, less than \$1 (18 rubles) per day for each inmate is considered necessary. In the budget, the institution is allotted only 10 rubles per inmate, while in actuality, less than four rubles actually make it to the institution. There are no steps underway at present to increase the portion of the budget allotted to GUIN.

According to the PCPR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing, and medicine. NGO's and religious groups offer other support.

Inmates in the prison system often suffer from inadequate medical care. Detention facilities have infection rates of tuberculosis far higher than in the population at large. Tuberculosis in the general population and especially in prisons is considered by health and human rights experts to be not only a national, but an international health threat. PCPR estimates that 96,000 prisoners suffer from infectious tuberculosis—approximately 42 to 43 percent of all tuberculosis patients in Russia. A total of 25,000 of these prisoners are infected with a drug-resistant form of the disease. Some 90,000 of the overall patients, mostly under 30 years of age, are in-

carcerated in SIZO's. Of these, 26,000 are in special prison hospital wards for tuberculosis, 42,000 in medical facilities, and 17,000 in isolation in prison facilities, with the rest being held among the healthy prison population. The Saratov oblast administration, concerned with the tuberculosis crisis in facilities located there, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. GUIN is working with the Soros Foundation to develop programs in some regions to combat tuberculosis.

HIV/AIDS infection rates are also a source of concern. The PCPR estimated that there were 8,000 prisoners infected either with HIV or who had developed AIDS, but the lack of adequate health care precludes estimating the true number of such prisoners and suggests that this is an underestimate. Space shortages do not allow for separate facilities for prisoners with AIDS.

Statistics on the number of detainees and prisoners who were killed or died and on the number of law enforcement and prison personnel disciplined for the use of excessive force are not released publicly. PCPR estimates that around 11,000 prisoners died in penitentiary facilities during the year (2,500 of whom died in SIZO's). Most died as a result of overcrowding, poor sanitary conditions, or lack of medical care (the leading cause of death was heart disease), but some died due to beatings. The Procuracy General claimed that it receives approximately 1,000 complaints of torture per year, but no reliable figures are available. The press often reports on innocent individuals mistreated, injured, or killed in various SIZO's; some of the reported cases include habitual abuse by the same officers.

Violence among inmates, including beatings and rape, is common. There are elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others are considered to be "untouchable" and treated very harshly, with little or no protection provided by the prison authorities.

At a March 1999 joint hearing at the Human Rights Chamber of the President's Political Consultative Council, the Ministry of Justice, the Ministry of Internal Affairs, the Supreme Court, and the Procuracy General developed a plan to address the "critical" state of the national penal system. The proposals forwarded to the Government and the State Duma included provisions such as another amnesty and changes in the Criminal Code that could yield a prison population decrease of 400,000 over 1 year.

According to the PCPR, Aleksandr Zubkov, Deputy Director of GUIN in the Ministry of Justice, stated that the only way to reduce the prison population is to change the Criminal Code provisions regarding pretrial, parole and probation, and postconviction release measures. Zubkov stated that the Criminal Code is too severe and allows unjustifiably wide use of custody as a measure of restraint (as opposed to bail or release on the prisoner's own recognizance, for example). The PCPR called for greater use of alternatives to custody, such as bail and house arrest. Moreover, the PCPR reported that detainees spend too long in pretrial detention, in many cases as long as 3 years or more. The Ministry of Justice concurs with the PCPR that limits must be placed on time in detention awaiting trial.

Moscow-based human rights groups make infrequent visits to prisons in the Moscow area, and they have neither the resources nor a national network to investigate conditions in all 89 regions. The pretrial detention centers and filtration camps for suspected Chechen fighters, are not usually accessible to human rights monitors (see Section 1.g.). In May, the ICRC began to visit persons detained by Russian authorities. The ICRC works throughout Russia and is especially active in the North Caucasus. They are currently carrying out regular prison visits, but by agreement with the Government, their findings are kept confidential. The ICRC provides advice to authorities on how to improve conditions.

In January and February the remand prison at Chernokozovo was the principal detention center for those detained in Chechnya. Prolonged beatings to the genitals and to the soles of the feet, rape, electric shocks, tear gas and other methods of torture were used at the center. Guards subjected detainees to humiliation and degrading treatment. At least one person was beaten to death. Often prison guards and other law enforcement officers use torture to coerce confessions or testimony. Conditions improved at Chernokozovo in mid-February; however, an increasing number of detainees subsequently were held elsewhere and continued to suffer abuses, including torture, according to Human Rights Watch. The Government has allowed ICRC access to some facilities in the North Caucasus where Chechen detainees are held.

In one of many reported incidents, a Chechen man described how he saw federal guards puncture detainees' eardrums and file their teeth and damage their lips with a file forced into their mouths—an apparently new form of torture. In another reported incident, a Chechen man was pulled from his cell, homosexually raped, and

taunted with anti-Chechen epithets. In the case of the Chernokozovo prison, the torture of prisoners by federal guards came to light in part through reports of Andrey Babistkiy, a reporter for Radio Liberty who was himself detained and beaten there. According to credible reports, units of the Government were involved in the detention and disappearance of Babitskiy in January for his reporting in Chechnya (see Section 1.b. and 2.a.).

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain serious problems. The Constitution provides that the arrest, taking into custody, and detention of persons suspected of crimes are permitted only by judicial decision. Under the 1997 code the maximum sentence for all offenses increased from 15 years to 30 years. Criminal proceedings continue to be governed both by the 1997 Criminal Code and the Soviet Criminal Procedure Code, adopted in 1960.

Efforts to achieve Duma approval of a new Criminal Procedure Code have been unsuccessful.

There are credible reports from throughout the country that police detain persons without observing mandated procedures and fail to issue proper arrest warrants or receipts for confiscated property. This is especially true for persons from the Caucasus. There are credible reports that security forces continue regularly to single out persons from the Caucasus for document checks, detention, and extortion of bribes. In 1999 Moscow city law enforcement authorities frequently detained persons unlawfully for alleged violations of registration requirements, especially in response to the terrorist bombings in September 1999, when authorities detained some 2,000 persons and deported more than 500, according to NGO's. Russian forces commonly rounded up and detained groups of Chechen men at checkpoints along the borders and during "mop-up" operations following military hostilities, and engaged in severe beating and torture.

In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects often were subjected to uneven and arbitrary treatment by officials acting under the current Criminal Procedure Code and presidential decrees. The code gives procurators authority to issue an order of detention without a judge's authorization and, if police believe that the suspect has committed a crime or is a danger to others, to detain him for up to 48 hours without a warrant.

The Constitution and the Criminal Procedure Code provide that detainees are entitled to have a lawyer present from the time of detention, during questioning following detention, and throughout investigation up to and including the formal filing of charges. This procedure generally is followed in practice. The PCPR reports that detainees are given the opportunity to have access to a lawyer in accordance with their rights. However, the Center notes that the high cost of legal fees and the poor quality of court-appointed public defenders for those lacking the funds to engage counsel effectively deny the majority of suspects competent legal representation. As a result, many prisoners do not exercise this right because they believe it useless. Families have access to individuals in pre-trial detention; however, in initial detention by the police in precincts, they may at times not be granted access.

Articles 47 to 49 of the Criminal Procedure Code provide that in certain cases the court, an investigator, or a procurator is to provide the suspect with an advocate free of charge if the suspect cannot afford one. A president of a collegium of advocates must appoint a lawyer within 24 hours after receiving such a request. However, lawyers (advocates) try to avoid these cases since the Government does not in fact reimburse them for this work as it is supposed to do. As a result, in many cases indigent defendants receive little or no assistance during the investigation stage of the case, and such in-court assistance as they do receive may be rendered by poorly trained lawyers. At times the right to a lawyer during pretrial questioning cannot be exercised even when the suspect can afford to pay for a lawyer. Human rights NGO's report that in many cases investigators deny access to a lawyer by various means, including restrictions on the time when the suspect can see his lawyer (which may mean that the lawyer has to wait for days to get a meeting with the client).

A 1997 presidential decree allows police to detain persons suspected of ties to organized crime for up to 10 days without bringing charges. The law overturned two previous presidential decrees (of 1994 and 1996) that allowed detention for up to 30 days. The 1997 decree also instructed the Government to submit to the Duma a draft federal law on preventing vagrancy and providing social rehabilitation of the homeless. However, according to Duma and NGO sources there is not yet any such draft law under consideration.

The Criminal Procedure Code specifies that only 2 months should elapse between the date an investigation is initiated and the date the file is transferred to the procurator so that the procurator can file formal charges against the suspect in court. However, investigations seldom are completed that quickly. Some suspects spend 18

months or longer in detention under harsh conditions in a SIZO while the criminal investigation is conducted. The PCPR reports terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the PCPR reports detention periods of up to 5 years due to financial constraints and poor investigative and court work.

The Code provides that a prosecutor may extend the period of criminal investigation to 6 months in "complex" cases. If more time is required in "exceptional" cases, the Procurator General personally can extend the period up to 18 months. Extensions of the investigation period often are issued without explanation to the detainee. Until the investigation is completed, the suspect is under the jurisdiction of the Procurator's office, the Ministry of Justice, and the Ministry of Internal Affairs. There is no procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation usually is shorter than if he maintains his innocence. Suspects frequently fear exercising their right to request judicial review of their detention due to fear of angering the investigating officer.

There also were credible reports that persons were detained far in excess of the permissible periods for administrative offenses, in some cases so that police officials could extort money from friends or relatives of detainees. The situation has improved somewhat since the issuance of the 1997 presidential decree that annulled a previous decree that had allowed for 30-day detentions. However, the practice of detaining individuals in excess of permissible periods is common, and this often is done for the purpose of extorting money.

The use of bail is rare, even if suspects are not flight risks or have not been charged with violent crimes. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, results in many suspects remaining in pretrial detention for longer than the maximum penalty they might face if convicted. In the juveniles' prisons, boys and girls (in separate facilities) are incarcerated in the facility for up to several years while they await trial and sentencing.

Delays also plague the trial stage. Although the Criminal Procedure Code requires court proceedings to begin no more than 14 days after the judge issues an order designating the location of the trial, congestion in the court system frequently leads to long postponements. Judges often do not dismiss cases involving improper investigations or indictments, particularly if the procurator's case has political support or if the case is controversial. Such cases often are returned to the procurator for further investigation.

Some regional and local authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Others have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Section 4).

On June 2, Taisa Isayeva, a Chechen journalist, was arrested at the border checkpoint "Nizhny Zaramag", between North Ossetia and Georgian controlled Ossetia. Isayeva, who works for the Chechen Press agency based in Georgia, was detained at the border because she was carrying a video camera and a portable computer.

On October 3, Primorye Regional FSB authorities opened a criminal case against Vladimir Schurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute (POI). He was charged with divulging state secrets, unlawful transfer of dual use technologies, and also for organizing a criminal group. Schurov has denied all charges.

Russian authorities took measures in two "espionage" cases involving foreigners who worked with Russians and obtained information the authorities considered sensitive. In both cases, proceedings took place behind closed doors and the defendants and their attorneys encountered difficulties in learning the details of the charges. In both cases, the circumstances suggested that the security services were seeking to discourage foreigners on issues they considered to be sensitive.

In November 1999 disarmament researcher Igor Sutyagin of the USA Canada Institute was detained on suspicion of espionage. No information about the specific charges was made public. At first the case appeared to focus on his work on a study of civil-military relations funded by the Canadian Defense Ministry. Sutyagin's family stated that the study did not deal in secret matters and was partially funded by the Russian Defense and Foreign ministries. Evidence in the case is secret and lawyers stated that Sutyagin received copies of the details on December 15. The trial was recessed until January 9, 2001.

Throughout the year there have also been numerous other cases of individuals charged with treason and detained. In August 1999 Vladivostok environmental sci-

entist Vladimir Soyfer filed a complaint in Vladivostok municipal court alleging that in early July 1999 the FSB confiscated a large number of documents from his apartment, the removal of which was not covered by its warrant and not documented in the FSB's official record of the search. While under investigation the FSB dropped the case stating that Soyfer fell under the November amnesty. Soyfer appealed this decision to clear his name, arguing that he was innocent, and that there was no basis or need to amnesty him. The court agreed, passing the case back to the FSB for either investigation and prosecution, or dropping charges.

In October 1999 Vladimir Sliviyak, director of the antinuclear organization Eco-Defense, announced at a press conference that Moscow police detained and questioned him for a few hours in September about his possible involvement in the August bombing of the Manezh shopping center in Moscow. One of Sliviyak's coworkers reportedly had been framed on charges of drug possession. Natalya Minonova of Chelyabinsk also was detained and questioned by police officers in September as she and four other activists were on their way to city hall to deliver a letter protesting the potential import of spent nuclear fuel into the country. Authorities charged all five with hooliganism. Reportedly authorities told another activist in Voronezh to report to the police station for an "informal conversation" on the topic of an anti-nuclear camp near the NovoVoronezh nuclear power plant and threatened him with drug possession charges if he failed to appear.

St. Petersburg judge Sergey Golets ruled at the end of 1999 that Aleksandr Nikitin, an environmentalist and retired Soviet Navy captain, was not guilty on charges of espionage and treason. Although prosecutors later appealed the decision, the Presidium of the Supreme Court on September 13 upheld the acquittal. Legal observers believe that the legal foundations of the Golets ruling were sound and that it, along with the Supreme Court decision, may provide an important precedent in combating abuses by the FSB.

Nikitin's case was characterized by serious violations of due process. There were credible charges that his detention was politically motivated. The FSB detained Nikitin in St. Petersburg in February 1996 on suspicion of espionage and revealing state secrets, crimes punishable by up to 20 years in prison. Nikitin had been working with the Bellona foundation, a Norwegian environmental NGO, on the publication of a report detailing the hazards posed by nuclear waste generated by the Northern Fleet, in which Nikitin served. Indictments cited classified decrees that were made available to Nikitin's defense team only at the beginning of the trial, which finally commenced in October 1998, nearly 3 years after Nikitin's detention. In his December 1999 ruling, Judge Golets argued that the secret decrees used to charge Nikitin violated every citizen's right to access to the law and therefore were not binding under the Constitution. Moreover, according to the ruling, investigators failed to adhere to the Criminal Code during the investigation and violated Nikitin's constitutional rights. The case against Nikitin was finally closed by the September ruling of the Supreme Court presidium that the prosecutor's appeal of Nikitin's acquittal was without merit. However, the Federal Tax Police continued to harass him, claiming that the money provided by Bellona for his legal defense was taxable income.

Media-Most chairman Vladimir Gusinskiy was detained in Moscow's Butyrka Prison for three days in June, in connection with the General Procuracy's criminal fraud case against him. Gusinskiy left Russia in July, shortly after the Procuracy dropped its criminal case against him. Later it became known that Gusinskiy signed an agreement with Gazprom-Media chief Alfred Kokh just before leaving the country in which he pledged to sell a controlling share of his media enterprises to Gazprom. Gusinskiy insisted publicly that he had signed under duress, citing a protocol to the agreement that was co-signed by Press Minister Mikhail Lesin. Many observers interpreted the protocol as a quid pro quo in which the Government agreed to drop its criminal investigations of Gusinskiy and Media-Most in exchange for receipt by Gazprom of a controlling share in NTV and

Media-Most. Later in the year, the General Procuracy cited Gusinskiy's refusal to appear for further questioning on a broader criminal fraud case against Media-Most as grounds for seeking his extradition. At year's end, Gusinskiy remained in Spain under house arrest as Spanish officials considered the Government's extradition request.

No new arrests of human rights monitors were documented during the year.

In July 1999 after 20 months in pretrial detention, military journalist and active-duty officer in the Pacific Fleet Grigoriy Pasko was sentenced to 3 years' imprisonment for dereliction of duty but immediately was released under the prisoner amnesty. However, prosecutors subsequently appealed the sentence and the military collegium of the Supreme Court dismissed the earlier conviction and sent the case back to Vladivostok to be retried for the more serious charges of espionage and trea-

son. The trial is expected to begin in March 2001. Pasko originally was charged with treason and espionage after reporting on radioactive contamination by Russian Pacific Fleet sailors dumping radioactive waste in the Sea of Japan. The trial was marked by a number of irregularities, including the judge's decision to remove one of Pasko's defense attorneys for contempt of court and also a key witness recanting earlier testimony claiming it had been made under duress from investigators. The Committee to Protect Journalists and the Glasnost Defense Fund observed that the case is still a powerful disincentive to investigative reporting (see Section 2.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and there are signs of limited judicial independence; however, the judiciary does not yet act as an effective counterweight to other branches of government. Efforts to develop an independent judiciary continue. Judges remain subject to some influence from the executive, military, and security forces, especially in high profile or political cases. The judiciary still lacks sufficient resources and is subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction, subordinated to the Supreme Court; the arbitration court system under the High Court of Arbitration; and the Constitutional Court. Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears over 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction are the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of city or regional courts as well as appellate circuit courts subordinated to the High Court of Arbitration. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state. Qualifying Collegium nominate judges for approval (by the President), remove them, and approve requests by prosecutors to investigate judges. Approximately 1,000 justices of the peace were appointed in 33 regions throughout the country during the year. These judges handle family law and criminal cases where the maximum sentence is 2 years.

Low salaries and lack of prestige make it difficult to attract talented new judges and contribute to the vulnerability of existing judges to bribery and corruption. Judges have received some incremental salary increases aimed at improving the quality of judges recruited and raising the retention rate. Although judges' pay has improved, working conditions remain poor, and support personnel continue to be underpaid.

The 2000 government budget increased funding for the judicial system; however, it is not enough to cover all of the system's needs. Not all of the money allocated was dispersed and regional administration support is still needed.

Judges are subject to intimidation and bribery from officials and others. As judges generally bear responsibility both for reaching a verdict and handing down a sentence, they are logical targets for intimidation. In July 1999, the chair of the Primorskiy Kray arbitration court, Tatyana Loktionova, announced that Primorskiy Kray Governor Yevgeniy Nazdratenko had been interfering in the court's activities and that she and her colleagues feared for their personal safety. The governor blamed the court for bankrupting the region's enterprises and destroying its economy and persuaded then-Prime Minister Putin to authorize an internal investigation of the arbitration court for possible illegal conduct. Loktionova was removed from the court but appealed to the Supreme Court for reinstatement. On August 23, the Supreme Court's Board of Appeal upheld the lower court's ruling removing Loktionova from the bench. Loktionova appealed to the Constitutional Court of the Russian Federation. In October the Moscow City Collegium of Judges removed Moscow City Judge Sergey Pashin from the bench for ostensible infractions of professional etiquette. However, most observers believe that Pashin was removed for political purposes, as punishment for his outspoken views criticizing judicial colleagues on cases ranging from the conscientious objector Neverovskiy in Kaluga to the legal procedures surrounding Media-Most. Pashin appealed the Collegium's decision to a higher body and he was later reinstated.

The Criminal Code provides for the court to appoint a lawyer if the suspect cannot afford one. The Society for the Guardianship of Penitentiary Institutions often is called upon by judges to provide legal assistance for suspects facing charges and trial without any representation. This society operates primarily in Moscow, although it uses its connections throughout the country to appeal to legal professionals to represent the indigent. However, in many cases the indigent receive little

legal assistance, because funds are lacking to pay for trial attorneys for them and public defenders are poorly trained.

Because the right to a lawyer during pretrial questioning often is not exercised (see Section 1.d.), many defendants recant testimony given in pretrial questioning, stating that they were denied access to a lawyer or that they were coerced into making false confessions or statements. Nevertheless, human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt.

In the 80 regions where adversarial jury trials have not yet been introduced, criminal procedures are weighted heavily in favor of the prosecutor. The judge or panel of judges conducts the trial by asking questions based on a prior review of the evidence. Reports indicate that in practice the constitutionally mandated presumption of innocence often is disregarded. Judges are known to return poorly developed cases to the prosecution for additional investigation rather than risk confrontation with powerful prosecutors. Moreover in certain cases the Criminal Procedure Code allows them to do so with no limitation on the number of times the case can be investigated. The Constitutional Court partly addressed this issue in an April 20, 1999, decision that held that part of the article of the Code providing for this practice was unconstitutional. The practice of repeatedly returning cases for further investigation greatly increases the time that defendants spend in SIZO's (see Section 1.c.).

Defense attorneys, defendants, and the general public reportedly favor jury trials and the more adversarial approach to criminal justice. Prosecutors and law enforcement officials continue to prefer trial by judges and the inquisitorial system.

The Independent Council of Legal Expertise reported that defense lawyers increasingly were the target of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country. They charge that police are trying both to intimidate defense attorneys and to cover up their own criminal activities. For example, on March 28 Moscow defense lawyer K. Moskalenko was assaulted by members of Moscow's Organized Crime Unit of the MVD while attempting to assist a client illegally detained by the Unit at a residence. Moskalenko complained to the Procurator, but her complaint was rejected at the end of April. The Glasnost Public Foundation criticized the September 30 arrest of public defender Mikhail Konstantinidiy in Novorossiysk. Konstantinidiy was arrested for purported "illegal entrepreneurial activity," which human rights activists believe was concocted in retaliation for the lawyer's successes against an oil company and a local politician.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Authorities continued to infringe on citizens' privacy rights. The Constitution states that officials can enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. It prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. Legislation to implement these provisions was passed as part of the country's new criminal code, which provides for criminal penalties. However, problems remain, and no one has ever been convicted of violating those safeguards. There were reports of electronic surveillance by government officials and others. Moscow law enforcement officials reportedly entered residences and other premises without warrants. For example, on October 19, three investigators from the Organized Crime Unit and Economic Crime Unit of the MVD entered the premises of the Moscow Choral Synagogue without a warrant and searched the offices of Moscow Chief Rabbi Pinchas Goldschmidt (see Section 2.b.).

Internet experts and right-to-privacy advocates say that interagency technical regulations called SORM-2 (SORM is the Russian acronym for System for Operational Investigative Measures), which were issued by the Ministry of Communications, the FSB, the Federal Agency of Government Communications and Information, and other agencies present a serious threat to privacy rights, and violate the Civil Code, the Constitution, and international norms. SORM-2 is an amendment to SORM telecommunications regulations. The original SORM, issued in 1995, granted security services the power to monitor all telecommunications transmissions for investigative purposes. It required a warrant to carry out such monitoring, in accordance with the Constitution and other provisions of the law. SORM-2 extends to the FSB the same kind of monitoring power over Internet communication that it had for telecommunications, but without ensuring judicial oversight.

Internet service providers were required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that did not

comply with the requirements faced either loss of their licenses or denial of their license renewal. While SORM-2 framers claim that the regulation does not violate the Constitution or the Civil Code because it still requires a court order, right to privacy advocates say that there is no mechanism to ensure that a warrant is obtained before the FSB accesses private information. There appears to be no mechanism to prevent unauthorized FSB access to Internet traffic without a warrant.

On July 25 Minister of Communications Leonid Reyman issued an order implementing the last stage of SORM. According to the order, registered by the Ministry of Justice on August 9, the FSB is no longer required to provide to the telecommunications and Internet companies any court documentation or any information about targets of interest. Human rights activists suggest that this order only formalizes the practices established since SORM was introduced. However, Pavel Netupskiy, a St. Petersburg journalist, challenged Reyman's order in court, claiming that it was unconstitutional. The Supreme Court examined the case and ruled September 25 partially in Netupskiy's favor, leaving the requirement that the FSB conduct monitoring only by court order and that it provide information to the company about the target of surveillance. However, despite the court ruling, adequate oversight and enforcement of this constitutional provision and the court order are lacking. On September 12 Putin signed the "Doctrine of Information Security of the Russian Federation" which offers general language on protecting citizens' constitutional rights and civil liberties but also includes specific provisions that would justify greater state intervention. The Doctrine gives much leeway to law enforcement authorities in carrying out SORM surveillance of telephone, cellular, and wireless communications.

Allegations continue to circulate that officers in the special services, including authorities at the highest levels of the MVD and the FSB, have used their services' power to gather compromising materials on political and public figures as political insurance and to remove rivals. Similarly, persons in these agencies, both active and retired, were accused of working with commercial or criminal organizations for the same purpose.

There are credible reports that regional branches of the FSB continue to exert pressure on Russian citizens employed by Western firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The indiscriminate use of force by government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. The Federal Government has been fighting a war against separatists in Chechnya since August 1999 following attacks by Chechen separatists in neighboring Dagestan. In the fall of 1999, government forces launched air and artillery attacks against numerous Chechen villages along the republic's eastern border with Dagestan in the territory controlled by Chechen field commander Shamil Basayev. Attempts by government forces to regain control over Chechnya were accompanied by indiscriminate use of air power and artillery, particularly in the fall 1999 campaign to retake the capital, Grozny. There were numerous reports of attacks on civilian targets, including the bombing of schools and residential areas. In early 2000 a large-scale offensive military campaign by government forces continued against the separatists. That offensive campaign largely ended following federal occupation of most of Chechnya by late spring, although federal forces remained engaged in an intensive anti-insurgency campaign against separatist guerillas. The security situation prevented most foreign observers from travelling to the region, and the Federal Government enforced strict controls on press access. NGO's reported that federal authorities in some cases confiscated recording devices and communications equipment at the border. These restrictions made independent observation of conditions and verification of reports very difficult. Nevertheless, there were numerous credible reports of human rights abuses and atrocities committed by federal forces.

Federal authorities continued to claim that government forces utilized "high precision" weapons and tactics against the rebels; however, a wide range of reports indicated that government military operations resulted in many civilian casualties and the massive destruction of property and infrastructure. The number of civilian fatalities caused by federal military operations cannot be verified, and estimates of the total number of civilian dead vary from the hundreds to the thousands. For example, on December 20, seven students were killed when Russian forces fired mortar rounds on Grozny State Pedagogical Institute. The procurator was investigating the incident at year's end. The number of civilians wounded by federal forces also could not be verified, although reports from hospitals that still were operating in the region indicated that the majority of patients were mine or ordnance victims,

and that such weaponry was the primary cause of death. Throughout the conflict, accusations were made by both sides about the use of chemical weapons. However, no credible evidence has been offered to support these claims.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, many atrocities reportedly were committed by individual federal servicemen or units. Command and control among military and special police units often appeared to be weak, and a culture of lawlessness, corruption and impunity flourished. This culture fostered individual acts (by government forces) of violence and looting against civilians. For example, according to HRW and press reports, on February 5, Russian riot police and contract soldiers (men hired by the military for short-term service contracts) executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Grozny. The perpetrators reportedly raped some of the victims and extorted money, later setting many of the houses on fire to destroy evidence.

According to HRW and other NGO reports, Russian soldiers executed at least 38 civilians in the Staropromyslovski district between December 1999-January 2000. Most of the victims were women and elderly men, and all apparently were shot deliberately by Russian soldiers at close range. Similar events also occurred in Katr Yurt, where hundreds of already displaced persons were forced to flee, persons were killed, and houses were burned. Russian forces allegedly did this because Chechen fighters had passed through the village after the retreat from Grozny on February 5. In November 1999, government troops opened fire on doctors and other medical staff at a psychiatric hospital, injuring three persons. According to human rights NGO's, government troops raped civilian women in Chechnya in December 1999 in the village of Alkhan-Yurt and in other villages.

According to human rights NGO's, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDP's) reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure by, guards at checkpoints. There were also widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the separatists, and a policy of "no quarter given" appeared to prevail in many units. A private wounded in the conflict told representatives of the Union of Soldiers Mother's Committee (USMC) organization that the commander of his unit gave the order that no prisoners should be taken and no one should be left alive in Grozny. Federal forces reportedly beat, raped, tortured, and killed numerous detainees. The human rights NGO Memorial compiled a list of 300 missing captured rebels, some of whom had not been seen in 6 months. Federal forces reportedly ransomed Chechen detainees to their families. Prices were said to range from several hundred to thousands of dollars.

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities claimed that fighters or those suspected of aiding the rebels were sorted out from civilians.

There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The NGO Physicians for Human Rights reported that that physicians in Grozny Ambulatory Clinic #5 and Grozny City Hospital #4 stated that their hospitals were destroyed. The indiscriminate use of force by federal troops resulted in massive destruction of housing and commercial and administrative buildings, as well as the breakdown of gas- and water-supply facilities and other types of infrastructure. Representatives of international organizations and NGO's who visited Chechnya also reported little evidence of federal assistance for rebuilding war-torn areas.

International organizations estimate that the number of IDP's and refugees who left Chechnya as a result of the conflict reached a total of about 280,000 at its peak in late spring. Of this total, most went to Ingushetiya (245,000). Some 6,000 Chechen IDP's were reported in Dagestan, 3,000 in North Ossetia, and 6,000 in Georgia. About 20,000 Chechen IDP's reportedly went to other regions of the Russian Federation. Federal refugee policy aimed at repatriating IDP's as soon as possible back to Chechnya. However, as of early fall, federal authorities promised that no one would be repatriated forcibly. Reliable information on the number and status of displaced persons within Chechnya was especially difficult to obtain, due to heavy fighting and limited outside access to the region. The United Nations High Commissioner for Refugees (UNHCR) estimated that at times as many as 150,000 persons were displaced within Chechnya and lacked access to humanitarian assistance. There were approximately 6,000 Dagestani IDP's in Dagestan. NGO's also estimated that at least a quarter of a million residents, including almost the entire Russian, Armenian, and Jewish populations, migrated from Chechnya as a result of the current conflict and the first war of 1994-96.

At various points during the conflict, authorities restricted the movement of IDP's fleeing Chechnya. According to some reports by NGO's, early in the conflict border guards at times permitted only ethnic Russians to cross into Ingushetiya. According to the Russian press, some displaced persons were transported by bus back to parts of Chechnya that were under government control. In 1999 refugees at the border sometimes had to live in the open, without access to food or water. Russian border guards and police officers on the border between Chechnya and neighboring regions reportedly required Chechen refugees to pay money to pass. According to UNHCR, the authorities early in the year prevented medical supplies destined for hospitals from entering Chechnya. There also were many credible reports that Russian guards at checkpoints within Chechnya demanding money to allow persons to pass. Some refugees also had trouble moving about because their documents had been lost, stolen, or confiscated by Russian authorities. Currently 8,000 persons live in railway carriages in the region. During the year, 4,000 others who had been living in railway cars were transferred to a winterized tent camp. According to the Council of Europe (COE), about 2,000 persons live in harsh conditions in rail wagons in Sernovodsk without sufficient heating and appropriate sanitation facilities, which puts them at risk of contagious diseases.

While Russian media coverage of events in Chechnya was extensive, most journalists and editors appeared to be exercising self-censorship and avoiding subjects embarrassing to the Government (see Section 2.a.). Since the resumption of the war in October 1999, federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment, citing threats to the safety of reporters. After November 1999, additional accreditation—besides the usual Foreign Ministry accreditation—was required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to receive local press accreditation. In one instance in September, Associated Press reporter Ruslan Musayev was detained, beaten, and held in a covered pit for 24 hours until he paid Russian soldiers to release him.

In April U.N. Commissioner for Human Rights (UNCHR) Mary Robinson visited Chechnya to investigate allegations of human rights abuses. However on the visit, according to Robinson's report to the UNCHR, Russian authorities denied her access to a number of locations, including five detention centers where Amnesty International alleged that Russian guards committed abuses against Chechen detainees. She also was denied access to villages near Grozny where Russian troops were accused of killing and raping civilians. Robinson did meet with IDP's in Ingushetiya, who provided firsthand testimony of alleged violations of human rights by Russian military, militia, and Ministry of Interior forces in Chechnya. Authorities asserted that Robinson distorted the true nature of the state of affairs and that Russia never hid the truth about the situation in Chechnya.

In response to international criticism of the human rights situation in Chechnya, several official Russian organizations were established to examine alleged human rights violations in the republic. In February President Putin appointed Vladimir Kalamonov as special Presidential Representative for Human Rights in Chechnya. Kalamonov's office, with a staff of 25 persons, including 3 experts on loan from the COE, opened branches in Moscow and a number of locations in the North Caucasus to take complaints about alleged human rights violations. In April Pavel Krashennnikov, Chairman of the State Duma Committee on Legislation, was elected head of a newly created Independent Commission on Human Rights in the North Caucasus. In September the Commission opened nine offices in Chechnya and three in Ingushetiya. Together Kalamonov's office and Krashennnikov's Commission heard thousands of complaints from citizens, ranging from destruction or theft of property to rape and murder. However, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil prosecutors. By the end of the year, the prosecutors had opened more than 100 cases of alleged crimes. Almost all of these concerned alleged violations of military discipline and other common crimes. The Presidential Administration press service reported that 38 cases relating to crimes committed by servicemen against the local population were opened, and that seven servicemen were convicted by year's end. The charges against the seven service men were not known. The Federal Government did not comply with the U.N. Commission on Human Rights resolution's calling for a broad-based, independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law.

Chechen separatists also committed abuses, but—as with the many reported Russian violations—there were difficulties in verifying or investigating them. According to unconfirmed reports, separatists killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented ref-

ugees from fleeing Chechnya. For example, the rebel fighter Akhmed Ibragimov reportedly murdered 34 fellow villagers, including 3 children, after 1 of the villagers refused to dig trenches. One witness described seeing four bodies of persons who were crucified on spikes by separatists for cooperating with federal authorities in Grozny.

Separatists allegedly killed and attempted to kill numerous Chechen officials loyal to the Federal Government. For example, on May 31, Grozny Mayor Supyan Makhchayev was wounded and his aide and a Russian official were killed by a car bomb. According to press reports, Chechen rebels opened fire on an EMERCOM (Ministry of Civil Defense, Emergencies, and the Elimination of Consequences of Natural Disasters) Car on June 9 in Grozny, killing three Russian epidemiologists and wounding three others. In July Ruslan Khamidov, head of the administration of the settlement of Alkhan-Yurt, was killed in his home. On August 4, head of the Nozhay-Yurtovskiy Rayon Administration Isita Gayribekova was wounded and her brother and sister killed in a bomb explosion at the home of their mother. Chechen separatists started a series of suicide attacks in June. Two Chechen women detonated a truck packed with explosives at a Russian army base west of Grozny.

Human rights NGO's reported that Chechen separatist units abused civilians and endangered their lives by provoking Russian counterattacks on civilian areas. The rebels took up positions in populated areas and fired on Russian forces, thereby exposing the civilians to Russian counterattacks. When villagers protested, they sometimes were beaten or fired upon by the rebels.

Separatist military units also reportedly abused, tortured, and killed captured Russian soldiers. In one incident, rebel sources reported that they executed nine Russian prisoners after Moscow refused to exchange them for a Russian officer accused of raping and killing a Chechen woman. In another incident reported by an NGO, a Chechen witness described seeing the body of a Russian soldier with his throat cut. When asked by the witness why the soldier was killed, the rebel fighters purportedly replied that it was their standard practice to slit the throats of Russian captives.

Individual rebel field commanders were reportedly responsible for funding their own units, and some allegedly resorted to drug smuggling and kidnaping and ransom to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and simple criminal gangs. Some rebels received financial and other forms of assistance from foreign supporters of international terrorism. The international terrorist leader Osama Bin Laden reportedly sent funds, personnel, and material to elements in the rebel camp. According to press reports, as many as 400 of Bin Laden's followers may have joined the rebels from his base in Afghanistan (see Section 1.a.).

Government forces and Chechen separatists have used landmines extensively in Chechnya and Dagestan since August 1999. In April, the country announced plans to mine its border with Georgia. There is not accurate information on the number of those killed by landmines throughout Russia.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and numerous national and regional media reflect a multitude of opinions; however, government pressure on the media persisted and in some respects increased significantly, resulting in numerous infringements of these rights. The Government exerted pressure on journalists, particularly those who reported on corruption or criticized officials, by: selectively denying them access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations; removing reporters from their jobs; and bringing libel suits against journalists. Faced with continuing financial difficulties and increased pressure from the Government, many media organizations saw their autonomy erode during the year. The Glasnost Defense Foundation (GDF), an NGO that tracks violations of the rights of journalists in the countries of the former Soviet Union, estimates that several hundred lawsuits and other legal actions were brought by government agencies against journalists and journalistic organizations during 1999, the majority of them in response to unfavorable coverage of government policy or operations. During the year, judges rarely found for the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing the journalist. On October 4 the Kirovskiy district court of Kazan ordered the local television company "Efir" to compensate Anatoliy Vasilyev, a former

candidate to the State Council of Tatarstan, for airing a program which, according to the court, falsely accused Vasilyev of deceiving his business partners. On November 1, Kirovskiy district court in Yekaterinburg ruled that an article in the local newspaper "Vecherniye Vedomosti Yekaterinburga" accusing Arkadiy Chernetskiy, the mayor of Yekaterinburg, of applying illegal methods in his election campaign, was false. The court ordered the newspaper to print a disclaimer, and to pay damages to Chernetskiy. On November 9, the Sovietskiy district court in the city of Bryansk required the local newspaper "Bryanskoye Vremya" to print an apology and to compensate Bryansk governor Yuriy Lodkin, who sued the paper for criticizing him in a way that he considered insulting.

With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings; jail terms occasionally were handed down as well. Such rulings served to reinforce the already significant tendency toward self-censorship. Not infrequently journalists were attacked physically, although in the majority of these cases, no direct link was ever established between the assault and the authorities who reportedly took offense at the reporting in question. The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media.

The concentration of ownership of major media organizations—already a serious threat to editorial independence in 1999—increased during the year. The largest media empires (including media outlets owned by the federal, regional, and local governments) remained intact. However, Media-Most, the country's largest independent company was under pressure by the Government and the Government resumed operational control of ORT. In particular, government structures, banking interests, and the state-controlled energy giants UES and Gazprom continued to dominate the Moscow media market even as they extended their influence into the regions. Continuing financial difficulties exacerbated this problem during the year, weakening the fiscal positions of most news organizations and thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. Although advertising revenues began to return to 1998 levels, they did not do so completely. As a result, the media's autonomy and concomitant ability to act as a watchdog remained weak. In key respects, private media organizations across the country remained dependent on the Government during the year. According to the GDF, some 90 percent of print media organizations continued to rely on state-controlled concerns for paper, printing, or distribution, while many television stations were forced to rely on the state (in particular, regional committees for the management of state property) for access to the airwaves and office space.

Moreover, journalists continued to depend on local authorities for accreditation to major news events. Reports of both favoritism toward reporters associated (or aligned) with the federal or local administration and denial of access to journalists representing independent media organizations were widespread. The Presidential Administration, for example, refused to accredit a reporter from the Moscow-based newspaper *Novyye Izvestiya* for President Putin's summer visit to China and Japan. *Novyye Izvestiya* has frequently criticized the President since his election in March. *Kommersant Daily* has also reportedly been denied access to some official sources. Moreover, in the immediate aftermath of the Kursk submarine sinking, the Government denied site access to all media except the official network, Russian Television and Radio (RTR), a decision that gave rise to heavy criticism from the majority of media outlets.

The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The Foundation noted that, as in 1999, this practice was more common outside the Moscow area than in the capital itself. Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media still routinely receive tax breaks on high-cost items such as paper, the GDF and other media NGO's documented numerous instances of use by the Government of tax levers to pressure media across the country. Further, the Government occasionally sought to limit reporting on tax matters. In Volgograd oblast, for instance, local tax police in November declared the entry into force of an "Agreement on Cooperation" which stipulated that all information related to the activities of the tax police should be "cleared" with the relevant authorities prior to publication. In certain cases, journalists were even forbidden to cite sources from the local tax service. A number of local newspapers, including *Volgogradskaya Pravda*, *Inter*, *Gorodskiy Vestnik*, and *Delovoye Povolzhye* were reportedly pressured into signing the agreement. This agreement came on the heels of a similar agreement with the

FSB in Volgograd, binding the same publications to inform the FSB before they publish any materials related to the security service. National independent media, such as NTV, expressed concern that such contracts would serve as examples for other regions around the country.

The private media continue to face more direct challenges from the Government as well. The Government owns about 150 of the 550 television stations in the country and nearly one-fifth of the 12,000 registered newspapers and periodicals. Of the three national television stations, the State owns Russian Television and Radio (RTR) and a majority of Russian Public Television (ORT); it also maintains ownership or control of major radio stations (Mayak and Radio Rossii) and news agencies (ITAR-TASS and RIA-Novosti). At the regional and local levels, governments operated or controlled a much higher percentage of the media than in Moscow; in many cities and towns across the country, government-run media organizations were the only major source of news and information, according to the GDF. Thus, in many media markets, citizens received information mainly from unchallenged government sources. In efforts to control the media, federal authorities issued orders and formulated doctrines designed to limit free expression and electronic privacy. On June 22 President Putin signed an amendment to the law on mass media that places restrictions on media coverage of narcotics issues, banning reporting on: "The location of illegal trade in drugs;" "methods of narcotics consumption"; and "the composition of drugs." Media outlets which violate these bans could be closed after two warnings. Newspapers did not successfully challenge the legality of the amendment during the year. On September 12 President Putin approved an Information Security Doctrine which had been adopted by the Security Council on June 23. The 40-page document outlined "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology." Sergey Ivanov, Secretary of the Security Council, claimed that the goals of the document are "the protection of the rights of the individual, freedom of speech, and the prohibition of censorship." However, the doctrine immediately raised concerns among journalists that its real purpose may be to consolidate government control over the mass media. Many observers viewed it as an indication that the Kremlin considers the media as "yet another sphere subject to the administration and control of the government." Although the document reaffirms the state's commitment to preserve the freedoms of expression and of access to information, it contains numerous clauses that are extremely vague, and which according to critics, can be interpreted very broadly by lawmakers and bureaucrats. Of particular concern, for example, were the clauses calling for an "increase in propaganda activity to counter the negative effects of the dissemination of misinformation about the internal policies of the Russian state"; and "clarification of the status of foreign journalists and media outlets" working in the country, in order to "place them on an equal footing with the domestic media."

The system of operative and investigate procedures (SORM) continued during the year to limit the electronic privacy of both citizens and foreigners (see section 1.f.).

Government intimidation and censorship, both direct and indirect, remained a significant problem during the year. On January 17 Aleksander Khinshtein, a journalist with Moskovskiy Komsomolets and TV-Center known for his frequent vitriolic attacks on senior Government officials, was visited at his home by armed FSB agents who demanded that the journalist accompany them to the city of Vladimir for "psychiatric testing." (Khinshtein produced documentation to the effect that he was ill and, in the end, was not forced to leave his home.) Police also charged the journalist with falsification of his Moscow driver's license; Khinshtein denies any wrongdoing. Khinshtein and many other independent observers characterized the arrest as "an act of intimidation designed to send a message." The case was closed on February 16. On March 15 the Moscow daily Novaya Gazeta reported that its computer network was hacked, preventing the publication of that day's edition. Dmitriy Muratov, the newspaper's editor in chief, told the GDF that the hacking occurred on the very day that the newspaper was to publish a number of articles exploring irregularities in the financing of Vladimir Putin's election campaign. Muratov categorically ruled out any possibility of an "accidental" or "technical" failure. Muratov also stated that his newspaper had come under "increased pressure from the authorities" in connection with its reporting on corruption in the Government and the war in Chechnya. Moreover, Muratov stated that the newspaper was offered financial "favors" on a number of occasions in exchange for "reconsidering its political stance." The perpetrators of the computer attack were never identified.

The Government has also brought considerable pressure to bear on the largest media conglomerates. The most notable example of this phenomenon was the high-profile conflict between the Kremlin and Media-Most (owned by Vladimir Gusinskiy). The conflict, which became public in the summer of 1999, intensified significantly in 2000. Government-controlled media, including the RTR and the gov-

ernment-aligned ORT, continued to “expose” Media-Most’s debts to state structures, including the energy giant Gazprom. The state filed a lawsuit against Media-Most and demanded repayment to the state-controlled Vneshekonombank of a \$42.2 million credit. In March the state-backed Gazprom repaid Credit Suisse-First Boston a \$211 million Media-Most loan that the firm had guaranteed in 1998. Immediately following the repayment, Gazprom demanded that Media-Most repay this debt, refusing to accept shares in the holding’s outlets as a form of repayment. Media-Most executives and most media experts maintain that Gazprom acted at the behest of the Putin administration. On October 18 a district court in Moscow found for Media-Most in its suit against the FSB for “slandering its business reputation” as a result of information the FSB made public earlier in the year. The court held that the FSB must apologize for this on ORT during prime time; the FSB has appealed this decision.

Notwithstanding this pressure, the Media-Most media companies (including the NTV, the radio station Ekho Moskvyy, the news daily Segodnya, and the weekly Itogi) which are generally well regarded for their relative professionalism and independence, did not cede editorial ground. These media outlets continued to criticize President Putin and his administration on a wide range of problems, including the Kremlin’s media policy. On May 11 masked law enforcement officers raided the offices of Media-Most in central Moscow and confiscated documents and technical equipment. The authorities charged that the holding’s security service illegally recorded telephone conversations. Media-Most called the raid “a politically motivated attack on freedom of the press.” In a statement, the Russian Union of Journalists termed it “an unconstitutional act aimed at intimidating the independent media.” On June 11 Media-Most chief Vladimir Gusinskiy was arrested on charges of embezzlement of state property in the course of the 1995 privatization of Russkoye Video, a television production company in St. Petersburg. (The head of Russkoye Video remained in jail, although no formal charges have yet been brought against him.) While observers expressed differing opinions on the legitimacy of the charge, most disinterested analysts considered the arrest to be an “excessive” measure. Gusinskiy was released 3 days after his arrest following widespread domestic and international criticism. Although the progovernment media defended the arrest, arguing that “everyone is equal before the law,” politicians, journalists, and observers in opposition to the Kremlin agreed that the case was politically motivated and that it augured poorly for the future of freedom of expression. After Gusinskiy’s release, law enforcement officers once again raided the Media-Most headquarters and Gusinskiy’s private residence, where they inventoried his property, reportedly in connection with the “Russkoye Video” case. On July 27 Gusinskiy left the country to join his family in Spain. On September 19 both Media-Most and Gazprom Media acknowledged that Gusinskiy, Media Minister Mikhail Lesin, and Gazprom Media head Alfred Kokh signed an agreement in July to sell Media-Most for \$300 million in cash and \$473 million in debt to Gazprom Media. The agreement, published in the media in September, contained a paragraph on the dropping of criminal charges against Gusinskiy, who later declared the agreement “null and void” for having been signed under duress—in his own words, “at gunpoint”—and indeed under the direct threat of imprisonment. Gazprom alleged that Media-Most hid assets in offshore companies. Deputy Procurator General Vasilii Kolmogorov said on September 19 that if these allegations were substantiated, he would launch a criminal case against the holding (see Section 1.d.).

On December 8 the Media Ministry ordered independent privately-owned MAKS-TV in Sochi closed. According to the Ministry, the Station had violated both the law on advertising, by running a commercial for Ararat cognac in September, and the law on elections in early December. MAKS-TV went back on the air in late December.

The Kremlin has also reportedly sought to strengthen its control over the country’s most widely watched television network, ORT. In September the weekly “Sergey Dorenko Show,” a widely watched news analysis program, was taken off the air abruptly after Dorenko aired a program on September 2 highly critical of President Putin’s handling of the Kursk submarine disaster. ORT General Director Konstantin Ernst, a Putin appointee, reportedly instructed Dorenko to produce “a program the Kremlin could be happy with.” When Dorenko refused, the program was terminated on September 9. Other senior journalists at ORT, such as Tatyana Koshkaryeva and Rustam Narsikulov, were also dismissed. On December 5 a group of law enforcement agents wearing masks and bulletproof vests searched the offices of ORT, confiscating boxes of financial documents. ORT had allegedly failed to pay customs duties on imported films that it broadcast between 1996 and 1998. The Prosecutor General stated that “there was no need to apply force” during the search and demanded the resignation of the investigator who led the raid.

Freedom of the press came under the greatest challenge in the country's farthest regions. On April 14 local authorities in the city of Saratov made changes to a front-page article in the local issue of the Moscow-based daily, *Izvestiya*, which leveled criticism against Saratov Governor Dmitriy Ayatskov. Phrases containing "unfriendly" content were edited out prior to the publication. Mikhail Kozhokin, *Izvestiya's* editor in chief, described this censoring action as an example of "the new phenomenon of oblast-level censorship." On April 19 St. Petersburg police confiscated the entire issue of the local newspaper, *Moya Stolitsa*, saying that the newspaper "lacked proper registration documentation." However, according to editor in chief Aleksey Razoryonov, the real issue was the newspaper's political leanings, not the registration documentation. The newspaper frequently carried articles critical of St. Petersburg Governor Vladimir Yakovlev. According to the GDP, on April 26 police once again confiscated issues of *Moya Stolitsa* from street vendors. However, the newspaper continued to publish. On May 1, police in Kamensk-Uralskiy, Sverdlovskiy Region, ordered Artyem Schadrin, a cameraman of the local television company Gong-TV, to erase a videotape showing participants at a May Day rally beating up his colleague, Gong-TV correspondent Konstantin Litvinenko. The police also warned Denis Poteryayev, a photographer of the local newspaper *Novyy Kompas*, not to publish the pictures he took during the rally. Later that day, several police officers visited the newspaper and ordered Poteryayev to expose the film containing the photographs in their presence. The journalist complied. On May 5, local authorities in Rostov-on-Don ordered the destruction of an entire issue of the local newspaper *Perekrestok Kentavra*. The newspaper contained an editorial about the upcoming inauguration of President Putin and a collage depicting Putin as a Nazi officer. The publication of "fascist symbolism," including Nazi imagery, is prohibited by law.

On July 26, local authorities arrested Irina Grebneva, the editor of Vladivostok newspaper *Arsenyeviskiye Vesti*, on charges of "petty hooliganism." Grebneva published uncensored, profanity-ridden transcripts of phone conversations of top regional officials, including Primorye Governor Yevgeniy Nazdratenko. Grebneva was convicted of the charges on which she was arrested and sentenced to 5 days in jail. When she was denied the right to appeal the decision, she launched a hunger strike to protest the sentence. *Arsenyeviskiye Vesti* is one of the few local newspapers which regularly criticized Governor Nazdratenko and his allies. The governor and local authorities have sued the paper for libel 22 times since Nazdratenko was elected in 1995. All of the cases are pending.

Journalists who publish critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to threats of physical violence, beatings, and murder. A number of independent media NGO's have characterized beatings of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

The press and media NGO's reported a number of killings of journalists, presumed to be related to the journalistic work of the victims, and dozens of other bodily assaults on journalists. As in 1999, police seldom identified the perpetrators of crimes against journalists. On July 16, Igor Domnikov, a Moscow journalist from *Novaya Gazeta* died in the hospital after a brutal beating in April. According to Dmitriy Muratov, editor in chief of *Novaya Gazeta*, the killing was directly linked to his professional activities. Press reports after the incident speculated that Domnikov was mistaken for his colleague Oleg Sultanov, an investigative reporter who has written extensively on alleged corruption in LUKOIL and the FSB. On July 18, Andrey Barys, a reporter from *Uralskiy Rabochiy*, was attacked by three unidentified assailants in the city of Kachkanar (Sverdlovsk oblast), where he had traveled to do a story on a criminal group headed by Valeriy Volkov. Shortly after his arrival in Kachkanar, Barys discovered that he was being followed by a group of men. Later, the men attacked Barys, telling him, "Don't poke your nose into Volkov's affairs!" After the beating, the men advised Barys to leave the city. The next day, Barys attempted to contact the local police, but the police chief refused to hear his complaint. On July 21, a correspondent of the local Yekaterinburg TV company ASV Prestige, Sergey Melnikov, was badly beaten; Melnikov and his colleagues contend that the attack was the result of his reporting on the city's illegal drug trade. The journalist had to be hospitalized with serious head injuries. No arrests were made.

On July 26 Sergey Novikov, president of Smolensk's only independent radio station, Vesna, was killed in his apartment building. Since 1999 the radio station had repeatedly denounced corruption within the ranks of the regional administration, the courts, and the police. A month before his death, Novikov wrote an open letter to Smolensk governor Aleksandr Prokhorov that included the names of officials suspected of corruption. The Ministry of the Interior classified the murder as a contract

killing and has not ruled out a link to Novikov's work as a journalist. On August 23 journalists from local Pskov newspapers were denied access to a meeting of Governor Mikhaylov with the employees of the farm Krasnyy Luch. When a journalist from Pskov Lenta Novostey, Tatyana Mustaykina, tried to convince the guards to let her in, Yuriy Kusov, an officer of local administration, arrived, grabbed Mustaykina by the hair, and attempted to force her to the ground. When Kusov realized that the episode was being filmed by a cameraman, he tried unsuccessfully to confiscate the camera. In October, the Pskov Procuracy decided that Kusov could be charged on administrative charges. Kusov was summoned to but replied he was sick. On November 9, the GUVd Chief received Kusov's request to close the case due to expiration of statute of limitations and the case was closed.

On September 22, Iskander Khatloni, a Radio Free Europe/Radio Liberty journalist was murdered in Moscow. The police have opened an investigation but have not so far released any information.

On December 17, Oleg Lure, an investigative journalist for Novaya Gazeta was severely beaten by five assailants. The assailants did not take either his money or valuables. Lure believes the attack was related to his articles touching on the interests of such individuals as the presidential chief of staff, the State Duma deputy, and his most recent article on alleged kickbacks to Kremlin officials. Police are investigating the incident.

No progress was made in the investigation of the August 1998 beating death of Anatoliy Levin-Utkin, deputy editor of Yuridichesky Petersburg Segodnya.

The country's Northern Caucasus continued to be a dangerous region for Russian journalists. Kidnapings and assaults remained serious threats. In addition, federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment. Special accreditation besides the usual Foreign Ministry accreditation was required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to obtain local press accreditation.

The best-known example of the violation of the rights of a journalist operating in this region is that of Radio Liberty's Andrey Babitskiy. Babitskiy's coverage of the conflict in Chechnya prompted an angry reaction from the Government and the armed forces; the latter frequently accused the correspondent of "conspiring with Chechen rebels." On January 8 security agents raided Babitskiy's Moscow apartment and confiscated several items. On January 15, Babitskiy was reported "missing" in Chechnya. Although the Government denied at first any involvement in the case, Interior Ministry spokesman Oleg Aksenov acknowledged on January 28 that law enforcement authorities had arrested Babitskiy in Chechnya on the grounds that he "lacked the proper accreditation." On February 3, Acting Procurator General Vladimir Ustinov stated that Babitskiy had been "exchanged" for three Russian prisoners of war. Ustinov later revised his statement, explaining that Babitskiy had been released and that the journalist had "gone over to the Chechen rebels" of his own volition. However, later on, Sergey Yastrzhembskiy, a senior Presidential aide for public information on Chechnya, confirmed that Babitskiy had indeed been exchanged, and Interior Minister Vladimir Rushaylo defended the exchange as "correct and justified." On February 8, a group of prominent Russian journalists issued a statement saying, "Until we learn the truth about this story, we have every reason to think that the Russian government suspended not only freedom of speech, but also the rule of law itself, and is moving toward totalitarianism." Babitskiy subsequently was released but was later taken into custody in Makhachkala, Dagestan, by Government forces on charges of "carrying a falsified passport. On February 28, Acting President Putin announced publicly that there was no need to detain Babitskiy further, and the RFE/RL correspondent was released that day and sent back to Moscow. In October Babitskiy was tried and convicted in a court in Makhachkala of this offense but was immediately amnestied under an amnesty granted in honor of World War II. Babitskiy had trouble obtaining a passport; however, he did receive one and is now working abroad.

On February 2, Russian troops in Chechnya detained Giles Whittell, Moscow Bureau Chief of the Times of London. Presidential aide Sergey Yastrzhembskiy said at a press conference that the journalist was detained and returned to Moscow because he "lacked accreditation allowing him to work in Chechnya." The GDF issued a statement characterizing the Chechnya accreditation requirements of the Russian authorities as "illegal."

On February 15, the state-owned news agency RIA Novosti reported that Yastrzhembskiy announced an official order denying journalists access to the Chechen capital of Grozny "for 2 to 3 weeks." The order additionally limited journalist access to military hospitals by requiring that interviews take place only "under the supervision of representatives of federal troops." On March 3, federal

troops in the Chechen city of Mozdok confiscated and destroyed an ORT videotape containing interviews with Russian soldiers. According to ORT correspondent Roman Perevezentsev, the crew had traveled into Mozdok to report on casualties among Russian troops in a recent combat operation in the Chechen village of Pervomayskoye. On March 15 the Russian Ministry of Press, Television and Radio Broadcasting, and Mass Communications issued a statement that warned the Russian mass media that providing air time or news-space to Chechen rebel leaders would be considered a violation of the counterterrorism laws. In April the Ministry issued specific warnings to the newspapers Kommersant and Novaya Gazeta for publishing interviews with Chechen president Aslan Maskhadov. No further action was taken. The new Information Security Doctrine approved by the Security Council in August implies that foreign media outlets, such as Radio Free Europe Liberty, represent a danger to the state. Human rights activists and journalists fear that media freedom could be even more severely restricted.

The Government generally respects academic freedom; however, human rights activists question whether recent cases such as Sutyagin and others discourage academic freedom and contact with foreigners on issues that might be deemed sensitive.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to assemble freely, and the Government respects this right in practice. Organizations must obtain permits in order to hold public meetings. The application process must begin between 5 and 10 days before the scheduled event. Citizens freely and actively protested government decisions and actions. Permits to demonstrate were granted readily to both opponents and supporters of the Government. However, certain religious denominations such as Jehovah's Witnesses have been either denied permission to assemble, or once Ministry of Justice officials issued permission, local officials have withdrawn it.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. A 1995 registration law specified that organizations had until July 1999 to reregister. When the deadline expired, some human rights monitors expressed concern that an estimated 10,000 NGO's would be vulnerable to possible "liquidation" (elimination of juridical status by court order) by local authorities who were hostile to human rights or opposition political activity. In November 1999, the Federation Council rejected a bill passed by the Duma to extend the reregistration deadline by a year, a move which human rights activists marked as a potentially serious blow to freedom of association. The Ministry of Justice maintained that there were not a large number of liquidations as a result of the passing deadline. Most of the organizations that wanted to register were able to do so with the notable few whose names or charters were unacceptable to the authorities (e.g., Yablokov's Ecology and Human Rights).

However, a February report, prepared by the NGO Human Rights Information Center and the Center for Development of Democracy and Human Rights, cited Ministry of Justice statistics indicating that only 57.8 percent of the total number of organizations managed to reregister by the July 1999 deadline. According to the report, 42.2 percent of organizations became liable to liquidation of their juridical status. The report further claimed that only 12 percent of Moscow organizations succeeded in registering or reregistering. The report claimed that the net result was to reduce the overall number of organizations and to eliminate "politically undesirable" organizations from certain regions. While the numbers are high, many organizations continued to work without registration, while others reregistered under a new name. Reasons for failure to register varied, but a common thread was the request by the Ministry of Justice for many organizations to refrain from citing "defense of human rights" as one of their goals. The Ministry demanded that organizations such as Ecology and Human Rights, Glasnost Public Foundation, and Memorial remove such references since, according to the Constitution, NGO's are not among the institutions authorized to "defend" human rights. According to the reasoning used by the MOJ, such organizations can only aid the government and lawyers in the defense of such rights. Ecology and Human Rights managed to register in August, but only as a branch of an organization registered in St. Petersburg by prominent activists Aleksandr Nikitin and Grigoriy Pasko. Despite the apparent high number of unregistered groups, many organizations are defunct or changed names. Lyudmila Alekseyeva, Chair of the Moscow Helsinki Group, reported that the majority of groups that desired to register were able to do so, although sometimes this came after repeated attempts.

In addition to submitting their bylaws and the names of their leaders, political parties must present 5,000 signatures and pay a fee to register. The Constitution

and the Law on Elections ban the participation in elections of organizations that profess anticonstitutional themes or activities.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, although the Constitution also provides for the equality of all religions before the law and the separation of church and state, in practice the Government does not always respect the provision for equality of religions, and in some cases local authorities imposed restrictions on some groups.

In 1997 the Duma enacted a new, restrictive, and potentially discriminatory law on religion. This law replaced the progressive 1990 religion law that had helped facilitate a revival of religious activity. The new law ostensibly targeted so-called totalitarian sects or dangerous religious cults. However, the intent of some of the law's sponsors appears to have been to discriminate against members of foreign and less well-established religions by making it difficult for them to manifest their beliefs through organized religious institutions. The Presidential Administration has been mostly silent on implementation of the law. Implementation of the 1997 law on religion has varied in the regions. To a great extent, implementation depends on the territorial bodies of the Ministry of Justice in each area which are responsible for registering new organizations, reregistering existing organizations, and liquidating those that do not manage to reregister. In some areas such as Moscow, minority religious denominations like the Jehovah's Witnesses and the Salvation Army have not been able to reregister local religious organizations.

The 1997 law on religion has many ambiguous and contradictory provisions. The law creates various categories of religious communities with differing levels of legal status and privileges, distinguishes between religious "groups" and "organizations," two mutually exclusive registration categories, and creates two categories of organizations: "regional" and "centralized." A religious "group" is a congregation of worshippers that does not have the legal status of a juridical person. However, groups are permitted to rent public spaces and hold services. Moreover, the law does not purport to abridge the rights of individual members of "groups."

Organizations, both local and centralized, are considered juridical persons, enjoy tax exemptions, and are permitted to proselytize, conduct liturgical services and other religious activities, establish religious schools, host foreign religious workers, and publish literature.

Under the 1997 religion law, representative offices of foreign religious organizations are required to register with state authorities. In practice foreign religious representatives' offices (those not registered under the law) have opened without registering or have been accredited to a registered Russian religious organization. However, these representative offices cannot carry out religious activities and do not have the status of a religious organization.

Critics of the law have claimed that it violates the Constitution's provision of equality before the law of all confessions. In particular, many religious groups criticized the law's 15 year requirement and feared the consequences of the law's provisions limiting the actions of foreign religious missionaries. Officials at the local level have used the law to restrict the activities of religious minorities.

Human rights activists welcomed a March 1999 and December 2000 open letter to the President and Duma by Human Rights Plenipotentiary Oleg Mironov, in which he criticized the 1997 religion law and recommended changes to bring it into accordance with the Constitution and international norms for religious freedom. In practice the registration process—which involves simultaneous registration at both the federal and local levels—requires considerable time, effort, and legal expense and has proven onerous for a number of groups. International and well-funded Russian religious organizations, in particular, began the reregistration process soon after publication of the regulations. Russian Pentecostal groups, which have a solid and growing network of churches throughout the country, sought guidance from the Ministry of Justice on reregistration as early as November 1997. One of the larger organizations, the Russian Unified Fellowship of Christians of the Evangelical Faith (which traces its origins back to the early 1900's), reregistered as a centralized religious organization by late March 1998. It has since incorporated many smaller, newer Pentecostal groups within its structure. However, nearly 500 Pentecostal local religious organizations did not succeed in reregistering and are now subject to liquidation of their status as juridical persons.

The vast majority of organizations attempting to reregister as central organizations succeeded, although there were a few notable exceptions: Salvation Army, Ukrainian Orthodox Church, and a faction of the Muslim communities under the Mufti Tayzhuddin. By year's end, the Ministry of Justice estimated that 70–75 percent of local religious organizations needing to reregister had done so. However, these figures are misleading, since in some cases the organizations no longer exist.

The Russian Orthodox Church reregistered between 65–75 percent of its organizations, Protestant communities 78 percent, Muslim 60 percent, Jewish 80 percent, Buddhists 65 percent, and Catholic 70–80 percent. All organizations, according to the Congress of Religious Jewish Communities of Russia (KEROOR) and the Federation of Jewish Communities of Russia (FEOR) have reregistered at year's end. However, one of KEROOR's local Moscow organizations has not been able to register as a new organization, applying already three times unsuccessfully.

By year's end no religious organization had ceased operations as a result of the law; however the Salvation Army has had problems in Moscow trying to extend office leases and operate its food distribution program because landlords and social services personnel have assumed it has been liquidated.

Jehovah's Witnesses reported that since the 1997 law went into effect they managed to register or reregister 97 percent of their organizations. A total of 190 of those were organizations already extant which had to reregister. Some 156 were new organizations registering for the first time. There were several regions such as Tatarstan, Moscow, Chelyabinsk, and Kalbadrino-Balkaria where organizations experienced problems.

Hare Krishnas have experienced no problems at the federal level; however, they have encountered significant opposition from the Russian Orthodox Church. For many years the group operated underground, and in 1999 it successfully registered as a religious organization and received permission to lease a building in Moscow to use as a temple. The city has slated the area in which the current central temple is located as part of a new ring road, however, and Hare Krishnas have experienced problems in trying to obtain permission to build a new complex. The Krishna Movement has grown to more than 130 centers across the country and nearly 100,000 believers. They have experienced problems in the Krasnodar Oblast, particularly. The Procurator General of Moscow has opened an investigation into the group's liturgy as of October. Investigators claim they are examining whether the literature "incites criminal acts".

The Church of Jesus Christ of Latter-Day Saints registered or reregistered all of its organizations requiring registration by year's end but continued to encounter problems in registering four of its new organizations in Chelyabinsk, Tver, and Tatarstan. In September the directorate of justice in Chelyabinsk rejected the local registration application of the Church of Jesus Christ of Latter-Day Saints for a seventh time. Even without registration, the church continued to hold regular services without incident, although its missionaries experienced problems in registering with the local visa office; this required them to stay in a hotel in a different city and then travel to the area for brief periods.

The Society of Jesus (Jesuits) was denied federal registration because the order's status, which is independent of a local bishop, does not meet requirements contained in the 1997 law's provisions. However, on April 13 the Constitutional Court ruling authorized the Jesuits to be registered. This ruling in *Rossiskaya Gazeta* referred extensively to passages in the November 1999 Constitutional Court ruling (which effectively legalized registered organizations existing at the time of the passage of the 1997 law). The April ruling also specifically refuted points cited by the Ministry of Justice as reasons for initial refusal. By year's end they were registered.

Around sixty percent of Muslim organizations managed to reregister. The large percentage that did not is due partly to an internal struggle between the Central Spiritual Directorate of Muslims in European Russia and Siberia, based in Ufa and led by Mufti Talgat Tadzhuddin, and the Moscow-based Russian Council of Muftis, led by Chief Mufti Ravil Gainutdin. Due to the refusal to register Mufti Tayzhuddin's group as a central organization, many local organizations did not manage to reregister in time. Additionally, many rural parishes either did not know they needed to reregister or did not know how to go about reregistering.

The delays in reregistration are in part due to the slow pace at which the federal Ministry of Justice at first disseminated the regulations and guidelines to local authorities and to understaffing both at the Ministry of Justice and at local levels. Although the Ministry of Justice claims that internal organizational disputes, which lead to the failure of many religious leaders to prepare documentation properly, is to blame for the slow pace of registration. However, delays and rejections also are due in part to discrimination by some local officials against what they believe are "sects," such as Scientologists, Jehovah's Witnesses, Mormons, and others. In many instances, the Ministry of Justice asks for additional information and demands changes in the organizational structure and by-laws of some groups to ensure that they are in conformance with the law. In other instances, groups are rejected with no explanation. Another problem is the lack of congruence between regional and federal laws. As of 1999, of 89 regions, 30 had laws and decrees on religion that violated the Constitution by restricting the activities of religious groups. Government

authorities have attempted to deal with this by introducing a federal register of laws to ensure that laws conformed to the constitution.

The Moscow city authorities continued to create difficulties for some religious denominations. The Moscow Directorate of Justice continues to refuse registration to Jehovah's Witnesses in Moscow, despite the precedent set by the federal Ministry of Justice's April 30, 1999, decision to reregister Jehovah's Witnesses at the federal level. The Directorate has refused four applications for local registration by Moscow Jehovah's Witnesses for unclear reasons. In this case, the Judge has appointed an "expert panel" to assess the merits of the organization as a religion. In some cases, human rights groups have accused such panels of lacking objectivity and ruling according to political allegiance rather than legal criteria. In November the Salvation Army was denied registration by the Moscow City Appeals Court, which refused to register their Moscow branch as a Local Religious Organization (LRO). The Appeals Court upheld a lower court ruling that the organization could only be accorded the status of "representative of a foreign religious organization" since its headquarters is abroad. This denial has implications for other religious groups since it may affect the registration of Roman Catholics, Mormons and Jehovah's Witnesses.

Although it can be a slow and costly process, the judicial system has provided an appeal process for religious organizations threatened with loss of registered status or "liquidation" as a religious organization under Article 14 of the 1997 religion law. Some local churches initially denied local registration have been registered following successful lawsuits, as in the case of the Evangelical Lutheran Mission in Khakasiya in November 1998, when the federal Supreme Court overturned the verdict of the Khakasiya Supreme Court. In February 1999 the Supreme Court of Khakasiya rejected the regional procurator's request to nullify the registration of the Evangelical Lutheran Mission; the procurator plans to appeal the case. In 1998 a local Procuracy opened a civil case against the Word of Life Pentecostal Church in the Far Eastern city of Magadan under Article 14 of the 1997 religion law, accusing the Church of using cult practices to manipulate its members. After a lengthy delay, a Magadan municipal court finally dismissed the case in May due to insufficient evidence, a decision that was upheld in June by the Magadan oblast court. However, the Church fears that the same Procuracy soon may try to open a criminal case. The Word of Life Church also won a court battle for reregistration in March. A church member employed by the Government who was threatened with the loss of her job late in 1998 was still at her post as of June. Church officials report that two other church members were fired because of their religion, but such allegations are difficult to prove. Also, tax investigations on two separate charges continue. Church members reported that negative stories about them repeatedly appeared in the local state-controlled press, with no mention of their court victories. Despite the court case and other difficulties, the Word of Life Pentecostal Church continues its normal activities.

The Government has restricted the activities of a number of foreign missionaries and of congregations associated with them. There were reports that four foreign missionaries were being refused visas to return to the country. The former pastor of the Vanino Baptist Church in the Khabarovsk region was banned from receiving a visa based on allegations that he violated customs regulations and evaded property taxes; however, it appears that local authorities violated their own regulations and refused to take necessary actions (such as providing a timely tax assessment), which would have enabled the pastor to comply with the law. An official of the Church of Christ in Magadan also faced a criminal charge for failing to report \$8,000 to customs officials, reportedly because he feared that the money would be stolen. He was acquitted in December 1999, primarily because the investigation and prosecution were marred by serious violations of due process by local authorities. Local authorities then defied a court ruling to return the money, returning it briefly only to confiscate it a few minutes later, citing administrative customs regulations not applicable to the case. The third case, regarding the Church of Christ in Volgograd, appears to have been a response to articles in the local press accusing a church official of being a spy. Those allegations may have led local authorities to recommend to the Ministry of Foreign Affairs that a visa be refused. A member of the local congregation, reported in May that since local authorities no longer object to the missionary's return, it appears to be federal authorities who still are refusing to authorize issuance of a visa. A fourth missionary, of the Evangelical Free Church of America, who entered the country legally with a visa sponsored by a Moscow congregation, has been refused registration to reside in Naberezhnyi Chelny, Tatarstan. The missionary, who is married to a Russian citizen, also has been refused permission to register as a resident foreign spouse of a Russian citizen. The letter of refusal he received from the Ministry of Internal Affairs' local passport control office cited "national security" concerns.

Critics contend that the Federal Government should be more active in reversing discriminatory actions taken at the local level and, when necessary, reprimanding the officials at fault. Also according to critics, the federal authorities need to take action to ensure that regional and local legislation or other actions do not contradict constitutional provisions protecting religious freedom. Government officials have established consultative mechanisms to facilitate government interaction with religious communities and to monitor application of the law on religion. Federal authorities and Moscow human rights monitors often have limited information about what is happening in the regions, however. According to various sources, most citizens, especially those living in the regions, still are skeptical about the protection of religious freedom and are reluctant to assert their rights due to fear of retaliation. Some local and municipal governments reportedly prevented religious groups from using venues, such as cinemas, suitable for large gatherings. In many areas of the country, government-owned facilities are the only available venues. As a result, in some instances denominations that do not have their own property effectively are denied the opportunity to practice their faith in large groups. Jehovah's Witnesses organized a convention to take place in Ivanovo on July 7–9. On July 4, the deputy head of the city administration issued an injunction prohibiting the convention. The Jehovah's Witnesses local leader, Yevgeniy Borisov, ignored the injunction and went ahead with the convention. However, on July 31, the Ivanovo Oktyabrskiy district court ruled that Borisov had violated the administrative order and sentenced him to 2 months of "correctional activities" (not incarceration) and forfeiture of 20 percent of his salary during this period. The Jehovah's Witnesses appealed this ruling, and the Regional Court of the Federal Judiciary System overturned the lower court ruling on the basis that the city administration's injunction violated federal law. On October 10, the Supreme Court ruled in favor of Sergeir Airiyev, one of the Jehovah's Witnesses who had been accused by local officials of breaking the law by organizing a religious convention in Kislovodsk.

Reports of official harassment and punishment for religious belief or activity continued. Despite legal registration, members of some religions—including Protestant groups, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints—continue to face discrimination in their ability to rent premises and conduct group activities. For example, Jehovah's Witnesses report that in Volgograd, on August 20, national and religious extremists broke up their religious meetings and whipped some of their members. Criminal charges have been brought, but no prosecution or conviction has occurred to date. In six cases in St. Petersburg and Moscow, police arrested and harshly treated Jehovah's Witnesses while they were engaged in publicly discussing their religious views with neighbors. Two of these cases occurred in the Northern Administrative county in Moscow (where the trial to ban Jehovah's Witnesses will be heard). In four other cases, two men and two women were beaten by hooligans while engaged in public evangelizing work. Charges have been filed with the police. Jehovah's Witnesses report that there are currently about 20 cases across Russia where local authorities have arbitrarily refused to issue permits for construction, renovation, or occupancy of buildings to be used as houses of worship for Jehovah's Witnesses. In regard to a proposed house of worship in St. Petersburg, the Governor's Office is said to have stated that Jehovah's Witnesses had enough places of worship and any permit was subject to the feelings of local residents. Jehovah's Witnesses also report that in Alagir, Northern Ossetia, local authorities sealed the door of a newly built house of worship on July 5 and prohibited its use despite the fact that all permits had been obtained.

The Church of Scientology has been in conflict with authorities since a February 1999 raid on its Hubbard Center in Moscow by the tax police, FSB, and procurator. Since then the organization has faced charges that it engaged in a commercial enterprise without a license. The case is still pending. The Church has been repeatedly refused in its efforts to reregister its national center and register local religious organizations. While the Church has succeeded in registering 50 "Dianetics Centers" as social organizations, it has only managed to register 1 Church of Scientology in Moscow as of October. The Church reports that authorities have impeded the operation of its centers in Dmitrograd, Khabarovsk, and Izhevsk.

Groups such as the Catholic Church have complained about undue attention from the authorities in Moscow, being forced to submit to unwarranted fire inspections, document verifications by the Ministry of Interior, and harassment of believers at a Sunday Mass.

Property disputes are among the most frequent complaints cited by religious groups. Many synagogues, churches, and mosques were returned to communities to be used for religious services. The Federal Government met the requirements of the 1993 presidential decree on communal property restitution, and the decree continues to guide the ongoing process. According to statistics from the Ministry of

State Property, as of 1999 over 2,000 federally owned properties had been returned to religious communities since 1989. However, jurisdiction in most cases is at the regional level, and there is no centralized source of information on these cases. One Ministry of Culture official responsible for restitution of religious historical monuments estimated early in 1999 that over 3,600 transfers of religious buildings had occurred at the regional level and that approximately 30 percent of property designated for return had been transferred back to its original owners at both the federal and regional levels. Nonetheless, there continue to be reports of religious property that has not been returned. For example, the Roman Catholic Church of Saints Peter and Paul in Moscow has not been returned to the Catholic Church despite numerous appeals to the authorities and court. Twice in 1997 the Arbitration Court ruled against the Church. However, the Catholic Church continues to press for the return of this property despite the rulings.

Some Protestant faiths have suggested that the Russian Orthodox Church influences the Government regarding land allocated for churches of other religious groups. The Russian Orthodox Church denies such influence. The Jewish community, which had some success on communal property restitution, faces the same obstacles as other religious communities on the issue of the return of Torah scrolls, many of which are in state museum collections. In May the Ministry of Culture turned over 60 Torah scrolls to the Congress of Religious Jewish Communities, welcomed by the Jewish community.

In its preamble (which government officials insist has no legal force), the 1997 religion law recognizes the "special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." It accords "respect" to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative nationalist circles as the *de facto* official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian.

The Russian Orthodox Church was involved actively in drafting the 1997 law on religion. It has special arrangements with government agencies to conduct religious education and to provide spiritual counseling to members of the armed forces. These arrangements do not appear to be available to other religions. In particular, Muslim religious leaders have complained that they are not permitted to minister to Muslim members of the armed forces. The head of the Moscow Patriarchate of the Russian Orthodox Church, the Patriarch of Moscow and all Russia, participates in most high-level official events and appears to have direct access to and influence with officials of the executive branch. Even well-established foreign religious organizations have been characterized by the Orthodox leadership as "dangerous and destructive sects." In addition, during the year the Russian Orthodox Church entered into formal agreements with the Ministries of Education, Interior, and Tax. In the latter case, October press reports indicated that the Church has agreed to cooperate with the tax authorities in investigating tax infractions by religious organizations. However, the nature of such cooperation remains vague. The Ministry of Education sent a letter in September to the rectors of higher education establishments throughout the country alleging that 700 "foreign" religious groups—including the True Orthodox Church, Jehovah's Witnesses, and the Salvation Army—are involved in military espionage and the encouragement of separatist activity, and blames foreigners for allegedly encouraging splits within the "traditional" Russian faiths, the Orthodox, Muslims, Jews, and Buddhists.

The Independent Psychiatric Association of Russia, along with several human rights organizations, criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects" (see Section 1.c.). In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who were members of new religious groups. Human rights monitors condemned the secret video taping of a Pentecostal Church's service in Kostroma, which was introduced as evidence of hypnosis in a court case against the church in October. The Association of Independent Psychiatrists claimed that not only was the video taping illegal, but that the quality was so poor that any sort of conclusion drawn from it would be questionable. In addition, both human rights activists and independent psychiatrists believe that the "expert commission" appointed to review the tape was biased.

Although Jews and Muslims continue to encounter prejudice and societal discrimination, authorities have generally not inhibited the free practice of their religion. Other religions, including Buddhism and Shamanism, are practiced in specific localities where they are rooted in local traditions.

President Putin issued public expressions of sympathy for Jews and made a public appearance at the opening and on the first night of Hanukkah at a Jewish Cultural Center in Moscow. Nevertheless, he and his administration were accused by some

members of the Jewish community and some in the press of fomenting division within the community by supporting as head Rabbi of Russia the FEOR head Rabbi, Berel Lazar over the long-time Chief Rabbi of Russia, Adolf Shayeivich. Shayeivitch, is associated with a Jewish community organization headed by Vladimir Gusinskiy, owner of Russia's sole independent television network, which has been critical of President Putin and his support for Government forces in Chechnya. Fears of Kremlin interference in the Internal Affairs of the Jewish Community were reignited when, on October 19 law enforcement authorities conducted an illegal search of the Choral Synagogue's offices of Rabbi Pinchas Goldschmidt, who is aligned with Rabbi Shayeivich. While officials claimed that the search was not directed against the synagogue or Jewish community, but rather against the Media-Most Security Service then owned by Gusinskiy that was guarding the premises, investigators nevertheless focused on the Moscow Jewish Community's charter, membership lists, and the synagogue's financial documents. Moreover, during the search, investigators told a synagogue employee present that they were looking for evidence of money laundering. Organizations such as the Union Councils of Soviet Jews have accused the administration of harboring anti-Semitic figures. On September 7, Aleksandr Ignatov, identified as head of an office in the Presidential Administration, published an essay in the *Nezavisimaya Gazeta* claiming that a "Chasidic para-Masonic group" stood behind a supposed "world government" that was leading the drive for globalization. Subsequent to the publication of this anti-Semitic piece, the Ministry of Foreign Affairs reported that the Kremlin had established that as of October there was no Ignatov in the rolls of the Presidential Administration, and that it was conducting an internal investigation of the events surrounding the article's publication. It is unclear whether Ignatov indeed had been an official in the Presidential Administration.

Newly elected Kursk Governor Aleksandr Mikhaylov made anti-Semitic statements that were published in newspapers and aired on a television network. The Jewish community urged Putin to separate himself from the Governor. The Presidential District Representative Poltavchenko reprimanded Governor Mikhaylov in public and Mikhaylov apologized for his comments to the press.

The Federal Government states that it has moved forward on its promised initiatives against extremism and anti-Semitism, but only limited steps have been taken. In November 1998, the Duma adopted a resolution against public statements damaging to interethnic relations in the country. In March 1999, the Government presented to the Duma a draft law on combating political extremism. The Duma is still considering a draft law forbidding "Nazi symbols and literature." Separately the Procurator General sent to regional procurators in January 1999 a letter describing the Moscow city procurator's experience in combating political extremism with instructions to cut off distribution of any literature or printed material depicting Nazi symbols. The Government also states that in implementing the presidential decree on extremism, it conducted interagency consultations, beginning in June 1999 and continuing on a quarterly basis, which involve the Presidential Administration, the judiciary, law enforcement bodies, and experts from outside the Government. A government review of the implementation of existing laws against acts of national, racial, and religious hatred revealed that 25 criminal investigations were conducted in 1998, and 10 were opened by June 1999.

A prominent public figure who has regularly engaged in anti-Semitic remarks is Krasnodar region's former Governor Nikolay Kondratenko. During his tenure, the governor's speeches often contained anti-Semitic remarks and stereotypes and blamed Jews and alleged Jewish conspiracies for the country's problems. For example, Kondratenko had said that the essence of Russian history is the Russian battle against Jewish domination. He blamed "Zionists" for the war in Chechnya, for the destruction of the Communist Party, for attacks on the Russian Orthodox Church, and for introducing homosexuality into the country. According to credible reports, Kondratenko urged the firing of Jewish public employees in the region.

Particularly troubling to human rights groups and some of the Russian media has been the very public support of Kondratenko by the Kremlin-backed party Yedinstvo. Minister of Emergency Situations Sergey Shoygu, who heads Yedinstvo, openly encouraged Kondratenko to run again in the December elections. According to NTV reports, the Kremlin sent public relations specialists to the region in early September to organize a "grass roots" campaign of support for Kondratenko's candidacy, although Kondratenko decided against running for another term.

Several religious groups encountered extremist violence this year, with little or belated response from the local authorities (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continue to restrict this

right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules, which came into effect at the beginning of 1996, were touted as a notification device rather than a control system, their application has produced many of the same results as the propiska system. Corruption in the registration process in local police precincts is a problem. Police demand bribes in processing registration applications and during spot checks for registration documentation.

While citizens are free to travel within the country, the Government also imposes registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and use to register with local authorities for visits of more than 3 days (in Moscow, 24 hours). However, travelers not staying in hotels usually ignore this requirement. Citizens must register to live and work in a specific area within 7 days of moving there. Russian citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to Russia from other former Soviet republics, often face enormous difficulties or simply are not permitted to register in some cities. In 1999 UNHCR and refugee rights NGO's cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the cities least open to migrants (although some NGO's dispute including St. Petersburg on this list). This continued to hold true this year. The cost of permanent registration is only \$0.30 (8 rubles). Temporary registration is available for periods ranging from 45 days to 6 months and costs \$0.16 (4 rubles and 18 kopeks) regardless of the length of stay. The Government and many residents of Moscow and other large cities defend registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and gain revenue.

There have been several disputes between the central authorities and regional governments regarding internal "passports," identity documents required for obtaining many governmental services. On December 15, the Presidents of Tatarstan, Bashkortostan, and a presidential representative of the Volga federal district reached an agreement on resuming the issuance of passports to residents of the two republics. Both leaderships suspended issuing passports three years ago to protest the failure of new Russian passports to indicate the bearer's ethnicity. Under the agreement, a special page will be inserted in passports issued in Tatarstan and Bashkortostan giving the bearer's data in the national language.

While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration. Similarly, while the Moscow procurator's office has upheld the right of migrants to receive publicly available medical care, those services are frequently denied to unregistered persons, migrants, and asylum seekers.

The city of Moscow frequently is cited by NGO's for violating the rights of non-residents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Mayor Luzhkov has in the past called for the expulsion from Moscow of Chechens and other persons from the Caucasus. Moscow police, particularly special duty OMON (special forces unit of the Ministry of Interior) units, conduct frequent document checks, particularly of persons who are dark-skinned or appear to be from the Caucasus or elsewhere. Such checks on many occasions have involved police entering residences without warrants. There are many credible reports that police fined unregistered persons in excess of legal requirements and did provide proper documentation of the fine. According to HRW, it is not unusual for darker-skinned persons to be stopped at random and for officers to solicit bribes from those without residence permits.

In connection with bomb explosions in August and September 1999 which Moscow officials attributed to terrorists from the Northern Caucasus, Mayor Luzhkov issued an ordinance on September 13, 1999, requiring all temporary residents in Moscow since January 1, 1999 to reregister within 3 days with the Ministry of Internal Affairs. Reportedly 74,000 temporary residents sought reregistration, and approximately 15,500 were refused. In order to reregister, residents had to demonstrate a legal place of work, payment of city taxes, and a legal place of residence. Moscow authorities also restricted the arrival of new residents to the city and increased road checks and checks in train stations and marketplaces for these new arrivals. Law enforcement officials conducted searches of 26,500 apartments, 180 hotels, 415 guest houses, and 548 nightclubs and cafes. Police continued to conduct road checks at train stations, but the number of people detained was reportedly much less than last year. Human rights NGO's claim that authorities detained some 2,000 persons and expelled 500 from Moscow (see Section 1.d).

In April, the Movement for Human Rights in Moscow joined forces with the procurator general to challenge Moscow's registration requirements in Moscow City

Court. In September the procurator's office, in what many believe was a political concession, withdrew its support for the lawsuit. Nevertheless, on September 25 the Moscow City Court ruled that the city's rules on registration were unconstitutional, violating the Constitution's guarantee of freedom of movement. The Supreme Court overturned an earlier similar decision by the Moscow City Court and forced the court to hear the case again. In October the requirement was still in effect, and the practice—which police reportedly use mainly as a threat to extort money—continues.

The 1999 Moscow Helsinki Group's (MHG) human rights report highlighted restrictions placed by the authorities on Meskhetian Turks. During 1989–90 some 90,000 Meskhetians were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan. An estimated 60,000 Meskhetians remain in the Russian Federation. More than 13,000 of them settled in Krasnodar Kray, and approximately 700 settled in the Kabardino-Balkaria Republic. Authorities in Krasnodar Kray and the Karbardino-Balkaria Republic deny the Meskhetians the right to register, which deprives them of all rights of citizenship, despite the provisions of the Constitution that all Meskhetians who were residing in the Soviet Union at the time of its collapse are entitled to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, are subject to special registration restrictions, for example, having to register as a "guest" every 45 days. According to the MHG, in May 1998 Krasnodar Kray authorities initiated an attempt to compel Meskhetians to emigrate to Turkey. By September 1998 it was believed that almost 90 families had left the region for Turkey. Krasnodar human rights groups continue to state that the situation in Krasnodar has not improved. In December, the speaker of the Krasnodar Duma stated in an interview that approximately 30 families had left the region but later returned.

The Constitution provides all citizens with the right to emigrate. The Government imposes nominal emigration taxes, fees, and duties. On average it takes three months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

Some liberal principles regarding emigration procedures were codified formally in a 1996 law on exit from and entry into the country. This law abolished the old Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" (PMZh)—essentially a propiska for those living outside the country. The law required the Ministry of Internal Affairs, through its Office of Visas and Registration (OVIR), to establish regulations for eliminating this practice within six months of the passage of the law. However, implementation of the law (which was to go into effect early in 1997) is still incomplete. According to the International Organization for Migration (IOM), border guards continue to require a PMZh-like stamp of all emigrants, and the passport control agency OVIR continues to issue it.

Another feature of the 1996 law is the codification of the legal grounds for denying foreign travel documents to citizens who had access to state secrets. Under the new law, access to such classified material can occur only with the consent of the citizen, established in the form of a written contract that states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of five years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor arbitrary and excessive powers on the part of the Government to restrict foreign travel. There was one report that the provision was applied in a restrictive manner. According to human rights monitors, in 1999 the FSB told Raisa Isakova, a former researcher at a secret institute in Omsk, that if she did not sign compromising testimony against the Jewish Agency (an NGO that promotes emigration to Israel), her application for an exit visa to Israel would be denied. When she refused to sign, the Ministry of Foreign Affairs informed her that she was ineligible for a visa until 2003.

If a citizen had access to classified material, police and FSB clearances are necessary to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission (called the Ivanov Commission) chaired by the First Deputy Foreign Minister. The Ivanov Commission cannot rule on whether the material should or should not be classified, but it can rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. Since it was established in 1994, the Ivanov Commission has granted travel permission to approximately 90 percent of appellants.

Other grounds for denial of the right to travel abroad are military conscription or assignment to civilian alternative service (although in fact the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service), being under investigation for or serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application. The requirement that citizens satisfy obligations to immediate relatives, such as material support for parents, was eliminated except for court-ordered obligations such as alimony payments.

Emigrants who resettled permanently abroad have been able to visit or repatriate without hindrance. However, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside legally abroad.

The current conflict in Chechnya resulted in a large number of internally displaced persons (see Section 1.g.). International organizations estimate that the number of IDP's who left Chechnya as a result of the conflict reached a total of about 280,000 at peak. Of this total, most of the IDP's went to Ingushetiya (245,000), 6,000 were reported in Dagestan, 3,000 in North Ossetia, and 6,000 in the Republic of Georgia. A total of 20,000 Chechen IDP's were reported to have gone to other regions of the Russian Federation. Reliable information on the number and status of displaced persons within Chechnya itself was especially difficult to obtain due to heavy fighting and limited outside access to the region. At times as many as 200,000 persons were estimated by the UNHCR to be displaced within Chechnya and without access to humanitarian assistance. In addition, 6,000 Dagestani IDP's were reported displaced within Dagestan. At various points during the conflict, authorities restricted the movement of the IDP's fleeing Chechnya. According to some reports by NGO's, border guards at times permitted only ethnic Russians to cross into Ingushetiya. According to the press, some displaced persons were transported by bus back to parts of Chechnya that were under Russian Government control. Refugees at the border sometimes had to live in the open, often without access to food or water. Russian border guards and police officers on the border between Chechnya and neighboring regions—and at checkpoints within Chechnya—reportedly required Chechen refugees to pay money to pass. According to UNHCR, authorities early in the year prevented medical supplies for Chechen hospitals from entering Chechnya; however since spring they have been able to do so. Some refugees also had trouble moving about because their documents were lost, stolen, or confiscated by Russian authorities. The NGO Civic Assistance estimated in October that only 141,870 of 171,000 IDP's were able to register and thereby receive aid (see Section 1.g.). In April North Ossetia's Deputy Prime Minister stated that an estimated 15,000 South Ossetian refugees, who fled to North Ossetia from Georgia in the early 1990's to escape ethnic violence, should be sent back to the country. North Ossetian officials claim that refugees occupying sanatoria and tourist facilities have deprived the republic of millions of rubles in income.

Human rights NGO's and press organizations reported that federal and republic authorities at times pressured the IDP's to return from Ingushetiya to Chechnya. According to these reports, government officials singled out persons from Chechen towns and districts that were designated as "safe" by the Government. According to some accounts, refugee camp administrators announced that persons from these areas would no longer receive food rations. After international criticism of these actions, government officials publicly said that they would not pressure or compel refugees to return to Chechnya. At the same time, authorities consistently announced their determination to repatriate all refugees back to Chechnya as soon as possible.

The Government rarely provides first asylum. It cooperates to a limited extent with the UNHCR and the IOM. Both organizations assist the Government in developing a humane migration management system; this includes effective and fair refugee status determination procedures. As of July 31, the UNHCR had registered 40,000 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR estimates that only 11,000 of these are active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either integrated into Russian society, left the country, or have been resettled or repatriated. According to the NGO Civic Assistance, as of October, the Government had granted refugee status to only 39 petitioners.

According to UNHCR, as of October, the Government had granted refugee status to 238 petitioners this year. Of the 238, 141 were from outside the CIS countries and 97 were from the "near abroad" or other CIS countries.

According to the UNHCR, between 1993 and November 1999, the Government granted refugee status to only 491 persons from outside the former Soviet Union,

including the Baltic states; all but 17 of those individuals were from Afghanistan. By contrast, the comparable figure for former citizens of the Soviet Union apart from the Baltic states (mainly ethnic Russians) who were granted refugee status by the former Federal Migration Service (FMS) is 98,188. The Government acted more expeditiously for the latter group and applied a more lenient standard.

The UNHCR and Amnesty International were working with the FMS and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases are adjudicated. However, under government reorganization, the FMS was disbanded with its functions and responsibilities transferred to other ministries. There continues to be widespread ignorance of refugee law both on the part of officials (MVD, EMERCOM, Border guards) and would be petitioners.

According to Civic Assistance, involuntarily displaced persons and asylum seekers suffer the greatest difficulties in cities with restrictive registration regulations. Their migrant registration documents generally are not recognized by the MVD officials who control registration. They often are subject to harassment, unauthorized detention, and extortion of bribes.

A large number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remain in the country. The Government has not deported them but encourages their return home. The number of persons in Russia from these countries has increased in recent years due to the recent arrival of persons seeking refugee status.

The situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 Airport continues to be of major concern to the UNHCR. Improperly documented passengers are deported systematically, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger wants asylum, Aeroflot gives out telephone numbers for FMS and UNHCR, but these numbers are not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there are also no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible. (Airlines are fined if an undocumented passenger is admitted to Russia but not if the passenger is returned to the country of origin.) Human rights organizations allege that Aeroflot improperly deports hundreds of asylum seekers. Until 1998 the FMS Point of Immigration Control (PIC), whose officials are responsible for processing requests for refugee status, was located outside of the transit zone, where asylum seekers were unable to reach it. The PIC now has a fully equipped office inside the transit zone, which UNHCR staff are also permitted to use.

The PIC interviews almost exclusively persons referred to it by the UNHCR. According to the UNHCR, the process is neither fair or effective; as of the end of 1998, the PIC had not yet rendered any decisions in favor of asylum seekers. As of late 1998, 82 percent of asylum seekers who managed to contact the UNHCR were deported before the former FMS made a determination of refugee status. The actual number of deportees is presumed to be higher, as many asylum seekers did not have an opportunity to contact the UNHCR.

The treatment of asylum seekers in the transit zone can be harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely release passengers from the transit zone, unless there is a medical emergency.

A group of about 1,400 to 2,000 Armenian refugees evacuated from Baku in the wake of late 1980's ethnic violence still are housed in "temporary quarters", usually in Moscow hotels or workers' dormitories. They are unable to return to Azerbaijan and are not accepted by Armenia; they also lack residency permits for Moscow. They have been invited to apply for Russian citizenship, which would entitle them to the benefits accorded to Russian forced migrants, but representatives of the community have stated that they do not believe such a step would improve their situation materially. They also have rejected offers of relocation to other regions, because they allege that the alternative housing that they are offered frequently is not suitable or available. Their situation remains precarious as the formerly state-owned hotels in which many reside are privatized. A number of eviction orders already were served in such cases. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for their political beliefs or for actions (or inaction) that

are not considered a crime in the Russian Federation. However, according to press reports and the UNHCR, in December 1999 the Government deported seven North Korean refugees to China in an apparent violation of the Refugee Convention, despite promises to allow them to travel to South Korea for third country resettlement. The exact reason for the return of these refugees is unclear. The Government of China reportedly returned the seven to North Korea. Moreover, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

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

The Constitution provides citizens with the right to change their government, and citizens exercise this right in practice.

The Constitution also provides the President and the Prime Minister with substantial powers, which they used to dominate most areas of administration and day-to-day policy making and to limit the independence of the judicial branch. The judiciary is showing signs of limited independence in cases such as the Supreme Court acquittal of Nikitin, religious freedom cases in a number of reforms dealing with registration, and in the SORM case. Unlike its predecessor, this Duma is characterized by a strong pro-presidential center that puts a majority within reach for almost all presidential priorities. Competitive elections for various regional and local offices were held during the year, including elections for the chief executives in 44 of the country's 89 regions. Observers generally viewed the elections as free and fair. Challengers were able to defeat incumbents in almost one-third of the races for regional executive positions and losing candidates generally accepted the legitimacy of the voting results. There were problems in a number of regions relating to unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Voters generally had the opportunity to choose among all serious candidates, but a regional court in the Kursk region struck the name of incumbent Governor Aleksandr Rutskoy from the ballot for alleged campaign law violations on the eve of the October 22 election. Many observers considered this court action to be politically motivated and arbitrary, particularly in light of similar campaign law violations allegedly committed by other incumbents, but the Supreme Court sustained the lower court decision on appeal.

A democratic election for the President took place in 1996 for the first time in the history of Russia as an independent state. Former President Yeltsin was re-elected in a generally free and fair election. After President Yeltsin's December 31, 1999, resignation, Vladimir Putin assumed the post of acting President. In March, in an election that was generally considered to be free and fair, Putin was elected President. While the opposition and the media leveled accusations of widespread election fraud, most international observers concluded that the results of the election were valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Problems with voting that did occur were due to a lack of attention to proper procedure or carelessness rather than to premeditation. Vote counting was generally transparent and absent of fraudulent intent.

In elections that were judged by international observers largely to be free and fair, a more centrist-leaning Duma was elected on December 19, 1999. Elections were conducted in all 89 of the country's regions, including 12 of the 15 districts of the Chechen Republic, where polling was suspended for the Duma elections. This election had a 69 percent voter turnout, and was the first democratic transfer of power in the country. In spite of efforts made by authorities to prepare for safe and orderly elections in the Chechen Republic, observers stated that many of the conditions associated with democratic elections could not be met.

Many observers pointed to problems with biased media coverage of the presidential election campaign. Paid political advertisements in newspapers often are disguised as legitimate news stories. Campaigns pay "under the table" for stories

favorable to their candidate, which allows them to bypass limits on campaign spending. In the final days of the presidential campaign, ORT (at that time aligned with the Presidential Administration) aired a false story reporting on a "grass-roots" initiative by a supposed group of homosexuals to support the Yabloko candidate Grigoriy Yavlinskiy. During the same period ORT aired several investigative reports about Yavlinskiy's supposed financial links to the head of Media-Most, Vladimir Gusinskiy. During these reports, footage of Gusinskiy, who is also the president of the Russian Jewish Congress, showed the Media-Most head in Jewish settings. Critics accuse ORT of playing on anti-Semitic sentiments within Russian society to discredit Yavlinskiy.

In July the Federal Assembly passed legislation according to which regional executive and legislative leaders will appoint members of the Federation Council instead of serving in that body themselves. Also during the year the President appointed high-level presidential representatives to exercise a range of oversight and coordination responsibilities in seven newly established federal districts. He established an advisory State Council consisting of leaders of all 89 regions. The net effect of these modifications to Russia's legislative and administrative structures for democratic development was not entirely clear at year's end.

In March 1999, President Yeltsin signed the Law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal Law on Public Associations. These laws clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign-related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot; increase the level of information available to voters about candidates' financial and criminal history; and introduce provisions allowing multi-candidate constituencies. Changes to the Voting Rights Act affect legislation on both the federal and regional levels of the Russian Federation. The Constitutional Court was expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

There were reports of politically motivated violence and intimidation during the gubernatorial campaign in St. Petersburg. Yabloko activists reported that police and others harassed them during the campaign and prevented them from distributing campaign literature. Not long after the presidential elections in March, two Yabloko student activists, Dmitriy Barkovskiy and Konstantin Suzdal, reported an attempt by the FSB to recruit them to spy on the political party. According to press reports, the students were threatened with dismissal from Baltic State Technical University, where they studied, and with conscription to fight in Chechnya if they refused. When they refused, they were expelled from the university. Barkovskiy is currently in hiding.

Human Rights Ombudsman Mironov's office set up a working group to monitor electoral rights violations in both the 1999 Duma elections and 2000 Presidential elections. In August 1999, Mironov called for legislation to increase the transparency of elections funding. To date no legislation has been passed.

Political parties generally are organizationally weak and rise and fall quickly. There are two exceptions "the Communist Party and the pro-Putin "Unity" Party. In December, Putin submitted draft legislation that would require parties to have 10,000 members in order to be registered, with no less than 100 members in each region. The draft law would grant political parties a partial monopoly on running candidates for legislative office, erect serious hurdles for the registration of new political parties and give the executive branch and procuracy broad powers to regulate, investigate, and even close down parties. The law is scheduled for its first review in February 2001.

On November 29, State Duma deputies approved the first reading of a bill that would allow some regional leaders to seek a third and fourth term in office. The bill would amend an existing law, passed in October 1999, that forbids heads of regions to serve more than two terms in office. The law was passed on January 31, 2001.

Women are underrepresented in government and politics. In the December 1999 elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies in the Duma elected in 1995. Only one woman, Valentina Matviyenko, serves as a Cabinet Minister.

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

Many domestic and international human rights groups operate freely. Most investigated and publicly commented on human rights problems, generally doing so without government interference or restrictions. Human rights monitors have worked

mostly unhindered by authorities in recent years; however, some local officials harassed human rights monitors (see Section 1.d.). The Government's attitude towards human rights NGO's varied. Officials such as Vladimir Kalamonov and Oleg Mironov regularly interact and cooperate with NGO's. The level of cooperation tends to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGO's monitoring prison conditions enjoy an excellent relationship with Government authorities, while those monitoring Chechnya enjoy a more tense relationship. On August 30, a uniformed militia officer and several armed masked men entered the offices of Glasnost Public Foundation, a human rights group that has been critical of official actions in Chechnya and abuses by the security services in general. Activists were planning a conference about the security services at the time of the raid. The authorities held participants on the floor at gunpoint for nearly 40 minutes while they checked documents of individuals and of the foundation. After the press learned of the incident and began to call the Glasnost offices, the security officials left without arresting anyone. Human rights activists viewed this raid as an act of intimidation on the part of authorities.

Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Union of Soldiers' Mothers' Committees, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized by government and legislative officials for their expertise in certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees. Also, the prominent human rights organization Memorial worked with the offices of Vladimir Kalamonov, Special Presidential Representative for human rights in Chechnya, turning to Kalamonov to provide security for trips to the regions.

Various types of regionally based human rights groups are being established. Socioeconomic rights groups are the most numerous and monitor issues such as unpaid wages and benefits. There are fewer civil-political rights groups, but according to Memorial these are growing in number. These groups include "generalist" organizations that cover the range of human rights issues and "specialist" organizations that cover only one issue. Public legal centers have been formed, due to the critical lack of legal advice that is available to the general public. These centers usually are run on a part-time basis by lawyers who, while they cannot afford to offer trial counsel or actual legal work, offer advice at no cost on legal rights and recourse under the law. Resources for human rights work became even scarcer after the 1998 financial crisis, threatening the work of NGO's. Most groups rely on foreign support in the form of grants to maintain operations.

Regional groups generally receive little, if any, international support or attention. Although at times they reported that local authorities obstructed their work, criticism of the Federal Government and regional authorities usually is permitted without hindrance. The threshold appears to be criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Local human rights groups have far fewer opportunities to interact with legislators in developing legislation than their Moscow counterparts; some are excluded from the process entirely by local authorities.

Because of the risk of kidnaping and ongoing military conflict (see Sections 1.b. and 1.g.), NGO's largely withdrew from Chechnya; some still operate but on a limited basis working from Ingushetia.

The Government's human rights institutions lack independence but some of them appear to be making efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman appears to be working actively to develop its authority and public profile. Since taking office, Ombudsman Oleg Mironov has worked on becoming an increasingly high-profile government spokesman on human rights issues, despite earlier criticism by human rights organizations due to his lack of human rights expertise. Mironov's office has grown to over 150 employees and has several specialized sections responsible for investigating complaints of human rights abuses. The effectiveness of Mironov's office in assisting individual victims cannot yet be assessed accurately. However, Mironov continues to expand the scope of his activities, attempting to promote broader compliance with international human rights standards. During the summer of 1999, Mironov established a department of human rights education within his office. The staff of six, headed by Anatoliy Azarov (a former director of the Moscow School of Human Rights), developed guidelines and materials for teaching human rights to the public. The office also established a section on religious freedom. Perhaps most importantly, Mironov's office has issued four reports detailing human rights abuses in areas ranging from

psychiatry to pretrial detention. In eight of the regions, regional human rights ombudsmen established operations in a similar manner as Mironov. In many other regions, human rights commissions were set up. However, the effectiveness of the regional ombudsmen and committees differs significantly from region to region.

The President's Human Rights Commission, now composed primarily of government officials (unlike the 1993–96 commission under Sergey Kovalev, which included a large number of human rights monitors), appeared largely inactive during the year. Some human rights groups continued to complain that the Commission's focus has changed from advocacy of human rights to defending the Government's policy and that the Commission has failed to engage well-established human rights NGO's. According to Commission chair Vladimir Kartashkin, his role is mainly consultative and investigatory, without powers of enforcement. Kartashkin receives little financial support from the Government and has a very small staff that spends most of its time responding to letters from the regions.

The country has yet to comply with the UN Commission on Human Rights (UNCHR) resolution on Chechnya provisions to facilitate visits to the region by UN special rapporteurs and special representatives of the Secretary General. The country reportedly invited only the Special Representative for Children and Armed Conflict, and Special Rapporteur for Violence against Women, but explicitly de-linked these invitations to the resolution. The country did not invite the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, or the Special Representative of the Secretary-General on Internally Displaced Persons.

Citizens can file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human rights violations that occurred after Russia's May 5, 1998, accession to the Council of Europe. Complainants need no longer exhaust all appeals in Russian courts before they can turn to the European Court. According to the press, the ECHR received 914 complaints from Russia, 60 of which are based on human rights violations in Chechnya. However, because the Government refused so far to respond to the initial complaints accepted by the ECHR (a procedural requirement), no cases have yet been heard.

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

The Constitution prohibits discrimination based on race, sex, religion, language, social status, or other circumstances. However, both official and societal discrimination still exist.

Women.—Domestic violence remains a major problem, since victims rarely have recourse to protection from the authorities. Police frequently are reluctant or unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of this and because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. The underlying problem is that much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it to be an area for concern outside the family. No reliable statistics exist to evaluate the true extent of the problem. There is a general lack of understanding of these problems in the legal community, and there is no legal definition of domestic violence. Some forms of battering are addressed in the new Criminal Code but are defined too narrowly to apply to most cases. There is also no national political will to consider these problems seriously. More than four dozen versions of a national civil law to address domestic violence have failed to make any progress in the Duma. Women's NGO monitor Yelena Yershova has pointed out that law enforcement authorities distinguish between crimes committed outside the home and "acts of violence" committed at home. In the latter case, such acts often are not treated as crimes, but rather as a domestic affair. In the first six months of the year, 4,787 persons were convicted of rape.

There are no current statistics on the reported rape or attempted rape of women. The Ministry of Interior states that in 1998 there were 9,014 cases of rape and attempted rape reported. In 1998 a HRW Europe researcher estimated that only 5 to 10 percent of rapes are reported to police. HRW further reported that Yekaterina Lakhova, former President Yeltsin's then-adviser on women's issues, estimated in 1997 that 14,000 women are killed by husbands or family members each year. However, HRW notes that these statistics underestimate the extent of the problem, due to underreporting of these crimes by victims. In 1996 the MVD estimated that 80 percent of violent crimes occurred in the home.

Hospitals and members of the medical profession provide assistance to women who have been assaulted. However, some doctors are reluctant to ascertain the de-

tails of a sexual assault, fearing that they may be required to spend long periods in court.

Trafficking of women for sexual exploitation is a very serious problem, particularly because of lack of adequate employment opportunities. Reliable statistics on the number of women involved are difficult to obtain (see Sections 6.c. and 6.f.).

Despite serious problems and difficulties in addressing these problems, many effective projects are underway. Approximately 40 crisis centers for women are in operation throughout the country, and their number continues to grow. The crisis centers formed an association in order to coordinate their efforts better, and they chose Marina Pisklakova, the Director of the crisis center ANNA, as President. The association held its first national conference September 1999, in Moscow. Since the conference, ANNA has been working with the Ministry of Interior to organize a class to educate police on domestic violence. Nongovernmental work in this area is recognized and supported by several government entities.

Women report sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The phrase, "without complexes," is used occasionally in job advertisements. Some firms ask applicants for employment to complete a form including the abbreviation "VBO," a Russian abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no." There is no law in the legal code that prosecutes sexual harassment.

Credible evidence suggests that women encounter considerable discrimination in employment. NGO's continue to accuse the Government of participating in discriminatory actions against women, contending that the Government seldom enforces employment laws concerning women. Article 19 of the Constitution states that men and women have equal rights and opportunities to pursue those rights. In addition Article 2 of the labor code prohibits discrimination, further stating that every person has the right for equal pay for equal work. Employers prefer to hire men, thereby saving on maternity and child-care costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. The problem of age-based discrimination is very relevant to women. Employers try to avoid the requirement of a three year paid maternity leave for childcare. Women continue to report cases in which they are paid less for the same work that male colleagues perform. There has been no recent substantial research in this area, so exact figures are difficult to ascertain.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. Women's average incomes generally are estimated to be significantly below average male incomes. Professions dominated by women are much lower paid than those dominated by men. Moscow human resources managers privately admit that discrimination against women in hiring is common. Unemployment, at 10.2 percent of the workforce, also disproportionately affects women.

In July 1999, Ingush president Ruslan Aushev issued a decree permitting men in the republic to have up to four wives. According to Aushev, the decision came in response to the republic's demographic situation, and he appealed to the Duma to make the necessary changes in the family code; the law was ruled unconstitutional.

Children.—The Constitution assigns the Government some responsibility for safeguarding the rights of children. The State endeavors to provide, within its limited means, for the welfare of children. While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 2.d.).

The educational system includes both private and public institutions. Children have the right to free education until the 11th grade (approximately 17 years old). Students are obligated to stay in school until the 9th grade. Boys and girls are treated equally in the school system. Health care for children is legally free, although the quality varies and individuals incur significant out of pocket expenses.

A Family Code regulating children's rights and marriage and divorce issues came into effect in 1996; however, implementation of the code has been slow. Many Moscow charitable organizations established productive relations with the city government to address the needs of disabled children, as well as other vulnerable groups.

The position of many children deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. According to press reports, 40 percent of all children live below the poverty line. Children on the street often become dependent on illegal narcotics. To combat the growing number of children being abducted, police organizations are establishing programs to protect children.

Figures for homeless children are unreliable at best. Nationwide they range from 1 to 4 million. Oleg Zykov, head of the No to Alcoholism and Drug Abuse Founda-

tion, estimates that there are about 15,000 street children in Moscow alone. The St. Petersburg NGO Perspektiva estimate that about 3,000 children are actively involved in street life there and that 500 to 600 of these actually live on the streets. Many of these children have come from the regions, only to be sent back to where they came from by city police. One shelter director complained that young girls from Chechnya also were returned there, despite the danger to them. Homeless children often engage in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. Some young girls who find themselves on the street turn to prostitution in order to survive (see Section 6.f.).

An estimated 50,000 children run away from their homes each year. The main reasons children run away appear to be family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year are brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stay in COVINA for no more than 30 days. During this period, the child's guardian is located and his or her case is investigated. However, in 90 to 95 percent of these cases, the police simply return the child to the family or to the institution from which the child ran away. Many officials consider domestic problems as private and prefer not to interfere.

In St. Petersburg local and international NGO's provide a variety of services for the homeless. In particular Perspektiva: Medecins du Monde (MDM) supports homeless children with a "social hotel" and a medical/social consultation center that provides medical help, vaccines, and referrals to hospitals and orphanages. Perspektiva also organizes specialized training seminars for medical and social professionals and city officials engaged in work with homeless youth.

As the former Soviet Union opened to the international community, attention focused on the status of orphans and the disabled, who were removed from mainstream society and isolated in state institutions. A complex and cumbersome system was developed to manage their life-long institutionalization. Three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Rather than focus on the needs of the child, the system revolves around the institution itself. Child welfare is easily lost within the bureaucracy; little clear recourse exists in instances of abuse by the system. Human rights groups allege that children in state institutions are provided for poorly (often because funds are lacking) and in some cases are abused physically by staff.

While there are no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups have compiled important information. Many NGO's including Human Rights Watch and Mental Disability Rights International, have called for reform to the child protection system. Several approaches have been proposed to reform the orphanage and have been implemented by regional governments with the help of international donors.

A 1997 report by the Ministry of Labor and Social Development, which is cited often, indicate that there are approximately 600,000 children registered as orphans. Of these children, 10 percent are orphans with no parents and 90 percent are "social orphans," who have at least one living parent who has given up the child to the State for a variety of reasons. Between 1993 and 1997, the number of registered orphans increased by 30 percent and the number residing in institutions by 35 percent. Concurrently, the number of children in foster families increased by 46 percent (most children are related to the members of their foster families). However, the number adopted has remained fairly consistent, with an overall increase of only 2 percent.

Although comprehensive statistics are not available, the prospects of children/orphans who are disabled physically or mentally are extremely bleak. The label of "imbecile" or idiot, which signifies "uneducable," is almost always irrevocable. The most likely future is a lifetime in state institutions. Even the label of "debil," or lightly retarded, follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. One study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that on graduation from a state institution for the lightly retarded at age 18, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. Even for those orphans classified as "normal," life after institutionalization poses serious problems, as they may lack the necessary social, educational, and vocational skills to function in society.

The existing system provides little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded, abused, or neglected. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control. Boris Altshuler of the Rights of the Child Program

has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification. Since 1998 the Ministry of Labor and Social Development has been working with the U.N. Children's Fund on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of the Child NGO, there are now ombudsmen in the cities of Yekaterinburg and St. Petersburg and in the regions of Novgorod, Kaluga, and Volgograd, and there are plans to establish new ombudsmen in two other regions. Ombudsmen can only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Trafficking in children and young girls is a problem (see Sections 6.c. and 6.f.). Conditions for children in prisons and pretrial detention are a problem (see Sections 1.c. and 1.d.)

People with Disabilities.—The Constitution does not address directly the issue of discrimination against disabled persons. Although laws exist that prohibit discrimination, the Government has not enforced them. The meager resources that the Government can devote to assisting disabled persons are provided to veterans of World War II and other conflicts. Special institutions exist for children with various disabilities, but do not serve their needs adequately. The Government does not mandate special access to buildings for the disabled. The NGO, Society for the Defense of Invalids, is working to broaden public awareness and understanding of problems concerning the disabled.

A 1995 law requires that firms with over 30 employees to either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for the disabled. The law also removed language defining an "invalid" as a person unable to work. However, the Government has not implemented this law. Some persons with disabilities find work within factories run by the All-Russian Society for the Disabled, but the majority are unable to find work and frequently are discouraged from working, forced to subsist on social benefits.

The December 1998 Human Rights Watch report "Abandoned to the State," documented the conditions which persist in many orphanages, including in special state orphanages for the disabled. Being disabled is still a serious social stigma in the country, an attitude that profoundly influences how institutionalized children are treated. Many physically or mentally disabled children are considered ineducable, even those with only minor birth defects. According to the report, many disabled children are confined to beds around the clock or to rooms that are lit, heated, and furnished inadequately. The children are given only minimal care by low-paid unskilled workers with no training in the care of the disabled.

Indigenous People.—Until its abolition by presidential decree on September 22, 1998, the Moscow-based State Committee for the Development of the North was charged with representing and advocating the interests of indigenous people. With only a small staff, its influence was limited. The Committee's functions were transferred to the new Ministry for Regional Affairs and Nationalities, which is directed by presidential decree to take "into account the need for singling out the most important issues of northern territories" as one of its priorities. A 1999 bill, signed into law by President Yeltsin, on indigenous ethnic communities, provides them with support, permitting the creation of self-government bodies, and permitting them to seek compensation if economic development threatens their lands. In some areas local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North, including the Enver, Tatarli, and Chukchi; and others work actively to preserve and defend their cultures, as well as the economic resources of their regions. In this context, some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Most believe that they are treated equally with ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. The principal problems for indigenous people center on distribution of necessary supplies and services, particularly in the winter months for those who live in the far north.

Religious Minorities.—Incidents of societal violence apparently based on religious belief decreased this year. Nevertheless, some serious incidents were recorded. On August 20, a group of extremists in Volgograd accosted a group of Mormons, beat four Russian members and threatened foreign missionaries. The same day, the same group similarly attacked Jehovah's Witnesses in Volgograd, beating a minister with a "Cossack" whip. Members of the victimized groups have accused the authorities of being slow to investigate these incidents and make arrests. To date there has been no prosecution in the Volgograd incidents despite the fact that the identity of

at least one of the accused perpetrators is known to authorities. On September 17, a group of extremists burst into a school in Ryazan where Jewish classes were being held and smashed windows, furniture, and an art exhibit made by the children, shouting death threats at the teachers present. Subsequent to the attack, the extremists left slogans on the school threatening to return and kill all the Jews. Police and local administration officials initially appeared to dismiss the case. Only after international and Moscow media began to probe the case did the authorities announce that four suspects were identified and would be charged with "hooliganism." As of October, local officials reported that they had identified and detained one suspect, but that he had inexplicably disappeared. An editor of the local newspaper *Vecherni-Ryazan* was threatened with dismissal for publishing an article related to the incident. There have been no developments in solving the bombings of two Moscow synagogues in May 1999 and in July 1999.

As foreign or so-called nontraditional religions in the country continue to grow, many Russians continue to feel hostility toward these "foreign sects," perhaps influenced by negative reports in the mass media and public criticism by Russian Orthodox Church officials and other influential figures. These sentiments appear to have sparked occasional harassment and even physical attacks.

During the Jubilee Bishops' Conference of the Russian Orthodox Church, August 13–16, the Church issued a document entitled "Fundamental Principles of the Russian Orthodox Church's Relations with Other Faiths." In the document the Church identifies denominations such as the Jehovah's Witnesses and Mormons as proselytizing "cults" whose operations on the "canonical" territory of Russia must be stopped. According to the document, the mission of other "traditional" confessions is possible only under the condition that they refrain from proselytizing or tempt the faithful away from the Church with material goods. Occasionally opposition to the dissemination of information came from religious groups. From time to time the Russian Orthodox Church has criticized the press for what it called "anti-church publications," but stopped short of imposing any church sanctions against particular authors or editors. However, the Church appealed to authors of what it considered inaccurate accounts of church history to "realize the sinfulness of their evil deeds."

Minority religious groups frequently complain of discriminatory stories in the media. Newspapers have published sensational or biased articles criticizing both traditional and nontraditional religious minorities. In October Russian Muslim groups complained of biased portrayal of Russian Muslims in a Russian State Television documentary entitled "Half Moon in the Caucasus." The documentary, Muslims claim, exaggerated the influence of radicals and implied that all Muslims were working to support the Chechen separatists.

Following large-scale emigration over the last two decades, between 600,000 and 700,000 Jews remain in the country (0.5 percent of the total population). While Jewish emigration rates are significantly lower than during the Soviet period, the number of Jews emigrating to Israel for economic and other reasons increased approximately 70 percent from January 1998 to January 1999. The vast majority of Jews—80 percent—live in Moscow or St. Petersburg. Jews continue to encounter societal discrimination, and government authorities were criticized for insufficient action to counter it.

Several reports of acts of intimidation were linked to anti-Semitic groups or motives during the year. Anti-Semitic leaflets, graffiti, and articles continued to appear in some regions, such as St. Petersburg, Ryazan, and Krasnodar. On September 7, an anti-Semitic article appeared on the pages of the prominent daily *Nezavisimaya Gazeta*, reportedly authored by Kremlin official Aleksandr Ignatov. In the article, Ignatov refers to a "Chasidic para-Masonic" group standing behind "world government" and globalization. Ministry of Foreign Affairs officials reported in October that no one by that name was employed in the Presidential administration and that an internal investigation was under way (see Section 2.c.). The attack in Ryazan on a Jewish School was one of the first incidents of its kind during the year. The attack was followed by the publication of an extremely anti-Semitic article in the *Vechernyaya Ryazan*, a local newspaper, accusing the local Jewish organization of orchestrating the attack to gain publicity and foreign financial support. A Jewish cemetery in Nizhniy Novgorod was vandalized in July. Police apprehended the juvenile offenders within 2 weeks, earning support from the local Jewish community, and received a reward from FEOR. On September 29, an orthodox Jew associated with the Moscow Choral Synagogue was attacked by a group of "skin heads". Similar attacks have occurred on Africans and African-Americans in Moscow and other cities.

The ultranationalist and anti-Semitic Russian National Unity (RNE) paramilitary organization, formerly led by Aleksandr Barkashov, appeared to have splintered and lost some of its support in the regions. The group ousted Barkashov in September,

and several of its affiliates split off from the organization, unhappy with the current leadership. The RNE claims a membership of 100,000 in 64 federation chapters, but press reports estimate its membership at 12,000, and it is registered officially in 22 regions. According to various pollsters, the radical movement appears to have won some degree of national name recognition and may enjoy the support of up to 3 percent of the population. According to press accounts, the RNE managed to get a representative elected to the local administration in Saratov. In Borovichi the RNE and another local Fascist group, Mertvaya Voda, were active, according to local Jewish leaders, and desecrated Jewish graves, mailed death threats to Jews, and displayed anti-Semitic posters. The local Borovichi Duma passed a decree in December 1998 prohibiting RNE activities and the distribution of its propaganda, and in March 1999 city and law enforcement officials formed a commission to counteract the RNE's activities and propaganda. In April 1999, officials from the Borovichi city administration invited the Harold Light Center, a Jewish NGO, to present a 2-day seminar on combating anti-Semitism and extremism. In August, a group of city and regional officials traveled to San Francisco to meet with law enforcement officials dealing with hate crimes, and in October the San Francisco officials traveled to Russia and participated in a hate-crimes seminar with their Russian colleagues.

Jewish NGO's claimed that anti-Semitic themes figured on the eve of the presidential elections, citing ORT's airing of a report showing opposition figure Grigoriy Yavlinskiy supported by Jewish leader Vladimir Gusinskiy, wearing a yarmulke and participating in a meeting with Jewish leaders (Rabbis included) in a cynical attempt to discredit Yavlinskiy among those who would find the association troublesome.

A prominent public figure who regularly used anti-Semitic remarks was former Krasnodar region governor Nikolay Kondratenko (see Section 2.c.).

National/Racial/Ethnic Minorities.—In July 1998, the presidential Human Rights Commission issued an official statement noting that “the increase in the threat of fascism” was “taking on visible and ominous features,” and that incitement of national, racial, and religious enmity was “taking on an increasingly organized nature.” It noted the increasing number of extremist groups that advocated racial supremacy and “national xenophobia” and commented that such groups were moving with increasing frequency from combat training (under the guise of sports training) to “acts of direct terror, hoodlum attacks on persons of ‘unwelcome’ nationality, the desecration of cemeteries, and explosions of monuments.” The statement followed a number of wellpublicized incidents that spring, including several racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, inspired by racial hatred, and carried out by private individuals or small groups, some of whom were known to local law enforcement authorities for their racial intolerance or criminal records. In December, an African-American student was beaten on a tram in Moscow.

Roma and persons from the Caucasus and Central Asia face widespread societal discrimination, which often is reflected in official attitudes and actions. Police reportedly beat, harassed, and solicited bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Discrimination against persons from the Caucasus and Central Asia also increased concurrently with new measures at both the federal and local levels to combat crime. Law enforcement authorities targeted persons with dark complexions for harassment, arrest, and deportation from urban centers, particularly after the August 1999 bombing in Moscow. In Moscow such persons are subjected to far more frequent document checks than others and frequently are detained or fined in excess of permissible penalties, often without formal documents recording the infraction being drawn up and presented by police.

During the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by “skinheads” and members of other racist and extremist groups. Arrests seldom are made in most such attacks, many of which have been reported by human rights organizations. Many victims, particularly refugees who lack residence documents recognized by the police, choose not to report such attacks or report indifference on the part of police. On October 21, a group of “skinheads” in Moscow attacked Vietnamese residents in front of their dormitory. When Vietnamese residents poured out of the dormitory to assist in fending off the attackers, police intervened to protect the “skinheads.” No arrests were made.

The Government reported that in 1998 authorities investigated 25 criminal cases on charges of incitement to national, racial or religious hatred. In July 1999, 10 cases were opened, and courts have ruled on 9 of them. Chechen IDP's and the Civic Assistance Committee for migrants reported that Chechens face great difficulty in

finding lodging in Moscow and frequently are forced to pay at least twice the usual rent for an apartment.

In February 1999, the republican legislature in Bashkortostan passed a law naming Bashkiri and Russian as its two official languages, but excluded Tatar. There are more Tatars than Bashkir in the republic, and Tatars constitute 30 percent of the republic's population. The legislature of the republic of Tatarstan appealed to the Bashkortostan legislature to include the language, but the appeal was rejected. On January 21, some 20 Tatars protested a draft version of the language law outside the republican legislature, and authorities arrested 7 of the protesters. The law still remains in effect.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join trade unions, but practical limitations on the exercise of this right continue to arise from governmental policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR), the successor organization to the Communist trade unions. Approximately 55 percent of the work force is unionized (of an estimated 72.4 million workers), and approximately 4 percent of union members belong to independent unions. However, there is no authoritative data on union membership, because there was no mandatory reregistration of union members following the Soviet era, during which all workers were registered as trade union members. Union membership overall has fallen as a result of economic restructuring, including the closing of some enterprises and a resistance by some foreign companies to trade union activities.

The FNPR claims that some 80 percent of all workers belong to the FNPR, although International Labor Organization (ILO) representatives state that 60 percent is a more accurate estimate. The FNPR thus largely dominates the union movement and provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its predecessors, including office and recreational property. The majority of its income comes from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently include management as part of the bargaining unit or elect management as delegates to its congresses. The FNPR and other trade union federations act independently on the national political level, but FNPR unions sometimes are affiliated closely with local political structures. Political parties often act in parallel with unions, for example, in calling for a national day of protest.

Benefits of membership presently vary depending on union affiliation and generally discourage the formation of new unions. These benefits are largely financed by the Social Insurance Fund. As the largest group of trade unions, FNPR enjoys a privileged position with regard to the distribution of state funds at the municipal, oblast, and federal levels. It routinely decides who receives benefits, such as child subsidies and vacations, based on the politics or affiliation of union members. However, the new tax code, effective January 1, 2001, will include a single social tax and essentially end trade union control over the distribution of social benefits at the federal level. FNPR sees this as a threat to its dominant role. Other trade unions worry that a consolidation of social security assets in the federal budget and an additional layer of bureaucracy in the distribution of benefits will lead to reduced benefits for workers and the public in general.

The number of court decisions supporting the right of association and ruling in favor of employees increased during the year. However, the enforcement of these court decisions remains a problem. Moreover, most workers do not understand or have faith in the legal structure, fear possible retaliation, and thus are reluctant to bring cases to court. For example, the Association of Flight Personnel at Vnukovo Airport (an independent union) won an out-of-court dispute over unpaid monthly bonuses in December 1998. Members of the union, who numbered 100 at the time, subsequently found themselves excluded from the list of payees. The only reason appeared to be their union membership, as those who quit the union immediately received bonuses. In January 1999, the union filed a lawsuit. After several postponements, management agreed in March to pay the remaining 10 members bonuses owed since December 1998.

Management and FNPR local unions often work together to discourage the establishment of new unions. In August 1999, management at the Alit Factory and the Sverdlovsk Oblast FNPR leadership convened a "trade union conference" where a newly elected chairman of a local construction workers' union was dismissed from her position. The chairman filed a case in the municipal court, claiming that management and the oblast committee of FNPR were not authorized to convene a local union's conference and that conference participants were not even members of the local union. The municipal court refused to hear the case. The chairman appealed

the decision to the Oblast Court, which ruled in her favor. The case has been sent back to the lower court for review.

In accordance with the federal Law on Public Organizations, all civic organizations founded before 1994 were required to reregister with the Ministry of Justice by July. The registration procedure for NGO's requires that the local departments of justice check all articles of charter documents for compliance with existing laws. However, the registration procedures for unions are governed by the Law on Trade Unions, which specifies that registration requires a simple "notification" and submission of documents. Departments of Justice throughout Russia have ignored the procedures set out by this law and continually refused to register new unions by requiring changes in charter documents or confirmation of attendance at founding conferences. In one case in Sverdlovsk Oblast, the local Department of Justice demanded that founders of a trade union sign again the founding documents in the presence of a Justice Department official, a procedure not required in any law. Such practices have prevented the registration of new unions or the reregistration of existing ones.

Department of Justice officials extended their authority far beyond the letter of the law and in some cases canceled the registration of unions. In 1997 the Sverdlovsk Court of Arbitration canceled the registration of a local union of utility workers at management's request. The Supreme Arbitration Court in June cancelled the initial ruling and sent the case back to the lower court for review. Recovery of registration will allow the union to again become a legal entity and reinstate its chairman, who had been illegally fired. In March the leader of a union of ambulance drivers in Nizhniy Tagil received a warning from the local procurator's office, demanding that she stop interfering with the work of her ambulance depot. The municipal court ruled that the leader be fined. The leader appealed the case, and the Sverdlovsk Oblast Court ruled in her favor in May. In the opinion of independent lawyers, these actions contradict the laws governing union registration and are a direct and illegal attempt to discourage labor activism.

Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on the nonpayment of wages is not recognized as a strike, and individuals are not protected by the labor law's protection against being fired while on strike. Prior to 1999, collective actions on this issue were considered strikes if they concerned violations of a collective bargaining agreement that specified the time frame for wage payments.

The right to strike is difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved. Strikes may be reviewed by a civil court to establish their legality. The Russian Law on Resolution of Collective Labor Disputes specifies that if a strike could affect the safety or health of citizens, then a minimum level of essential services must be provided. Under such a definition, it is difficult to exclude any public sector employees. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement is reached—which is often the case, the local executive authority simply decrees the minimal services. The local executive authority also often sets the minimal level of essential services at roughly the same level as the average work load. Moreover, the civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes are organized by strike committees, rather than unions. Reprisals for strikes are also common, although strictly prohibited by law. In August 1998, workers at St. Petersburg's Oktyabrskaya Railroad declared a strike over nonpayment of wages, management's refusal to conduct collective bargaining with the local union, and noncompliance with health and safety standards. Strike participants were sent on forced leave with reduced pay. Management claimed there was no work for them at the depot. The workers filed cases against management, but the local court ruled against them in April. All participants in the strike have been subject to transfer to "idle time" due to low ticket sales.

In 1995 transportation unions complained that because transportation can be considered an essential service that must be provided under law, their right to strike is denied. The Constitutional Court agreed and found that banning industry-wide strikes was unconstitutional and that each needs to be considered on a case-by-case basis. However, a subsequent 1995 federal Law on Railways banned railway strikes in contradiction to the Constitution. After successful negotiations with the air traffic controllers' union to avoid a strike, the Government drafted a regulation that became law in 1999 to ban all strikes in the air traffic sector. In addition to the rail-

way and air traffic sector, strikes are banned by workers at nuclear power stations and by members of the military, militia, government agencies, and disaster assistance organizations.

Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. In January the death of a youth in Polevskoy allegedly was due to the trade union activism of his parent who was a leader of the regional trade union center. The leader had received threats to her job and family after filing cases against the local prosecutor's office, municipal court, and police concerning misuse of funds. The leader subsequently left her position. There were no further developments in the investigation of the son's death by year's end.

According to an International Labor Organization report, on January 27, 1999, unknown assailants murdered Gennadiy Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union at the entrance to his apartment. Earlier that month, Borisov and other labor activists began picketing the airline headquarters to protest their not being paid for 4 months. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares. To date, there have been no significant developments in this case, and it reportedly is still open.

There were no prolonged strikes during the year. According to official statistics, wage arrears in the first half of the year fell by over 80 percent in real terms when compared with the same period in 1998. Nonpayment of wages, which had motivated strikes in previous years, grew less prevalent. The number of strikes fell by 25 percent in 1999 and continued to fall this year. Unions may freely form federations and affiliate with international bodies.

b. The Right to Bargain Collectively.—The law provides for the right of collective bargaining, but this right is not always protected. The law requires employers to respond to a trade union's initiative and negotiate with the union, but no time limit is specified. Moreover, the law does not require management to sign the agreement, even after both sides have signed protocols approving a draft text. As a result, the right to conclude a collective agreement is often not protected. Employers often ignore the requirement to negotiate and refuse to come to the bargaining table or refuse to provide financial information demanded by trade unions. In the past, employers have successfully refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR. However, some progress has been made in this area. In December 1999, the trade union of employees of the State TV and Radio Company filed suit against management because of the latter's refusal to enter into collective bargaining negotiations. Management demanded that the union prove it was authorized to participate in collective bargaining, which it did twice. The court ruled that management should start negotiating a collective bargaining agreement. Management appealed the ruling, but the higher court left the decision unchanged—a significant victory for the trade union.

An estimated 14 percent of enterprises have officially registered collective bargaining agreements. (FNPR claims that approximately 80 percent of its enterprises have such agreements.) It is not obligatory to register collective agreements, and it is very likely that there are far more collective agreements than those actually registered. However, a gap in the law, which fails to establish the employer's legal identity, often makes collective agreements ineffective. A lack of clear identification under the Law of the Employer has made nonbinding tripartite tariff agreements (with labor, management, and government participation) nonbinding at the municipal, regional, national, and industrial levels and has brought their legal validity into question. Even after an agreement is signed, employers often claim that the "employer representative" was not authorized to represent the factory involved.

In December the Duma was scheduled to consider two draft versions of a new Labor Code. The Government proposed the first in 1999, while pronoun deputies in the Duma support the second. The government draft seeks to increase labor mobility and reduce the so-called gray economy. However, trade unionists view the government draft as antiunion and fear that it will undercut collective bargaining because of its emphasis on individual labor agreements, provision for entities other than unions to represent workers, and restrictions of collective bargaining to legal entities that essentially eliminate local trade union representation. The pronoun draft strengthens trade union rights and guarantees for workers, including repayment of delayed wages with interest and employees' right to stop working if payment is delayed more than 10 days.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the existing Labor Code and are the same as in other parts of the country.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor by adults and children; however, there were some reports of its

use relative to adults. Officers have reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. Women are trafficked from the country for the purpose of forced prostitution (see Sections 5 and 6.f.). There were no reports of forced or bonded labor by children.

According to credible media reports, significant numbers of foreign workers from countries of the former Soviet Union are forced to work without pay because their passports are held by firms that brought them into the country. Similar reports describe North Koreans brought in to work in the construction and timber industries in the Russian Far East, with salaries remitted to their Government.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work. Children may, under certain specific conditions and with parental approval, work in apprenticeship or internship programs at the ages of 14 and 15. Such programs may not pose any threat to the health or welfare of children. The Ministries of Labor and the Interior are responsible for child labor issues. Local police authorities are responsible for conducting inspections of entities suspected of violating child labor laws; however, investigations are entirely complaint-driven.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevent widespread abuse of child labor legislation. However, the transition from a planned to a market economy has brought with it drastic economic, political, and social changes. An increase in the number of children working and living on the streets is largely the result of deterioration in the social service infrastructure, including access to education and health care. In some cases, economic hardship has undermined traditions and social customs, and eroded the protection families traditionally provided to children. Homeless children are especially at risk for exploitation in prostitution or criminal activities. Children often are used by their parents to lend credence to their poverty when begging.

The Government prohibits forced and bonded labor by children; however, some girls were trafficked abroad for the purpose of forced prostitution (see Section 6.f.).

e. Acceptable Conditions of Work.—The monthly minimum wage of \$4.70 (132 rubles) remains well below the official subsistence level of \$35 (1,234 rubles) per month and is insufficient to provide a decent standard of living for a worker and family. Approximately 37 percent of the population have incomes below this survival minimum, compared with 38 percent in 1999. Most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. According to Ministry of Labor statistics, unreported wages currently account for about 12 percent of the gross domestic product. Legally paid wages account only about 36 percent of the total income of citizens. In addition, much of the population continues to reside in low-rent or subsidized housing and receives various social services from enterprises or municipalities. Dependence on such subsidies, in conjunction with the residency registration system—illegal but widely practiced—generally prevents relocation to find work.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. Workers have complained of being required to work well beyond the normal week, that is 10- to 12-hour days, of abrogations of negotiated labor agreements, and of forced transfers.

Despite a steady decline since the 1998 crisis, the nonpayment of wages continues to be the most widespread abuse of the Labor Code, especially for workers in the education, medicine, and coal sectors. While the overall problem of nonpayment of wages appeared to diminish greatly, total wage arrears at the end of November remained high and equaled over \$1 billion (36.8 billion rubles). While some enterprises still force their employees to take wages in barter, the practice is much less prevalent than in the period before or immediately after the 1998 financial crisis. The International Confederation of Trade Unions (ICFTU) contends that the total bill of wage arrears is now more than \$15 billion.

An increasing number of workers owed back wages seek relief through the court system, but the process is lengthy. Courts often are willing to rule in favor of employees, but the collection of back wages remains difficult. Courts often insist that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insist-

ence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation. It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store.

Labor mobility continues to be a problem. For various reasons, many workers are not able to move to other areas of the country in search of work. Many are constrained economically because their savings were destroyed by the rampant inflation of the early 1990's and the nonpayment of wages. Their freedom to move in search of new employment is limited further by the system of residency permits. Other workers effectively are tied to enterprises that can give them only credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturn the enterprises' decisions to lay off workers who are not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibit the movement of workers. By decriminalizing the nonpayment of wages and by maintaining the system of residency permits, the Government has restricted even further the mobility of labor.

The law establishes minimal conditions for workplace safety and worker health, but these standards often are not enforced. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. Funds remain limited for safety and health in the workplace.

The Labor Code guarantees workers the right to remove themselves from hazardous or life-threatening work situations without endangering their continued employment and entitlements to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions. However, the pressure for survival often displaces concern for safety. There continue to be reported cases of miners removing the supports from mineshafts and selling them for scrap metal. Doctors and nurses have been known to sell health and safety equipment at hospitals to patients' families in order to supplement salaries that often remain below the minimum subsistence level.

The risk of industrial accidents or death for workers remains high, although reliable recent statistics on accident and death rates at the workplace are not available. After repeated requests went unanswered, members of a St. Petersburg local locomotive engineers' union this year sued management to obtain information on health and safety risks associated with their work and measures taken to address these problems. The workers based their case on a federal law that grants employees the right to obtain information on their working conditions and occupational hazards. Hearing of the case has been postponed.

f. Trafficking in Persons.—Trafficking in women and young girls is a problem, but there are no reliable estimates of its scope. There is no special legislation nor has the Government established special task forces on the issue. However, there are several articles of the Criminal Code that relate to trafficking of persons. For example, Article 322, the principal legal statute against trafficking in persons, provides for punishment of up to 5 years' imprisonment for unlawful violation of Russian borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence." Crossing the country's borders without required documentation is punishable by a fine or imprisonment of up to 2 years. Regarding trafficking of women, Article 133 prohibits forcing a person into sexual activity; Article 240 prohibits drawing a person into prostitution by force or threat of force, and Article 241 prohibits the organization and maintenance of a house of prostitution. Prostitution itself is not illegal in the country.

Russia is a country of origin for trafficking in persons, especially in the trafficking of women. However, the authorities often dispute the extent to which trafficking occurs, and who believe that estimates are based on too little information. The difficulty is that law enforcement bodies consider that most of the illegal activity takes place outside its borders and therefore is not within their jurisdiction. The country also serves as a transit and destination country for a large portion of women trafficked from the New Independent States to Western Europe. There are reports that women from Tajikistan are trafficked to Russia. Women reportedly are trafficked to European Union countries, the Middle East, Asia, and the United States. Reportedly women also are trafficked within the country. Women (most often young girls) usually are transferred from provincial areas to Moscow and St. Petersburg.

Due to a continuing lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Re-

liable statistics on the number of women involved are difficult to obtain. NGO's allege that Russian organized crime increasingly is involved in trafficking in women and children, but reliable data are not available. Women often respond to advertisements promising well-paying jobs abroad, where they are forced into prostitution. A comprehensive 2-year study of trafficking in the former Soviet Union, completed in 1997 by the Global Survival Network, an international NGO, remains one of the few sources of information on the scope of this problem. The study concluded that most women who are trafficked are unwitting participants who respond to advertisements while searching for legitimate work. Some government officials and law enforcement agencies acknowledge that a trafficking problem exists. However, the belief that women are aware of the risks involved is still pervasive. According to data from the Ministry of Internal Affairs, more than half of the women engaged in prostitution abroad learned about the nature of their future occupation before leaving the country. NGO's contend that women are more often told they are would be hostesses, exotic dancers, hotel workers, models, etc. They further claim that even those who agreed to be sex workers did not agree to the kinds of working and living conditions to which they were subjected, or to the loss of their documentation and the lack of pay. According to credible reports in the national media, there are significant numbers of foreign workers from countries of the former Soviet Union who are forced to work without pay because their passports are held by firms which brought them into the country.

There are no known specific measures undertaken by law enforcement bodies in order to prevent the export of women for the purpose of sexual exploitation. The criminal persecution of representatives of the "business" usually takes place in connection with cases whose investigation is performed within the framework of cooperation with international law enforcement structures. The Ministry of the Interior believes that the "trafficking in women" problem is the responsibility of the Ministry of Foreign Affairs and Consular Services abroad. However, NGO's charge that exploited women commonly are refused help by Russian consular officials abroad. Women rarely seek the assistance of local authorities nor do they file complaints against the agencies that recruited them once they are back in the country because they often do not trust the law enforcement authorities.

The Government does not provide assistance to trafficking victims. Victims of trafficking can turn to a crisis center or other NGO's that render assistance to women victims of sexual and other kinds of abuse. There are 40 crisis centers and NGO's that render assistance to female victims of sexual and other kinds of abuse.

There are no Government initiatives to return trafficked women. Unless deported by the host country, women must pay their own way home. Some women who return have reportedly told NGO's that they were unable to communicate with local law enforcement in their destination country. Women reported that their documentation was withheld and that without it they were not able to gain assistance from the Russian consulates.

There are also reports of officers "selling" soldiers. The Union of Soldiers' Mothers Committee reported in October that this practice remains widespread, especially in Chechnya. According to the Committee, they received reports that the going rate for a soldier was \$2 (50 rubles). In one egregious case in September, a soldier in Chechnya reportedly was purchased for 10 bottles of vodka (see Section 1.c.).

Law enforcement bodies take the trafficking of children more seriously. There are reports of children being kidnaped or purchased from orphanages for sexual abuse, child pornography, and body parts. There are no statistics available, but law enforcement acknowledge that Internet child pornography is an increasing business. There is also some evidence of trafficking for organs and body parts. In a much publicized case near Moscow, police set up an undercover operation which resulted in the arrest of a grandmother and uncle of an 8 year old boy, who had sold the child for \$90,000 to persons who admitted they wanted the boy for sale of his body parts.

SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council (GGC)) selects two of its members to serve as the Captains Regent (co-Heads of State). They preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State), also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The Government respects the law's provisions for an independent judiciary in practice.

Elected officials effectively control the centralized police organization (the Civil Police) and the two military organizations (the Gendarmerie and the Guardie di Rocca).

The principal economic activities are tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derives revenue from the sale of coins and postage stamps to collectors throughout the world and from an annual budget subsidy provided by the Italian Government under the terms of the Basic Treaty with Italy.

The authorities generally respect citizen's rights in practice; however, although the Parliament and the Government have demonstrated strong commitment to the protection of human rights, some laws discriminate against women, particularly with regard to the transmission of citizenship.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process. The judicial system requires that the country's lower court judges be non-Sammarinese citizens, with the aim of assuring impartiality.

A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (4 replaced every 2 years) from among the members of the GGC.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices. Government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

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

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations. Although it does not formally offer asylum to refugees, the Government has permitted a few individuals to reside and work in the country. The issue of the provision of first asylum did not arise during the year; nor were there any reports of the forced repatriation of refugees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are underrepresented in government and politics, although they face no legal impediments. In 1974 the first female member was elected to the GGC. Since then, women have served on the Council as Secretary of State for Internal Affairs and as Captain Regent. All women's branches of the political parties have been inte-

grated into the mainstream party organizations, where women hold important positions.

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

There are no domestic human rights organizations, although the Government does not impede their formation. The Government has declared itself open to outsiders' investigations of alleged abuses, but there have been no known requests.

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

The law prohibits discrimination based on race, religion, disability, language, or social status, and the authorities respect these provisions. The law also prohibits some forms of discrimination based on sex, but vestiges of legal as well as societal discrimination against women remain.

Women.—The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, are rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice there is no discrimination in pay or working conditions. All careers are open to women, including careers in the military and police as well as the highest public offices.

However, one law discriminates against women by stipulating that a woman who marries a foreigner cannot transmit citizenship to her husband or children, but that a man who marries a foreigner can do so to both his wife and their children. In a September 1999 referendum, the electorate by a very narrow margin failed to confirm a change to the law that was approved by Parliament in June 1999. The proposed law would have provided for the transmission of Sammarinese citizenship by women, but it was narrowly defeated despite support by all political parties.

The September 1999 referendum also failed to confirm a provision that would have revoked the citizenship of women who acquired citizenship through marriage 5 years after a divorce, if they no longer resided in the country. This provision was included in the proposed law after the Government had noted that several Eastern European women recently had married significantly older citizens, presumably with the aim of acquiring citizenship.

Children.—The Government demonstrates its commitment to children's rights and welfare through its well-funded systems of public education and medical care. No differences are apparent in the treatment of girls and boys in education or health care, nor is there any societal pattern of abuse directed against children.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1992 law established guidelines for easier access to public buildings, but its implementation remained incomplete.

Section 6. Worker Rights

a. The Right of Association.—By law all workers (except the armed forces but including the police) are free to form and join unions. A 1961 law sets the conditions for the establishment of a union. Unions may form domestic federations or join international labor federations.

Union members constitute about half of the country's work force (which numbers about 10,300 Sammarinese citizens plus 4,000 Italians from the country's total population of about 25,000 persons).

Trade unions are independent of the Government and the political parties, but they have close informal ties with the parties, which exercise strong influence on them.

Workers in all nonmilitary occupations have the right to strike. No general strikes occurred in at least the last 10 years. However, during this period some brief sector-wide and company strikes took place.

b. The Right to Organize and Bargain Collectively.

The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers. Effective mechanisms exist to resolve complaints. Negotiations are conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. For the last several years, all complaints have been resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor, including by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children, and the Government enforces this prohibition (see Section 6.c.). The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. Most students continue in school until age 18.

e. Acceptable Conditions of Work.—Since January 1, the legal minimum wage has been approximately \$1,100 (2.29 million lira) per month, which affords a decent living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37° hours in industry and private business, with 24

consecutive hours of rest per week for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors them. Most workplaces implement the standards effectively, but there are some exceptions, notably in the construction industry.

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

SLOVAK REPUBLIC

The Slovak Republic became an independent state in 1993, following the dissolution of the Czech and Slovak Federal Republic (CSFR). Its Constitution provides for a multiparty, multiethnic parliamentary democracy, including separation of powers. Prime Minister Mikulas Dzurinda took office after parliamentary elections in the fall of 1998. The first direct presidential elections were held in May 1999. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR). The Slovak Republic chose to carry over the entire body of CSFR domestic legislation and international treaty obligations, which still are being renewed or updated. The Constitution provides for an independent judiciary; however, some experts allege that the Ministry of Justice's logistical and personnel authority allows it to exert some influence on the judicial system.

The national police, which fall under the jurisdiction of the Ministry of Interior, are the primary law enforcement agency. In addition to domestic law enforcement, they also have responsibility for border security. The Slovak Information Service (SIS), an independent organization reporting directly to the Prime Minister, is responsible for all civilian security and intelligence activities. A parliamentary commission composed of legislators from ruling and opposition parties oversees the SIS. Civilian authorities generally maintain effective control of the security forces. Police committed some human rights abuses.

The Slovak Republic continued to make progress in the transition to a market-based economy, with more than 83 percent of the gross domestic product (GDP) now generated by the private sector. The economy is largely industrial, with only 5 percent of the GDP generated by agricultural production. Major exports are iron and steel products, vehicles and automobile parts, audio and video equipment, machinery and transport equipment, petroleum products, and organic chemicals. GDP growth reached 2 percent during the year. The economy's growth is fueled by foreign demand as exports increased by 30 percent in the third quarter of the year. Inflation grew by 12 percent, lower than expected, due to a combination of increases in regulated prices, growing competition on the retail market, and lower than expected domestic demand. Slow growth is largely the result of the failure of the previous government to implement structural reforms, such as financial sector privatization and industrial restructuring. The GDP per capita was \$3,569 during the year. This provided most of the population with an adequate standard of living. The unemployment rate was 18.8 percent at year's end, reaching almost 30 percent in some areas. A disproportionate number of unemployed are Roma, who face exceptional difficulties in finding and holding jobs, partly as a result of discrimination. According to the law, social benefits of those unemployed over 2 years were cut in half. Savings have been transferred to municipalities to pay for community service jobs. More than 64,000 jobs have been created to date, of which over half have gone to the Roma minority.

The Government generally respected the human rights of its citizens, and the human rights situation improved during the year; however, problems remained in some areas. Police on occasion allegedly beat and abused Roma. Although the practice under the former government of using the SIS to conduct surveillance of many political figures, journalists, and their spouses nearly has been eliminated, there

were allegations in October that this surveillance continues on both opposition and government politicians. The absence of government intimidation removed the pressure on journalists to practice self-censorship. Media monitors report that government politicization of the state-owned electronic media nearly has been eliminated; and although the potential for political interference with Slovak Television (STV) and Slovak Radio (SRO) exists because they are reliant on government funds, no threats of retaliation for negative reporting of government actions were reported. On May 17, the Parliament approved a Freedom of Information Act, which grants citizens access to virtually all unclassified information from national and local government offices. Discrimination and violence against women remain problems. Cases of abuse of children and discrimination against the disabled were reported. Ethnic minorities, in particular Roma, faced societal discrimination. The frequency of skin-head attacks on Roma appeared to remain the same during the year. Police sometimes failed to provide adequate protection against these attacks or to investigate such cases vigorously. Some anti-Semitic incidents occurred, and limited societal discrimination against the Hungarian minority persists, mainly in regions where only small numbers of the ethnic Hungarian minority reside. There were instances of trafficking in women and girls.

During the year, the Government initiated investigations into some serious crimes. In 1999 the Government created the position of special government commissioner for Roma issues in the Office of Deputy Prime Minister for Human Rights and Minorities. However, the Government still has not fulfilled the United Nations (UN) recommendation to create a national committee for human rights and a human rights ombudsman. The government Office for Human Rights and National Minorities established an ad hoc working group in June to examine existing anti-discrimination legislation. The group completed an in-depth analysis of the legislation in December and found that although anti-discrimination provisions in the Penal Code are sufficient, improvements in the Civil Code and more effective implementation of all legislation are needed. The cabinet approved an action plan to prevent all forms of discrimination and intolerance.

RESPECT FOR HUMAN RIGHTS

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

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

However, former Prime Minister Meciar's party, the Movement for a Democratic Slovakia (HZDS), alleges that the January 1999 killing of Jan Ducky, the former Economy Minister under the Meciar Government and head of the national gas distribution monopoly, was the result of a political vendetta. Ducky was killed in the lobby of his apartment building a week after the authorities filed charges against him for financial mismanagement and illegal property transfers while at the gas monopoly. Interior Minister Ladislav Pittner publicly speculated that Ducky might have been killed to prevent his testimony. In November the Bratislava district court ruled to halt the criminal prosecution of Ukrainian citizen Oleg T. due to lack of incriminating evidence, although the appeals court has not yet confirmed this decision. The investigation into the murder of Ducky continued at year's end.

The August 1999 case of a police officer allegedly shooting a 21-year-old Rom during interrogation is still under investigation, and the police officer involved was dismissed this year for violating the law by interrogating the Rom alone when he had access to a gun. The Government has appointed independent investigators to examine the case further; the investigation continued at year's end.

There was no progress during the year in the on-going investigation of the 1996 death of Robert Remias. There has been widespread press speculation that elements of the security services under the Meciar administration were involved in his death.

In November 1999, Minister of Justice Jan Carnogursky established a department for the documentation of crimes committed by the communist regime. The commission provides legal advice regarding restitution and rehabilitation after imprisonment or persecution during the communist regime. The commission responded to approximately 250 requests during the year. The commission also prepared draft legislation to assist victims of the communist regime.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, both national and city police on occasion allegedly beat suspects in custody. Police reportedly use pressure and threats to discourage Roma from pressing charges of police brutality (see Section 1.e.). Credible sources say that the police sometimes tolerate violence against Roma by not thoroughly investigating attacks against them in a timely and thorough man-

ner or by coercing Roma to refrain from submitting incriminating evidence (see Sections 1.e. and 5.). Some police also infringe on the rights of Roma to social benefits and housing (see Section 2.d.). In 1998 and 1999, Roma in the town of Vrable lodged complaints against local law enforcement officer Roman Frajka for allegedly attacking teenage Romani boys. The Ministry of Interior investigated the case and found Frajka not guilty. The case was closed and no official charges or further complaints were registered against him this year.

Residents of African and Asian origin continued to complain that police fail to investigate skinhead attacks against them.

The 1995 case of the violent abduction of the former president's son, Michal Kovac, Jr. to Austria, during which he was tortured, remains unsolved. The Government actively reinvestigated the case in which former SIS personnel are alleged to be implicated. Interior Minister Pittner released a report in January 1999 attesting to the SIS's influence over the Ministry of Interior under Meciar, especially over the investigative and criminal police sections. In February 1999, the police arrested two former high-ranking officers of the SIS. The Constitutional Court concluded that amnesties granted to Gustav Krajci and a second official involved in the case, Jaroslav Svechota, by former Prime Minister Meciar shielded them from prosecution. Police closed their investigation in April. Twelve persons, most of whom were formerly members of the SIS, were charged. Former SIS head Ivan Lexa was the primary person accused.

In April 1999, the Parliament lifted the immunity of former SIS head Ivan Lexa in five of the seven criminal cases in which he allegedly was implicated. Subsequently he was placed in preliminary detention; however, he was released later on the decision of a regional court due to insufficient evidence. On September 4, the Bratislava district court issued an international warrant for the arrest of Lexa, who allegedly had fled the country. Lexa faces several charges, including abuse of power, fraud, and money laundering. Following the issuance of the international arrest warrant, Slovak police applied for Interpol's help in finding and detaining him. Lexa's attorneys have charged that the Government's continued pursuit of their client is unfair persecution since they argue that he cannot be prosecuted because of Meciar's amnesties. However, the Government's investigation into Lexa's involvement in crimes for which he had not received amnesty continues.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government observes these prohibitions.

A person accused or suspected of a crime must be given a hearing within 24 hours and be either set free or remanded by the court. During this time, the detainee has the right to an attorney. If remanded by a court, the accused is entitled to an additional hearing within 24 hours, at which time the judge either sets the accused free or issues a substantive written order placing the accused in custody. Some critics argue that the initial 24-hour detainment period, during which time investigators must gather all evidence, which can be submitted, to the prosecutor, is not sufficient and occasionally results in the release of guilty suspects. A Ministry of Justice judicial reform committee recommended lengthening the initial detainment period to 72 hours.

In April Special Forces broke into the residence of former Prime Minister Vladimir Meciar, and detained and transported him to Bratislava to question him concerning his alleged misuse of authority as a public official. His supporters called the action an excessive use of force and an illegal and politically motivated indictment. Police defended the action and stated that it was in accordance with the law.

Investigative detention may last 18 to 40 days, with further pretrial detention permitted. The total length of pretrial detention may not exceed 1 year, unless the Supreme Court extends it, after determining that the person constitutes a serious danger to society.

Pretrial detainees constituted roughly 26.7 percent of the total prison population, and the average pretrial detention period was 7.2 months. The law allows family visits and provides for a court-paid attorney if needed. A system of bail exists. Non-citizens may be held for up to 30 days for identification purposes or for 18 to 40 days in investigative detention. Detainees have the right to see an attorney immediately and should be notified of this right; however, one nongovernmental organization (NGO) reports that not all detainees are notified of their rights.

The law allows monthly family visits upon request and receipt by detainees of a package of up to 10 pounds every 2 weeks. Attorney visits are allowed as frequently as necessary, and consular visits are allowed upon request by the judge.

The Constitution prohibits exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, some critics allege that the dependence of judges upon the Ministry of Justice for logistical support, the granting of leave requests, and other services undermines their independent status. Also, the Ministry of Justice can demote presidents and vice presidents of the courts for any reason, although they remain judges, and it has done so. Although not specified in legislation, in practice the Judicial Council, an independent organization of lawyers and judges, recommends nominations for presidents of courts, and the Minister of Justice then officially nominates the recommended judge. The Ministry has denied nomination of only one of the council's recommendations. This practice increases the independence of the judicial branch.

The court system consists of local and regional courts, with the Supreme Court as the highest court of appeal except for on constitutional questions. There is a separate Constitutional Court—with no ties to the Ministry of Justice—that considers constitutional issues. In addition there is a separate military court system, the decisions of which may be appealed to the Supreme Court and the Constitutional Court. Under the Constitution, the President appoints Constitutional Court judges to 7-year terms based upon parliamentary nominations. Parliament elects other judges, based on recommendations from the Ministry of Justice, and can remove them for misconduct.

Many activists make credible allegations that some judges are corrupt and that adequate safeguards against corruption do not exist.

Persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. Defendants enjoy a presumption of innocence. Defendants also have the right to refuse to make self-incriminating statements, and they may appeal any judgment against them.

According to existing legislation, suspects are presumed innocent during the appeal process, and if that process lasts more than 3 years, the suspect will be released. Critics say that this rule occasionally results in the release of dangerous criminals.

Human rights monitors continued to charge that police and investigators are reluctant to take the testimony of witnesses, particularly Roma, to skinhead attacks on Roma, and police on occasion have failed to investigate cases of skinhead violence when the skinhead did not admit the crime (see Sections 1.c. and 5). Some NGO's have defended the police, contending that the real fault lies in the legislation, which states that only evidence that is collected by the investigator in the 24-hour detention period can be considered in the decision on whether to hold the suspect. Furthermore human rights monitors reported that police used the device of countercharges or threats of countercharges to pressure Roma victims of police brutality to drop their complaints. They also reported that medical doctors and investigators cooperated with police by refusing to describe accurately the injuries involved, and that lawyers often were reluctant to represent Roma in such situations, for fear that this would have a negative effect on their law practice.

Credible sources say that it is increasingly difficult for citizens who are disadvantaged economically to obtain noncriminal legal representation, and therefore it is becoming more difficult for some who may have had their rights infringed upon to take further legal action. The Ministry of Justice has initiated a program in which free legal advice is offered in seven cities every Wednesday for 5 hours. However, a legal NGO claimed that a more systematic approach is necessary. The practice of Chamber of Advocates leadership encouraging their membership to avoid indigent cases has been eliminated. The Slovak bar association currently is preparing a program to encourage lawyers to accept pro-bono cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for these rights, but the authorities sometimes infringed upon them. The Criminal Code requires police to obtain a judicial search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, or if there is some other important reason. Police must present the warrant before conducting the house search or within 24 hours after the search.

Some Roma activists have alleged that local police detachments on occasion have entered Roma premises without a search warrant.

The 1993 police law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted on the order of a judge or prosecutor only in cases of extraordinarily serious premeditated crimes or crimes involving international treaty obligations. There were allegations in October that SIS sur-

veillance continued on both opposition and government politicians (see Section 2.a). Unlike during the previous year, there were no known reports of alleged government surveillance of Roma.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The print media are free and uncensored. Individuals report that they feel able to criticize the Government without fear of reprisal. However, there were many allegations in October that this surveillance continues on both opposition and government politicians (see Section 1.f.).

Newspapers and magazines regularly publish a wide range of opinions and news articles. The politicization of state-owned broadcast media, which was a significant problem under the previous Government, no longer is evident. There were no reported cases of journalists being intimidated or threatened in attempts to influence their reporting during the year.

The potential for political interference exists because STV and SRO are reliant on government funds; there have been no reports of such interference this year. However, STV and SRO officials assert that government officials do not threaten retaliation if they do not report the news to the Government's liking.

In one case the Government used libel laws to suppress criticism of political or other leaders, and some human rights activists have criticized the section of the Penal Code that prohibits the defamation of the republic. The Government does not use tax laws or allocations of newsprint or advertising revenue to suppress criticism of political and other leaders or the expression of viewpoints not favored by the Government.

On February 16, former HZDS Member of Parliament (M.P.) Frantisek Gauleider rescinded his complaint to the European Court for Human Rights in Strasbourg against the Slovak Republic for his 1996 expulsion from Parliament, after the Government agreed to a conciliation agreement and financial compensation.

On March 23, the editor-in-chief of the extreme nationalist weekly *Zmena*, Vladimir Mohorita, was found guilty of defaming the Government in an article in which he used inflammatory rhetoric to criticize the Government for its decision to open its airspace to NATO flights during the Kosovo crisis. Mohorita called the decision a "shameful and fratricidal act," denounced the Cabinet as a "government of mass murderers," and attacked the "crazy Satanists from the United States." He received a 4-month suspended sentence with 2 years probation. The law under which he was charged, Article 102 of the Penal Code, had been passed under the Government of former Prime Minister Vladimir Meciar.

On May 17, the Parliament approved a Freedom of Information Act, effective January 1, 2001, which grants citizens access to virtually all unclassified information from national and local government offices.

None of the 26 journalists fired from the STV in 1999 have pursued legal action or received legal relief.

Three boards appointed by a majority vote of Parliament supervise radio and television broadcasting. The Slovak Television Council and the Slovak Radio Council establish broadcasting policy for state-owned television and radio. The Slovak Council for Radio and Television Broadcasting issues broadcast licenses and administers advertising laws and some other regulations. The Radio and Television Council has made significant progress in fostering the spread of private broadcasting, for which it has issued 27 radio and 78 television and cable television licenses. TV Markiza, a private company with a signal covering two-thirds of the country, is the most watched station.

The Government does not censor books, films, or plays; it also does not limit access to the Internet.

Money has been reallocated to minority groups for the publication of minority language newspapers. However, the media monitoring organization Memo said that from April until June, Slovak media devoted only one percent of their combined airtime to minority issues. In addition Roma received no positive coverage, and the Czech, Ukrainian, and Ruthenian minorities received no coverage.

The law provides for academic freedom. Unlike the previous government, the current Government neither intervenes in the administration and funding of institutions of higher education, nor approves all professors' appointments. Many of the school administrators who were appointed based solely upon political favoritism during the previous regime have been replaced. The practice of diverting money from the older, then pro-opposition, universities largely has been reversed. In April the Parliament passed legislation establishing a private Catholic university in the town of Ruzomberok, which officially opened in September. It received a state subsidy of

\$200,000, which constitutes 70 percent of the school's budget. The use of bribery by some students to increase their chances for acceptance into some more prestigious faculties is believed widely to result in unequal access for economically disadvantaged students.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Registration is not required, but under existing law, only registered churches and religious organizations have the explicit right to conduct public worship services and other activities. However, in practice no specific religions are banned or discouraged by the authorities. In order to register as a church, a religious organization must collect the signatures of 20,000 persons with long-term residency in the country. Some experts argue that the requirement to collect 20,000 signatures is too stringent and unfairly limits the registration of smaller churches. The State provides financial benefits, including subsidies for clergy and office expenses, only to the 15 registered churches and religious organizations.

In February 1999, police arrested two former high officials in the SIS for involvement in the 1995 effort to discredit the chairman of the Slovak Bishops Conference. Allegedly the SIS framed the Bishop for selling religious art for personal gain. If convicted, former Chief of the SIS Counterintelligence Unit Jaroslav Svehota and Deputy Director of the Surveillance Unit Robert Beno would face sentences of between 5 and 12 years in jail. SIS involvement in the case was proven, and property was returned; however, the court had not made any rulings regarding Svehota or Beno by year's end.

By law churches and religious organizations could apply for the return of their property that had been confiscated by the communist government; the deadline for these claims was December 31, 1994. The property was returned by the State, by municipalities, by state legal entities, and under certain conditions by private persons. The main obstacles to the resolution of outstanding restitution claims are the Government's lack of financial resources, and bureaucratic resistance on the part of those entities required to vacate restitutable properties. While the Orthodox Church reported that six of the seven properties on which it had filed claims already had been returned, the Catholic Church and the Federation of Jewish Communities (FJC) reported lower rates of success. The FJC is dissatisfied with the Government's failure to discuss compensation for property that belonged to Jewish families who no longer have living heirs.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local police officers refused to give a registration stamp to Romani citizens, which prevents them from receiving social benefits and housing.

The law includes provisions for granting refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, 1,556 persons applied for asylum. Of these cases and cases held over from previous years, none were granted citizenship, 10 were accepted as refugees, 123 claims were rejected, 1,366 persons terminated their cases, and 400 cases were pending at year's end.

On April 19, Parliament amended the law on refugees to no longer require asylum seekers to register at the migration office within 24 hours of entering the country.

There were no reports of the forced expulsion of those having a valid claim to refugee status; however, some refugee claimants had difficulty in gaining access to initial processing.

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

Citizens have the constitutional right to change their government through the periodic free election of their national representatives. All citizens over the age of 18 are eligible to vote, and voting is by secret ballot. The Constitution reserves certain powers to the President as Chief of State (directly elected by the citizens), but executive power rests with the Prime Minister. Legislative power is vested in the National Council of the Slovak Republic (Parliament).

On August 31, charges against former Minister of Interior, Gustav Krajci, for abuse of power and forgery of ballots in the 1997 referendum on direct presidential elections were dropped. As deputy chairman of the central election commission,

Krajci allegedly deleted from the referendum ballot the question on holding direct elections for president and marked the new ballot with the commission's official stamp, without notifying the commission of the change. Legal proceedings were halted because of a Constitutional Court ruling that Krajci was covered by an amnesty issued by former Prime Minister Meciar while the latter was temporarily exercising presidential authority.

Women are underrepresented in government and politics. There are 2 female ministers, 1 of the 9 Constitutional Court judges appointed in November 1999 is a woman, and women hold 21 seats in the 150-member Parliament. In the last parliamentary elections, only 273 of the 1,618 candidates (17 percent) were women.

The large ethnic Hungarian minority, whose coalition gained 15 seats in Parliament in the September 1998 elections, is well represented in Parliament and the Government. One ethnic Hungarian sits on the Constitutional Court. Roma are not represented in Parliament, but a Rom holds the position of Government Commissioner for Roma Issues.

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

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. A 1996 law requiring NGO's and foundations to reregister and have substantial financial resources in order to operate, eliminated some foundations, primarily dormant groups. However, no organization was denied registration or faced any other major problem in continuing to operate. Some NGO leaders continued to allege that the current Government at times is unresponsive to their requests.

Roma calls for Deputy Prime Minister Csaky's resignation had little effect. The Roma community appeared more satisfied with the performance of his office during the year; however, there has been an increase in dissatisfaction among Roma with the performance of the Government's commissioner for Roma Issues, Vincent Danihel. The Roma community has called for Danihel's resignation to little effect.

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

The law prohibits discrimination and provides for the equality of all citizens. However, enforcement is uneven, with different minority groups reporting that their members often receive no government assistance with complaints about discrimination. Health care, education, retirement benefits, and other social services are provided regardless of race, sex, religion, disability, language, or social status; however, there were credible reports by human rights monitors that indicate that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Deputy Prime Minister Csaky's office appointed a commission in May to examine existing anti-discrimination legislation and determine whether additional legislation is necessary. The committee completed its assignment in December. The result of the committee's findings indicate that the Penal Code sufficiently addresses anti-discrimination concerns, but both improved legislation protecting civil rights and better implementation of the legislation is needed.

Women.—Violence, particularly sexual violence against women, remains a serious and underreported problem. According to Ministry of Interior statistics, both domestic and public violence against women has been increasing: 1,000 cases of public violence were registered in 1997, compared with 276 in 1985. Domestic violence in 1997 included 2,656 cases, compared with 1,874 in 1995 when statistics first were kept. Further police statistics indicate that from 1995 to 1997, 69.8 percent of all violent crimes occurred at home, with 90 percent of the victims being women or children. One NGO's regional research showed that 38 to 40 percent of women were victims of domestic violence. A national poll from this year indicated that as many as one in five women are subjected to some form of physical violence in the home, and that 70 percent of all violence against women occurs in the home. Police estimate that two-thirds of female rape victims fail to report their cases. Police treat spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses; sections in the criminal code specifically address rape, sexual abuse, and trafficking in women.

Legislation has not yet recognized and defined the term domestic violence. There is one consulting center for abused women in the country. There is no shelter for battered women without children, but there are three family shelters for victims of child and spousal abuse. In the view of some NGO's, the lack of relevant data on

domestic violence is used by police authorities to downplay the extent of domestic violence.

Many activists argue that existing legislation does not specifically address domestic violence and fails to protect victims sufficiently, but noted that the Government adopted a law that addresses specifically abuse of family members. As a result of amendments to the criminal code that took effect in 1994, prostitution is not illegal. However, the code prohibits activities related to prostitution, such as renting apartments for conducting prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. Trafficking in women is a problem, and the Government views it with concern (see Section 6.f.).

Women are equal under the law. They have the same property, inheritance, and other legal rights as men. However, discrimination against women remained a problem. According to sociological studies, women receive approximately 85 percent of men's wages for similar work. However, the definition of similar work is not defined precisely. For example, women may have fewer years' experience on the job due to time spent out of the work force raising a family. Women earn, on average, 22 percent less than men.

In December 1997, the Gender Center for Equal Treatment of Men and Women was founded. The Center is an independent NGO that cooperates with the U.N. Development Program and the Government. The Government's Coordinating Committee for Women's Affairs (including NGO's) has done little to implement the 1997 national action plan meant to reduce violence against women, protect women's health, and reduce women's economic disadvantages.

Children.—The Government demonstrates its commitment to children's rights and welfare through its system of public education and medical care. The Ministry of Labor oversees implementation of the Government's programs for children. The Constitution, the law on education, the Labor Code, and the system of assistance payments to families with children each address in part the issue of children's rights. Education is universal, free, and compulsory for 9 years, or until the age of 15.

Abuse of children remains a problem and is underreported. Experts from various state institutions dealing with child abuse claim that there are significant discrepancies between official figures on child violence and the actual situation. A 1999 survey of over 7,000 children conducted by an NGO offering resources to abused children indicated that 12 percent of children are victims of sexual abuse, while 20 percent are victims of physical abuse. According to available police statistics, child beating and sexual abuse are on the rise. In 1997 there were 1,083 reported cases of crimes against children. Among the most frequent crimes committed against children were: Nonpayment of child support, sexual violence, and beatings. In the past 10 years, only 127 cases of abused children were reported officially, while the actual number is likely 20 to 30 times greater. According to independent research, 25 percent of all children are punished physically on a regular basis. The lack of legislation protecting children in state institutions presents a problem.

Youth criminality has increased as well. In 1990 children under the age of 15 reportedly committed 226 crimes; in 2000 this number rose to 4,159. Juveniles (15 to 18 years of age) committed 5,565 crimes during the year. Child prostitution is not addressed specifically in the Criminal Code, but is covered by more general provisions in the law. The Penal Code was amended in September 1999 to include a provision outlawing child pornography.

The U.N. Children's Fund (UNICEF), several NGO's, and other institutions dealing with children's issues have called for amendments to the law on families, particularly the part on relations between parents and children. Although new departments dealing specifically with children's issues have been established in the Ministries of Education and Social Affairs, the Government has not yet created an ombudsman's office to defend children's rights, as UNICEF recommended in 1999. In June the Ministry of Social Affairs established a Commission on the Rights of the Child. The Commission provides information to children regarding their rights and performs the duties traditionally fulfilled by an ombudsman. There are two regional emergency hot line numbers for abused children and one counseling help line.

Existing legislation appears to place emphasis on parents' rights over children's rights. Current legislation allows parents to place their child in a state-run institution for abandoned children, and as long as contact is maintained once every 6 months, the child remains in the custody of the parents and cannot be adopted. NGO leaders claim that existing legislation protects aggressors before victims. If a husband or wife is guilty of child and/or spousal abuse, it is often the victim who is forced to leave the family home. However, legislation was amended in 1999 to allow children who are victims of physical or sexual abuse to seek assistance and treatment, without parental consent.

Trafficking of girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

People with Disabilities.—The Constitution and implementing legislation provide for health protection and special working conditions for mentally and physically disabled persons, including special protection in employment relations and special assistance in training. A 1994 decree provides incentives to employers who create a “sheltered” workplace (i.e., a certain percentage of jobs set aside for the disabled). The law also prohibits discrimination against physically disabled individuals in employment, education, and the provision of other state services. Nevertheless, experts report discrimination in the accessibility of premises and access to education (especially higher education), and in 1998 the quotas for mandatory hiring of disabled citizens were lowered in accordance with employers’ wishes. Although not required specifically by law, another 1994 Government decree mandates accessibility for new public building construction. The decree provides for sanctions but lacks a mechanism to enforce them. A spokeswoman for an NGO dealing with the disabled said that due to pressure from a number of NGO’s and the willingness of the Dzurinda Government, accessibility has been improving, particularly regarding new construction; however, many barriers remain. NGO’s complained that other legislation, including the provision of jobs for the disabled, while on the books, often is ignored.

Religious Minorities.—Despite an order by former Prime Minister Meciar to withdraw a controversial history book entitled the “History of the Slovak Republic and the Slovaks” by Milan Durica, it remains available in schools. The book has been criticized widely by religious groups and the Slovak Academy of Sciences for gross inaccuracies and distortions, particularly in its portrayal of wartime Slovakia and the deportation of Jews and Roma.

In March the city council of the town of Zilina announced its decision to install a plaque honoring the Nazi-collaborationist and wartime Slovak President, Jozef Tiso, on the city’s Catholic community center. High-level politicians including President Rudolf Schuster and Prime Minister Mikulas Dzurinda publicly condemned the proposal. The council eventually reversed its decision.

On May 18, the Government sponsored a national conference on racism, xenophobia, anti-Semitism, and intolerance. At the conference the President announced that he would dedicate September 10 as a memorial day to victims of the Holocaust; the event took place as announced.

In September the Government approved an agreement between the Vatican and the Republic. In February the Ministry of Education and the Institute of Judaism undertook a joint educational project on Jewish history and culture that is targeted to elementary and high school teachers of history, civic education, and ethics. This project is intended to assist in educating the public about Jewish themes and increase tolerance toward minorities. The Government currently is seeking to obtain membership in the task force for international cooperation on Holocaust education, remembrance, and research.

In July 1999, the FJC in the Slovak Republic expressed its concern over the desecration of the monument to Holocaust victims located in the old city in Bratislava. Investigation into the case revealed that it was one of pure vandalism; no connection to racism was found.

In November 1999, Parliament passed legislation compensating Slovak citizens who were deported to German-controlled concentration camps during World War II on the basis of their nationality, race, or religion. For each month of deportation, those eligible are to receive a cash sum of \$75 (SK 3,000), plus a \$.75 (SK 30) addition to their monthly pension. Direct heirs of deceased victims, who at the time of deportation were minors, are entitled to a lump sum of up to approximately \$2,500 (SK 100,000). The legislation disqualifies the nearly 700 Slovak Jewish survivors from southern Slovakia, which was under Hungarian control during World War II, because they received compensation from the Hungarian Government.

In May 1998, the Supreme Court upheld a prior verdict that the publisher of Zmena weekly had to publish an apology to the honorary chairman of the FJC for abusing his person and offending his religious feelings. The apology still was not published by year’s end.

National/Racial/Ethnic Minorities.—The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decisionmaking in matters affecting them. The Government continued to provide funding for cultural, educational, broadcasting, and publishing activities for the major ethnic minorities, but at greatly reduced levels. However, there is no comprehensive law against discrimination.

The largest minority is the ethnic Hungarian minority. It is concentrated primarily in the southern part of the country, with a population registered at 568,714 at the end of 1999 (150,000 of whom are thought to be Roma who speak Hungarian

and choose to declare themselves as ethnic Hungarian). Most ethnic Hungarians and ethnic Slovaks living in mixed areas continued to coexist peacefully, but in recent years there have been occasional expressions of anti-Hungarian sentiments by Slovak nationalists. In 1998 the Slovak Government and the Government of Hungary signed an implementation agreement for their 1996 bilateral treaty, which called for the establishment of commissions to deal with the treatment of ethnic minorities. The commissions were established in February 1999.

A 1999 minority language law provides for the use of minority languages in official activities. According to the law, in places where a minority group constitutes at least 20 percent of the population, the minority language can be used in contacts with government officials. The law was deemed acceptable by the OSCE High Commissioner on National Minorities and the European Union. However, all members of the Hungarian coalition voted against the law because they felt that it did not ensure that the provisions in the new law would take precedence over the existing state language law. The Hungarian minority felt that a more comprehensive law was necessary, and that this law did not protect the use of Hungarian in cultural and educational activities. The Cabinet held numerous negotiations regarding the European Charter on Minority Languages, in an attempt to reach a solution acceptable to all government parties.

The special parliamentary advisory committee for Roma issues that was created in February 1999 met only twice this year.

In January 1999, Parliament amended three laws to permit bilingual record-keeping at schools with Hungarian or other minority language instruction. As a result of these changes, the Ministry of Education ordered report cards in both Hungarian/Slovak and Ukrainian/Slovak versions.

Roma constitute the second largest ethnic minority, estimated by experts to number up to 500,000 citizens, although the Government officially reported 83,988 Roma in the country. Police on occasion beat Roma, and in a 1999 case allegedly shot a Roma during questioning at the police station (see Sections 1.a. and 1.c.). They suffer disproportionately from high levels of poverty and unemployment. Credible reports by human rights monitors indicated that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Discrimination is most severe in the eastern part of the country, where unemployment is higher and the Romani population is larger. Among Roma living in settlements in the east, the unemployment rate is nearly 100 percent. In urban areas in the east, incidents of Roma being denied admission to certain hotels, restaurants, and swimming facilities are widely reported. According to the Office for Protection of Legal Rights (KPO), Roma are often segregated in hospitals, particularly in maternity wards, and some say Roma receive inferior care. The Ministry of Health promised in July to investigate the claim and to ensure that all citizens receive equal care and that wards are not segregated; the Ministry was continuing its investigation at year's end. The practice of unemployment offices identifying Roma in their records by placing an "R" next to their name in the register was eliminated by order from the National Labor Bureau. Romani children disproportionately are placed in special schools for the mentally retarded in many cases due to their insufficient knowledge of the Slovak language.

In August 1999, the Government increased the budget for the office of Special Government Commissioner for Roma Issues Vincent Danihel. The office's budget totaled \$667,000 (SK 30 million) in 2000; it funded 102 Roma projects. It also allocated about \$375,000 (SK approximately 15 million) for special projects aimed at improving the situation of Roma, including "Headstart" programs for Roma in 10 schools; training for Roma and non-Roma mayors, local government officials, and police officers; publication of two Romani textbooks in Slovak, Hungarian, and the Romani language; public television programs to educate the public about the Romani minority; support for the Kosice Roma secondary art school; and support for regional Roma cultural centers, social advisory bodies, and health care programs.

In September 1999, the Cabinet approved a new program, "the Strategy of the Slovak Republic for the Solution of the Problems of the Roma Minority," for addressing issues of the Romani minority. While many Romani leaders and experts on Roma issues believe that the strategy is a positive step, they also criticized it for lacking specific proposals, being formulated with limited input from Roma, and not allocating sufficient resources. On April 7, the Cabinet approved an additional \$241,000 (approximately SK 10.5 million) for 56 assistance projects aimed at improving infrastructure and housing in Roma settlements.

During the year, approximately 3,387 Slovak citizens applied for asylum in Western European countries, mainly Belgium, the Czech Republic, Finland, Netherlands, and Norway, of which only 9 cases have been adjudicated successfully. Many human rights organizations claim that these asylum seekers migrate in order to receive the

generous benefits to pay back incurred debt from high interest loans they have received from moneylenders. Allegedly the moneylenders organize these trips for the Romani families.

Illegal high interest moneylending to economically disadvantaged Roma occurs frequently and occasionally results in Roma losing all possessions including housing. The Government has not developed a concrete strategy to deal with this problem.

On August 4, SNS M.P. Vitazolslv Moric proposed setting up reservations for Slovak Roma who refuse to assimilate into society. He further said, "It is clear that many mentally retarded people are born into Romani communities, why should the State allow a moron to create another moron and thus raise the percentage of morons in our nation?" In response to his statements, the Slovak Romani initiative (RIS) filed a suit with the general prosecutor against Moric. On September 22, Parliament voted to lift his parliamentary immunity, thus allowing criminal prosecution on the grounds of instigating racial hatred.

Skinhead violence against Roma was a serious problem, and human rights monitors reported that police remain reluctant to take action. Occasionally police also infringed on Roma rights to social benefits and housing (see Sections 1.c. and 2.d.). Attacks against Roma continued at 1999 levels, however; these cases received increased media attention. The authorities sometimes tolerate such attacks. In May 1999, a Banska Bystrica court ruled that a crime that was committed by a skinhead against a Rom could not be racially motivated since they are of the same race.

On April 28, the Banska Bystrica district court issued a guilty verdict for the crime of bodily harm with a racial motive. The court found a skinhead guilty of racially motivated damage to health and sentenced him to 2 years in prison plus 3 years' probation for his 1996 verbal and physical abuse against a Rom. Lawyer Jan Hrubala claimed that this was the first time authorities had applied "racially motivated crimes" provisions of the Penal Code to an assault case.

Roma citizens have established their own police patrols in the largely Roma-populated Kosice suburb, Lunik IX, because of the alleged inability of local police to protect effectively the area. The unit was established and funded by the local self-government with assistance from the Society for Personal Safety of the Slovak Republic and has been successful in patrolling the area.

Members of Zebra, an organization representing interracial marriages, said that citizens of racially mixed background are denied equal access to opportunity. Further, they claim that skinhead violence has increased, and that police fail to protect adequately citizens from this violence.

Skinheads reportedly continued distributing racist materials to the mailboxes of Romani families in Kosice, Trebisov, and Plavecky Strvtok.

An international poll released in September indicated that 79 percent of Slovaks have a negative view of Roma, 46 percent believe that too many non-Slovaks reside in the Slovak Republic, and only 54 percent believe that Roma should have the same rights as Slovaks.

On January 7, skinheads beat an African American citizen. The victim sought medical treatment for a contusion in his head. The case was still pending at year's end.

On January 29, five skinheads attacked a black man in Bratislava and called him a black pig. The suspects were arrested but a racially-motivated verdict was not applied.

On February 17, eight male teenagers attacked two Japanese tourists in Bratislava. According to a police spokesperson, they were not seriously injured. The tourists apparently left the country after lodging a complaint with the police.

In March two Roma from the eastern town of Michalovce voluntarily came to the police station for questioning. They were allegedly beaten by some police officers. The victims suffered several injuries including broken legs, hands, and ribs. When questioned about the incident, the police first claimed the action was justified but later admitted that it was unwarranted. Both policemen involved in the case were subsequently dismissed from active duty.

On March 11, approximately 20 supporters of the skinhead movement attacked 2 Brazilians and 2 Angolans in Bratislava. One of the victims escaped, but the skinheads beat the remaining three with baseball bats while shouting racist slogans. The case was still pending at year's end.

On March 27, 10 skinheads verbally abused an Afro-Slovak family with 3 small children, one of whom was disabled. When the family got into their car, the skinheads started to hit it with baseball bats. The family went to the police, who informed them that charges could not be filed because no one was injured.

On June 18, three Afghan men were attacked during a benefit concert for refugees organized by the UNHCR. All three victims were treated for injuries while one was hospitalized suffering from a concussion. The UNHCR spokesperson expressed dis-

appointment over police reaction to the attack, claiming that “the officers just stood by for 2 or 3 minutes while the beatings took place.”

On July 21, a group of 50 Roma armed with machetes, knives, axes, and iron rods allegedly forced a moving car to stop and attacked one of its occupants. The 21-year-old non-Roma victim is expected to spend up to 6 months in the hospital to recover. Police are investigating the motive for the attack.

Anastazia Balazova, Roma mother of eight, died of injuries from a beating by unknown assailants in her Zilina home on August 20. On September 23, Zilina regional police placed two suspects in custody and confirmed that the attack was racially motivated. Three suspects are currently imprisoned, one of whom is a Rom. The investigation continued at year’s end; no conclusion had been made regarding whether or not the crime was racially motivated.

On August 30, Rom Jan Sudman was shot and injured in his hand by a pellet gun while doing clean-up work in the public works program. The case is currently under investigation. Allegedly other Roma participating in the public works program have also been attacked by skinheads, and citizens are deliberately throwing litter out their windows in response to their participation.

There was no progress during the year in a number of 1999 cases of violence against Roma. Many cases of skinhead violence that occurred in 1999 were dropped due to lack of witnesses.

During the most recent census (1991), 14,000 citizens registered themselves as Ukrainians, and 17,000 registered themselves as Ruthenians. However, the statistical office does not differentiate between Ruthenian and Ukrainian; it records 32,747 persons in the Ruthenian/Ukrainian ethnic group. The current Government also considers the Ruthenian and Ukrainian minorities as a single group. However, about 50,000 persons listed Ruthenian as their native language in the 1991 census. Ruthenians disagree that they are Ukrainians, and that their language is only a Ukrainian dialect. In September 1998, Slovak State Radio started broadcasting a long-promised daily regional program for the Ruthenian minority in Presov. However, after the 1998 parliamentary elections, this broadcasting was discontinued, and the broadcast is now in Ukrainian. There is a television broadcast in Ruthenian on STV, which is aired once every 2 months. In addition the Ruthenian minority receives state funding to publish a biweekly newspaper in Ukrainian. A representative of the Ruthenian Revival Organization stated that Ruthenian language instruction is provided in two schools in the northeast. There is an institute for minority languages at Presov University in the northeast. Two instructors at the Institute teach Ruthenian culture and language.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join unions, except in the armed forces. Approximately 45 percent of the work force is unionized. Most unions are independent of the Government and political parties but lobby those entities in order to gain support for union positions on key labor issues.

The Constitution provides for the right to strike, and there are no restrictions on this right. The national statistical office reported no official strikes during the year.

However, an increasing number of strike alerts and unofficial strikes were reported during the year. Many of these actions anticipated layoffs or protested the nonpayment or partial payment of salaries due to restructuring of the company or insolvency. Local unions also held strike alerts.

There were no instances of retribution against strikers or labor leaders. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes. However, according to this law, a strike is legal and official only if it is for the purpose of collective bargaining; if it is announced in advance; and if a list of strike participants is provided. If the strike is not considered to be official, strikers are not ensured protection.

Unions are free to form or join federations or confederations and to affiliate with and participate in international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining. Following the September 1998 parliamentary election the KOZ decided to reenter tripartite negotiations with employers and the Government. However, unions have expressed dissatisfaction with the Government, claiming that it has not included them in important decisionmaking and does not give adequate attention to their demands.

The law on citizens’ associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the

Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

In July the Railway Workers, with the support of the ILO, appealed to the Government to amend the Act on Collective Bargaining to lower the quorum of employees necessary for the declaration of a strike and to eliminate the requirement that a list of employees participating in a strike be provided to the employer. Although the Government has developed draft amendments to this legislation, no agreement has been reached to date.

The 1996 Customs Act regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

c. Prohibition of Forced or Compulsory Labor.—Both the Constitution and the employment act prohibit forced or compulsory labor, including that performed by children, and the Government enforces this prohibition effectively; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.). The Ministry of Labor, Social Affairs, and Family, as well as district and local labor offices, have responsibility for enforcement.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government ratified ILO convention 182 in 1999; it came into force in December, and the Government adheres to its standards. The law sets the minimum employment age at 15 years. Children must remain in school for 9 years, or until the age of 15, although this requirement is not enforced strictly, particularly for the Romani minority. Workers under the age of 16 may not work more than 33 hours per week; may not be compensated on a piecework basis; may not work overtime or night shifts; and may not work underground or in specified conditions deemed dangerous to their health or safety. Special conditions and protections, though somewhat less stringent, apply to young workers up to the age of 18. The Ministry of Labor enforces this legislation. There were no reports of violations. The law and the Constitution prohibit forced and bonded child labor, and the Government enforces these prohibitions effectively; however, instances of trafficking in girls for the purpose of forced prostitution is a problem (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage was \$93 (SK 4,000) per month during the year. Even when combined with special allowances paid to families with children it did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage. No violations were reported. The standard workweek mandated by the Labor Code is 42.5 hours, although collective bargaining agreements have achieved reductions in some cases (most often to 40 hours). For state enterprises, the law requires overtime pay up to a maximum of 8 hours per week, and 150 hours per year, and provides 5 weeks of annual leave. Private enterprises can compensate their employees for more hours of overtime than stipulated by the law. There is no specifically mandated 24-hour rest period during the workweek. The trade unions, the Ministry of Labor, and local employment offices monitor observance of these laws, and the authorities effectively enforce them.

The Labor Code establishes health and safety standards that the Office of Labor Safety effectively enforces. For hazardous employment, workers undergo medical screening under the supervision of a physician. They have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

f. Trafficking in Persons.—The law specifically prohibits trafficking in persons in all forms; however, there were instances of trafficking in women and girls. The country is a source country, a transit country, and a destination country for such victims of trafficking. There is no evidence of government involvement in or tolerance of trafficking, and the Ministry of Interior is involved in activities to combat trafficking. According to the Ministry of Interior, there were 13 documented cases of Slovak women being forced into prostitution in other countries or foreign women being forced into prostitution in the Slovak Republic during the year, of which 11 were resolved. A case can be documented either when a trafficked person files a complaint with the police or when the police initiate a criminal investigation against a suspected trafficker. During the year, there were 11 investigations opened against pimps, of which 7 were resolved. The problem received more public attention this year, but it is still likely that there are more cases than those that are documented. There are no NGO's or organizations that have as their main purpose to specifically provide support to victims of trafficking; however, women's NGO Fenestra provides

support for these victims. In April a women's NGO, the Alliance for Women, sponsored a conference on trafficking.

In July an 18-year-old Roma girl from Hencovce was allegedly kidnaped, taken to the Czech Republic where she was sold for \$93, and forced into prostitution. This case is pending. Other Roma women have reported similar stories. Some NGO's argue that the women voluntarily chose the profession and then claim they were forced in order to avoid contempt from their community when they return, while others contend they were true victims of trafficking.

A report issued by the Ministry of Interior states that the Slovak Republic is a transit country for persons being trafficked mainly to Austria, the Czech Republic, and Germany for the purpose of forced prostitution. There were also reports of Slovak women being trafficked to Western Europe with promises of work as models, waitresses, and au pairs. Their passports were allegedly confiscated, and they were allegedly forced to work in adult entertainment clubs or as prostitutes. According to the report, 3 cases of trafficking were prosecuted in 1998 and 11 in 1999. There were four prosecuted cases of forced prostitution in 1998 and nine cases in 1999.

Some women from Russia and Ukraine reportedly are trafficked through the Slovak Republic on their way to countries such as Turkey, Greece, Italy, Germany, and Serbia, where they are forced to work as prostitutes. According to a report on trafficking in women issued by the Swedish National Criminal Investigation Department in March 1999, women from the Slovak Republic work in Sweden as prostitutes. In four 1998 court cases involving women trafficked to Sweden, some women came from the Slovak Republic, among other countries. Although previously it was primarily a source country, increasingly women from less prosperous eastern countries (including Russia, Belarus, Ukraine, Romania, and Bulgaria) find themselves trafficked through and to the Slovak Republic.

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. Since the country's independence with the breakup of Yugoslavia in 1991, free, fair, and open elections have characterized the political system. In October elections were held to elect representatives to the Parliament's lower house. The Government respects constitutional provisions for an independent judiciary in practice.

The police are under the effective civilian control of the Ministry of the Interior. By law the armed forces do not exercise civil police functions.

The country has made steady progress toward developing a market economy. Although "social property" was abolished in 1998, the Government continues to own 50 percent of the economy, particularly in the financial sector, utilities, and the port of Koper. Trade has been diversified toward the West and the growing markets of Central and Eastern Europe. Manufacturing accounts for most employment, with machinery and other manufactured products constituting the major exports. Labor force surveys put unemployment at 7.6 percent, but registration for unemployment assistance was 13.6 percent. Inflation was 6.1 percent in 1999, while real gross national product grew 4.9 percent. The currency is stable, fully convertible, and backed by substantial reserves. The economy provides citizens with a good standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. An ombudsman deals with human rights problems, including citizenship cases. Police on occasion beat and abused Roma. Violence against women is a problem. Approximately 13,000 non-Slovene (former Yugoslav) residents who had been without legal status since independence in 1991, some due to the Government's slow processing of their original applications, and others because they had never applied, were offered legal residence in late 1999. A total of 12,862 persons applied for legal residence: 7,861 were accepted; 264 were refused; and 4,737 were still being processed at year's end. These minorities reported some discrimination. There were instances of trafficking in women.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and inhuman treatment as well as “humiliating punishment or treatment;” however, police on occasion beat Roma, allegedly resulting in severe injuries in some cases. Danko Brajdic, a Rom, was beaten by the police and admitted to a hospital with severe injuries. Sadik Kemal, a Rom and former citizen of Slovenia, allegedly left the country without a passport and was beaten by police at the border when he attempted to return with a Macedonian passport. The authorities have not announced the filing of charges or the imposition of disciplinary measures in any of these cases.

Prison conditions meet minimum international standards and were not the subject of complaint by any human rights organization.

The Government permits prison visits by human rights monitors and the media.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest or deprivation of liberty, and the Government respects these provisions in practice.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Some 26 percent of the average prison population of 1,100 inmates are in pretrial detention at any given time. The law also provides safeguards against self-incrimination. These rights and limitations are respected in practice.

The Government does not use forced exile.

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

The judicial system consists of district courts, regional courts, a court of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation. Judges, elected by the State Assembly (Parliament) upon the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, including provisions for: Equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, without cost if need be. These rights are respected in practice, although the judicial system is so burdened that justice frequently is protracted. In some instances, criminal cases reportedly have taken 2 to 5 years to come to trial. The problem is not widespread, and defendants are released on bail except in the most serious criminal cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, “personal data rights,” and the inviolability of the home, mail, and other means of communication. These rights and protections are respected in practice, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of thought, speech, public association, the press, and other forms of public communication and expression. Lingering self-censorship and some indirect political pressures continued to influence the media.

The press is now a vigorous institution emerging from its more restricted past. The major media do not represent a broad range of political or ethnic interests, although there is an Italian-language television channel as well as a newspaper available to the ethnic Italian minority who live on the Adriatic Coast. Hungarian radio programming is common in the northeast where there are approximately 8,500 ethnic Hungarians. Bosnian refugees and the Albanian community have newsletters in their own languages.

Four major daily and several weekly newspapers are published. The major print media are supported through private investment and advertising, although the national broadcaster, RTV Slovenia, enjoys government subsidies, as do cultural publications and book publishing. Seven local television channels are available and four of them are independent private stations. Numerous foreign broadcasts are available via satellite and cable. All major towns have radio stations and cable television. Numerous business and academic publications are available. Foreign newspapers, magazines, and journals are widely available.

In theory and practice, the media enjoyed full journalistic freedom. However, for over 40 years the country was ruled by an authoritarian Communist political system, and reporting about domestic politics may be influenced to some degree by self-censorship and indirect political pressures.

The election law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely give public figures and opinion makers from across the political spectrum access via a broad range of public service programming.

The Constitution provides for autonomy and freedom for universities and other institutions of higher education. There are two universities; each has numerous affiliated research and study institutions. Academic freedom is respected, and centers of higher education are lively and intellectually stimulating.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the rights of peaceful assembly, association, and participation in public meetings, and the Government respects these rights in practice. These rights can be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. No person can be compelled to admit his religious or other beliefs. There are few formal requirements for recognition as a religion by the Government. Religious groups, including foreign missionaries, must register with the Ministry of the Interior. Registration entitles such groups to value added tax rebates on a quarterly basis. All groups in the country report equal access to registration and tax rebate status. Foreign missionaries (including a Church of Jesus Christ of Latter-Day Saints (Mormon) mission) and religious groups (including Hare Krishna, Scientology, and Unification organizations) operate without hindrance.

The appropriate role for religious instruction in the schools continues to be an issue of debate. The Constitution states that parents are entitled “to give their children a moral and religious upbringing. . . .” Before 1945 religion was much more prominent in the schools, but now only those schools supported by religious bodies teach religion.

The Roman Catholic Church was a major property holder in the Kingdom of Yugoslavia before World War II. After the war, much church property—church buildings and support buildings, residences, businesses, and forests—was confiscated and nationalized by the Socialist Federal Republic of Yugoslavia. After Slovenian independence in 1991, Parliament passed legislation calling for denationalization (restitution or compensation) within a fixed period. However, a subsequent change of government in 1992 led to a virtual standstill in denationalization proceedings for several years. At year’s end, over one-half of all cases had been adjudicated at the initial administrative level, representing over two-thirds of the total value of all cases. However, an increase in administrative processing in turn has led to a judicial backlog.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides that each person has the right to freedom of movement, to choice of place of residence, to leave the country freely, and to return. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime. In practice citizens travel widely and often.

The Constitution provides for the grant of asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government has provided asylum (or “temporary protection”) to refugees but on a very limited basis in recent years. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared prosecution.

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

The Constitution provides that elections should be held at least every 4 years. Citizens have the right to change their government, voting by secret ballot on the basis of universal suffrage. The country has a mixed parliamentary and presidential system. The President proposes a candidate to the legislature for confirmation as Prime Minister, after consultations with the leaders of the political parties in the Parliament.

No restrictions hinder the participation of women or minorities in politics; however, women are underrepresented in government and politics. Of the 90 Members

of Parliament, 13 are women, while 3 of 18 cabinet ministers are women. During the October 15 Parliamentary elections, an increased number of women were nominated to run by political parties; however, the majority of these female candidates were assigned to run in districts in which their parties had little chance of winning (based on 1996 election results). The Prime Minister's Office has an active agency for monitoring and promoting the participation by women in public life.

The Constitution stipulates that the Italian and Hungarian ethnic communities each are entitled to at least one representative in the Parliament, regardless of their population.

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

Independent human rights monitoring groups promote respect for human rights and freedoms and freely investigate complaints about violations. The Government generally does not place obstacles in the way of investigations by international or local human rights groups.

An independent ombudsman appointed by Parliament deals with human rights problems, including so-called "economic rights." The incumbent is regarded as fair, but he lacks the power to enforce his opinions. In addition Parliament has been criticized as a major factor in the slow progress of property restitution ("denationalization"), casting doubt on the ombudsman's ability to alter the pace of the process. The ombudsman criticized the Government for the slow pace of legal and administrative proceedings, in criminal and civil cases, as well as in denationalization proceedings.

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

The Constitution provides for equality before the law, and the Government observed this provision in practice. According to the 1991 census, the population is approximately 2 million, of whom 1.7 million are ethnic Slovenes and the remainder are persons of 23 other nationalities. There were some 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians.

The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges. It also provides for special status and rights for the small Romani community, which are observed in practice.

Women.—While violence against women occurs and almost certainly is underreported, the awareness of spousal abuse and violence against women is on the rise. During 1999 and 2000, 224 persons were charged with offenses including domestic violence (82), "brutality" (25), "threat to safety" (27), and other unspecified offenses that resulted in injuries (51). In 1998 83 men were charged with rape. In 1998 10,021 misdemeanor charges of "endangering safety in a private place" were filed. Although no breakdown of victims is available by sex for 1998, records from previous years indicate that at least 40 percent, or approximately 4,000 cases, involved domestic disputes where women were threatened. Three shelters are available for battered women, which are partially funded by the State. The shelters operate at capacity (about 40 beds combined) and turn away numerous women every year. In cases of reported spousal abuse or violence, the police actively intervene, and criminal charges are filed. Although the law allows police to fine both parties in cases of domestic violence, in practice fines and arrests are reportedly confined to men only.

Slovenia is primarily a transit country for trafficking in women for prostitution, although it is also a destination country (see Sections 6.c. and 6.f.).

Equal rights for women are a matter of state policy. There is no official discrimination against women or minorities in housing, jobs, or education. Under the Constitution, marriage is based on the equality of both spouses. The Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bear a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently are encountered in business and in government executive departments.

Equal pay for equal work for men and women is the norm. Although both sexes have the same average period of unemployment, women still are found more often in lower paying jobs. On average women's earnings are 85 percent of those of men.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provided compulsory, free, and universal primary school edu-

cation for children through grade 9 (ages 14 and 15). The Government provided universal health care for all citizens, including children.

The Constitution stipulates that children “enjoy human rights and fundamental freedoms consistent with their age and level of maturity.” Moreover, special protection from exploitation and maltreatment is provided by statute. Social workers visited schools regularly to monitor for any incidents of mistreatment or abuse of children.

There is no societal pattern of abuse of children.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to buildings for the disabled, and the Government enforces these provisions in practice. Modifications of public and private structures to ease access by the disabled continued slowly but steadily.

National/Racial/Ethnic Minorities.—Minorities make up about 12 percent of the population; most are nationals of the former Yugoslavia. Ethnic minorities face a complex reality. “Autochthonous” groups in general are provided special rights and protection by the Constitution. Three of these groups—Italians, Hungarians, and Roma—are identified in the Constitution for special treatment, and the first two are assigned representation in Parliament. Other “autochthonous” groups include some 500 ethnic Germans and fewer than 100 Jews.

However, “new minorities”—ethnic Serbs, Croats, Kosovar Albanians, and nonautochthonous Roma from Kosovo and Albania—are unprotected by special provisions of the Constitution and face some societal and governmental discrimination. Many of these 5,000 to 10,000 non-Slovene citizens of the former Yugoslavia migrated internally to Slovenia during the decades leading to independence because of the economic opportunities. Most opted not to take Slovene citizenship during a 6-month window in 1991–92 and have been living in the country as essentially stateless persons since then, while others were without residence status because of slow processing of their applications by the Government. In 1999 Parliament offered these persons permanent resident status; a 3-month window for applications closed at the end of 1999. A total of 12,862 persons applied for legal residence: 7,861 were accepted; 264 were refused; and 4,737 still were being processed at year’s end.

The Roma are best characterized as a set of groups rather than as one community. Some have lived in the country for hundreds of years, while others are very recent migrants. Police on occasion beat Roma (see Section 1.a.). A lack of cohesion prevented the Romani communities from taking advantage of their special constitutional status, although the Government also failed to implement fully the special legislation on Romani status called for in Article 65 of the Constitution. Roma report discrimination in employment, which in turn complicates their housing situation. In education the Government has attempted to involve more Romani children in formal education at the earliest stages, both through enrichment programs and through inclusion in public kindergartens. However, despite a renewed emphasis on assistance programs in the 1990’s, Roma suffer disproportionately from poverty and unemployment.

Section 6. Worker Rights

a. The Right of Association.—The Constitution stipulates that trade unions, their operation, and their membership shall be free and provides for the right to strike. Virtually all workers, except police and military personnel, are eligible to form and join labor organizations. In 1993 the Parliament for the first time passed legislation restricting strikes by some public sector employees. However, after government budget-cutting, some public sector professionals (judges, doctors, and educators) became increasingly active on the labor front.

Labor has two main groupings, the Association of Free Slovene Trade Unions, and the Union of Slovene Rail Workers, with constituent branches throughout the country. A third, much smaller, regional labor union operates on the Adriatic coast. Unions are formally and actually independent of the Government and political parties, but individual union members hold positions in the legislature. The Constitution provides that the State shall be responsible for “the creation of opportunities for employment and for work.”

There are no restrictions on unions joining or forming federations and affiliating with like-minded international union organizations.

b. The Right to Organize and Bargain Collectively.—The economy is in transition from the former Communist system, which included some private ownership of enterprises along with state-controlled and “socially owned” enterprises. In the transition to a fully market-based economy, the collective bargaining process is undergoing change. Formerly, the old Yugoslav Government had a dominant role in setting the minimum wage and conditions of work. The Government still exercises this

role to an extent, although in the private sector, wages and working conditions are agreed annually in a general collective agreement between the “social partners.” The labor unions and the Chamber of Economy. There were no reports of antiunion discrimination.

Export processing zones exist in Koper, Maribor, and Nova Gorica. Worker rights in these zones are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor, including that performed by children, and there were no reports of forced labor by adults or children; however, police reported 20 cases of trafficking in women for prostitution in 1999 (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16. Children must remain in school through grade 9 (ages 14 and 15). During the harvest or for other farm chores, younger children do work. In general urban employers respect the age limits. The law prohibits forced and bonded labor by children, and there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage is \$252 (59,150 tolar) per month, which provides a decent standard of living for the average worker and family. The workweek is 40 hours. In general businesses provide acceptable conditions of work for their employees. Occupational health and safety standards are set and enforced by special commissions controlled by the Ministries of Health and Labor. Workers have the right to remove themselves from unsafe conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—The law on “enslavement” prescribes criminal prosecution for a person who “brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party” or brokers such a deal. Sentences for enslavement convictions range from 1 to 10 years’ imprisonment. Persons also can be prosecuted for pimping or pandering “by force, threat or deception.” The penalty ranges from 3 months’ to 5 years’ imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years’ imprisonment.

The country was primarily a transit point for trafficking in persons, although it was also a destination country. Police interest in the issue was limited; victims were not encouraged to file complaints and very few cases were reported to the police. Police reported 20 cases in 1999 in which the country was a destination for prostitutes from Ukraine. Statistics on prosecutions were not available. The Government had no programs in place to prevent trafficking or to assist victims. There were no NGO’s that dealt specifically with trafficking.

SPAIN

Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. In March Jose Maria Aznar of the Popular Party (PP) was reelected Prime Minister, with the title President of the Government. The next national elections are scheduled for March 2004. The Government respects the constitutional provisions for an independent judiciary in practice.

There are three levels of security forces. The National Police are responsible for nationwide investigations, security in urban areas, traffic control, and hostage rescue. The Civil Guard polices rural areas and controls borders and highways. Autonomous police forces have taken over many of the duties of the Civil Guard in Galicia, parts of Catalunya, and the Basque country. The security forces are under the effective control of the Government. The security forces also maintain anticorruption units. Some members of the security forces committed human rights abuses.

The economy is market based, with primary reliance on private enterprise. Although a number of public sector enterprises remain in key areas, the Government’s policy has been to privatize as many of them as possible. The economy grew during the second quarter at a 4.2 percent annual rate. The annual inflation rate at the close of 1999 was 2.9 percent; in the third quarter of 2000 it was 3.6 percent. Unemployment in the third quarter dropped to 14.2 percent, continuing its downward trend.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including cases of police brutality, lengthy pretrial detention, and delays in trials. Government investigations of alleged human rights abuses by the security forces are often lengthy, and punishments light. The Government is taking steps to deal with the problem of violence against women. Incidents of racism and rightwing violence against minorities and discrimination

against Roma continued to be problems. There were instances of forced labor and child labor. Trafficking in women for the purpose of forced prostitution was a problem.

Throughout the year there were ongoing judicial proceedings related to the involvement of former government officials in the Antiterrorist Liberation Groups (government-sponsored death squads known by their acronym, GAL), which killed 27 persons between 1983 and 1987, including 10 persons with no connection to the terrorist group Basque Fatherland and Liberty (ETA), the ostensible target of the GAL.

In December 1999, ETA ended its 14-month unilateral cease-fire and launched a new campaign of terrorism. ETA attacks claimed 23 lives during the year. ETA sympathizers also conducted a campaign of street violence and vandalism in the Basque region. Judicial proceedings against members of ETA continued. Spanish and French police arrested dozens of suspected ETA members and collaborators.

RESPECT FOR HUMAN RIGHTS

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

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

No developments were reported in the following ongoing cases: The March 1997 case of a Civil Guard officer who allegedly shot a Moroccan boy in the back and killed him; the appeal of police officer Antonio Barrionuevo's conviction in the 1996 killing of Portuguese citizen Manuel Abreu Silva; and the deaths of eight prison inmates under suspicious circumstances in 1996–97.

Five individuals were convicted during the year in the GAL case of Jose Ignacio Zabala and Jose Antonio Lasa, who were kidnaped, tortured, and killed in 1983. Enrique Rodriguez Galindo, a Civil Guard general, and Julen Elgorriaga, the then civil governor of Guipuzcoa, each received sentences of 71 years' imprisonment. An additional three Civil Guard officers were sentenced to 69 and 67 years' imprisonment. Miguel Brecia Guillen was sentenced in 1999 to 68 years in jail for the 1986 murder of two French citizens. The state prosecutor recommended closure of the 1984 Monbar case for lack of evidence. Other cases in which security forces are alleged to have committed murder in the mid-1980's, such as those of Ramon Onaederra, Mikel Zabaltza, and Robert Caplanne, remain open but are unlikely to be prosecuted, also due to lack of evidence.

ETA declared an end to its 14-month "cease-fire" in December 1999 and resumed its terrorist activities. ETA's declared aim is to establish an independent Basque state in the Basque region of northern Spain and southern France. By year's end, ETA car bombings and shootings resulted in the deaths of 23 victims.

The ETA attacks began on January 21 when an ETA car bomb killed Lt. Col. Pedro Blanco in Madrid. On February 22, an ETA car bomb in Vitoria killed Basque Socialist Party Spokesman Fernando Buesa and his bodyguard. On March 6, an ETA car bomb exploded in San Sebastian, injuring eight persons. ETA assailants shot and killed newspaper columnist Jose Luis Lopez de la Calle on May 7 in Navarra. On June 4, ETA shot and killed Popular Party councilman Jesus Maria Pedrosa in Durango. On June 25, an ETA car bomb injured seven in Getxo.

An ETA car bomb detonated in the central shopping district of Madrid on July 12, injuring eight people. City councilman Jose Maria Martin Carpena was shot and killed in front of his family on July 15 in Malaga. On July 16, an ETA car bomb injured the wife of a civil guard in Agreda. On July 29, Juan Maria Jauregui, former Socialist Party delegate to Guipuzcoa, was shot and killed. On August 8, an ETA car bomb killed Basque businessman Jose Maria Korta. In Madrid 6 hours later, another ETA car bomb injured 11 persons. On August 9, an ETA assailant shot and killed army Lt. Francisco Casanova in Navarra.

On August 20, ETA killed two civil guards in the northern region of Huesca by planting a bomb under their patrol car. On August 30, an ETA assailant shot and killed Popular Party town councilman Manuel Indiano Azaustre in his Guipuzcoa candy shop. On September 13, an ETA assailant shot and severely wounded Jose Ramon Recalde, a former Socialist Party Counselor, at his home in San Sebastian. On September 20, ETA assailants shot and killed Popular Party town counselor Jose Luis Ruiz Casado near Barcelona. ETA killed a military doctor in Andalucia on October 16 and a prison official in Vitoria on October 22. An ETA car bomb took the life of a Supreme Court judge and three persons in Madrid on October 30. An ETA assailant shot and killed former Health Minister Ernest Lluch in Barcelona on November 11. ETA ended the year with the killing of its fifth Popular Party town counselor and a policeman, both near Barcelona. It was the bloodiest year of ETA violence since 1994. ETA publicly claimed responsibility for these attacks.

Legal actions against ETA members continued. Spain obtained the extradition of the former leader of ETA, Francisco Mugica Garmendia, from France in February. He faces charges that include involvement in 23 killings, illicit possession of explosives, and falsification of documents. In February a court sentenced ETA member Mikel Azurmendi Penagaricano to 36 years in prison for the killing of Army Lt. Miguel Peralta in 1994. On July 6, a court sentenced members of the Andalusian command of ETA to a total of 108 years in prison for crimes committed in 1997 and 1998, when the group tried to murder the then mayors of Granada and Seville. On July 25, a court convicted ETA member Ramon Aldasoro for his participation in the March 1988 bombing of a police barracks and sentenced him to 67 years' imprisonment.

In March Amnesty International (AI) appeared before the Basque Parliament and made a strong appeal for ETA to stop violating human rights through murder, kidnapping, and intimidation. AI expressed its support for the Government's 1999 compensation law for victims of ETA terror but called on the Government to compensate victims of government torture as well. AI also criticized the Government for permitting suspected terrorists to be held incommunicado for up to 5 days after arrest.

Several organizations are dedicated to the concerns of victims of terrorism, among them the Association of Victims of Terrorism (AVT). AVT was founded in 1981 and serves 1,300 families, providing legal and psychological counseling. The Government supports its work.

A Spanish extradition request for former Chilean dictator Augusto Pinochet was denied after a lengthy judicial review in the United Kingdom. Spanish courts sought to try Pinochet for his involvement in the disappearance of 600 Spaniards under Chilean and Argentine governments in the 1970's and 1980's. On March 2, the United Kingdom Minister of Home Affairs allowed Pinochet to return to Chile without trial on grounds of ill health.

No developments occurred in case of the 1999 international arrest warrants for former Argentine junta Generals Galtieri and Videla, Admiral Massera, and 95 lower ranking military officers. The High Court refused jurisdiction in December in the criminal suit filed by indigenous Guatemalan leader Rigoberta Menchu against eight former Guatemalan military and civilian leaders for human rights abuses.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such acts; however, suspects charged with terrorism routinely assert that they have been abused during detention, and other detainees sometimes make similar charges. The Government investigates allegations of torture and also permits outside parties to investigate them.

On May 20, Antonio Fonseca, an illegal African immigrant, died after his arrest in Arrecife. Witnesses contend that police aggressively detained Fonseca. One claimed that four officers beat Fonseca before he reached his holding cell. The police chief of Arrecife denied the accusations, claiming that Fonseca's contusions resulted from his struggle to escape. In September Interior Minister Mayor Oreja announced that two investigations and autopsies indicated that Fonseca died of natural causes and that there was no basis for prosecution of the arresting officers.

No developments were reported in the following cases from previous years: The November 1998 case of two policemen in Melilla who were charged with raping a Moroccan girl; the trial that began in November 1998 of six members of the Civil Guard who were accused of torturing three suspected ETA members in 1992; the complaint filed against the police in the beating of Ivan Gonzalez in September 1997.

In April a Madrid court sentenced a policeman to 5 years' imprisonment for the July 1994 illegal detention and beating of a man from the Madrid suburb of Majadahonda.

ETA sympathizers engaged in extensive street violence in the Basque region throughout the year. On February 25, 8 families were evacuated from their homes in Vizcaya after 30 hooded individuals threw Molotov cocktails at a bank in the central square. Molotov cocktails also were thrown into the home of Jose Luis Lopez de la Calle, member of the anti-ETA Ermua forum and columnist, on February 28. (ETA subsequently killed Lopez de la Calle in May.) Incidents of street violence in support of ETA, called the "kale barroka" in the Basque language, increased during the year: 681 acts of street violence were reported in the Basque region and neighboring Navarra during the year. The Basque police and the Spanish National Police arrested over 160 persons in connection with the street violence.

Prison conditions generally meet or exceed minimum international standards.

In Madrid prisons there were 21 reports of abuse during 1999. In the first 3 months of 2000, eight cases were reported. On February 24, 17 prisoners in San Se-

bastian's Martutene Prison began a sit-in and hunger strike in solidarity with ETA prisoner Daniel Derguy, who had been fasting for 60 days in a French prison.

No developments were reported in the March 1998 investigation into 31 cases of alleged abuse and negligence by prison officials in 1996 and 1997 that led to 8 inmate deaths. The Supreme Court awarded \$115,000 (20 million pesetas) to the family of Juan Antonio Fernandez, a prisoner who was killed by a fellow inmate in the Madrid prison of Carabanchel in March 1997.

Basque activists continued to demand that all imprisoned ETA terrorists be moved to prisons in the Basque region or the adjacent region, Navarra. As of March, 378 ETA terrorists were in jail.

The Government permits prison visits by human rights monitors, including the Council of Europe's Committee for the Prevention of Torture.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions in practice.

A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the Penal Code permits holding a suspect an additional 2 days without a hearing and the possibility of incommunicado detention, provided that a judge authorizes such action.

At times pretrial detention can be lengthy. By law suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody is usually less than a year. However, criticism is heard in legal circles that some judges use "preventive custody" as a form of anticipatory sentencing. In late 2000, approximately 20 percent of the prison population was in pretrial detention (9,446 inmates out of 44,866 total), although that number included convicted prisoners whose cases were on appeal.

The law on aliens permits detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting.

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

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and the authorities respect this right in practice. There is a nine-person jury system.

Defendants have the right to be represented by an attorney (at state expense for the indigent). They are released on bail unless the court believes that they may flee or be a threat to public safety. Following conviction, defendants may appeal to the next highest court.

The law calls for an expeditious judicial hearing following arrest. However, the AVT and others have criticized delays in the judicial process, which can result at times in lengthy pretrial detention (see Section 1.d.) and delays in trials. In cases of petty crime, suspects released on bail sometimes wait up to 5 years for trial.

Human rights groups such as the Association Against Torture and members of the press complain that many persons convicted of offenses constituting violations of human rights avoided sentencing by prolonging the appeals process and that sentences for persons convicted of such offenses are unduly light. According to AI, custodial sentences of less than 1 year and a day customarily are not served in such cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the privacy of the home and correspondence. Under the Criminal Code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects this right in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, are reflected freely and widely in the media.

The Catalunya regional government's failure in 1999 to renew broadcast licenses for three Catholic Church radio stations was challenged successfully in the

Catalunya Supreme Court in March. The court ruled that the criteria used by the regional government to award licenses placed disproportionate emphasis on the use of Catalan language in the programming. The government of Catalunya elected not to appeal the decision.

On March 2, the Supreme Court prohibited the radical Basque party Euskal Herriarrok (EH) from using free broadcast time in the public media. The pro-ETA newspaper Egin and its affiliated radio station (Egin Irratia) were closed in 1998. Gara—another pro-ETA newspaper—has since emerged. An investigation into the alleged subordination of Egin's editorial line and hiring practices to ETA's command and the use of coded classified ads to coordinate ETA strategy still was underway. Academic freedom is respected.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, although Catholicism is the predominant religion and receives some government funding. Jews, Muslims, and Protestants have official status and also receive some support from the Government. Other recognized religions, such as Jehovah's Witnesses and Mormons, are covered by constitutional protections but receive no assistance. Religions not recognized officially are treated as cultural associations. Religious courses are offered in public schools but are not mandatory.

There are some allegations that the Government discriminates against non-Catholic religions, principally by not providing to other churches all of the privileges accorded to the Catholic Church.

In 1999 Parliament approved a nonbinding resolution calling on the Government to reinforce measures against the activity of destructive "sects." A 1989 law on sects already had authorized the police to investigate their activities, and a special unit was created for that purpose. The resolution was preceded by press accounts of a death under unusual circumstances of a member of Jehovah's Witnesses and the arrest of the leader of a group called The Orientation in April 1999.

Also in April 1999, a Helsinki Human Rights Federation report criticized the Government for discrimination against "new religions."

The decision of the regional government of Catalunya not to renew three local radio broadcasting licenses of the Catholic Church was overturned in court in March (see Section 2.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens are free to travel within and outside the country, to emigrate, and to repatriate, and the Government respects these rights in practice.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum seekers. Under a 1994 law, asylum requests are adjudicated in a two-stage process with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing. The CIAR includes representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a nonvoting member of the UNHCR. The decision of the CIAR in each case must be approved by the Minister of the Interior.

The 1994 law eliminated the distinction between asylum status and refugee status. This distinction was eliminated to prevent applicants from drawing out judicial proceedings by applying first for refugee status and then for asylum, if the former was denied.

The UNHCR advises the authorities throughout the process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities are not bound by the judgment of the UNHCR in individual cases, but they often reevaluate decisions with which the UNHCR does not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside as well as within the country. From outside anyone can request asylum from a Spanish diplomatic or consular representative. Illegal immigrants are permitted to apply for asylum. Those who lack visas or permission to enter may apply at the border or port of entry. The applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases of persons who apply inside the country, a decision must be reached within 2 months, but in cases of persons who apply at a port of entry this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours. The Ombudsman (see Section 4) challenged the legality of

this form of detention before the Constitutional Court. The Court issued a preliminary decision in which it ruled that this form of detention does not deprive the detainee of his liberty. This provisional decision allowed the Government to continue to detain applicants without modifications to its detention procedures.

Applicants have the right by law to free legal assistance, regardless of where they are when they apply for asylum. This assistance is available from the first step in the process through any appeals of unfavorable decisions. The applicant also has the right to the assistance of translators and interpreters, and the OAR admits documents in any language without requiring an official translation.

In 1999 the Government received 8,405 requests for political asylum. Only 294 of the applicants were granted refugee status. An additional 679 were permitted entrance on humanitarian grounds. In the first 5 months of 2000 the Government received 3,010 requests for political asylum. The majority of applicants came from Algeria, Romania, Sierra Leone, and Armenia. The number of persons granted asylum has dropped steadily during the past 5 years.

The ombudsman expressed his concern over the high percentage of applications not admitted for processing (68.5 percent in 1997 and 56.6 percent in 1998). However, many persons with falsified documents are rejected early in the process. Many such applicants come from politically stable but economically impoverished countries.

The Government's practice of substituting temporary admittance on humanitarian grounds for granting asylum also has been criticized. The former status includes some restrictions on access to the labor market and welfare payments, although it does grant the applicant residency and work permits. Another concern is that in some cases individuals whose asylum requests were turned down may have been expelled while their appeals were still in progress, although no statistics are available. The law allows the applicant a 15 day grace period in which to leave the country if refugee status is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begin after the 15th day.

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

A new law on immigration was passed in January and took effect in April. Although the new law does not include any specific mandates regarding work permits, it does recognize the rights of immigrants to peaceful assembly and association. The law grants eligibility for emergency health care to all immigrants and for all forms of health care to minors and pregnant women.

The new law prompted thousands of illegal aliens to seek to regularize their status. Between March and July, immigrants submitted about a quarter of a million applications. Of the 131,700 applications reviewed, 85,526 received legal status. The Government later concluded that the law, by granting illegal and legal immigrants many of the same rights, promoted increased illegal immigration. The authorities intercepted 3,569 aliens entering illegally via the Straits of Gibraltar in all of 1999. By August 2000, the authorities had already intercepted 7,833. The Government amended the immigration law in December to increase sanctions on employers who hire illegal aliens and to draw a sharper distinction between the rights afforded to legal versus illegal immigrants. Under the amended law, illegal aliens do not have the right to join unions or strike.

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

Spain is a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In the 1996 national elections, the Popular Party ended 13 years of Socialist (PSOE) rule, and Jose Maria Aznar became President of the Government. The Popular Party received an absolute majority in the 2000 parliamentary elections. The next national elections are scheduled for March 2004.

Governmental power is shared between the central government and 17 regional "autonomous communities." Local nationalist parties give political expression to regional linguistic and cultural identities.

Women are underrepresented in government and politics, although they are increasing their participation in the political process. Of 19 Cabinet Ministers, 3 are women. The President of the Senate and the Speaker of the Chamber of Deputies are women. The number of female Members of Parliament increased after the 2000 elections: of the 350 members of the lower house, 99 are women. Of 259 Senators, 63 are women. In the 1999 European Parliament elections, both the PP and PSOE

placed women at the top of their lists. On the PSOE list, 50 percent of the candidates were women.

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

A number of nongovernmental human rights groups, including the Human Rights Association of Spain in Madrid and the Human Rights Institute of Catalunya in Barcelona, operate freely without government interference. The Government cooperates readily with international organizations, international nongovernmental human rights groups, and independent national groups investigating allegations of human rights abuses.

The Constitution provides for an ombudsman, called the "People's Defender," who as part of his duties actively investigates complaints of human rights abuses by the authorities. The ombudsman operates independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of the Congress of Deputies, and is immune from prosecution. He has complete access to government institutions and to all documents other than those classified for national security reasons and may refer cases to the courts on his own authority. The ombudsman has a staff of approximately 150 persons and received some 25,000 complaints during the year. The majority of the complaints pertained to education and social services, although some dealt with discrimination, domestic violence, and mistreatment by law enforcement agencies.

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

The Constitution provides for equal rights for all citizens. In 1995 the Parliament modified the Penal Code to make it a crime to "incite, publicize, or otherwise promote abuse or discrimination of people or groups" because of race, ethnicity, nationality, ideology, or religious beliefs. However, incidents of racism and rightwing violence against minorities and discrimination against Roma continued to be problems.

Women.—Sexual abuse, violence, and harassment of women in the home continued to be problems. According to the Government, at least 40 women and 6 men died as a result of domestic violence during the year. During 1999 over 25,000 women filed complaints of abuse against their husbands or partners, compared with 19,621 complaints in 1998. In 2000 5,722 criminal complaints were filed against husbands for abuse of their wives, as well as 14,846 misdemeanor complaints. However, experts believe that only 10 percent of violent acts against women are reported to the authorities. The Women's Institute, which is part of the Ministry of Labor and Social Affairs, counseled 104,856 women concerning domestic violence and legal aid in 1998 compared with 86,893 in 1997. Some nongovernmental organizations (NGO's) estimate that from 600,000 to 800,000 cases of domestic abuse occur each year.

In 1998 the Government unveiled a 3-year, \$60 million (9 billion pesetas) "Plan Against Domestic Violence." The plan criminalizes the violation of restraining orders and the infliction of psychological violence and calls for a quadrupling of the number of offices that assist victims and an expansion of medical and legal services. (Rape, spousal rape, and spousal abuse were already crimes.) Other provisions of the plan include: Public awareness campaigns in the media and in the schools; the establishment of a domestic abuse database to streamline judicial investigations; increased access of victims to public housing; and greater linkage between medical, police, legal, and counseling services in order to promote an integrated approach to treating victims. Public service announcements and press articles drawing attention to the problem of domestic violence were ubiquitous throughout the year.

Women's rights' advocates, while acknowledging that the plan incorporated many of their demands, expressed disappointment with several of its omissions. The Federation of Separated and Divorced Women criticized the plan as lacking in specifics, particularly its public sensitization campaigns. According to the Federation, the plan's key shortcoming is that it fails to make the issuance of a restraining order automatic upon filing a complaint. Currently, a restraining order is issued only after a guilty verdict.

The Government has invested over \$15.2 million (2.288 billion pesetas) in the plan. Since the plan was approved, 9 special services units and 54 Civil Guard units staffed by 110 women have been created to assist battered women. There are special sections in the police department to deal with violence against women, which are staffed by trained female officers, and there are approximately 25 shelters for battered women. There are 54 official centers in all for mistreated women. A toll-free hot line advises women where to go for government shelter or other aid if mistreated.

On April 9, the Government announced an initiative that would complete the 1998 "Plan Against Domestic Violence." The initiative calls for 5,000 lawyers specializing in domestic violence to be assigned throughout the country. The Government hopes that the presence of these lawyers will encourage women to come forward with complaints of violence or domestic abuse.

A 1999 law allows for an "immediate" divorce upon conviction of a husband for domestic violence. The socially conservative political parties (PP and nationalist parties) tended to favor this bill. Womens' groups and the more left-of-center political parties (PSOE and NI) opposed the bill, due to concern that a woman's right to divorce her abusive husband would be dependent on an inefficient legal system that often takes years to complete a single criminal proceeding.

A 1989 law prohibits sexual harassment in the workplace, but very few cases have been brought to trial under this law. Police received 319 sexual harassment complaints during the year. Meanwhile the number of women in the labor market is increasing steadily. The Government recognizes the difficulties faced by women in the workplace. According to a 1998 decree, employers no longer have to pay social security benefits to someone filling in for a worker on leave either for maternity, adopting children, or in other similar circumstances. Previously, companies hired substitutes for only 10 percent of workers on maternity leave. The Government hopes to raise this figure to 25 percent. A ministerial order to increase women's presence in sectors in which they currently are underrepresented provides a 2-year reprieve from paying social security taxes to employers who hire women in these sectors. The 1999 National Employment Action Plan gives priority to battered women who search for employment.

The Minister of Social Affairs reports that women constitute 43 percent of the work force. However, according to the Taxation Agency (Agencia Tributaria) and its 1997 report "Employment, Salaries and Pensions" completed by the Institution of Fiscal Studies, women hold only 18 percent of better paying positions. The female unemployment rate was 23 percent in 1999, down from 26.6 percent in 1998. It was still more than double the 11.1 percent unemployment rate for 1999 for men. Women outnumber men in the legal, journalistic, and health care professions but still play minor roles in many other fields.

Discrimination in the workplace and in hiring practices persists. A 1998 study of 100 labor union contracts revealed that 38 contracts failed to use gender-neutral language, 22 employed gender-specific job titles resulting in the imposition of discriminatory wage differentials (i.e., the salary of a male secretary, "secretario," was 13 percent higher than that of a "secretaria" in one food processing industry contract), and only 17 addressed the problem of sexual harassment. Discriminatory wage differentials continue to exist. A 1999 report by the General Workers' Union shows that women's salaries are 30 percent less than those of their male counterparts.

Women are equal under the law for divorce, inheritance, and business purposes. Trafficking in women for the purpose of prostitution, primarily from Latin America and Eastern Europe, appears to be growing (see Sections 6.c. and 6.f.).

Children.—The Government demonstrates its commitment to children's welfare through well-funded and easily accessed programs of education and health care. Education is compulsory until age 16 and free until age 18. The Constitution obligates both the State and parents to protect children, whether or not born in wedlock. The Ministries of Health and Social Affairs are responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGO's further children's rights. For example a school help program for the protection of children has a team of experts who work with educators to help identify abused or abandoned children in the classroom.

The 1995 Law of the Child gives legal rights of testimony to minors in child abuse cases; it also obliges all citizens to act on cases of suspected child abuse and, for the first time, sets out rules regarding foreign adoptions. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

A 1996 penitentiary law lowered the maximum age that a child can remain with an incarcerated mother from 6 to 3 years. When the children reach their third birthday, they are sent to live with relatives or are placed in an institution. Some prisons have special units for mothers with children under age 3. The units usually include a kindergarten, psychological support, and programs for children to get out of prison regularly. Family groups with children under the age of 3 can now stay together in cases where both parents are convicts.

People with Disabilities.—The Constitution calls for the State to provide for the adequate treatment and care of the disabled, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to

public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differ from region to region and have not improved in many areas.

The Penal Code continues to allow parents or legal representatives of a mentally disabled person to petition a judge to obtain permission for the sterilization of that person. In 1994 the Constitutional Court held that sterilization of the mentally infirm does not constitute a violation of the Constitution. In practice many courts have authorized such surgery. Religious groups continue to protest this ruling.

The labor market reform laws of 1997 and 1998 worked out between the Government, labor, and management provided for incentives to hire individuals from groups underrepresented in the work force, such as the disabled. In the 1998 agreement, the Government agreed to subsidize partially the costs of hiring the disabled for part-time work.

National/Racial/Ethnic Minorities.—Public opinion surveys indicate the continued presence of racism and xenophobia, which result in discrimination against minorities. A February poll conducted by the Government's polling organization regarding attitudes towards foreigners found that Spaniards feel most identification with other Western Europeans and Latin Americans. There is less acceptance of immigrants from Morocco and sub-Saharan Africa. In February hundreds of Spanish villagers attacked the Moroccan immigrant population of El Ejido (Almeria) with baseball bats and iron rods. The riot was sparked by the murder of a Spanish woman by a Moroccan immigrant. The disturbance lasted 4 days and was followed over the course of several weeks by smaller outbreaks of anti-Moroccan immigrant violence.

On January 25, the Council of Europe cited a resurgence in nationalism, sometimes violent, which manifested itself in intolerance towards Roma, Africans, and Arabs. The Council recommended that the Government implement the antiracist provisions of the Penal Code; provide better statistics on racist attacks and vulnerable groups; deal with the marginalization of Roma and immigrants; and combat the activities of rightwing networks.

Roma continue to suffer discrimination in jobs, schools, and housing. According to a report issued by Gypsy Presence, the largest Roma-rights NGO, as many as 1 million Roma may live in the country. The organization estimates that half of this population is under 16 years of age and two-thirds are under the age of 25. The report states that one-third of Roma families are not economically self-sufficient. Romani activists attribute the high incidence of Romani informal sector employment in agriculture and peddling (an estimated 75 to 80 percent) to discrimination and historical marginalization. Although the Madrid High Court of Justice struck down in 1999 a city ordinance prohibiting peddling, Gypsy Presence reports that local authorities continue to find ways to enforce the ban. According to the organization, several other municipalities have enacted similar statutes, and this has been detrimental to the economic welfare of many Roma. Romani women suffer even more acute difficulties when seeking employment, since employers are reluctant to hire women from ethnic groups with high birth rates.

A 1998 study found that only 35 percent of Romani children are integrated fully into the educational system. About 60 percent of Romani children do not complete primary school, and only very few progress to middle school and beyond. According to a Gypsy Presence report, one-fifth of teachers describe themselves as anti-Roma, and one-fourth of students say that they would like to see Roma expelled from school. Truancy and dropout rates among Roma are very high, and Romani parents, over 80 percent of whom are functionally illiterate, often do not see the value of an education or are unaware of the educational opportunities for their children.

A shooting incident in the village of Albaladejo in 1999 illustrated the problems that even economically successful Roma can face. According to an NGO, the victim in the case was Juan Jose Garcia Garcia, who at one time was accused of drug dealing and assaulting Civil Guards but was acquitted of both charges. However, Civil Guards continued to harass him, often stopping him for identity checks or not wearing a seatbelt. According to Gypsy Presence, after being refused service at a bar, Garcia arranged to meet an employee of the bar, who later appeared at the appointed place with another man, shot Garcia, and left him for dead. Garcia was able to contact his wife by cellular phone, and help arrived in time to save him. After the two assailants were apprehended, the residents of Albaladejo turned out in force to protest their incarceration and petition for their release. The mayor often led the demonstrations. In June a court freed the two accused after they posted bond in the amount of \$3,333 and \$2,666 (500,000 and 400,000 pesetas respectively). Garcia and his family left Albaladejo.

In April 2000 the Department of Social Services announced a plan to relocate 300 Roma immigrants from a rural area to Madrid to improve their living conditions. The Roma were provided amenities such as running water, electricity, toilets, trash services, showers, and a community area in return for attending employment training. The project cost \$2 million (350 million pesetas). As of July 25, 17 of the Roma participants had secured outside employment.

Quasi-organized rightwing youth groups (called "skinheads" by the press) continued to commit violent acts throughout the year, terrorizing minorities. According to a 1999 report by the NGO Movement Against Intolerance, which the Ministry of Labor and Social Affairs helped prepare, the number of persons involved in ultrarightist groups more than quintupled since 1995: at least 10,400 citizens are known to be involved in such groups, and the actual number could be as high as 20,800. Movement Against Intolerance reported in March the presence of Spanish neo-Nazi groups on the Internet, aiming their attacks at Maghrebi immigrants. Through their web pages, these groups urged others to take violent action against all immigrants of North African descent.

In 1999 an NGO urged the Government to halt neo-Nazi activities in the formerly deserted village of Los Pedriches in the southeast. Foreign neo-Nazis were said to be organizing camps in the village. The authorities were monitoring the situation closely. After press attention, the groups reportedly left the village.

No arrests were made in July 1999 incidents in which a mosque in Gerona and a building in Banyoles that housed immigrants from Senegal and the Gambia were burned.

A language or dialect other than Castilian Spanish is used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state," but it adds that other languages also can be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall ... be protected."

The Law of the Catalan Language, approved by the Catalan regional legislature (Generalitat) in 1998, stipulates the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional Government. Spanish-speaking citizens have the right to be addressed in Spanish by public officials. The legislation also establishes minimum quotas for Catalan-language radio and television programming. Controversy continued over the language law implementing legislation and related regulatory measures. Facing strong resistance from film distributors, the regional government in March annulled legislation that required foreign films distributed in sufficient quantities also to be dubbed and distributed in Catalan.

In June an administrative court in Tarragona considered a challenge to a local university regulation that imposed extensive use of Catalan in university affairs. The court, although leaving some of the regulation intact and declaring itself not competent to rule on the constitutionality of the linguistic law, struck down several sections of the regulation. For example, the court found that the regulation's treatment of certain administrative issues and a requirement that staff use Catalan at all public university functions exceeded university authority and autonomy and were not in conformance with other laws. Another court challenge involved the propriety of the same university's discipline of a professor for supplying copies of the university entrance examination in Spanish, rather than Catalan, to two students requesting Spanish versions. The court ruled in December that the professor was excluded wrongly from the administration of the examinations and praised her for defending the students' rights. The court clearly implied that the university's regulation limiting access to the examination in Spanish was discriminatory and said that it was permissible to foster the use of Catalan but not to do so in a manner that excludes or limits the use of Spanish. The university administration responded that it had no intention of modifying its regulation and intended to appeal the continued suspension of certain aspects of the regulation. Notwithstanding its response, in May it began supplying the entrance examination in Spanish to those who requested it.

The European Parliament in September declined to investigate allegations brought by Spanish-speaking activists that the linguistic law discriminated against Spanish-speakers. Both Galicia and Valencia have laws stating that it is the duty of the Government to "promote" their regional languages in schools and at official functions.

The debate continued over the extent to which the Basque language (Euskera) should be promoted. The Union of Basque-Speaking Lawyers, affiliated with the pro-ETA HB political party, intensified its campaign against the use of translation services in trials of Basque-speaking citizens.

Section 6. Worker Rights

a. The Right of Association.—All workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing. About 15 percent of the workforce is unionized.

Under the Constitution, trade unions are free to choose their representatives, determine their policies, represent their members' interests, and strike. They are not restricted or harassed by the Government and are independent of political parties. A strike in nonessential services is legal if its sponsors give 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The right to strike was interpreted by the Constitutional Court to include general strikes called to protest government policy. There were 632 strikes in 1998, a decrease of 53 from 1997. The number of striking workers in 1998 was 680,500, an increase of 29,900 on the previous year. The number of workdays lost to strikes in 1998 was 1,280,900, a decrease of 555,900 on the previous year. The number of workdays lost to strikes continued to decrease in 1999 and 2000. In December government workers held a protest march and general strike over their demands for salary increases that kept pace with inflation.

Unions are free to form or join federations and affiliate with international bodies and do so without hindrance.

b. The Right to Organize and Bargain Collectively.—A 1980 statute provides for the right to organize and bargain collectively. Trade union and collective bargaining rights were extended in 1986 to all workers in the public sector except military personnel. Public sector collective bargaining in 1990 was broadened to include salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements are widespread in both the public and private sectors; in the latter they cover 60 percent of workers, notwithstanding that only about 15 percent of workers are actually union members.

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contend that employers discriminate in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. More than one-third of all employees are under temporary contracts.

Labor regulations and practices in free trade zones and export processing zones are the same as in the rest of the country. Union membership in these zones is reportedly higher than the average throughout the country.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited, and the law is enforced effectively; however, there were instances of trafficking in women who were forced into prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment of Children.—The statutory minimum age for the employment of children is 16 years. The Ministry of Labor and Social Affairs is primarily responsible for enforcement. The minimum age is enforced effectively in major industries and in the service sector. It is more difficult to enforce on small farms and in family-owned businesses, where some child labor persists. Legislation prohibiting child labor is enforced effectively in the special economic zones. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The law prohibits forced or compulsory labor by children, and it is enforced effectively (see Section 6.c.).

In 1998 UNICEF called for an investigation into child labor on tomato farms in Badajoz. According to Red Cross personnel providing assistance to migrant farm workers there, over 200 children under the age of 16, the majority Portuguese citizens, worked 10-hour days and earned less than \$14 (2,000 pesetas) per day. Many of the children were less than 10 years old.

e. Acceptable Conditions of Work.—The minimum wage was set in December 1999 for 2000 and is \$14.16 (2,356 pesetas) per day or \$424.80 (70,680 pesetas) per month, a 2 percent increase compared with 1999. The legal minimum wage for workers over 18 years of age is considered sufficient to provide a decent standard of living for a worker and family. The rate is revised every year in line with the consumer price index and is enforced effectively by the Ministry of Labor and Social Affairs.

The law sets a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers enjoy 12 paid holidays a year and a month's paid vacation.

Several press stories reported that illegal immigrants worked for substandard pay and in substandard working conditions. The Inspectorate of Labor reported 2,724

cases of labor rights violations related to immigrants during the first 8 months of the year.

Government mechanisms exist for enforcing working conditions and occupational health and safety rules, but bureaucratic procedures are cumbersome and inefficient. Safety and health legislation is being revised to conform to European Union (EU) directives. The 1995 Law to Prevent Labor Risks is the basis for the completion of the rest of the EU directives. The National Institute of Safety and Health in the Ministry of Labor and Social Security has technical responsibility for developing labor standards, but the Inspectorate of Labor has responsibility for enforcing the legislation through judicial action when infractions are found. Workers have firm legal protection for filing complaints about hazardous conditions, but easily replaced temporary workers may be reluctant to use this protection due to fear of losing their jobs.

f. Trafficking in Persons.—The law provides for sentences of up to 3 years' imprisonment and a fine for trafficking in persons. Trafficking in women for the purpose of forced prostitution, primarily from Latin America, Eastern Europe, and Africa, appears to be growing.

The Guardia Civil announced a plan in May to focus on trafficking in women for prostitution and made 162 arrests from May to the end of the year. In February police arrested 19 persons for trafficking in women for prostitution in Andalucia. The network controlled 235 women, most were from Eastern Europe. In March police in Taragona and Castellon arrested 7 Moldovan nationals for operating a trafficking network which brought 520 women from Eastern Europe into Spain for purposes of prostitution. In late December, the Guardia Civil arrested a network of 30 traffickers. The coordinated arrests occurred in Madrid, the Basque region, and several other cities. The women were from Latin America.

At least three such rings were broken up in 1999. One ring was run by Russians and Azerbaijanis and involved the trafficking women from Eastern Europe. Another, which police in Castilla-La Mancha broke up in mid-July, brought women to the country from Africa, Europe, and South America. In August police in Andalucia detained 51 persons and broke up a ring that trafficked women from Brazil, Colombia, and Ecuador. In all these cases, women were promised jobs and given the necessary documents to enter the country. Upon arrival their documents were seized, and they were taken to alternative clubs and forced to have up to 10 sexual encounters per day.

Most women apprehended in raids are Latin Americans who entered the country legally as tourists (most from countries whose citizens do not require visas), but who began working as prostitutes instead. Profits in the sex industry are 10 times higher than those in other occupations commonly filled by migrants (waitresses, maids, etc.). Nonetheless, officials concede that significant numbers of women are trafficked to Spain by eastern European Mafia groups that ruthlessly exploit their victims. A Chinese gang, which forced migrants to submit to abortions, was apprehended. Media attention to the issue of international trafficking in women has encouraged NGO's and others to demand protection for victims. The April immigration law provides protections for trafficking victims who cooperate with police against traffickers. Press accounts state that authorities detained 163 pimps and freed 865 foreigners from abusive situations in the first half of the year. The half-year figures surpass the totals for all of 1998. A 1999 Civil Guard study estimated that 10,000 women were working in sex clubs, of whom 90 percent were immigrants.

The NGO Doctors of the World, which works with prostitutes, estimated during the year that 60 percent of the 45,000 female prostitutes were immigrants. Doctors of the World reported that 69 percent of these immigrant prostitutes were from Sub-Saharan Africa, 21 percent were from Latin America, and 8 percent were from Eastern Europe.

SWEDEN

Sweden is a constitutional monarchy and a multiparty parliamentary democracy. The King is Chief of State. The Cabinet, headed by the Prime Minister, exercises executive authority. The judiciary is independent.

The Government effectively controls the police, all security organizations, and the armed forces.

Sweden has an advanced industrial economy, mainly market based, and a high standard of living, with extensive social welfare services.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse.

The Government has longstanding programs to deal with violence against women and abuse of children and took steps against trafficking in women. Neo-Nazi violence remained a problem.

RESPECT FOR HUMAN RIGHTS

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

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

In June a police officer was charged with breach of duty, serious ill treatment, and causing the death of another, in a March incident in which he shot a fleeing suspect. The police officer reportedly fired a warning shot, then shot the man from behind because he was convinced that the suspect was armed.

In June a prison escapee died after being caught and restrained by four prison guards. Nongovernmental organizations (NGO's) are concerned that the man may have died as a result of excessive use of force by the guards. The guards were suspended pending the results of a police investigation into the death.

The Prosecutor General closed his review of the initial investigation of a 1995 case in which a man died in police custody, acknowledging that there had been flaws in the investigation. He urged that a further, independent investigation be carried out into how the authorities had handled the different aspects of the case. No one was ever prosecuted for the death, although the two policemen involved were convicted of a minor offense in 1996. A report by the parliamentary Ombudsman concluded that the current procedure for dealing with complaints against the police was inadequate and proposed that an independent system be established. In June the Minister of Justice decided to appoint a commission of inquiry to look into past deaths in custody in order to propose safeguards. NGO's remain very interested in such cases.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the authorities generally respect such prohibitions. Complaints of the excessive use of force by the police are infrequent. Thorough investigations have produced no evidence of a systemic problem. Typically, police officers found guilty of abuse are suspended or otherwise disciplined.

Five cases of excessive use of force by policemen during the year were under investigation. Three officers were fined for excessive use of force in October 1999, but there were no reported cases of policemen being fired for committing crimes in the course of their duties—including the use of excessive force.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions. Arrests are by warrant. The police must file charges within 6 hours against persons detained for disturbing the public order or considered dangerous, and within 12 hours against those detained on other grounds. The law requires arraignment within 48 hours. The time between arrest and the first court hearing may be extended to 96 hours for detainees considered dangerous, likely to destroy evidence, or likely to flee. In cases involving more than one individual and in the case of foreigners, courts can and do order continued detention for 2 weeks at a time while police are investigating. Such detentions can be protracted, particularly in drug cases. Other than such dangerous suspects, detainees routinely are released pending trial. Bail as such does not exist. If a person files for bankruptcy and refuses to cooperate with an official investigation, a court may order detention for up to 3 months, with judicial review every 2 weeks.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is composed of three levels of courts: District courts, a court of appeals, and a Supreme Court. All criminal and civil cases are heard first in district court regardless of the severity of the alleged crime.

The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law limits home searches to investigations of major crimes punishable by at least 2 years' imprisonment. The authorities respect this provision. Normally the police must obtain court approval for a search or a wiretap. However, a senior police official may approve a search if time is a critical factor or the case involves a threat

to life. The national police and the Prosecutor General's Office submit a report to Parliament every year detailing all of the electronic monitoring done during the previous year. In April the Minister of Justice presented a proposal to expand the use of police wiretapping. According to the proposal, wiretapping would be allowed only if serious drug crimes or serious crimes that would result in at least 4 years' imprisonment were suspected. A parliamentary decision is likely in 2001. A court must grant permission for wiretaps on a case-by-case basis. NGO's were critical of the Ministry's proposal.

In 1997 journalistic investigations focused attention on the country's pre-1976 practice of forced sterilization. The majority of persons sterilized were disabled either mentally or physically. Such operations were known for years to have taken place under pre-World War II legislation, most of them without force. It initially was reported that between 1934 and 1976, 62,888 forced sterilizations were carried out, 95 percent of them on women. In 1999 a government-appointed commission concluded that approximately 10,000 to 15,000 of these sterilizations were forced. The commission gave priority to the question of damages to victims and also looked into the possible existence of other categories of victims. The commission concluded its inquiry in 1999, and Parliament decided to pay damages of approximately \$21,000 (175,000 krona) to each victim. By October 1, 1999 persons had applied for compensation. By year's end, some 1,300 had received payment. The Government allocated additional resources to pay compensation since the number of applicants far exceeded expectations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these provisions in practice. Most newspapers and periodicals are privately owned. The Government subsidizes daily newspapers, regardless of political affiliation. Broadcasters operate under a state concession. Until a few years ago, the State had a monopoly over ground-based broadcasting, but a variety of commercial television channels (one ground-based and several via satellite or cable), and several commercial radio stations now exist.

The Government may censor publications containing national security information. A quasi-governmental body excises extremely graphic violence from films, television programs, and videos.

Criticism of child pornography is widespread, and the debate on the legality of ownership of pornographic material continued. A 1999 law criminalizes the possession and handling of child pornography. It also is illegal to publish or distribute such material. The Queen remains a strong and popular advocate of children's rights and an active opponent of child pornography.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government respects this right in practice. Police require a permit for public demonstrations. The authorities routinely grant such permits, with rare exceptions to prevent clashes between antagonistic groups or due to insufficient police resources to patrol an event adequately.

The Constitution provides for freedom of association, and the Government respects this right in practice. The debate that began in 1999 over the possible criminalization of neo-Nazi organizations continued.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects that right in practice. The Government does not hamper the practice or teaching of any faith.

The country maintained a state (Lutheran) church for several hundred years, supported by a general "church tax" (although the Government routinely grants exemptions). However, in 1995 the Church of Sweden and the Government agreed to a formal separation, which became effective during the year, but the Church still is to receive some state support. The reform also made it possible for all religious communities to register by fulfilling certain organizational requirements. The principles governing state support to all religious communities have been laid down in a new special act of law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The law and regulations incorporate the precepts of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. They are also consistent with the European Union's (EU) Dublin Convention. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees; it also provides first asylum. In keeping with international agreements, the Government reviewed applications for asylum more thor-

oughly than before. The number of applications for asylum decreased in 1999 to 11,231 (from 12,844 in 1998). Applicants included 3,576 Iraqi citizens, 1,812 from the Federal Republic of Yugoslavia, and 854 Iranians. The Government approved 5,597 applications in 1999. A total of 6,835 persons sought asylum through July 2000. Nearly 11 percent of the country's population is foreign born.

The Government carries out expeditious returns of asylum seekers from EU countries or from countries with which there are reciprocal return agreements. In many cases, asylum seekers were deported within 72 hours of arrival, and NGO's were critical of their lack of access to legal counsel. To remedy this situation, the Government is experimenting with pilot programs at selected border crossings to provide expeditious legal assistance. Most of these are cases of persons who passed through or have asylum determinations pending in other EU countries. Applications can remain under consideration for long periods of time with applicants in uncertain status. Because of the appeals process in the courts, cases can extend for several years. These cases are few in number.

The principal complaint of NGO's is that the country lacks a transparent process for making decisions in asylum cases. They maintain that the asylum procedures lack rules to guide the conduct of authorities to ensure legal protection for asylum seekers. The procedures accord great discretion to individuals in decisionmaking positions. According to the NGO's, the decisionmakers use arbitrary, unspecified, and inconsistent criteria. NGO's are particularly critical of the unclear burden of proof and the lack of an appeals process to an independent court. Four cases, in which the Government sought to return asylum seekers to countries where they feared persecution, were pending at the U.N. Committee Against Torture; the Committee was expected to review the cases in the fall of 2000.

The Government conducted a review of the safety of countries that are considered safe third countries. NGO's raised the issue of insufficient protection for returnees to countries without a reciprocal return agreement. While these countries provide safe asylum, they are often reluctant to accept asylum seekers deported from European countries. Despite the Government's review, late in the year the authorities ordered the deportation of two Iranian asylum seekers to Tehran. The deportation was halted after the U.N. Committee Against Torture decided to review both cases to determine if the individuals would face torture if returned to Tehran.

A total of 3,752 Kosovar Albanian refugees were granted temporary residence permits in 1999, initially valid for 11 months. By July more than 2,500 of the refugees had returned to Kosovo. The Government has accepted over 100,000 refugees from the former Yugoslavia. The Government provides grants to Bosnians to travel to their homeland in order to determine if they wish to be repatriated. It also provides financial incentives for returnees, but there is no forced repatriation. There were no reports of the forced return of persons to a country where they feared persecution.

In March the Government withdrew a proposal envisaging changes to its temporary protection regulations in a situation of mass immigration. The proposal was withdrawn following massive criticism by the political opposition, the UNHCR, NGO's, and the parliamentary Committee on Social Insurance.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens exercised this right most recently in 1998. Elections to the 349-member unicameral Parliament are held every 4 years.

Women participate actively in the political process and Government. They constitute 43.6 percent of the Parliament and 55 percent of the Cabinet. The governing Social Democratic Party largely kept its pledge to place women in half of all political appointments at all levels.

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

Several private organizations actively monitor issues such as the impact of social legislation, anti-immigrant or racist activities, and the condition of the indigenous Sami population. The official ombudsmen publicize abuses of state authority and may initiate actions to rectify such abuses. Government agencies are in close contact with a variety of local and international groups working in the country and abroad to improve human rights observance, and they are very open to dialog and input from these groups.

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

The Constitution provides for equal rights for all citizens, and the Government respects this provision.

Women.—A total of 19,982 reported cases of assault against women (excluding rape) were reported in 1999, compared with 20,516 in 1998. Most involved spousal abuse. In three-quarters of the assaults, the perpetrator was an acquaintance of the victim. Reported abuse against women occurs disproportionately in immigrant communities. On average 33 murders of women and girls are reported each year, half of them by men closely related to the victim. The number of reported rapes of persons over age 15 was 1,747 in 1999, compared with 1,386 in 1998. The law does not differentiate between spousal and nonspousal rape. In 1998 (latest statistics available) 4,928 cases of violence against women were prosecuted, as were 243 rape cases, 208 of which were sexual assaults on persons over age 15.

Trafficking in women from Russia and the Baltics for purposes of forced prostitution continues to be a small but serious problem (see Section 6.f.). The purchase or attempted purchase of sexual services became illegal in 1999.

The Government has longstanding programs to deal with violence against women. The law provides complainants with protection from contact with their abusers, if so desired. In some cases, the authorities help women obtain new identities and homes. The Government provides electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments help fund volunteer groups that provide shelter and other assistance to abused women. The authorities strive to apprehend and prosecute abusers. Typically, the sentence for abuse is a prison term—14 months on average—or psychiatric treatment. However, women complain about short sentences and the early release of offenders.

The law prohibits sexual harassment and specifies clearly employers' responsibilities to prevent and—if applicable—to investigate sexual harassment in the workplace and to formulate and post a specific policy and guidelines for the workplace. Employers who do not investigate and intervene against harassment at work can be obliged to pay damages to the victim. As with other forms of discrimination, women and men may take complaints to the courts or to their unions. To combat gender discrimination in the longer term, the Equal Opportunities Act requires all employers, both in the public and private sector, actively to promote equal opportunities for women and men in the workplace.

The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. According to 1998 statistics, women's salaries were 82 percent of men's salaries. Adjusting for age, education, and occupational differences between men and women, women average 91 percent of men's salaries. The equal opportunity Ombudsman, a public official, investigates complaints of gender discrimination in the labor market. Women and men also may pursue complaints through the courts. A third option, and by far the most common, involves settling allegations with the employee's labor union as mediator. In 1999 gender discrimination cases by 94 women and 16 men were registered with the equal opportunity Ombudsman. The courts did not rule on any of the cases in 1999 (pending the resolution of 1 of the cases in the European Court of Justice), 11 were settled through mediation, 22 were withdrawn, and 72 were dropped. The remainder were pending. In the past, many of these cases involved salary discrimination.

All employers with more than 10 employees must prepare an annual equality plan, including a survey of pay differences between male and female employees. The equal opportunity Ombudsman reviews these plans.

Women were trafficked for the purpose of forced prostitution (see Section 6.f.).

Under the country's pre-1976 practice of forced sterilization, thousands of persons were sterilized forcibly between 1934 and 1976. The majority of those sterilized were disabled either mentally or physically, and 95 percent were women. In May 1999, Parliament decided to pay damages in such cases (see Section 1.f.).

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides compulsory, free, and universal primary school education for children for 9 years. It also provides free medical and dental care for all children up to the age of 16 (19 for dental care). Parents receive some \$1,000 per year for each child under 16 years of age. An official children's Ombudsman monitors the Government's programs.

The Government allocates funds to private organizations concerned with children's rights. An NGO, Children's Rights in Society, offers counseling to troubled youngsters. The Government remains active internationally in efforts to prevent child abuse.

Although the physical abuse of children appears relatively uncommon, the public and authorities remain concerned by consistent data indicating an increase in cases over the past several years. The number of reported cases for children under the age of 15 rose to 5,919 in 1999, up from 5,642 in 1998. The number of reported cases of sexual abuse of children under the age of 15 was 2,969 in 1999 and 2,756 in 1998. The U.N. Children's Committee criticized the Government, stating that it provides less protection for the children of immigrant and disadvantaged groups.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The authorities respect these laws, and the usual sentence is a fine combined with counseling and monitoring by social workers. However, if the situation warrants, authorities may remove children from their homes and place them in foster care. Foster parents virtually never receive permission to adopt long-term foster children, even in cases where the parents are seen as unfit or seek no contact with the child. Critics charge that this policy places the rights of biological parents over the needs of children for security in permanent family situations.

People with Disabilities.—With one exception, there are no specific laws that prohibit discrimination against persons with disabilities, but considerable efforts are made to ensure that the disabled enjoy equal opportunities. A 1999 act prohibits discrimination against disabled persons in the workplace. In May the Parliament adopted a national plan on disability policy that provides for freedom of access and social support as basic rights for disabled citizens. Since 1994 the country has had an Ombudsman for disability issues. The Government provides disabled persons with assistance aimed at allowing them to live as normal a life as possible, preferably outside an institutional setting. This support may include a personal assistant for the severely disabled, plus improvements in the workplace's accessibility to wheelchairs. Government assistance also encompasses services such as home care or group living. Regulations for new buildings require full accessibility, but the Government has no such requirement for existing public buildings. Many buildings and some public transportation remain inaccessible. Deaf children have the right to education in sign language. The parents of disabled children and disabled workers under the age of 65 receive financial assistance every 7 years to buy a car adapted to the person's disability.

Under the country's pre-1976 practice of forced sterilization, thousands of persons were sterilized forcibly between 1934 and 1976. The majority of those sterilized were disabled either mentally or physically (see Section 1.f.). In 1999 Parliament decided to pay damages in such cases.

Indigenous People.—The country counts at least 17,000 Sami (formerly known as Lapps) among its 8.87 million inhabitants (Sami organizations place that number somewhat higher, 25,000 to 30,000). In 1993 the Government allowed the formation of a Sametinget, or Sami Parliament, as an advisory body to the Government. Under the current Government, Sami issues fall under the Ministry of Agriculture.

The Sami continue a protracted struggle for recognition as an indigenous people under a variety of international agreements, such as International Labor Organization (ILO) Convention 169. Historically, the Government resisted granting the Sami such rights. For example, Sami children had no right to education in their native language until the provision of such education to immigrant group children under a 1977 law forced the Government to grant Sami at least equal treatment. As a result of such education, northern Sami dialects have enjoyed a recent renaissance. However, Sami dialects in the southern portions of traditional Sami lands now may have too few native speakers to survive as living languages. In 1997 the Government initiated an inquiry into whether the country could ratify ILO Convention 169. The inquiry was published in 1999 and concluded that the country could ratify the convention, but that it should not be ratified until a number of steps relating to Sami land rights are taken. No further steps were taken during the year.

In 1994 the Government removed from the Sami the right to control hunting and fishing activities on Sami village lands, permitting instead totally unlimited hunting and fishing activity on all government property. Sami leaders continued to protest this change during the year.

Some Sami state that they face discrimination in housing and employment on an individual basis, particularly in the southern mountain regions. In January the Government officially recognized the Sami people as a national minority in the context of its ratification of the European Framework Convention for the Protection of National Minorities.

Religious Minorities.—The Government continued to take proactive steps to combat anti-Semitism by increasing awareness of Nazi crimes and the Holocaust. Under

its living history project, the Government provides educational material on the Holocaust to schoolchildren and families throughout the country. The media are also active in publicizing and condemning neo-Nazi activity.

The Government declared January 27, the anniversary of Auschwitz's liberation, as a national day of remembrance. In January Sweden hosted a large, high-level international conference on Holocaust education. The Stockholm international forum on the Holocaust was attended by over 40 countries and over 20 heads of state and government.

National/Racial/Ethnic Minorities.—Approximately 11 percent of Sweden's population is foreign born, with the largest groups being from Finland, Iran, and the former Yugoslavia. "Skinhead" and neo-Nazi related violence increased during the year. Neo-Nazi activity in the past was rarely lethal or well organized and was directed mostly at immigrants. However, cases over the last couple of years are notable for the fact that they mainly targeted white, native, non-Jewish citizens. Crimes with racial overtones increased, but only 13 per cent of the racist crimes reported could be linked directly to neo-Nazis. Violent incidents with racial overtones have averaged about 100 per year in recent years, although no official statistics are kept.

Three neo-Nazis were sentenced in January to life imprisonment for killing two police officers during the course of a May 1999 bank robbery. Two young neo-Nazis were sentenced to 11 years in prison in April for the murder of a trade union official in October 1999. A third defendant was sentenced to 4 years' imprisonment for being an accessory.

The public continued to urge a tougher stance against neo-Nazi groups. Several demonstrations against violence and racism were organized all over the country. The Government supports volunteer groups that oppose racism and xenophobia. As a result of the 1999 press campaign against 62 of the country's leading neo-Nazis, 5 were expelled from their unions, and 1 was fired from his job.

Most estimates place the number of active neo-Nazis at fewer than 2,000, and there appears to be little popular support for their activities or sentiments. Many citizens doubt whether such youth actually embrace neo-Nazi ideology, and the Government supports activities by volunteer groups working against racism. The Government investigates and prosecutes race-related crimes, although in many clashes between Swedish and immigrant youth gangs, authorities judge both sides to be at fault. Neo-Nazi groups operate legally, but serious discussion has been taking place about outlawing such groups. The Supreme Court ruled that it can be illegal to wear xenophobic symbols or racist paraphernalia. Rightwing groups, which have and exercise the right to demonstrate, are not permitted to display signs and banners with provocative symbols at their rallies.

The Ombudsman for racial discrimination reported in January that complaints of ethnic discrimination in the labor market increased by 50 percent in 1999 to 184 cases, compared with 122 cases in 1998. The increase could be linked to a new law, introduced in May 1999, which provides easier redress.

A government committee presented a report that proposed a tightening of the laws against Nazi and racist crimes. The committee proposed that a new charge be introduced, "seriously disorderly conduct," in order to be able to prosecute people for crimes that do not fall under "agitation against ethnic groups."

In January the Government decided to ratify the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The decision implies that the Sami people, Swedish Finns, Tornedal-Finns, Roma, and Jews are recognized as national minorities. It means that the Government should support and protect minority languages such as Sami, Finnish, and Yiddish. A new law that gave effect to the conventions entered into force on April 1.

Section 6. Worker Rights

a. The Right of Association.—The work force is approximately 80 percent unionized. Career military personnel, police officers, and civilian government officials, as well as private sector workers in both manufacturing and service industries, are organized. Most business owners belong to counterpart employer organizations.

Unions and employer organizations operate independently of the Government and political parties (although the largest federation of unions has always been linked with the largest political party, the Social Democrats). The law protects the freedom of workers to associate and to strike, as well as for employers to organize and to conduct lockouts. Within limits protecting the public's immediate health and security, public employees also enjoy the right to strike. These laws are respected fully and are not challenged.

Unions have the right to affiliate with international bodies. They are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation among others.

b. The Right to Organize and Bargain Collectively.—Management-labor cooperation tends to be excellent and nonconfrontational. Labor and management, each represented by a national organization by sector (for example retailers and engineering industries), negotiate framework agreements every 2 to 3 years. More detailed company-level agreements put such framework agreements into effect at the local level. New framework agreements were signed during 1998, with most valid until 2001. In contrast with the recent past, most agreements with labor unions now provide for a degree of individualized pay, including merit bonuses.

The law provides both workers and employers with effective mechanisms for resolving complaints. The vast majority of complaints are resolved informally. The law protects union officials and members from dismissal or reprisals for official union activities. In some instances, unions even demand collective agreements regardless of the views and union status of employees. The Government is studying ways to strengthen the system of public mediation. During the year, a new government office, the Mediation Institute, began functioning. During 1999 there were seven legal and two illegal strikes. No strikes or lockouts were reported during the year, apart from two small wildcat actions in October.

Agreement was reached in 1997 between 12 employer associations and 8 unions representing 800,000 manufacturing employees on steps to prevent strikes and lockouts, such as requiring serious wage negotiations to start 3 months before a collective agreement expires and appointing a mediator if an agreement has not been reached after 2 months. As a result of this agreement, wages increased by approximately 3 percent in 1998 and a further 3 to 3.5 percent in 1999. Similar agreements were signed in the municipal sector and in the retail-commercial and service sectors.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and the authorities effectively enforce this ban. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively. However, women are trafficked to the country for the purposes of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Compulsory 9-year education ends at age 16, and the law permits full-time employment at that age under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. During summer and other vacation periods, children as young as 13 years may work part time or in "light" work with parental permission. Union representatives, police, and public prosecutors effectively enforce this restriction. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no national minimum wage law. Wages are set by collective bargaining contracts, which nonunion establishments usually observe as well. Even the lowest paid workers can maintain a decent standard of living for themselves and their families through substantial benefits (such as housing or day care support) provided by social welfare entitlement programs. However, cutbacks in these programs have made it harder for some workers to make ends meet, particularly low-paid single women with children.

The standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. For workers not covered by a labor agreement, the law stipulates a limit for overtime at 200 hours a year, although exceptions may be granted for key employees with union approval; some collective bargaining agreements put the limit at 150 hours. The law requires a rest period after 5 hours of work but does not stipulate a minimum duration; in practice it is usually 30 minutes. The law also provides all employees with a minimum of 5 weeks of paid annual leave; labor contracts often provide more, particularly for higher ranking private sector employees and older public service workers. Amendments to the labor law in 1997 made it easier for employers to hire workers for limited periods, as well as empowering local unions to agree to exceptions to last-in, first-out laws.

Currently the focus of concern is on the psychosocial aspect of health and safety. Occupational health and safety rules are set by a government-appointed board and monitored by trained union stewards, safety ombudsmen, and, occasionally, government inspectors. These standards are very high, making workplaces both safe and healthy. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. An individual also has the right to halt work in dangerous situations in order to consult a supervisor or safety representative.

f. Trafficking in Persons.—The law does not prohibit such trafficking, although traffickers are prosecuted under other statutes. Women are trafficked to the country for forced prostitution. In 1999 the Government initiated six court cases against individuals involved in trafficking. The 11 cases prosecuted in 1998–99 resulted in 6 convictions. All of the accused traffickers are Swedish residents with family and personal ties to Central and Eastern Europe and the Middle East. The affected women in these cases, numbering 200 to 500 per year, came principally from Central Europe, the Baltic states, and Russia. The women typically are recruited in their own countries to come and work as cleaners, babysitters, or similar employment. Some reportedly were “purchased” from other traffickers and brought into Sweden. A 1998 baseline report stated that considerable additional information available to the police suggests that the problem of trafficking is more widespread than the few prosecutions indicate.

The Government and the EU provided funds to the Foundation of Women’s Forums to combat trafficking in women in the Nordic and Baltic nations by creating interactive networks that link NGO’s and research institutions that deal with prevention and the rehabilitation of trafficked women.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the Federal Council, the highest executive body, whose presidency rotates annually. Because of the nation’s linguistic and religious diversity, the Swiss political system emphasizes local and national political consensus and grants considerable autonomy to individual cantons. Voters approved a new Constitution in April 1999 that came into force on January 1, 2000. The judiciary is independent.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own police forces that are kept under effective control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. There were allegations of occasional abuses by police.

Switzerland has a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living is very high.

The Government generally respects human rights, and the law and judiciary provide effective means of dealing with individual instances of abuse. There continue to be allegations by nongovernmental organizations (NGO’s) of occasional police harassment directed against foreigners, particularly asylum seekers, including arbitrary detention. Violence against women is a problem, and the Government is continuing to take serious steps to address it. Trafficking in women for forced prostitution increased. Some laws still tend to discriminate against women. There continue to be reports of verbal abuse against foreigners by private citizens.

The new Constitution approved by voters in 1999 provides for new protection for citizens’ rights, including the principle of equal opportunity for the disabled and the right to strike.

RESPECT FOR HUMAN RIGHTS

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

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

Human rights groups strongly criticized police for the death of 27-year-old Palestinian Khaled Abuzarifeh, who died at Zurich-Kloten airport while being forcibly deported in March 1999. In January Zurich cantonal authorities announced that forensic tests showed that Abuzarifeh died of suffocation. For deportation he was strapped into a wheelchair and adhesive tape was placed over his mouth to prevent him from shouting. According to airport police, such restraints were permitted because Abuzarifeh’s physical resistance thwarted a first deportation attempt. Cantonal authorities claim no longer to be using adhesive tape to cover the mouth during deportations. In connection with Abuzarifeh’s death, three police officers and a doctor were placed under formal investigation of charges of manslaughter by culpable negligence.

Fulgence Niyonteze, the former mayor of the Rwandan town of Mushubati, sought asylum in Switzerland in 1994 and was arrested in 1996. In May 1999, a military

court convicted him of crimes committed during the 1994 genocide, including murder (taking part in the massacre of Tutsis), attempted murder, incitement to murder, and war crimes. He was sentenced to life imprisonment. Niyonteze was tried by a military tribunal because Swiss law stipulates that alleged war crimes and violations of the Geneva Conventions be tried by a military tribunal.

On May 26, 2000, a military appeal court heard Niyonteze's appeal of his sentence of life imprisonment. The court found Niyonteze guilty of war crimes and violations of the Geneva Conventions but dropped the first charges of murder and incitement to murder and declared that a military tribunal had no authority to try such offenses when committed abroad by a civilian. The military appeal court sentenced Niyonteze to 14 years in prison. Both the public prosecutor and Niyonteze filed appeals of the sentence.

b. Disappearance.—There were no reports of politically motivated disappearances.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution proscribes such practices, and there were no reports of violations. There were allegations by NGO's and some individuals of occasional police harassment of foreigners, particularly asylum seekers (see Section 2.d.).

Brazilian national Luis Felipe Lourenco was arrested in 1998 in Geneva on charges of theft of a credit card. A prison guard allegedly beat him while he was in custody. Prison authorities reportedly waited 2 hours before transporting Lourenco to the hospital, where he was diagnosed with a perforated lung and damage to his spinal cord. Lourenco is paralyzed in all his limbs as result of the injuries that he claims to have suffered while detained. The prison administration maintained that Lourenco's injuries were incurred when he threw himself against a door.

On August 28, a Geneva magistrate decided not to indict the guard for negligence causing bodily harm, as Lourenco had demanded, on the grounds that there was insufficient evidence for criminal charges. The magistrate based the decision primarily on the results of a medical study of Lourenco's injuries but also took into consideration the guard's previously unblemished record. In their report, the three medical experts consulted by the magistrate stated that they failed to establish the truth with certainty, but that they deemed the guard's version of events, that Lourenco's injuries were self-inflicted, more plausible. In October Lourenco's lawyers filed an appeal of the magistrate's decision with the Geneva Criminal Court.

No new developments occurred in the case of Clement Nwankwo, a Nigerian human rights monitor who accused the Geneva police of mistreatment during his arrest in 1997. Having exhausted domestic remedies unsuccessfully, Nwankwo is appealing his case to the European Court of Human Rights. NGO's believe that the Nwankwo case underscores overall problems with police treatment of foreigners, especially asylum seekers in Geneva and perhaps elsewhere. Their concern was echoed in a 1997 report by the U.N. Committee Against Torture, which expressed concern about "frequent allegations of ill-treatment" inflicted in the course of arrests and police custody. The report also noted a lack of independent mechanisms in the cantons to provide certain legal protections such as the possibility, "especially for foreigners," to contact their family or a lawyer in case of arrest and to be examined by an independent doctor on entering police custody, after each interrogation, and before being brought before an investigating magistrate or being released. Responding to these concerns, in 1998 a team of experts appointed by the Federal Office of Justice presented a preliminary study identifying possible characteristics of a future federal-level code of penal procedures that would replace the cantonal codes. The study recommends granting fundamental protections to detainees in police custody, including the introduction of a legal right to inform relatives or third parties of their arrest. However, the committee did not recommend a provision for access to a lawyer from the time of arrest.

Prison conditions meet minimum international standards, although some NGO's complain of prison overcrowding. The Government has taken measures to improve prison conditions and address overcrowding. The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The legal prohibitions on arbitrary arrest and detention generally are respected at all levels of government. The cantons are responsible for handling most criminal matters, and procedures vary somewhat from canton to canton. In general a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate. However, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. Some NGO's alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.). A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial. Investigations are generally prompt, even if in some

cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. During the year, about onethird of all prisoners were in pretrial detention, and the average length of such detention was 52 days.

The law prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Federal Court.

Minor cases are tried by a single judge, difficult cases by a panel of judges, and murder (or other serious cases) by a public jury. Trials usually are held expeditiously. The Constitution provides for public trials in which the defendant's rights are fully respected, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Cantonal laws regulate police entry into private premises. These regulations differ widely from canton to canton, but all prohibit such practices without a warrant. All government authorities respect these provisions, and violations are subject to effective legal sanction.

Instances of forced sterilization of women resurfaced in public debate during the year. In 1981 the Swiss Academy for Medical Science decided that forced sterilization is not permissible if a person is incapable of understanding the consequences. This guideline is undergoing revision because of what the Academy calls a changed social understanding of the sexuality of the mentally disabled. Although no data indicates that more pregnancies occur when disabled women and men live together in homes, the Academy considers its guideline outdated. Draft legislation to revise the Academy's position is in parliamentary consultation. The draft would permit forced sterilization in cases when no other form of contraception is usable.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The authorities legally may restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition an article of the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

Parliamentary immunity protects parliamentarians from prosecution for acts that relate to their government position. However, following a 1998 incident in which a national councilor, Rudolf Keller, made anti-Semitic remarks and could not be prosecuted because Parliament refused to lift his immunity, the upper house of Parliament voted in 1999 for its partial abolishment. However, the National Council, the lower house of Parliament, rejected the legislative proposal twice, the second time in October, thus preserving the existing rules.

The nationwide broadcast media are government funded but possess editorial autonomy. Private and foreign broadcast media operate freely.

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

c. Freedom of Religion.—The Constitution provides for complete freedom of religion, and the Government generally respects this right in practice. There is no single state church, but all cantons support at least one of the three traditional denominations—Roman Catholic, Old Catholic, or Protestant—with public funds. In all cantons, an individual may choose not to contribute to church funding. However, in some cantons, private companies are unable to avoid payment of the church tax. A religious organization must register with the Government in order to receive tax-exempt status. There have been no reports of a religious group applying for the "church taxation" status that the traditional three denominations enjoy.

Foreign missionaries must obtain a "religious worker" visa to work in the country. Requirements include proof that the foreigner would not displace a citizen from doing the job, that the foreigner would be financially supported by the host organization, and that the country of origin of religious workers also grants visas to Swiss religious workers.

Religion is taught in public schools. The doctrine presented depends on which religion predominates in the particular canton. However, those of different faiths are

free to attend classes for their own creeds during the designated class period. Atheists also may be excused from the classes. Parents also may send their children to private (parochial) schools or teach their children at home.

In July 1999, the Business Review Commission of the National Assembly issued a report entitled "Sects or Assimilative Movements in Switzerland," containing recommendations to the Government on the need for state involvement and the creation of national policy. The Commission recommended that the Government formulate a "sect" policy and coordinate the cooperation of researchers and informational and counseling committees. In June 2000, the Government rejected the Business Review Commission's recommendation to formulate a national sect policy. The Government stated that such a policy would conflict with the constitutional right to freedom of religious beliefs. The Government also opposed the creation of a National Information and Counseling Center pointing out that religious matters fall under the jurisdiction of the cantons.

In 1998 the city of Basel passed a law banning aggressive tactics for handing out flyers. This action was prompted by complaints about Scientologists' methods. In June 1999, Scientology lost a bid in the country's highest court to overturn a municipal law that barred persons from being approached on the street by those using "deceptive or dishonest methods." The Court ruled that a 1998 Basel law, prompted by efforts to curb Scientology, involved an intervention in religious freedom but did not infringe on it.

The city of Buchs, St. Gallen, also passed a law modeled on the Basel law. However, it is still legal to proselytize in nonintrusive ways, such as public speaking on the street or by going door-to-door in neighborhoods.

In Zurich in June 1995 Scientologists appealed a city decision that prohibited them from distributing flyers on public property. In September 1999, a higher court decided that the Scientologists' activities were commercial and not religious, and that the city should grant them and other commercial enterprises such as fast food restaurants more freedom to distribute flyers on a permit basis. Fearing a heavy administrative and enforcement workload, the city appealed to the Supreme Court. The Supreme Court decision rejected the appeal in June 2000, reinforcing the decision by the previous court that the Scientologists' activities were commercial in nature. The Supreme Court decision is expected to establish a nationwide legal guideline on the issue.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Under the Constitution and the law, citizens are free to travel in or outside the country, to emigrate, and to repatriate. Non-Swiss convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

Switzerland traditionally has been a haven for refugees, but public concern over the high number of asylum seekers entering the country in the wake of the Kosovo conflict generated domestic political pressure on the Government in 1999 to tighten its policy regarding their acceptance. The Government granted temporary asylum to approximately 63,000 Kosovars seeking refuge from the armed conflict. Following the end of hostilities and the deployment of the international protection force, the Federal Council in August 1999 deemed a return of refugees to Kosovo justifiable and ended its policy of granting temporary asylum collectively.

The Government initially offered material and financial aid to refugees leaving the country voluntarily. Some 32,000 Kosovars accepted this offer, which ended in May. Since June the Government proceeded with forced repatriations, expelling by the end of August some 4,300 Kosovars—178 of them on special flights in police custody. In May the Federal Government granted a delay in departure dates in some 4,000 cases that involved individual hardship (families with children in school, members of ethnic minorities, the elderly, the sick, single mothers, and pregnant women). In December approximately 1,500 Kosovars with expired temporary residence permits remained in the country. In coordination with the U.N. Mission in Kosovo, the Government agreed to slow the flow of repatriations in December and in January 2001.

In August the umbrella organization of refugee aid NGO's criticized the Federal Government for some forced repatriations of Kosovo refugees that they termed excessively harsh and inhumane. Another human rights group, Eyes Open, criticized Zurich cantonal police practices in the compulsory repatriations of failed asylum seekers (see Section 1.c.). The group noted that the excessive use of hand and leg restraints in the return of Congolese asylum seekers in August gave the impression that they were criminals.

The 1999 asylum law provides for the collective admission of victims of violence and authorizes the Federal Council to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time,

the law is designed to curtail the misuse of asylum regulations and to enable the more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who cannot credibly justify not having identity papers. In such a case the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGO's contend that such a short time span does not constitute an effective remedy and therefore violates the European Convention on Human Rights.

Some human rights NGO's have charged the authorities with abuses in connection with the implementation of a 1995 amendment to the Law on Foreigners. The amendment is aimed at asylum seekers or foreigners who live illegally in the country and who are suspected of disturbing the public order or avoiding repatriation. In particular these groups have alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country's two main airports. They also charge that police officers use the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight, and the Federal Court overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGO's claim that the situation with regard to arbitrary detention has improved, they contend that the denial of access to asylum procedures at the two airports is increasing.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Federal Office for Refugees estimated that in August the total number of asylum applicants and temporary residents living in the country was 143,000. (This included recognized refugees, persons granted temporary asylum, as well as those who either have a first asylum application pending, appealed against a rejection, or were currently awaiting repatriation.) A year earlier, in the aftermath of the Kosovo war, the figure stood at 182,000. Some 11,000 new applications for asylum were submitted by the end of August, 72 percent less than during the same period last year. Refugees whose applications are rejected are allowed to stay temporarily, if their home country is experiencing war or insurrection. The Government denies having forced persons to return to countries where they have a well-founded fear of persecution and insists that each case is examined carefully. However, NGO's including the well-known Eyes Open organization have accused the Government of sometimes expelling rejected asylum seekers even though conditions in their native country remain unfavorable.

In December the independent commission of experts under Professor Bergier published a supplement to its 1999 report. The commission found that the Government systematically expelled Roma (Gypsies) or turned them away at the border during much of the 20th century, including during World War II. Thus Switzerland refused asylum to Roma who faced persecution in Nazi-occupied territory. The commission report does not indicate the number of rejected applicants. In response to the Bergier report, the Government expressed to the Roma communities its deep regret over its policy prior to, during, and after World War II. In its statement the Government mentioned the foundation of "A Future for Swiss Itinerants," a fund that it established in 1997 and endowed with \$600,000 (1 million Swiss francs) to improve living conditions for Roma.

In the same statement, the Government referred to its earlier statement following issuance of the Bergier commission report in December 1999, in which the Government apologized for its asylum policy during World War II, when thousands of Jewish refugees were refused entry to the country (see Section 5).

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

The Constitution provides citizens with the right to change their government peacefully (at local, cantonal, and federal levels), and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In addition initiative and referendum procedures provide unusually intense popular involvement in the legislative process. In April 1999 voters approved a new Constitution.

Women remain underrepresented in government and politics. They were disenfranchised until 1971 at the federal level, but since then their participation in politics has continued to expand. In 1999 Ruth Dreifuss served as the first female President. Women occupy 55 of the 246 seats in the Parliament, 2 of 7 seats in the Federal Council (Cabinet), roughly one-fourth of the seats in the cantonal government executive bodies, and one-fifth of the seats in the communal executives. In

1999 the electorate overwhelmingly rejected a popular initiative to mandate equal gender representation in all federal institutions by a ratio of four to one.

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

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

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

The Constitution and laws prohibit discrimination on the basis of race, sex, religion, language, or social status. The Government generally enforces these prohibitions effectively, although some laws tend to discriminate against women. The new Constitution includes provisions for equal rights for the disabled and for minorities.

Women.—Violence against women is a problem. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffer at least once in their lifetimes from physical or sexual violence, and about 40 percent suffer from psychological or verbal abuse. Another 1998 study estimates that over 100,000 cases of domestic violence occur each year.

The law prohibits wife beating and similar offenses. Spousal rape is a crime in the Penal Code. Victims of domestic violence can obtain help, counseling, and legal assistance from specialized agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. Police have specially trained units to deal with violence against women, and victims legally are entitled to be heard exclusively by female police officers and judges. A total of 732 women and 722 children took refuge in 14 women's shelters across the country during 1999. Those in charge of the shelters estimate that nearly as many were denied access due to a lack of space and limited funding.

The difficulty in gathering information about the number of prosecuted, convicted, or punished spouse abusers stems in part from the fact that legal cases are handled by each canton and data are often not up-to-date. According to 1998 police criminal statistics, 314 men were investigated for rape offenses, and 84 were sentenced.

The Federation of Women's Organizations and numerous other women's NGO's have heightened public awareness of the problem of violence against women. In 1998 two government-supported women's organizations that fight for equal gender rights jointly conducted the first national campaign against violence in relationships. This campaign received extensive media coverage.

Prostitution is legal; however, working by foreigners without a valid permit is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women is a problem (see Sections 6.c. and 6.f.).

Although the new Constitution prohibits all types of discrimination, and a 1981 amendment provides for equal rights, equal treatment, and equivalent wages for men and women, some laws still tend to discriminate against women. A 1988 federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally. However, the Supreme Court ruled that the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man is the primary wage earner in most marriages, when the income is too low to support both parties, it is usually the wife (and children) who are forced to survive on public assistance. Statistics from 1999 show that nearly 70 percent of women who did not work outside the home while married fell below the poverty line immediately after a divorce. Although mandated by a constitutional amendment in 1945, no federal law on maternity insurance exists.

Immigrant women married to a Swiss husband (or immigrants with long-term residence permits), who have lived in Switzerland for less than 3 to 5 years from date of marriage (length depends on country of origin, education, and income level), cannot divorce their husbands without the risk of having to leave the country. Their purpose for being in Switzerland officially is registered as "stay with spouse" until they receive their own long-term residency permits, and they are in danger of losing permission to remain if they divorce. NGO's argue that this prevents women with problems from being able to seek help—or leave their husbands—without serious consequences.

A 1996 law includes a general prohibition on gender-based discrimination and incorporates the principle of "equal wages for equal work." The law also includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment.

The Federal Office for Equal Opportunities for Men and Women and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. In 1999 a federal level interdepartmental working group issued an action plan that outlined strategic goals and measures to improve the situation of women. These include measures in the areas of education, health, violence against women, the workplace, human rights, the media, and the environment. For example, the plan calls for financial support for child care facilities at colleges and universities to enable a larger number of women to obtain a higher education; continued education and support for specialists in the area of addiction prevention for women; and ongoing analysis and data collection on the issue of wage differences between men and women. The working group that issued the plan in 1999 is scheduled to reconvene in January 2001 to draft a report to Parliament due in 2002 on federal implementation of the action plan.

On average women earn 20 to 30 percent less than men. A June study found that discriminatory behavior by employers accounts for 60 percent of the overall wage gap between men and women. Women also are promoted less often than men. Individual cases of denial of equal pay for equal work are subject to the 1996 law. In 1998, the most recent year for which data are available, 26.3 percent of women between the ages of 15 and 61 were not in the work force; of those in the work force 50.5 percent worked full time. Women hold 83 percent of all part-time jobs.

The issue of pre-1970's forced sterilization of some women resurfaced in the media this year, when the Swiss Academy for Medical Science decided to review its guidelines for the practice (see Section 1.f.).

The law prohibits women from working during the 8 weeks after the birth of a child. Further measures also protect pregnant and breast-feeding women. For example, pregnant women are not allowed to work night shifts during the 8 weeks prior to giving birth. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In June 1999 voters rejected a government proposal in a referendum for 14 weeks of paid maternity leave at 80 percent pay for working women. The plan would also have given low-income new mothers a one time premium. (The Parliament had passed draft legislation in December 1998 that provided for the maternity benefits mandated by the Constitution in 1945.) It was the third time that a maternity benefits scheme had been rejected in a popular referendum in 15 years. Hundreds demonstrated to protest the vote, and a new proposal appeared in the National Council in July 2000. In alignment with the European Union, it again called for 14 weeks of paid maternity leave and asked employers for full pay during the first 8 weeks as is consistent with the law prohibiting women from working in the first 8 weeks after birth. The new proposal leaves out the subsidy for nonworking mothers. The Council of States, the upper house of Parliament, followed the lead of the National Council in December, and obliged the Federal Government to work out a new maternity benefits scheme along the lines of the July 2000 proposal. Meantime, women in Geneva Canton will have paid maternity leave beginning in July 2001; on December 14 the cantonal parliament passed legislation providing for a 16-week leave following delivery at 80 percent of salary for all women who previously worked in the canton for a minimum of 3 months. However, the law is still subject to federal approval.

Children.—Despite the fact that the Government has no special program for children and that there is no special governmental office for children's matters, the Government demonstrates its strong commitment to children's rights and welfare through a well-funded public education system and need-based subsidies of health insurance. Schooling is free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offer a 10th school year. The Government subsidizes the health insurance premiums of low-income families.

The federal and cantonal governments, as well as about 80 NGO's that defend children's rights, have devoted considerable attention in recent years to child abuse, especially sexual abuse. For convicted perpetrators of the latter, the law provides for imprisonment of up to 15 years. In 1997 amendments to the Federal Penal Code came into effect that provide for an increase in the statute of limitations in cases of child abuse from 5 to 10 years. In severe cases of sexual abuse, the statute is to begin to take effect only when the victim turns 18. There is no societal pattern of abuse of children.

To combat child pornography on the Internet, the Federal Office for Police provides an Internet monitoring service on its World Wide Web page. Individuals who find pornographic material involving children are asked to contact the Federal Office via e-mail. According to the Penal Code, the production, possession, distribution, or showing of hard pornography are punishable with fines or prison sentences. Any pornography involving children falls into this category. In March 1999 an NGO pub-

lished the first compilation of cases of child pornography and prostitution in the country. The study cited 60 cases. Most of the victims were girls between 13 and 17 years of age.

With respect to child abuse abroad, the law provides for prosecution only if the act is considered a crime in the country in which it took place. Experts have proposed making such acts punishable in Switzerland regardless of where the crime took place, but there was no legislative action on the problem during the year.

Parliament's 1997 ratification of the U.N. Convention on Children's Rights included five reservations, the most important of which concerned children of migrant seasonal workers who are not permitted automatically to join their parents. Children of foreigners working as migrant laborers are only permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their homeland for 1 month. The Government reexamined the necessity for these reservations and included its conclusions in its first report to the Committee on Children's Rights in November. All five reservations still apply.

In June the Government ratified ILO Convention 182 forbidding the worst forms of child labor (including child prostitution, forced labor, and using children for illegal activities such as drug dealing).

People with Disabilities.—The law prohibits discrimination directed at disabled persons in employment, education, and the provision of other state services. Advocates for the disabled have called for new measures to ensure greater protection for their rights, including easier access to buildings and public transportation. However, the Government has not mandated that buildings or transportation facilities be made accessible. Article 8 of the new Constitution (in effect as of January 1) provides for equal opportunities for the disabled. However, it does not include provision for making public buildings and facilities accessible. The upper house of Parliament discussed this addition in June and decided that the requirements for equal treatment as contained in the Constitution were sufficient to meet the demands of the disabled.

A 1995 law exempts disabled men from the tax imposed on those who have not fulfilled their military duty.

Religious Minorities.—In response to the issue of Holocaust era assets, the Government and private sector initiated a series of measures designed to shed light on the past, provide assistance to Holocaust victims, and address claims to dormant accounts in Swiss banks. The independent commission of experts under Professor Jean-Francois Bergier, charged with examining the country's wartime history and role as a financial center, issued its report in December 1999 and found that there were more than 24,000 documented rejections of asylum seekers during the World War II period, including a large number of Jewish refugees who were refused asylum even after authorities were aware of the dangers that they faced from the Nazis.

The Federal Council issued a statement that repeated its previous apology for policy errors made during World War II and stated that its asylum policy "was marred by errors, omissions, and compromises." Also in December 1999, the Independent Committee of Eminent Persons under Paul Volcker released its report on "dormant accounts of victims of Nazi persecution in Swiss banks." The report represents the culmination of a 3-year investigation into the fate of victims' accounts. The Volcker report recommended that the Swiss Federal Banking Commission publish about 26,000 account holders' names, based on their probable or possible identity as Holocaust victims. The report also made recommendations on the means of resolving claims by victims of Nazi persecution or their heirs and the appropriate treatment of dormant accounts in the future.

The Swiss Special Fund for Needy Holocaust Victims received approximately \$190 million (323 million Swiss francs) in contributions from the private sector and the Swiss National Bank. By September the fund had allocated but not yet fully paid out an initial contribution to Holocaust survivors in Israel, Australia, Germany, Latin America, and Eastern Europe. In total some 310,000 persons, 88 percent of them Jewish, are expected to benefit from the fund. On March 31, 1999, the Government's World War II task force became the Switzerland-World War II Office, which remains engaged in supporting progress on resolving Holocaust assets issues. A \$1.25 billion (2.12 billion Swiss francs) settlement of the class action lawsuit filed in the United States district court in Brooklyn, New York, against Swiss banks was announced in August 1998, completed in January 1999, and formally approved by the New York judge on July 26, 2000.

A provisional plan of allocation and distribution was announced on September 11. The plan earmarks up to \$800 million (1.36 billion Swiss francs) to cover outstanding claims against Swiss banks; the remaining sum is to be paid out to World War II forced laborers as well as refugees who were denied entry to or were harmed

while detained in Switzerland. To be included in the settlement and thus avoid further class action suits, 37 Swiss industrial firms notified the New York court that their subsidiaries employed forced labor during World War II.

The Swiss National Bank released a report in 1999 that stated that its officials ignored warnings that they were buying looted Nazi gold. The bank has contributed approximately \$70 million (110 million Swiss francs) to the Swiss Special Fund for Needy Holocaust Victims.

Two Swiss life insurers, both explicitly excluded from the \$1.25 billion settlement, participate in the ongoing efforts by the International Commission on Holocaust Era Insurance Claims to establish a formula and just sum for compensating Holocaust victims or their families for policies they held. Both companies agreed to resolve outstanding claims of unpaid insurance policies submitted within a period of 2 years, starting in February and ending in 2002. The Federal Council is seeking legislation to establish a solidarity fund, which would assist victims of human rights violations, including those who suffered in the Holocaust. In May the Federal Council endorsed and returned to Parliament revised legislation concerning a Swiss Solidarity Foundation. Under the modified act, the foundation would dispose of the proceeds from the management of 500 tons of central bank gold reserves recently declared "excess." The Solidarity Foundation act has yet to be approved by Parliament. The alternative use of the extra gold reserves will be subject to a mandatory referendum.

In the context of the discussions over Nazi gold and Holocaust era assets, anti-Semitic slurs reportedly still remain a problem. Government officials, including the President, have spoken frequently and publicly against anti-Semitism. From 1995 when an antiracism law was enacted until the end of 1998, some 300 court cases were brought for violations of the law. Roughly half of them resulted in convictions by a court of first instance, but in many cases appeals are pending.

According to the Government, 104 cases of violation of the Anti-Racism Act were brought before the courts between 1995 (when the law was enacted) and the end of 1999. A total of 45 resulted in convictions (for anti-Semitism, revisionism, and racist oral or written slurs). Sentences for convictions included a 15-month prison sentence and a fine of \$12,000 (20,000 Swiss francs) for the Holocaust denier Jurgen Graf. The human rights group Eyes Open was among the NGO's that expressed concern over the continued existence of anti-Semitic sentiment.

In November 1998, the Federal Commission against Racism released a report on anti-Semitism in the country, which expressed concern that the recent controversy over the country's role during World War II had to some extent opened the door to expressions of latent anti-Semitism. At the same time, the Commission described the emergence of strong public opposition to anti-Semitism and credited the Federal Council with taking a "decisive stand" against anti-Semitism. The Commission also proposed various public and private measures to combat anti-Semitism and encourage greater tolerance and understanding. In its initial response to the report, the Federal Council pledged to facilitate implementation of the Commission's recommendations.

In December 1999, the Federal Council announced the creation of a Center for Tolerance in Bern. Planning under the chairmanship of a former parliamentarian is continuing, and financing will come from the public and private sectors. The center plans to produce exhibits designed to teach historical lessons, offer academic research opportunities, and host international symposia. A survey published in March showed that 16 percent of Swiss hold anti-Semitic notions. Among supporters of the rightwing Swiss People's Party the figure was 33 percent. The study also found that the recent controversy over Swiss World War II behavior affected survey results, particularly among the older generation. Conversely, 92 percent of young persons polled harbored no anti-Semitic sentiments. The survey reflected inconsistencies. During the recent period of controversy over the Swiss World War II record, public opinion actually strengthened in support of antiracism laws. The case of a national councilor who made anti-Semitic remarks, but could not be prosecuted because Parliament refused to lift his immunity, led to an abortive attempt to restrict parliamentary immunity (see Section 2.a.).

The Federal Court decided on June 7 to uphold a cantonal decision granting Scientologists the right to distribute leaflets in public areas. However, the court also affirmed that Scientology leaflets serve a "commercial enterprise" and that distributors must obtain a permit to use public areas for their dissemination. The court ruled that Scientology does not act as a religious organization in such cases. Scientologists previously distributed flyers without the necessary permits, protected by the Religious Freedom Act. Several cantons are likely to use the precedence of the Federal Court's decision to regulate the distribution of leaflets (see Section 2.c.).

National/Racial/Ethnic Minorities.—According to NGO statistics, there were 56 reported incidents directed against foreigners or minorities in the first 6 months of

the year, compared with 62 for the first half of 1999. These figures include instances of verbal and written “attacks,” which are much more common than physical assaults. Investigations of these attacks are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly are sentenced to from 3 days’ to 3 years’ imprisonment with a fine of up to approximately \$27,000 (40,000 Swiss francs).

On March 12 the voters of Emmen, a small township in Canton Lucern, voted on local foreign residents’ applications for citizenship. The voters rejected 48 applicants, almost all exclusively from southeast Europe, while approving 8 Italians’ citizenship bids. Fearing the vote was a violation of the European Human Rights Convention, the Swiss Federal Council determined to look into the practice. The Emmen vote caused a national uproar and prompted several motions in Parliament. In response the Federal Council referred the issue to a working group set up in 1999, which examines the Government’s naturalization practice.

Section 6. Worker Rights

a. The Right of Association.—All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives. The Government does not hamper the exercise of these rights. About one-quarter of the work force is unionized.

The right to strike is recognized legally and exercised freely, but a unique labor peace under an informal agreement between unions and employers—in existence since the 1930’s—has meant fewer than 10 strikes per year since 1975. The new Constitution provides specific protection for the right to strike. In a Basel laundry workers went on an almost unprecedented 5-day strike after management of the former state enterprise asked some workers to accept a “industry standard” wage of about \$1,700 monthly (3,000 Swiss francs). The strike ended on December 4 after a tense scuffle between police and pickets and protracted negotiations between the two sides and Basel city officials. Management agreed to small wage gains and a cost-of-living adjustment mechanism that will increase wages gradually to about \$2,000 (3,500 Swiss francs). In the absence of a minimum wage law, labor leaders see the worker gains in this first major strike in a decade as a signal for revived recruiting and broader public opinion support for the labor movement’s minimum wage campaign.

A 1927 law bans public servants, as well as workers in state-owned bodies such as the postal service, from striking. However, in November voters approved a referendum on a new law concerning employees of the Federal Government that generally recognizes the right to strike. Only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services may the Government curtail or suspend the right to strike for certain categories of government employees. The new law will enter into force in steps for different categories of employees between January 2001 and 2002.

Unions are independent of the Government and political parties, and laws prohibit retribution against strikers or their leaders.

Unions can associate freely with international organizations.

b. The Right to Organize and Bargain Collectively.—By law workers have the right to organize and bargain collectively, and the law protects them from acts of antiunion discrimination. The Government fully respects these provisions. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level. Non-union firms generally adopt the terms and conditions fixed in the unions’ collective bargaining.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Although there is no specific constitutional or statutory ban on forced or compulsory labor in general, and on child labor in particular, such practices generally are not known to occur; however, trafficking in women for forced prostitution increased (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for full-time employment of children is 15 years, and children are in school until this age. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 is regulated strictly; they cannot work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforces the law on working conditions.

The Government does not prohibit specifically forced and bonded labor by children, although such prohibitions are included implicitly in the Labor Act. Such forms of labor are not believed to occur (see Section 6.c.). In June the Government

ratified ILO Convention 182 forbidding the worst forms of child labor (including child prostitution, forced labor, and using children for illegal activities such as drug dealing).

Government officials inspect companies that employ children after having received complaints. Every year a few employers are fined or receive conditional imprisonment for violations of the law.

e. Acceptable Conditions of Work.—There is no national minimum wage. The lowest wages fixed in collective bargaining are generally adequate to provide a decent standard of living for a worker and family. However, the Swiss Association of Trade Unions in a 1999 study found that 60,000 full-time workers (or 3.4 percent) fall below the poverty line, defined as earning less than approximately \$15,500 (22,900 Swiss francs), which is half of the median wage.

The 1964 Labor Act established a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half day per week. New labor legislation, which came into force on August 1, limits annual overtime to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week.

The law protects legal and illegal foreign workers. However, illegal foreign workers are not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers is not permitted.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There have been no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective is unclear. A 1998 law is designed to increase flexibility in the workplace and remove restrictions on women working at night. A worker may leave a dangerous assignment without penalty.

f. Trafficking in Persons.—The Penal Code criminalizes sexual exploitation and trafficking in persons. Trafficking in persons can result in prison sentence of up to 5 years; coercing someone into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison. According to a 1999 official report, the police are concerned about the growing number of foreign women subject to abuse in sex trafficking rings. In the past, victims came from Thailand, parts of Africa, or South America; recently an increasing number of women come from Hungary, Russia, Ukraine, and other states of the former Soviet Union. Many victims are forced to work in salons or clubs to pay for the cost of their travel and forged documents and find themselves in a state of dependency. Traffickers sometimes seize victims' passports. Generally the victims do not read, write, or speak the country's languages, and are afraid to seek help from the authorities.

Since 1905 the Government has had an office to combat the trafficking of girls for the purpose of commercial sexual exploitation. Over the years this office has evolved to include all forms of trafficking in persons. The office has existed in its present form since 1998 as part of the criminal intelligence unit of the Federal Department of Police. In 1998 the Government institutionalized an exchange of information on trafficking in persons with NGO's. The Department of Foreign Affairs helps fund programs intended to combat trafficking from Eastern Europe.

Because the investigation, enforcement, and prosecution of individual trafficking and related cases is the responsibility of the cantonal police authorities, the federal human trafficking office also supports the cantonal prosecution authorities with information concerning trafficking abroad. In major cases the federal government establishes contacts with foreign government authorities.

In March Neuchâtel cantonal police announced the arrests of four persons, including two African women married to Swiss nationals, on trafficking-related charges. The arrests followed an investigation initiated when the Swiss consulate in Yaounde became suspicious about unusually large numbers of Cameroonian women travelling to Switzerland. The consulate informed the federal Department of Foreign Affairs, which alerted cantonal police authorities. After an investigation spanning several months, the police were able to uncover the organization and obtain valuable information on how the ring operated.

Shortly after the arrests, a Zurich-based NGO submitted a petition to the Cabinet and both houses of Parliament that called urgently for the establishment of a protection program for trafficking victims. The petition was signed by 7,500 individuals, organizations, and parliamentarians. Their program would end the automatic expulsion of women arrested for illegal prostitution and legalize their stay for the duration of investigations and trials. Currently, most women are expelled within 96 hours. It would also provide shelter, protection from intimidation, counseling centers, and sensitivity training for police. The petition also calls for a change in the legal definition of trafficking to include not only women forced into prostitution but

also women whose migration to Switzerland for marriage or domestic work puts them in a state of dependency. Parallel to the submission of the petition, a parliamentary initiative was launched calling for similar measures. The Federal Council (Cabinet) instructed an interdepartmental working group to assess the situation and to determine whether a revision of the relevant legal articles would be a useful step.

In order to confront modern forms of trafficking in women, especially via the Internet, the federal police have increased the number of their agents. In 1997 4 persons were convicted of trafficking in women and 13 were convicted of sexual exploitation; and in 1997–98 police uncovered a large Thai trafficking organization. Its leader was arrested, tried, and convicted. He later committed suicide in prison.

Prostitution is legal; however, it is illegal for foreigners to work without a valid work permit. Official police figures estimate that approximately 7,050 women work as prostitutes, both legally and illegally, mostly in the major Swiss cantons. In March 1999 the Government introduced new visa requirements for applicants from four South American countries—Colombia, Cuba, Ecuador, and Bolivia. The Office for Equality between Men and Women has a program to educate visa applicants in their native countries about the methods used by traffickers and the dangers of falling victim to them.

TAJIKISTAN

Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support limited his control of the entire territory of the country. Rahmonov won reelection in a November 1999 election that was flawed seriously and was neither free nor fair. As a result of 1997 peace accords that ended the civil war, some former opposition figures continue to hold seats in the Government. Rahmonov's supporters overwhelmingly won February parliamentary elections that were neither free nor fair, but were notable for the fact that several opposition parties were allowed to participate, and that one opposition party won two seats in Parliament. Although the Constitution was adopted in 1994 and amended in September 1999, political decisionmaking normally takes the form of power plays among the various factions, formerly aligned with the other side during the civil war, that now make up the Government. The legacy of civil war continued to affect the Government, which still faced the problems of demobilizing and reintegrating former opposition troops and maintaining law and order while rival armed factions competed for power. The Constitution provides for an independent judiciary; however, it is not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although the Government actually relies on a handful of commanders who use their forces almost as private armies. Some regions of the country remained effectively outside the Government's control, and government control in other areas existed only by day, or at the sufferance of local former opposition commanders. The soldiers of some of these commanders are involved in crime and corruption. The Russian Army's 201st Motorized Rifle Division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country and continued to have a major influence on political developments; however, the division began to transition into a new status on a permanent military base after the peacekeeping mandate ended in September. Some members of the government security forces and government-aligned militias committed serious human rights abuses.

The economy is a state-controlled system making a difficult transition to a market-based one. Most of the work force is engaged in agriculture, part of which remains collectivized. Government revenue depends highly on state-controlled cotton production. The small industrial sector is dominated by aluminum production (another critical source of government revenue), although most Soviet-era factories operate at a minimal level, if at all. Small-scale privatization is over 80 percent complete, but the level of medium to large scale privatization is much lower (approximately 16 percent) with the heavy industry, wholesale trade, and transport sectors remaining largely under state control. Many, but not all, wages and pensions are paid. The country is poor, with a per capita gross national product of approximately \$290, according to World Bank data. The failure of the Soviet economic system has been accompanied by a rise in narcotics trafficking and other forms of corruption. This development has led to clear disparities of income between the vast majority

of the population and a small number of former progovernment and opposition warlords, who control many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor and the Government continued to commit serious abuses. The February parliamentary elections represented an improvement in the citizens' right to change their Government; however, this right remains restricted. Some members of the security forces committed extrajudicial killings. There were a number of disappearances. Security forces frequently tortured, beat, and abused detainees. These forces also were responsible for threats, extortion, looting, and abuse of civilians. Certain battalions of nominally government forces operated quasi-independently under their leaders. Impunity remains a problem, and the Government prosecuted few of the persons who committed these abuses. Prison conditions remained harsh and life threatening. The Government continued to use arbitrary arrest and detention and also arrested persons for political reasons. Lengthy pretrial detention remained a problem. Basic problems of rule of law persist. There are often long delays before trials, and the judiciary is subject to political and paramilitary pressure. The authorities infringed on citizens' right to privacy.

The Government continued to restrict severely freedom of speech and the press and essentially controls the electronic media. The Government severely restricted opposition access to state-run radio and television; however, an opposition newspaper begun in 1998 continued to publish, and a number of small television stations were operated by nongovernmental organizations (NGO's). Journalists practice self-censorship. The Government restricts freedom of assembly and association by exercising strict control over political organizations; it banned three opposition parties and prevented another from being registered. A number of parliamentary candidates were prevented from registering for the elections. There are some restrictions on freedom of religion and on freedom of movement. The Government still has not established a human rights ombudsman position, despite a 1996 pledge to do so. Violence against women is a problem, as is discrimination of the disabled and religious and ethnic minorities. Child labor is a problem. There were some instances of forced labor, including children. Trafficking in women is a problem.

Some former opposition troops committed serious abuses, including killings and abductions. There were credible reports that paramilitary units threatened, extorted, and abused the civilian population.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Some members of the security forces committed extrajudicial killings; however, it was difficult to estimate the total number of such killings or to attribute responsibility in many cases. Some killings were committed by competing government factions for both political and economic motives.

Harsh prison conditions and lack of food and adequate medical treatment resulted in a significant number of deaths of prisoners while in custody (see Section 1.c.). There were reports that a member of the banned Hizb ut-Tahrir movement died in police custody after being arrested (see section 2.c.).

A number of local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. A former Deputy Minister of Security and parliamentary candidate, Shamsullo Tobirov, was killed in an attack apparently aimed at the mayor of Dushanbe in February. Sirojiddin "Sergei" Davlatov, chairman of the Garm district and a former deputy opposition field commander, was killed in May. The chairman of the State Radio and Television Committee, Saif Rahimov (Rahimzoda) also was killed in May. A correspondent for the Khovar state information agency, Aleksandr Olpatov, was killed in September. In addition, a number of high-ranking figures associated with various competing paramilitary factions were killed. For example, the brother of Mullo Abdullo, a former opposition field commander in the Karategin Valley, reportedly was killed in retaliation for the killing of Davlatov. In most cases, suspects were not identified. The competence of the investigators and their independence from official interference was questioned. A number of apparent murders essentially were concealed, with official news noting only that the individual died.

Both the Government and the opposition used landmines during the civil war. Some unmarked mine fields in the Karategin Valley probably killed innocent civilians. According to press reports, a total of 21 persons were killed during the year by landmines laid along the northern segment of the Uzbekistan-Tajikistan border, which winds throughout populated areas and is not demarcated clearly in most

places. The Government of Uzbekistan apparently laid the mines as part of a counterinsurgency campaign. Some killings were committed by former opposition forces and others by independent warlords answering to neither the Government nor the former opposition forces. The Government also has laid numerous minefields along the border with Afghanistan.

A landmine brought on board a public bus on the outskirts of Dushanbe killed at least five passengers in February; the person who carried the mine aboard the bus was among those killed. It was not clear whether the mine detonated inside the bus by plan or by accident, and there were no developments in identifying the individual or group responsible for the incident.

Terrorists bombed a Protestant church in Dushanbe in October, killing seven persons and injuring many more (see Section 1.c. and 5).

There were reports of instances where Tajik border guards were killed on the Afghanistan border. It is unclear whether these cases were politically motivated or the result of narcotics trafficking.

There were no developments in the 1999 murder case of British national Abdullah Mugharebi, a resident of Dushanbe and leader of Tajikistan's Baha'i community, who was widely believed to have been killed by Iranian-sponsored Islamic fundamentalists. There were no developments in the 1997 killings of several Russian servicemen, or in the 1996 murder of the mufti of Tajikistan.

There were no developments in the 1999 killings of Tolib Bobev, an official of the Popular Unity Party, or Jumakhona Khotami, Ministry of Interior press center chief.

b. Disappearance.—There were a number of disappearances during the year; in at least one case security forces apparently were responsible. The driver and bodyguard of First Deputy Prime Minister Akbar Turajonzoda disappeared briefly in October and appeared in police custody. The taking of hostages for revenge or for bargaining purposes remained a common occurrence.

Political pressures, the central Government's lack of control over violently competitive factions within and outside the Government, and a lack of professional resources hamper police efforts to investigate disappearances.

The sister of Deputy Prime Minister Nigina Sharapovna disappeared in February; she later reappeared after ransom apparently was paid. The ethnic Uzbek mayor of a town in Khatlon District disappeared in September under mysterious circumstances.

There were no developments in the 1996 disappearance of Zafar Rahmonov, the opposition cochairman of the Joint Commission on Cease-fire Observation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, the Government uses it in practice. Security officials, particularly those in the Ministry of Interior, regularly beat detainees in custody and use systematic beatings to extort confessions. In contrast to the previous year, however, there were no public allegations that security forces mistreated or beat members of opposition parties or their relatives. Impunity remains a serious problem, and the Government has prosecuted few of the persons who committed these abuses.

The Government has acknowledged that the security forces were corrupted by criminal elements, and that most citizens chose to keep silent in the face of official mistreatment rather than risk retaliation by the police. In the southern regions of the country, many border guards are involved in the drug trade, and the local population has made numerous complaints of harassment and human rights abuses committed by them.

Members of Tajikistan's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities. For example, a prominent Afghan refugee (a former official of the overthrown Communist regime in Afghanistan) credibly claimed that Ministry of Interior officers apprehended and beat him, apparently in retaliation for previous claims of abuse that were reported publicly abroad (see Section 2.d.).

Journalists regularly risked beatings at the hand of law enforcement authorities (or at least armed individuals dressed as and claiming to be law enforcement authorities) (see Section 2.a.). For example, the Center for Journalism in Extreme Situations reported that militiamen seized a reporter for the state-owned newspaper *Jumhuriyat* in Dushanbe in August, forced him into a car, beat him en route to a militia station, where they beat him so badly that he suffered a concussion and hearing loss in one ear.

There were a number of shootings, bombings, and terrorist attacks that resulted in nonlethal injuries and serious property damage. The February bombing of a Dushanbe city bus left scores of passengers injured (see Section 1.a.). Also in February, the mayor of Dushanbe, Mahmadsaid Ubaidulloyev, along with his driver and

bodyguard, was injured seriously in a failed attempt on his life by terrorists; another passenger in the mayor's official vehicle was killed (see Section 1.a.). On February 25, 2 days before parliamentary elections, a bomb explosion in a parliamentary candidate's office in the town of Hissar caused three injuries. Following these events, the central Government cracked down on rogue paramilitary groups. This brought a greater sense of security to the capital city of Dushanbe. However, despite this effort, a Protestant church in Dushanbe was bombed in October, leaving approximately 70 persons injured, almost half of them seriously (see Section 1.a and 2.c.). The official vehicle of Democratic Party leader and presidential cabinet member Mahmadrusi Iskandarov was destroyed by a bomb in October; there were no injuries. An official vehicle of the European Commission Humanitarian Office was destroyed by a bomb in July; there were no injuries.

According to credible counternarcotics law enforcement authorities in the central Government, Tajik and Afghan criminal groups engaged in narcotics smuggling across the Tajikistan-Afghanistan border threatened, harassed, and committed abuses against the border area populations.

Prison conditions remain harsh and lifethreatening. They fail to meet minimum international standards. Prisons generally are overcrowded, unsanitary, and disease-ridden, producing a serious health threat. This problem reflects in part the self-funded status of most prisons, under which before 1992 prisoners grew much of their own food or made goods for sale. The general collapse of governmental programs and of the economy also meant the virtual disappearance of these programs. Some food production has resumed, but is still inadequate. Some prisoners die of hunger. Family members are allowed access to prisoners only after a guilty verdict, in accordance with the law.

There was no official action against government forces responsible for the deaths of 26 prisoners when they retook Khojand prison in 1997 after a prison revolt. Abdulhafiz Abdullojonov, the brother of a political opponent of the President, was arrested in May 1997 on narcotics charges that appear fabricated and was sentenced to death in 1998. Despite appeals for clemency based on a diagnosis of terminal cancer, Abdullojonov remained in prison and claimed to have been denied proper medical treatment. Government sources say that he was executed early in 1999, although other sources maintain that he simply died of cancer in prison.

The Government does permit some prison visits by international human rights monitors, including an OSCE visit during the year, in which the OSCE found the conditions to be very poor. The Government invariably has denied requests by the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and detain citizens arbitrarily. The Criminal Code has not been amended significantly since independence, and it therefore retains many of the defects inherited from Soviet times. The Government claims that revision of the Criminal Code is a high priority, but due to the size and complexity of the code, the small parliamentary staff, and limited time in session for the Oli Majilis (Parliament) progress has been slow. There is no projected completion date, and there has been no indication of progress toward a comprehensive revision of the Criminal Code. Minor modifications to the code in 1999 increased punishment for crimes such as rape, theft, and illegal drug use. The system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons. Public order, which broke down during the civil war, has yet to be restored fully, and the virtual immunity from prosecution of armed militia groups has eroded further the integrity of the legal system.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days after which the accused must be officially charged. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction the remaining time in detention. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum in order to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days. However, it is common for cases to be delayed for many months before trial begins. There is no provision for bail, and lengthy pretrial detention is a problem.

The Government made politically motivated arrests, and there are credible allegations of cases of illegal government detention of members of rival political factions.

For example, the bodyguard and the former driver of First Deputy Prime Minister Akbar Turajonzoda were detained in October, apparently as part of a campaign of intimidation by other elements of the Government against Turajonzoda. In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, do not obtain arrest warrants and do not bring charges. Those released sometimes claimed that they were mistreated and beaten during detention (also see Section 1.c.).

The number of political detainees was not clear. Since the law precludes visits to persons in pretrial detention, and the Government denies the ICRC or other observers access to these persons, any estimate is uncertain.

Human Rights Watch reported that by December 1999, the Government had granted amnesty to approximately 5,000 United Tajik Opposition (UTO) fighters. There were reports of several UTO fighters in the Gorno-Badakhshan Autonomous Oblast being arrested by local authorities despite this amnesty. The families of these fighters have appealed, and the leader of the Lal-I Badakhshan movement is pursuing their case.

Border Force units routinely take family members of deserters hostage and hold them until the deserters return to duty (see Section 1.e.).

The Constitution states that no one can be exiled without a legal basis; no laws have been passed so far setting out any legal basis for exile. There were no reports of forced exile, although, some opponents of the Government are in self-imposed exile.

e. Denial of Fair Public Trial.—The 1994 Constitution states that judges are independent and subordinate only to the Constitution and the law and prohibits interference in their activities; however, in practice the political leadership and, in many instances, armed paramilitary groups directly influence judicial officials at all levels. Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level are for the most part poorly trained and lack understanding of the concept of an independent judiciary. The Government made some progress in this respect by instituting regular examinations to screen unqualified candidates for judgeships. Bribery of prosecutors and judges appears to be a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court, which began to function in 1997.

According to the law, trials are public, except in cases involving national security or the protection of minors. The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. In practice arrested persons often are denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintain that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. In practice, bringing charges tends to suggest guilt.

The obstacles to ensuring fair public trials were evident in the murder trial of Dilfuza Nimonova, a 21-year-old woman accused of murdering the man who raped her. The Organization for Security and Cooperation in Europe (OSCE) mission in Tajikistan, which observed the trial, reported that the evidence presented by prosecutors against the defendant was poor, that the defendant's lawyer was denied access to his client, and that the politically well-connected family of the victim pressured the judges hearing the case. Members of the security forces tortured and beat Nimonova while she was in prison. Authorities also forced her to undergo an abortion while in prison. Nimonova was sentenced to death, although the Government later commuted her sentence to 16 years in prison after President Rahmonov received international appeals to intervene in the matter.

There was no information during the year concerning Bahrom Sodirov, who was charged in the February 1997 kidnaping of the Minister of Security, 5 United Nations personnel, and 11 others. Sodirov was arrested soon after the hostages were released. His trial, from which observers were barred, was suspended in late 1997 and has not resumed.

In contrast with the previous year, there were no new public allegations that the Government holds political prisoners. The Government and the UTO exchanged

multiple lists of prisoners of war and political prisoners for exchange as a result of the 1997 inter-Tajik talks in Moscow. By November 1999, the Government had released all UTO prisoners named on lists submitted by the UTO, with the exception of six individuals, of whom the Government claimed no knowledge. The families of the six individuals continued to seek their whereabouts without success. The Government accepted the UTO's 1998 claim that it released all prisoners of war that it held.

Abdulahfiz Abdullojonov, whose arrest and unfair trial in 1997 were politically motivated, remained a political prisoner until his mysterious death early in 1999 (see Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except “in cases prescribed by law”; however, authorities continued to infringe on citizens’ right to privacy. Except for in some special circumstances, by law police may not enter and search a private home without the approval of the procurator. When they do enter and search without prior approval, they then must inform the procurator within 24 hours. However, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also are permitted to enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Security forces detained relatives of deserters in order to compel deserters to return to duty (see Section 1.d.). According to the OSCE mission in Tajikistan, the family of Dilduza Nimonova (see Section 1.e.) was harassed at the behest of her alleged murder victim’s politically well-connected family after Nimonova’s family sought international intervention in her case. There is also strong evidence that Nimonova, a rape victim, was forced to undergo an abortion while in prison (see Section 1.e.).

Some political parties remain banned. In some cases, the security services apparently created difficulties for persons associated with opposition parties who sought employment. Other persons were pressured to join the ruling party (see Section 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricts this right in practice. Journalists, broadcasters, and individual citizens who disagree with government policies are discouraged from speaking freely or critically. The Government exercises control over the media both overtly through legislation and indirectly through such mechanisms as “friendly advice” to reporters on what news should not be covered. The Government also controls the printing presses and the supply of newsprint and broadcasting facilities and subsidizes virtually all publications and productions. Editors and journalists fearful of reprisals carefully exercise self-censorship.

The number of independent and local newspapers is increasing, but only a handful of them attempt to cover serious news. Several are organs of political parties or blocs. The Government exerted pressure on newspapers critical of it. Najot, the new official paper of the Islamic Renaissance Party, which began weekly publication in October 1999, continued to publish during the year. It experienced indirect government censorship in the early summer, apparently in retaliation for publishing a serialized translation of a foreign human rights report critical of the Government. It temporarily lost its access to state-run printing presses and has been forced to rely on a small, privately owned printing press to publish its editions.

Journalists frequently are subject to harassment, intimidation, and violence. Sometimes the perpetrators are government authorities, as in the case of a reporter for the state-owned newspaper Jumhuriyat, who was beaten severely by militiamen in August (see Section 1.b.), according to the Center for Journalism in Extreme Situations. In other cases, the perpetrators are criminal or terrorist elements who are believed to have narcotics trafficking connections, as in the cases of Ministry of Interior press center chief Jumankhon Hotami, who was shot and killed near Dushanbe in 1999, and Sergei Sitkovskii, a Russian national working for the newspaper Tojikiston, who was killed in a hit-and-run car accident in 1999. Both were investigating narcotics trafficking at the time of their deaths. There were no developments in their cases by year’s end.

There is one Government-run television network; its several local stations cover regional and local issues from an official point of view. Opposition politicians have had little access to it, although in January and June it broadcast two political party debates organized by the International Foundation for Electoral Systems. There are

36 nongovernmental television stations, not all of which are operating at any one time and only a handful of which can be considered genuinely independent. The Islamic Renaissance Party was able to begin broadcasting a weekly television program on one such station. Some have independent studio facilities. These stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must work through two government agencies, the Ministry of Communications, and the State Committee on Radio and Television. At every stage of the bureaucratic process, there are high official and unofficial fees.

The Government continued to prevent independent radio stations from operating by interminably delaying applications for broadcasting licenses. At least two independent radio stations in Dushanbe have had their license applications pending without explanation since the summer of 1998.

Access to the Internet is limited partly by state control. The Government allowed a handful of Internet provider companies to begin operating during the year, but high fees and limited capacity put access to information over the Internet out of reach for most citizens.

Academic expression is limited principally by the complete reliance of scientific institutes upon government funding, and in practical terms by the need to find alternate employment to generate sufficient income, leaving little time for academic writing.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government restricts this right in practice and exercises strict control over organizations and activities of a political nature. Nonpolitical associations, such as trade unions, are allowed to meet. Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. Sometimes permits are granted, but the Government subsequently has been known to take reprisals against organizers. Because fear of reprisal is so widespread, public assemblies or demonstrations of a political nature were rare during the year.

The Constitution provides for freedom of association; however, the Government restricts this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations (including trade unions), this right is circumscribed further by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice. This process often is slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. The Minister of Justice made public statements in support of nongovernmental organizations (most of which are involved in social work, rather than political activity), and attempted to address problems that existing NGO's have experienced with registration and taxation. Once registered, an organization may apply for a permit to hold a public assembly or demonstration.

There are five political parties and five "movements" registered with the Government. Three parties are banned officially: The Party of Popular Unity (banned in December 1998), the Agrarian Party (banned in April 1999); and the "Tehran platform" faction of the Democratic Party (banned in December 1999). The Party of Economic and Political Revival of Tajikistan was not allowed to register in March 1999 because of insufficient membership. The Party of Justice and Progress has not been allowed to register since the end of 1999 for unexplained reasons.

In May 1998, the Parliament passed a law prohibiting the creation of political parties with a religious orientation. The opposition UTO, international organizations, and foreign governments strongly criticized the law for violating the spirit and the letter of the 1997 peace agreement. In June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute, which proposed compromise language for the law, banning political parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in November 1998. Subsequently, parties of religious character were permitted to register; one such party, the Islamic Renaissance Party, has done so.

The leadership of certain opposition parties reported threats and harassment by the authorities in their workplaces. Many others often were pressured to join the People's Democratic Party of Tajikistan, the ruling party (see Section 1.f.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions, and the Government monitors the activities of religious institutions to keep them from becoming overly political. The vast majority of the population is Sunni Islam, although only a small portion is observant: this does not appear to affect the religious freedom of the non-Sunni Muslim minority. President Rahmonov

defends secularism aggressively and describes Islamists as a threat to national security. Government policies reflect a pervasive fear of Islamic fundamentalism, a fear shared by much of the general population.

According to the Law on Freedom of Faith, the Committee on Religious Affairs under the Council of Ministers registers religious communities and monitors the activities of the various religious establishments. While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. In 1997 the Government subordinated the Council of the Islamic Center (the former Muftiyat) to the Committee on Religious Affairs; however, the observant Muslim community apparently did not object to this step.

Although unregistered, recently organized religious communities, such as Baha'i and Hare Krishna groups, function with no apparent formal restriction. There were no developments in the murder case of a prominent member of the Baha'i community, who was widely believed to have been killed by Iranian-supported Islamic extremists (see Section 1.a.). Members of the Baha'i community were occasionally confronted by the police guard outside Dushanbe's Baha'i Center and asked why they had forsaken Islam. Others were called in by the Ministry of Security and also asked why they had changed religious affiliation.

In May 1998, Parliament passed a law prohibiting the creation of political parties with a religious orientation (see Section 2.b.). The UTO, the largest component of which is the Islamic Renaissance Party (IRP, along with international organizations and foreign governments, strongly criticized the law for violating the June 1997 peace agreement, which included a government commitment to lift the ban on member parties of the UTO. The post-independence 1992-7 civil war was fought in part over differing views of the role of religion in the country. In early June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute. Later that month, the Commission reported that it had devised compromise language for the law, banning parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in the November 1998 parliamentary session. A constitutional amendment passed in a September 1999 referendum states that the State is secular and that citizens can be members of parties formed on a religious basis. Two representatives from the IRP now sit in the lower house of the national Parliament.

Aside from the registration requirement, there are few official constraints on religious practice, but government officials sometimes issue extrajudicial restrictions. For example, the mayor of Dushanbe has prohibited mosques from using microphones for the five daily calls to prayer. There are also reports that some local officials have forbidden members of the IRP from speaking in mosques in their region. However, this restriction is more a reflection of political than religious differences. Government printing houses reportedly are forbidden to publish texts in Arabic and as a rule do not publish religious literature. There are no longer restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remain. These restrictions appear to be based on political concerns, but the effect on private religious instruction is also clear.

The Government has banned specifically the activity of one religious faction, the Hizb ut-Tahrir, an Islamist movement with origins in the Middle East, which has developed a significant following among the ethnic Uzbek population of northern Tajikistan. This movement operates underground and apparently calls for a non-violent overthrow of established authority and the reestablishment of government along the lines of the six "rightly-guided Caliphs" of early Islamic history. According to the Ministry of Security, over 105 members of Hizb ut-Tahrir were arrested during the year, and one reportedly died in police custody (see Section 1.a.). Fifty-seven of these persons were sentenced to between one and two years imprisonment.

During the year there were three church bombings that occurred throughout Dushanbe (see Sections 1.a. and 5).

The Government continued to impose restrictions on the number of pilgrims allowed to go on the Hajj. Individuals were not permitted to travel in a personal vehicle; persons were required to travel by government-owned transportation, primarily buses. There were regional quotas on the number of pilgrims, which led to corruption as places were sold. Missionaries are not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompts it to restrict visas for Muslim missionaries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government imposes some restrictions on them.

The Government has stipulated that both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and

Afghanistan without permission from the Ministry of Foreign Affairs. This restriction is not always enforced along the western part of the border with Afghanistan, but a special visa generally is required for travelers, including international workers and diplomats, to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest is not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan.

The Ministry of Security inhibits freedom of travel by requiring citizens who wish to travel abroad to obtain an exit visa. This process sometimes includes lengthy interviews. The Ministry of Security sometimes withholds or delays exit visas when it believes that other ministries or NGO's are infringing upon its jurisdiction and have not adhered to its formalities for foreign travel.

Residents of Dushanbe and those travelers who wish to remain in the city longer than 3 days are supposed to register with central authorities, and regulations require registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely are ignored in practice. There are no legal restrictions on changing residence or workplace.

There is no law on emigration. Persons who wish to migrate within the former Soviet Union notify the Ministry of Interior of their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy in order to obtain their passport. Persons who settle abroad are required to inform the Tajikistan embassy or Tajikistan interests section of the nearest Russian embassy or consulate.

Persons who wish to return to Tajikistan after having emigrated may do so freely by submitting their applications to the embassy of Tajikistan or Tajikistan interests section of the nearest Russian embassy or consulate. The Government adjudicates requests on a case-by-case basis. There is no indication that persons other than those who fled the country for political reasons after the civil war, are not permitted to return freely. Some persons currently active with the Tajik opposition, whose travel documents expired, at times have had difficulty obtaining new documents permitting them to return.

A number of persons remained internally displaced as a result of the civil war, but their total number was difficult to estimate. The U.N. High Commissioner for Refugees (UNHCR) no longer has estimates on the number of internally displaced persons (IDP's). These persons live throughout the country and are not concentrated in a single geographic area. The Government provides protection and modest assistance, and it actively cooperates with international organizations to resettle them. Resettlement is voluntary; IDP's are not returned forcibly to dangerous conditions.

The Constitution provides for the granting of asylum to persons who have entered the country seeking protection, in accordance with U.N. refugee criteria. Under the 1994 refugee law, a person granted refugee status is provided with the right to work and to move freely throughout the country. The State Migration Service (formerly the Department of Refugee Affairs) under the Ministry of Labor has responsibility for the registration of refugees.

The State Migration Service handles the registration of Afghan refugees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and Tajikistan's 1994 Law on Refugees. An unresolved problem stems from the unofficial government policy of denying official status to Afghan spouses of returning Tajik refugees. The UNHCR has aided their admission to the country (avoiding their being jailed as illegal immigrants); however, their legal status remains uncertain. There were no cases during the year. However, members of Tajikistan's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities (see Section 1.c.).

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. According to the UNHCR, 176 asylum seekers submitted requests for refugee status to the State Migration Service during the first half of the year, of which 28 were granted by mid-year. However, the UNHCR does not have statistics on the number of refugees remaining in the country after receiving asylum because the majority of such persons use the country as a transit point en route to Western Europe. As in 1999, the Government faced the problematic issue of several hundred dependent family members and camp followers of Islamic Movement of Uzbekistan militants. As in a similar incident in 1999, several hundred of these persons were sent in buses to Afghanistan. The Government did not consider them for refugee status and officially refused to acknowledge even the presence of these persons.

After protests from the UNHCR, the Government cancelled its short-lived "Operation Foreigner," in which numerous Afghan refugees in Dushanbe were detained by security forces and reportedly slated for relocation to refugee camps elsewhere.

However, government officials continued to maintain that Dushanbe was still "off limits" for Afghan refugees.

It remained an question whether the Government would provide first asylum to a potential mass influx of refugees fleeing Taliban advances in northern Afghanistan; Government and Russian border officials made contradictory statements on this issue.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return, as well as thousands from the CIS, returned to the country. There was continued incremental progress during the year in returning occupied houses to their original UTO fighter owners. Problems remain, although they are almost entirely in the Khatlon region.

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

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

The Constitution provides for the right of citizens to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. There was some improvement in the February parliamentary elections; however, the 1999 presidential election was seriously flawed. While the country made progress in its transition from a Soviet-model system to a more open and competitive one, the Government remained dominated by President Rahmonov and his inner circle from the Kulyab region.

The 1999 Presidential election was flawed seriously. The Government's handling of preparations for the November presidential election cast doubt on the possibility that there could be a peaceful transfer of power through genuinely free and fair elections. Candidates had to contend with a cumbersome registration process requiring them to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, probably ahead of time, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Davlat announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. Davlat told journalists in Dushanbe on November 7 that he believed that the outcome of the election was rigged and that only 20 to 30 percent of voters had participated. President Rahmonov enjoyed a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; the claim lacked credibility.

A joint mission of the U.N. and the OSCE observed February 27 elections to the lower house of the new bicameral national Parliament. This joint observation mission noted that there were improvements in the process compared to previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process. Two seats in the new Parliament are now held by members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. There were particular problems with the independence of election commissions and the conduct of the vote count and tabulation of results. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections in a manner not foreseen by law and in a way that contradicted international standards for democratic elections.

During the course of the February 27 elections, joint U.N.-OSCE observers noted a variety of irregularities in a number of constituencies including proxy voting, unsealed ballot boxes, stuffed ballot boxes, votes added in favor of a particular party, lack of consistency between the sum of votes counted and the number of ballots issued, discrepancies between votes considered invalid during the count and the final result sheet, and blank copies of protocols signed before the counting of ballots and filled in with pencil during the count. The observers judged the conduct of the vote to have been "very good" (i.e., no irregularities) in only 13 percent of the 294 polling stations observed, while finding it "good" (i.e., hardly any minor irregularities) in 32 percent, "acceptable, but not good" (i.e., several minor irregularities) in

another 32 percent, and “unacceptable” (i.e. major irregularities) in 23 percent of the polling stations.

While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. In general, both publicly and privately funded broadcasts as well as print media failed to provide voters with unbiased information.

At least one prospective independent candidate for the lower house of Parliament was prevented from registering as a candidate in what Human Rights Watch called “a wholly arbitrary candidate registration process.” The decision to prevent this individual from registering appeared to have been politically motivated; he earlier had served as chairman of an opposition party that had been deregistered prior to the November 1999 presidential election.

Local district assemblies elected the members of the upper house of the national Parliament in March, in elections that were not held under international observation.

President Rahmonov’s highly centralized People’s Democratic Party of Tajikistan controls an overwhelming majority of seats in both houses of Parliament. This fact, combined with a lack of democratic culture, results in a legislative branch that is not genuinely independent of the executive branch.

There are no formal barriers to women’s participation in the electoral process; however, they are underrepresented in government and politics. Since the removal of Soviet-era quotas, the number of female deputies has declined. In the parliamentary election campaign, only 17 out of the 365 registered candidates were women, and only 5 of the 17 were elected. There are two female ministers in the Government.

While ethnic Uzbeks make up some 25 percent of the total population, they are underrepresented in the political system.

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

The Government’s record on dealing with international and nongovernmental investigation of alleged human rights abuses was mixed. Fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGO’s dealing with human rights; several such organizations exist. The Government did prevent some citizens, especially government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, United Nations agencies, NGO’s, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in Tajikistan, was frequently critical of the Government.

The Government first stated the intention of forming a national human rights ombudsman position in 1996, and in 1998 agreed to establish a national human rights institution and ombudsman position with OSCE financial support; however, no institution or ombudsman position had been established by year’s end.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it is not independent in practice.

The OSCE mission in Dushanbe continues to monitor human rights issues with the help of its five field offices. However, these field offices experienced varying levels of cooperation with local authorities. The Government allowed a joint U.N.-OSCE observation mission to monitor parliamentary elections in February (see Section 3). The mission reported that its team of experts was given every assistance and freedom of access that it requested. The joint mission issued a series of reports that severely criticized the conduct of the elections. The Government’s reaction to the reports was mild, minimizing the critical aspects of joint mission statements and presenting the participation of international observers as evidence of a successful democratic exercise.

The International Committee of the Red Cross (ICRC) maintains a delegation in Tajikistan. The Government continued to refuse the ICRC unconditional access to prisons in accordance with standard ICRC modalities, despite letters received in the past from senior government officials that assured that such access would be forthcoming.

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

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, or social

status and also explicitly states that men and women have the same rights; however, in practice there is some discrimination as a result of cultural traditions and the lingering hostilities from the 1992–97 civil war.

Women.—Violence against women is widespread. Wife beating is a common problem. In both urban and rural areas, many cases of wife beating go unreported and many of those cases reported are not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations, and the Government did not propose legislation on the issue. In addition, abduction of young women, who are raped or forced to marry their abductors, is widely reported.

The Criminal Code prohibits rape; however, it is widely believed that most cases are unreported, and the problem is believed to be growing, particularly in urban areas. The threat of rape often is used to coerce women. There are no special police units for handling these cases. One rape crisis center was established by a local NGO in Dushanbe in 1993; there are now 10 such centers in the country. The situation is exacerbated by a continued lack of public order, so that in many cities, including Dushanbe, women exercise particular care in their movement, especially at night. There are no statistics on the number of rapists prosecuted, convicted, or punished each year. In one widely publicized case, Dilduza Nimonova, an alleged victim of rape was convicted, in a trial of questionable fairness, of having killed the man who raped her. She was forced to undergo an abortion (see Section 1.e. and 1.f.).

The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and sexual exploitation of women; however, prostitutes operate openly at night in certain urban areas.

There are credible reports of trafficking in women (see Section 6.f.).

There have been reports of physical harassment of women by conservative Muslims in rural areas for not wearing traditional attire.

According to the law, women have equal rights with men; however discrimination against women remains a problem. Articles in the Criminal Code protect women's rights in marriage and family matters. Girls often are pressured to marry men that they do not choose themselves, and polygyny is increasingly common, although it is illegal.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing; and in urban areas women can be found employed throughout government, academic institutes, and enterprises. However, women face diminishing opportunities for education and rising poverty. Some women hold the same jobs as men, although not in equal numbers. Women officially receive equal pay for equal work; however this regulation is not always enforced in practice. Divorce rates in urban areas are comparatively high, and women tend to carry the burden of child-rearing and household management, whether married or divorced. In rural areas, women tend to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women receive less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas are also much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice, inheritances may pass disproportionately to sons.

Children.—The Government's lack of financial resources left it unable to fulfill its extensive commitments to children's rights and welfare, and the government social security network for child welfare appeared to have deteriorated. Women are provided 3 years of maternity leave and monthly subsidies for each child; health care is free (but the quality and quantity of medical services available has declined significantly since the Soviet era). Education is compulsory until age 16; however, the law is not enforced. Public education is intended to be free; however, a lack of resources has caused the public school system to deteriorate to the point at which it barely functions. Parents who can afford to do so send their children to private schools (a number of which have been founded since the end of the Soviet period), or join together in groups that hire teachers to give their children lessons for a fee. Public education is intended to be universal; however, a significant number of school-age children—as many as one in eight, according to World Bank data—work instead of attending school. While most children are enrolled in school up to the completion of the secondary level, actual attendance may be lower because of the need to supplement family income by working in the home or in informal activities. The old Soviet practice, now illegal, of closing high schools at cotton harvest time and putting the students to work in the field continues in some areas.

There is no societal pattern of abuse of children.

People with Disabilities.—The 1992 Law on Social Protection of Invalids stipulates the right of the disabled to employment and adequate medical care.

However, in practice the Government does not require employers to provide physical access for the disabled. Financial constraints and the absence of basic technology to assist the disabled result, in practice, in high unemployment and widespread discrimination. There is no law mandating accessibility for the disabled. There are facilities for the mentally disabled; however, funding is limited and the facilities are in poor condition. Several international NGO's provide limited assistance to persons with disabilities.

Religious Minorities.—Baha'i and Hare Krishna groups experience limited prejudice. There were no developments in the 1999 murder of a prominent member of Baha'i community (see Section 1.a.). Police made no arrests, although militant Islamists aligned with Iran are considered the likely perpetrators.

The authorities continued to investigate the October bombing of a Protestant church in Dushanbe (see Section 1.a.). It is believed that the attack was meant to destabilize the political situation in the country. Prosecutors have charged three students from the Dushanbe Islamic Institute with terrorism in connection with the bombing. The students confessed to the bombing and stated their motive was religious. Investigators already have identified the remaining conspirators, and said that the three suspects claimed to be operating on their own and not on the orders of someone else. The Government believes that the act was independent and not associated with the Islamic Movement of Uzbekistan or Hiz ut-Tahir.

On December 31, two churches in Dushanbe were bombed, the Svyato-Nikolskii Russian Orthodox Church and a Seventh Day Adventist Church. There were no injuries at either church, both of which were closed at the time. Government law enforcement and security agencies are investigating the bombings. It is believed that these events were carried out by religious extremists opposed to foreign missionaries in the country.

Some Muslim leaders occasionally have expressed concern that minority religious groups undermine national unity.

National/Racial/Ethnic Minorities.—Ethnic Uzbeks make up approximately a quarter of the population but are substantially underrepresented in government service. The number of Uzbek language newspapers, television broadcasts, and schools has declined significantly since 1992. With the exception of the trilingual (Tajik/Uzbek/Russian) school structure, the Uzbek language has no official status. Although the Government permits a daily Uzbek radio broadcast, broadcast time is dominated by Tajik and Russian language programs. A weekly television broadcast in Uzbek, which ceased in 1999, resumed in 2000.

In practice Russian is the language of interethnic communication and widely used in government. Ethnic Russians and other Russian speakers, for example, Ukrainians, make up less than 2 percent of the population. While the Government repeatedly has expressed its desire for the ethnic Russian and Slavic populations to remain, economic conditions provide little incentive for them to do so, and some local Russians and other Slavs perceive an increase in negative social attitudes toward them. A Slavic university and a Russian high school operate in Dushanbe with Russian as the language of instruction, but also include ethnic Tajik and Uzbek students. An agreement ratified by the Russian Duma in December 1996 allows for dual Russian and Tajik citizenship.

Tensions persist between ethnic Uzbeks and Tajiks in some areas. Government officials have organized meetings at the local level to resolve conflicts; however, the authorities apparently have not arrested or prosecuted suspects in murders of ethnic Uzbeks in July 1998. Since the signing of the peace treaty in 1997, there have been multiple murders of ethnic Uzbeks in the Panj district. Some of these cases appear to be a matter of retaliation by returned ethnic Tajik refugees for injuries done to them by ethnic Uzbeks during the civil war. As a result of these attacks, some ethnic Uzbek families have moved to other locations in the district where Uzbeks predominate or to neighboring countries formerly part of the Soviet Union.

Section 6. Worker Rights

a. The Right of Association.—Both the Law on Social Organization and the Law on Trade Union Rights and Guarantees provide all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force is organized.

The Federation of Trade Unions, a docile holdover from the Soviet era, remains the dominant labor organization, although it since has shed its subordination to the Communist Party. The Federation consists of 19 professional trade unions and claims 1.5 million members, virtually all nonagricultural workers. The separate, independent Trade Union of Non-State Enterprises has registered unions in over 3,000 small and medium-sized enterprises, totaling about 30,000 employees (accord-

ing to 1998 figures). Many of the enterprises in which these two organizations nominally are present are not functioning because of the general economic crisis, and the membership of both has declined as a result. The Council of Ministers formally consults both organizations during the drafting of social welfare and worker rights legislation.

The Law on Tariff Agreements and Social Partnerships mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration can take place at the company, sector, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions have disavowed publicly the utility of strikes in a period of deepening economic crisis and high unemployment and have espoused compromise between management and workers.

There were no official, union-sanctioned strikes, nor were there any wildcat strikes, the last which occurred in 1996).

The law provides citizens but not unions with the right to affiliate freely with international organizations, including international labor organizations. It does not prohibit unions from affiliating with international organizations; however, there are no unions with international affiliations.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is codified in the Law on Trade Union Rights and Guarantees, the Law on Social Partnerships and Collective Contracts, and the Law on Labor Protection. Employees, members of the trade union, and management participate in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsens, it is increasingly difficult for enterprises to engage in effective collective bargaining.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, except in cases defined in the law; however, it persists in some cases. No labor laws have been passed since the adoption of the Constitution in 1994. Neither the Law on Labor Protection nor the Law on Employment, both predating the present Constitution, specifically prohibits forced or compulsory labor. The Soviet practice of compelling students to pick cotton was banned officially in 1989; however, high school students in some regions still are sent to the fields to pick cotton, particularly in the Soghd (formerly Leninabad) area, sometimes with compensation. Residents of state or collective farms still may be required to pick cotton, although wages usually are not paid and these institutions no longer provide the services they once did.

The law does not specifically prohibit forced or bonded labor by children; however, apart from traditional participation by children in family agricultural or home craftsman work, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to labor laws, the minimum age for the employment of children is 16, the age at which children also may leave school legally. With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age can perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 years of age work in the bazaars or sell newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The law prohibits forced or bonded labor by children, and such practices generally do not occur, apart from family-based work (see Section 6.c.).

The Government lacks the resources and ability to regulate effectively acceptable working conditions for youths, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations during the year. The Government does not have a comprehensive policy for the elimination of the worst forms of child labor.

e. Acceptable Conditions of Work.—The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage.

The nominal minimum daily rate was approximately \$0.03 (100 Tajik rubles). This rate fell far short of providing a decent standard of living for a worker and family. The Government recognizes this problem and has retained certain subsidies for workers and their families at the minimum wage. Although the Government adopted a wage indexation law in 1993 and inflation has been high, the law has not been implemented.

Although slightly improved, the economy remained extremely weak during the year, with a majority of industrial operations standing idle. As factories and enterprises either remained closed or were shut down, workers were laid off or furloughed for extended periods.

Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise. The employee could then sell or barter those products in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1 1/2 times the normal rate and the rest of the overtime hours at double time.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government does not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. While new statistics were not available, it is virtually certain, given the continuing economic decline, that 1993 statistics, which reported that over one-fifth of the population worked under substandard conditions, greatly underreported the number working under those conditions. Workers can leave their jobs with 2 months' notice, but, given the bleak employment situation, few choose to do so. The Law on Labor Protection provides that workers can remove themselves from hazardous conditions without risking loss of employment; however, in view of the poor prospects for finding another job, few do so.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and it is a problem. The criminal code prohibits the recruitment of minors for sexual exploitation. There are credible reports that trafficking is a growing problem with wide ramifications. The most common form of trafficking is in women, for "export" to the Gulf states, Turkey, and Russia. The OSCE has identified several rings of traffickers that recruit young women for prostitution abroad. The International Organization for Migration is leading an initiative to fully research the problem. The Government has taken no significant action against trafficking. There is no evidence of official, institutional government involvement in the trafficking of persons, but it is believed that some individual authorities are involved. It is believed that, due to the large number of female Afghan refugees, Afghan women may be the subjects of trafficking abroad using Tajikistan as the transit country.

TURKEY

Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. In May it elected Ahmet Necdet Sezer President for a 7-year term. After 1999 parliamentary elections, Bulent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahçeli, and former Prime Minister Mesut Yılmaz's Motherland Party (ANAP) formed a Government with Ecevit as Prime Minister. The military exercises substantial, but indirect, influence over government policy and actions—and politics—in the belief, shared by much of the population according to opinion polls, that it is the constitutional protector of the State. The Government generally respects the Constitution's provisions for an independent judiciary; however, various officials acknowledge the need for legislative changes to strengthen its independence.

For over 15 years, the Government has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal until recently was the formation of a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1987, continues in four southeastern provinces that faced substantial PKK terrorist violence. Parliament in July lifted the state of emergency in Van province. The level of violence has been low since the second half of 1999; according to the Government, the number of PKK-related terrorist incidents declined almost 90 percent from 1999. The state of emergency region's governor has authority over the provincial governors in the four provinces, and seven adjacent ones including Van, for security matters. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public

order, and ordering village evacuations. The state of emergency decree was renewed in Diyarbakir, Hakkari, Sirnak, and Tunceli provinces for 4 months in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (Gendarmerie) carry out this function in the countryside. The armed forces, in support of the police and particularly the Jandarma, carry out operations against the PKK in the state of emergency region, thereby serving an internal security function. These operations have declined in number as the terrorist threat ebbed. Although civilian and military authorities remain publicly committed to the rule of law and respect for human rights, members of the security forces, including police "special teams" and anti-terror squads, other TNP personnel, village guards, and Jandarma committed serious human rights abuses such as torture.

In December 1999, the Government adopted a 3-year disinflation and fiscal adjustment program. During the first year of this program the Government registered some significant improvements in the macroeconomic situation. Inflation was cut nearly in half, to 39 percent. Economic growth increased significantly, after a recession in 1999, to about 6 percent of gross national product. This growth included a strong increase in imports, fueled partly by an increase in world oil prices and the Turkish lira's appreciation against the euro, which led to a wider than expected current account deficit. This deficit, together with delays in the structural aspects of the reform program and other factors, resulted in a large loss of investor confidence and capital outflows in November and early December. Intervention by the International Monetary Fund (IMF) helped to stabilize the situation in December, but the financial situation remained fragile at year's end. Another continuing problem is the projected deficit in energy sources, as energy demand grows at 9 percent per year. To find new sources of imported oil and gas, the Government is negotiating supply and pipeline agreements with countries in the Caspian basin.

The Government generally respected its citizens' human rights in a number of areas; however, its record was poor in several other areas, and serious problems remain. Extrajudicial killings continued, including deaths due to excessive use of force. Unlike the previous year, there were no deaths in detention due to torture and no reports of mystery killings and disappearances of political activists. Although the authorities failed to investigate adequately many past disappearances, ongoing investigation of the Turkish Hizbullah terrorist organization may lead to resolution of some cases. Torture, beatings, and other abuses by security forces remained widespread. Police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes (especially in the state of emergency region), and a culture of impunity are major factors in the commission of torture by police and other security forces. In addition the general climate of violence engendered by the PKK insurgency and urban leftist and Islamic fundamentalist terrorism, combined with a confession-oriented trial system, have hampered past efforts to carry out legal prohibitions against torture. With the decrease in counterterror operations and overall detentions in the southeast, fewer cases of abuse of detainees were reported; however, the proportion of cases of abuse remained at high levels, and many cases go unreported.

The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse. Investigations and trials of officials suspected of abuses continued to be protracted and often inconclusive. Some important cases dating back several years continued without resolution, including the case against police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996. However, the case against 10 police accused of torturing 15 teenagers in Manisa in 1995 concluded in November with the conviction of all of the accused police.

Prison conditions remained poor. Clashes between prisoners and prison officials, especially over the issue of newly constructed small-cell prisons, which would break up the current ward system, resulted in deaths and injuries. In December during government actions to break up prisoner hunger strikes and violent protests against small-cell prisons, 31 prisoners and 2 security officials perished. Police and Jandarma continued to use arbitrary arrest and detention, although the number of such incidents declined. Prolonged pretrial detention and lengthy trials continued to be problems. Prosecutions brought by the Government in State Security Courts (SSC's) reflect a legal structure that protects state interests over individual rights. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained a serious problem. Some members of the country's political elite, bureaucracy, military, and judiciary argue that the State is threatened by both "reactionaries" (Islamists) and "separatists"

(Kurdish nationalists) and continued to call for parliamentary and judicial steps—many involving potential curbs on freedom of expression—to meet these threats. Consequently, authorities banned or confiscated numerous publications and raided newspaper offices, which encouraged continued self-censorship by some journalists.

Police and the courts continued to limit freedom of expression by using restrictions in the 1982 Constitution and several laws, including the 1991 Anti-Terror Law (disseminating separatist propaganda), Article 312 of the Penal Code (incitement to racial, ethnic, or religious enmity), Article 159 (concerning insults to Parliament, the army, republic, or judiciary), Article 160 (insulting the Turkish Republic), Article 169 (aiding an illegal organization), the Law to Protect Atatürk, and Article 16 of the Press Law. During the year there were no reports of journalists being returned to jail or trial for violating the 3-year “parole” following their release under the August 1999 “suspension of sentences for journalists” law. The Committee to Protect Journalists (CPJ) reported that 14 journalists were imprisoned at year’s end, compared with 18 in 1999, but some local journalists’ groups dispute whether all of them are legitimate journalists.

In September documents became public that allegedly demonstrated that senior military figures had debated a plan of action in 1998 to discredit Fazilet and HADEP parties, Human Rights Association (HRA) Chairman Akin Birdal, and several journalists. Many of the proposed actions described in the document did, in fact, occur.

Prosecutors, courts, and the police continued to take actions against those accused of challenging the secular nature or unity of the State, generally on the basis of the constitutional restrictions on freedom of expression. In August the Government announced a decree that would have streamlined procedures for firing civil servants suspected of Islamist or separatist tendencies. President Sezer, in a popular decision widely viewed as upholding the rule of law, returned the decree and argued that Parliament must consider an issue of this weight. Turkish General Staff (TGS) Chief Huseyin Kivrikoglu issued a statement in August reiterating the necessity of such measures and urging Parliament to pass appropriate legislation to dismiss civil servants who secretly support antistate, Islamist activities, but Parliament had not done so by year’s end. Government pressure continued on the People’s Democracy Party (HADEP), widely seen as supporting Kurdish cultural and political positions. This included a number of police raids and detentions. In June and November, HADEP Secretary General Ahmet Turan Demir was convicted of “disseminating separatist propaganda” and “supporting an illegal organization;” his cases are on appeal.

The National Security Council (NSC), a powerful, constitutionally mandated advisory body to the Government composed of equal numbers of senior military officers and civilian ministers, which is chaired by the President, continued to urge the Government to fight against the perceived threat of radical Islam and accused Islamist media of extremism and undermining the State. In March Islamist former Prime Minister Necmettin Erbakan was convicted under Article 312 of the Penal Code for “promoting enmity” along religious lines, for a speech he made in 1994 in which he referred to parliamentarians as “infidels.” His appeal was turned down in July, and he was sentenced to 1 year’s imprisonment. However, his prison sentence was suspended by the “Law on Probation of Sentences and Deferment of Judgements.” In August the Ankara SSC prosecutor filed an indictment against Fetullah Gulen, the leader of a moderate Islamic “Tarikat,” a Sufi religious order, on charges of plotting to overthrow the State by force. That investigation continued at year’s end.

Both HADEP and the Islamist Fazilet Party, whose predecessor parties the Government previously had closed, continued to be the subjects of closure cases during the year for alleged anticonstitutional activities. The cases were pending at year’s end, and elected officials of both parties remained in office and were able to perform their duties.

The state of emergency governor, courts, police, and the state broadcasting oversight body denied the Kurdish population, the largest single ethnic group in the southeast, the use of its language in election campaigning, education, broadcasting, and in some cultural activities. Kurdish language broadcasting remains illegal, although some senior government officials, including the Prime Minister, Foreign Minister Ismail Cem, Deputy Prime Minister Yilmaz, and the head of Turkey’s intelligence service, have supported publicly the idea of legalizing such broadcasts, thereby opening public debate on the issue. The military has spoken out against this step. Although printed material in Kurdish is legal, the police continue to interfere with the distribution of some newspapers, and the governor of the emergency region banned some Kurdish-language publications in that predominantly Kurdish area. Kurdish music recordings are widely available, but bans on numerous songs and singers persist. Few radio stations play Kurdish music. The Government’s broadcast

monitoring agency closed some stations for playing banned Kurdish music. In all these cases, the Government's argument for doing so was the allegedly objectionable political content.

The police and Jandarma continued to restrict freedom of assembly and association by strictly enforcing existing laws against unlawful meetings and demonstrations. The police beat, abused, detained, and harassed some demonstrators but showed restraint in other instances. For example, during the Kurdish holiday of Nevruz, authorities for the first time granted permission for a major celebration just outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and the police interacted positively with the crowd.

The Government continued to impose some restrictions on religious minorities and on some forms of religious expression, and, at times, imposed some limits on freedom of movement. The Government, which argues that some human rights groups pursue extremist political agendas, continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. The Diyarbakir branch of the leading human rights nongovernmental organization (NGO), the HRA was able to reopen in April but the Government ordered it closed again within 3 weeks. It reopened in October. Other NGO branches have been closed, temporarily or indefinitely, especially in the southeast. The HRA office in Van was closed from May to August but has since reopened; however, four HRA offices were closed at year's end for activities related to prison protests. Former HRA President Akin Birdal returned to prison in March to serve out his 9-month sentence for "inciting hatred and enmity" in nonviolent statements he made about the Kurdish problem and torture. He was released in September.

Violence against women, particularly spousal abuse, remained a serious problem, and discrimination against women persisted. Abuse of children and restrictions on ethnic minorities remained serious problems. Child labor remained a serious problem, although to a diminishing degree.

There are some restrictions on worker rights. Trafficking in women and girls to Turkey for the purpose of forced prostitution is a problem.

The situation in the southeast remained a serious concern. The Government has long denied the Kurdish population, who are a majority in the southeast, basic cultural and linguistic rights. The conflict between government security forces and separatist PKK terrorists slowed considerably, with only about 45 armed clashes during the year, according to the military. Past cases of extrajudicial killings went unsolved, and the police and Jandarma tortured civilians. The state of emergency authority abridged freedom of expression and association and put disproportionate pressure on Kurdish NGO's and HADEP. The number of villagers forcibly evacuated from their homes since the conflict began is estimated credibly to be between 380,000 and 1 million. There was one report of a village burning in October (see Section 1.e and 1.g). The Government gave permission for thousands of returns and initiated resettlement efforts; some villagers return by themselves. More than 10,000 persons have returned to their villages or moved to "consolidated villages" near their original homes.

In January the Government suspended the sentence of execution for convicted PKK leader Abdullah Ocalan, pending the results of his appeal to the European Court of Human Rights (ECHR). In December the ECHR accepted Ocalan's petition and will inquire into allegations regarding irregularities of his capture and trial in Turkey. Human rights observers, including the U.N. High Commissioner for Human Rights (UNHCHR), had raised several due process concerns in the Ocalan case.

The Government of Prime Minister Ecevit continued to place a strong emphasis on human rights issues; however, Parliament did not pass any human rights legislation in the first half of the year. In September the Cabinet debated and adopted, as a working and reference document, the "Copenhagen Criteria" report on steps Turkey must take to be in compliance with the European Union (EU)'s political criteria. The report, also known as the "Demirok Report," is an ambitious and comprehensive work plan of constitutional, legislative, and administrative reforms that addresses questions of free speech and assembly, the composition and powers of the NSC, and the role of the judiciary. In December Parliament passed the "Law on Probation of Sentences and Deferment of Judgements" granting conditional release to thousands of prison inmates and suspending the trials of hundreds of others. Some persons jailed on charges related to free expression, or to non-violent "support" for outlawed organizations, will benefit from this measure. Those convicted of torture will not be released, but those convicted of mistreatment or murder of detainees may benefit from the law. Partly in the context of EU accession requirements, officials continued to participate in a wide-ranging public debate on democracy and human rights. Senior jurists, the President, politicians, and public figures discussed amending the 1982 postmilitary coup era Constitution in order to allow greater indi-

vidual liberties. Public discussion of options for dealing with the southeast, particularly Kurdish cultural and linguistic issues, was vigorous. In addition the parliamentary Human Rights Committee issued a series of reports mid-year that detail the existence of torture in prisons and places of detention.

The armed forces emphasize human rights in training for officers and noncommissioned officers. Human rights groups attribute the limited number of human rights violations by military personnel to this effort. Human rights education in primary schools is mandatory, and it is an elective in high schools. Police and Jandarma also receive human rights training.

PKK abuses, which were common during its violent 16-year campaign against the Government and civilians, slowed considerably and were no longer an important factor of daily life in the southeast. In recent years, military pressure significantly reduced the PKK's effectiveness, and some PKK members—although not all—are heeding Ocalan's call for an end to the armed struggle and PKK withdrawal from Turkey. Violence declined to the point where the public's freedom to travel at night no longer is restricted in parts of the southeast. Thousands of heavily armed, militarily organized PKK members remain encamped in neighboring countries close to Turkey's borders.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Credible reports of extrajudicial killings by government authorities continued. Although accurate figures were unavailable, figures were down from last year. For the first time in many years, the Human Rights Foundation (HRF) documentation center reported no deaths of detainees under torture. However, in December, 31 prison inmates and 2 security officials died following police intervention into widespread hunger strikes and other violent protests over F-type prisons (see Section 1.c.). Over the year, another five detainees died under suspicious circumstances such as alleged suicide. Investigations in these cases were rare, and in some cases the prisoners' associates confirmed the case as a suicide. More than 20 persons were shot to death by police, Jandarma, and the military allegedly for not heeding a "stop warning" during arrest or commission of a crime, illegal entry into the country, or in accidental shootings. In September Jandarma shot and killed Yilmaz Ozcan, allegedly while trying to capture him. Ozcan had cut down a tree without permission and was supposed to turn himself in for a jail sentence. According to the HRF, in October three villagers allegedly were killed by soldiers in Hakkari province when they returned to their home village to collect walnuts. Relatives who retrieved the bodies alleged that the victims' hands were tied behind their backs.

Some raids on criminals or alleged terrorist and militant safe houses by security forces resulted in deaths, sometimes due to excessive force. More than 20 persons died during such raids; most were allegedly members of the Hizbullah extremist group. Several police also died during the raids. More than 25 persons—mainly children or military personnel—were killed by mines in the southeast; many more were maimed.

The courts undertook investigations of most alleged extrajudicial killings; however, only a few yielded concrete results. The number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare. In November a police officer was arrested in Istanbul after fatally shooting a 14-year-old bystander during the apprehension of an unarmed robbery suspect. Punishments, when handed down, were generally minimal. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences were all obstacles to resolving the problem of apparent security force impunity for such deaths. In some cases, monetary fines have not kept pace with the high rate of inflation.

After the Constitutional Court in January 1999 annulled part of the 1996 Provincial Authority Law allowing security officers to "fire directly and without hesitation" at persons who ignored a warning to stop, the Government did not issue a new regulation. Therefore, the old law on police duties and authorities remains in force, stipulating that police must apply certain procedures before firing.

In cases of past extrajudicial killings by police, Jandarma, or prison guards, 24 trials were begun during the year or continued from previous years. Another eight trials ended this year. Out of the 67 police or Jandarma on trial in these 8 cases, 2 were convicted and 65 were acquitted. In January the Court of Cassation reversed the Diyarbakir SSC's verdict that convicted six members of a Jandarma

antinarcotics squad accused of killing a businessman in 1991. A new trial for the six officers began in May.

The trial continued of six police officers who shot and killed two suspects in Adana in October 1999. Four of the officers face sentences of between 24 and 30 years, and the chief superintendent and another officer face 6 to 15 years in jail on charges of deliberate homicide. The officers remain on duty. Two of these officers also had been on trial for the January 1998 shooting deaths of three persons in Adana, along with another officer. The three were acquitted in April on the grounds of self-defense.

Following an investigation of the September 1999 incident at Ulucanlar prison, where Jandarma killed 10 prisoners and seriously injured others during a disturbance, a prosecutor ruled that no criminal prosecution of the security officials was necessary. A court upheld this decision in May. A trial also began in October in the case of 85 prisoners for the deaths of 5 other prisoners during the incident. In June the Ankara regional administrative court reversed the earlier "nonprosecution" decision, allowing a case to be opened against 150 Jandarma and soldiers. A report by the parliamentary Human Rights Committee into the Ulucanlar incident states that security forces "fired with an intent to kill" and inflicted torture. According to the report, medical treatment of prisoners involved in the incident was delayed or denied. Furthermore, autopsies of the prisoners who died indicated that some may have been shot at close range or tortured before being shot, contradicting the authorities' version of events. Then-committee chair Sema Piskinsut added publicly that since the autopsy findings did not meet international standards and some evidence such as prisoners' clothing was removed, the results were inconclusive.

In September the Izmir security directorate police investigation board recommended that the policemen accused of killing Alpaslan Yelden in custody in July 1999, in an attempt to get his confession, should be expelled from the force. A complaint was filed against the policemen at the Izmir public prosecutor's office. A court case continues against three police officers accused of murdering trade unionist Suleyman Yeter in March 1999 while he was in custody at the Istanbul security directorate political police center. Yeter had been a plaintiff in an ongoing trial of eight police officers who allegedly had tortured and raped detainees in 1997.

On January 20, a final Appeals Court upheld the sentences of 7 or more years' imprisonment for five police officers convicted of beating journalist Metin Goktepe to death in 1996. The court also ruled that the police superintendent on duty, Seydi Kose, should be tried for misuse of power rather than murder. In April, Kose was sentenced to 1 year's imprisonment (8 months' imprisonment on this charge), relieved from public service for 5 months, and fined the equivalent of 1 dollar. He was released for time served during the trial. Goktepe, a correspondent for the left-wing newspaper, Evrensel, died from wounds inflicted while in detention in Istanbul in 1996. Police initially denied that he was detained, then later said that he died from a fall.

The trial of 29 Jandarma soldiers and 36 anti-terror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison disturbance in Diyarbakir, continued into its fifth year.

In March a Trabzon criminal court convicted two policemen for their role in causing the deaths of nine persons during riots in Gazi, Istanbul in March 1995. The trial, which began in November 1996, was moved from Istanbul for security reasons. The court sentenced one policeman to a total of 96 years' imprisonment (24 each for four victims) but reduced the sentence to 6 years and 8 months, in part because the victims had been acting illegally and because the defendant surrendered voluntarily. He was released for time served and suspended from public service for 4.5 months. Another policeman was given two 24-year sentences, but these were reduced, for the same reasons, to 3 years and 4 months (with a suspension from public service for 2.5 months). He also was released for time served. The other 18 policemen were acquitted because the court ruled that there was no definitive or convincing evidence against them.

The trial continued in Istanbul of policeman Abdullah Bozkurt for the 1994 shooting and killing of Vedat Han Gulsenoglu. Bozkurt has not appeared for trial sessions for a year, leading to continued postponements. According to the victim's lawyer, Bozkurt currently works as a policeman in Isparta. He is under a ruling of imprisonment in absentia for the duration of the trial. In July the court board decided to send a letter to the police station to locate the gun used in the incident, to initiate an investigation of why Bozkurt cannot be found, and to make a complaint against officials who did not carry out Bozkurt's arrest. There were no results of these actions at year's end.

In November the Diyarbakir Provincial Administrative Board decided to refuse a request for prosecution of police officers who allegedly killed 18-year-old detainee

Hamit Cakar in 1998. Cakar, detained following a hunger strike at Diyarbakir's HADEP provincial organization building, died in custody allegedly due to "cardiac problems." Lawyers for Cakar's family have appealed to the Supreme Administrative Court (Danistay.)

The ECHR ruled against Turkey on nine cases during the year in which persons had been killed in detention or taken into custody and then disappeared. In all of these cases, the court noted that domestic legal remedies were insufficient. However, in one case the court ruled that security forces were not responsible for the death of a Kurdish activist, and that the State had taken reasonable measures to find the real killers.

According to human rights monitors, there were no killings of high-profile, pro-Kurdish figures in the southeast or of proKurdish politicians, journalists, or lawyers. The HRF reported a nationwide total of 10 unsolved killings, some of which may have had a political component. In May the Diyarbakir Provincial Chairman for the right-wing National Action Party (MHP) was killed while walking near his home. In December a human rights activist in Eskisehir was allegedly abducted by persons claiming to be police officers, forced to drink pesticide, and left for dead (although he was found and taken to a hospital, where he recovered). According to information provided by the Governor of Eskisehir, the assailants were criminals posing as police officers.

The PKK discontinued its practice of targeted political murders, but it remains armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. According to the Turkish National Police, during the year, 35 security officials and 24 civilians died in terrorist incidents, and 270 PKK members were killed by security forces (see Section 1.g.).

In January police discovered evidence of the Turkish Hizbullah terrorist group's kidnaping and killing of moderate Islamic business figures, religious leaders, and intellectuals, including prominent Islamist feminist Konca Kuris. The Government captured dozens of alleged Hizbullah militants and in July indicted 21 for a number of murders, including those of Ahmet Taner Kislali and Ugur Mumcu. An unrelated suspect in Mumcu's killing had been held in custody since the previous year; he was released from custody but remains on trial.

According to the office of the emergency region governor, over 2,600 persons in that region alone were detained this year on suspicion of links to Hizbullah (see Section 1.g.). Some of these were teachers and imams. Many alleged Hizbullah members claim that they were tortured in custody, a claim that has been supported in some cases by medical evidence. Some murders from previous years, especially of moderate Kurdish leaders, may have been committed by Hizbullah. A Hizbullah suspect reportedly confessed in police custody that he murdered Ramazan Sat in 1992 for "being a PKK member."

Far-left armed groups, such as Revolutionary Left (Dev Sol/DHKP-C), the Islamic Eastern Raider's Front (IBDA-C), and the Turkish Workers and Peasants' Liberation Army (TIKKO), continued to commit acts of terrorism, in some cases leading to deaths.

b. Disappearance.—Unlike the previous year, there were no reports of disappearances of political activists. Accurate statistics on the disappearance of those previously under detention, or seen being taken into custody by security forces or law enforcement officials, are hard to confirm. However, the HRF claims that there were no such disappearances in 2000, compared with 36 of this type in 1999.

In March a trial ended for two police officers in connection with the disappearance of suspect Mural Yildiz in 1995. The two were convicted of "negligence of duty;" a 3-month prison term was converted to a fine of about \$2 (1.2 million TL). The judge apologized to Yildiz's mother for the fact that inflation had rendered the monetary fine meaningless.

There was no new information available on the case of Aydin Esmer, who disappeared according to Amnesty International (AI) in September 1999 while returning to his home in Diyarbakir province from Mus province.

The body of Omer Cinar, who disappeared in Istanbul in November 1999, was discovered in one of the "grave houses" where Hizbullah operatives killed and buried their victims. His body was found in the Beykoz district of Istanbul in January, along with nine other bodies, and police confirmed his identity.

No charges have been filed in the 1998 disappearances from Izmir of editors Neslihan Uslu, Hasan Aydogan, Metin Andac, and Mehmet Mandal. The 1997 disappearances of Ilyas Eren and 73-year-old Fikri Ozgen, who allegedly were taken into custody by plainclothes police, were not resolved.

The Government made efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operates the Bureau for the Investigation of Missing Persons, which is open 24 hours a day. Since 1996, according to the Min-

istry of Interior, 425 applications of a political nature for missing persons were made. Of these, 88 were found alive, 18 were in prison, 46 died, and 273 were still missing at year's end. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoid contact with the government office. AI criticizes the bureau's findings for falling short of the thorough and impartial investigations required in accordance with international standards. The Ankara police operate a telephone number through which the public can obtain information about detainees.

The PKK's practice of kidnaping young men or threatening their families as part of its recruiting effort and abductions by PKK terrorists of local villagers and state officials has virtually ended, due to reduced PKK capabilities in the southeast and calls by its captured leader Ocalan for the PKK to withdraw from its former operating areas in the country.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, members of the security forces continue to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and government initiatives designed to address the problem, torture continues to be widespread. However, based on reports from a number of sources, the incidence of torture appears to have declined somewhat, especially in the southeast, where there have been fewer political detentions.

Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture at the hands of police and Jandarma during periods of incommunicado detention before they are brought before a court; ordinary criminal suspects also report frequent torture and mistreatment by police. The HRF estimates the number of credible applications by torture victims at its 5 national treatment centers to be approximately 1,030 in 2000, compared with some 700 in 1999. These figures include complaints stemming from previous years' incidents. The HRF believes that these numbers seriously underrepresent the actual number of persons tortured while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent report torture because they fear retaliation or believe that complaints are futile.

Some of the factors affecting the rate of torture are the use of incommunicado detention and the number of detentions in general; reduced PKK violence, which has eased treatment by security officials; and increased concern about the problem from many sources. Human rights monitors report improvement in some areas of the country, especially in the first 6 months of the year, but problems continued, especially in more rural areas. All report that torture remains widespread in the southeast and in large cities.

Because the arresting officer is responsible for interrogating the suspect, officers frequently resort to torture to obtain a confession that would justify the arrest. There is allegedly a difference in police practice for those arrested for ordinary crimes (who are beaten until they give a confession) and those arrested for "political" crimes. If suspects detained under the Anti-Terror Law do not produce information and confessions, interrogators often allegedly shift from beatings to electric shock, cold water from high-pressure hoses, and other methods. Observers say that security officials often torture political detainees simply to express anger and to intimidate the detainees.

Human rights monitors and medical experts say that security officials often use methods that do not leave physical traces, such as beating with weighted bags instead of clubs or fists. A new method that was reported is the application of electric shocks to a metal chair where the detainee sits, rather than directly to the body. Commonly employed methods of torture reported by the HRF's treatment centers include: Systematic beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the soles of the feet (falaka) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels; squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) are employed at the same time. Other methods used are forced prolonged standing, isolation, loud music, witnessing or hearing torture, being driven to the countryside for a mock execution, and threats to detainees or their family members.

Female detainees often face sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers,

female detainees often are touched, insulted, and threatened with rape. A poll conducted by an NGO called the Legal Counsel Project Against Sexual Harassment and Rape (affiliated with the HRA) indicated that three-quarters of female detainees had experienced sexual violence, but only one-sixth of those who had undergone such violence reported it to the authorities.

The deputy mayor of Diyarbakir, Ramazan Tekin, was detained in January and claimed that he was subjected to severe torture. As a result of testimony given during this detention, three HADEP mayors were arrested the following month for "assisting the PKK" (see Sections 2.b. and 4). According to news reports, in March the president of HADEP's women's commission in Mardin, Gulistan Durc, alleged that she was tortured while in detention. Durc, who was detained under suspicion of supporting the PKK, was sent to a Diyarbakir hospital for treatment following a medical exam. The governor refused permission to put the police officers involved on trial. The prosecutor opposed this decision and appealed it to the regional administrative court, which upheld the governor's ruling. The prosecutor then agreed to drop the case; Durc's lawyer has appealed to the Mardin penal court.

In May the Izmir SSC acquitted Dr. Zeki Uzun of charges that he supported the PKK by providing medical treatment to two female terrorists. Uzun, a gynecologist who volunteers at the HRF Izmir treatment and rehabilitation center, was taken into custody in October 1999 during a raid on his private clinic by anti-terror police. He credibly reported being tortured in detention. Uzun filed a formal complaint against the Izmir anti-terror department, but a prosecutor concluded that there were insufficient grounds to pursue a case. In August Dr. Uzun opened a compensation case against the Interior Ministry for his torture and against some newspapers for slander. His attorney applied to the ECHR with a complaint of prolonged detention, torture, and violation of Dr. Uzun's individual rights.

In May the Public Prosecutor's Office in Mardin indicted seven police officers for allegedly raping and torturing a female suspect in 1992. When preparing the indictment the prosecutor accepted an alternative medical report by the HRF's Istanbul torture treatment center. Prosecutors and courts have used such reports only a few times, since normally all medical reports come from state-employed doctors. The alleged victim was hospitalized several times during the period of her detention. The police officers remain on duty.

Government officials admit that torture occurs but deny that it is systematic. In September State Minister for Human Rights Rustu Yucelen said publicly, after visiting a detention center in Icel, that the State was opposed to torture and that "speculation" that the police were using torture was initiated by powers acting against Turkey. In response to criticism from the HRA, he said that his remarks had been misunderstood and that torture was against state policy. The Ecevit Government was in regular dialog with the Council of Europe's Committee for the Prevention of Torture (CPT). The Government accepted an unannounced visit by the CPT in July and invited members of the committee to help in the prison crisis in December, and allowed the publication of 1999 and 2000 CPT visit reports.

Regulations on detention were supplemented in 1999 by a directive against torture from the Prime Minister, which called for public prosecutors to make unscheduled inspections of places of detention. The Parliamentary Human Rights Committee also has publicly called on prosecutors to carry out this aspect of their job more effectively. The Prime Minister asked for reports from prosecutors every 3 months on this process. According to officials at the Ministry of Interior, over a thousand inspections have been made and these reports are on file with the High Council for Human Rights Coordination. According to Minister for Human Rights Yucelen, from July to September, a total of 2,309 inspections (at both police and Jandarma stations) were carried out. The reports were not made public. Although some provincial authorities said that the inspections uncovered no deficiencies, others claimed that they led to some improvements in practices. Human rights observers say that the inspections and reports are cursory at best, do not include any detainee interviews, and give a false impression of government attention to the problem. They also question prosecutors' ability to influence police practices. There is little public awareness of these visits.

Private attorneys and human rights monitors continue to report uneven implementation of the right to immediate access to an attorney by those arrested for common crimes and access after 14 days of detention for those detained under the Anti-Terror Law. No immediate access to an attorney is provided for under the law for persons whose cases fall under the jurisdiction of the State Security Courts. This includes individuals suspected of drug trafficking, smuggling, and crimes under the Anti-Terror Law. The lack of early access to an attorney is a major factor in the occurrence of torture by police and security forces.

State-employed doctors give all medical exams for detainees. The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release; however, the examinations generally are exceedingly brief and informal, often lasting less than a minute. In some cases doctors were brought reports to sign, but no examinees. Former detainees assert that some medical examinations occur too long after the event to reveal any definitive evidence of torture. Lawyers contend that medical reports—their only basis for filing a claim of torture—are not placed regularly in prisoners' files.

Pressures against doctors continue. In 1999 the governor of Istanbul tried to get a doctor fired from her job at Istanbul University. The doctor, Sebnem Korur Fincanci, had certified that trade unionist Suleyman Yeter had been killed under torture while in detention (see Section 1.a.). Fincanci filed suit and a compensation trial against the governor opened in May at the Istanbul Penal Court. She claimed that he had accused her, in a letter to the university president, of "having sympathy for illegal left-wing views" and going to "extreme" lengths to prove that the police officers were guilty of Yeter's death. The court ruled that the trial could take place since writing the letter was outside the governor's official duties. However, in November the Penal Court decided not to pursue the case and forwarded the file to the Administrative Court for its consideration. Fincanci has appealed.

Citing security reasons, members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in the intimidation of both the detainee and the physician. Since September, however, Health Ministry regulations have allowed doctors to ask security force members to leave during examinations. However, some doctors claim that in practice they cannot do so because they could face disciplinary procedures or court cases. According to the Medical Association and other human rights observers, the presence of a security officer—at times the one allegedly responsible for torture—can lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice there are few such prosecutions. Dr. Nur Birgen, chairperson of a state forensic medical facility in Istanbul, was convicted in December of giving false medical reports and concealing evidence of torture. The court sentenced her to 3 months' imprisonment, less than the normal 6-month minimum sentence, and then commuted the sentence to a suspended \$1.50 (1 million TL) fine. Birgen had been sanctioned in 1998 by the Turkish Medical Doctor's Association, and her medical license was ordered suspended for 6 months. However, the Justice Ministry concluded that since Dr. Birgen is a state employee, the suspension fell under a September 1999 law that offered amnesty for administrative punishments for civil servants. The Medical Association filed suit objecting to this decision and the Ankara Administrative Court ruled that the Justice Ministry's action was illegal. Meanwhile, a trial continues against a lawyer who pressed for Birgen's suspension for insulting her by comparing her to the Nazi doctor Josef Mengele.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment is rare, and accused officers usually remain on duty pending a decision, which can take years. According to the TNP, judicial action taken during the year against police charged with torture or mistreatment resulted in 72 convictions, 273 acquittals, and 19 ongoing prosecutions. Administrative decisions determined that no trial was needed in 252 other cases, and that no charges needed to be brought against 140 other officers accused of abuse. During the year, 63 police officers also were given administrative punishments, such as suspensions, for torture or mistreatment, while a decision not to investigate was given in 890 cases. According to the Jandarma, 253 Jandarma were prosecuted during the year, resulting in 52 convictions, 53 acquittals, and 149 ongoing trials. No military personnel were prosecuted for torture; there is no new information on previous years' trials.

According to the Justice Ministry, during the year 1,258 cases were brought to prosecutors against police and Jandarma, and of these, 664 investigations are ongoing; 422 indictments were forwarded to the courts, and 172 cases did not go forward. The courts concluded 165 of the 422 cases they received, resulting in 71 convictions, 79 acquittals, and 15 not authorized or improper jurisdiction decisions; another 257 cases were ongoing.

Legal, administrative, and bureaucratic barriers impede prosecutions and contribute to the low number of convictions for torture. The December 1999 Civil Servant Prosecution Law has not resulted in an immediate change in approach by the

State to allowing prosecutions, since civil servants are generally immune from direct prosecution unless their superiors grant permission to investigate them. The law authorizes prosecutors to begin collecting evidence immediately to substantiate claims of torture by security officials, but in practice this rarely occurs. Within a 30-day deadline, with a possible 15-day extension, a civil servant's supervisor supposedly must decide whether that employee can be prosecuted (or whether the employee is to be disciplined otherwise). In at least one high-profile case—that of Ramazan Tekin, the deputy mayor of Diyarbakir—this deadline was not observed. This provision has been widely criticized. Many jurists as well as human rights observers have said that the new law still falls short of the needed reform. The law allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on “enmity, hatred or slandering.”

The failure to enforce domestic and international bans on torture fosters a climate of official impunity that encourages the systematic abuse of detainees. Detainees state that prosecutors ignore their claims of abuse during interrogation. Some prosecutors believe that all allegations of torture are manipulated by political organizations such as the PKK and claim that detainees fabricate torture claims and injure themselves to accuse and defame the security forces.

Under the criminal procedures law, prosecutors may initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects. In cases where township security directors or Jandarma commanders are accused of torture, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges. Finally, in the state of emergency regions, any prosecution or legal action directed at government authorities must be approved by the state of emergency Governor. Approval is rare.

In February the then-chair of Parliament's Human Rights Committee, Sema Piskinsut, and two other Members of Parliament (M.P.'s) led an unannounced early morning raid on an Istanbul police station. This unprecedented raid was based on tips that this particular police station was notorious for torture, gathered during a prison research trip from women and children who were prisoners. The M.P.'s seized several instruments of torture, including a so-called “Palestinian hanger,” and required the police chief to sign a statement affirming that these were found in his station. She showed the torture implements to the press and publicly called for an investigation. When the investigation appeared to be stalled, another M.P. on her committee pressed the Interior Ministry for action. According to the Turkish National Police, the many administrative processes necessary to investigate the sub-provincial security director and the chief of the police station, were nearly complete at year's end. However, the public prosecutor decided not to pursue a judicial case against the two officials. The police station has been pulled down and a new station is being constructed, according to an Istanbul M.P. Soon after the raid, Interior Minister Tantan met with Parliament's Human Rights Committee and said publicly that “it is a mistake to define human rights only as violations by security forces.”

A higher court reversed a January decision by the Iskenderun chief public prosecutor not to prosecute anti-terror police accused of sexually harassing, raping with a truncheon, and torturing two female high school students arrested in March 1999. The trial of the four police officers began in March. However, at the same time, the conviction of the two girls on grounds of belonging to a terrorist organization and firebombing a bus—a conviction based solely on the confessions allegedly obtained under torture—was upheld by the Court of Cassation in June. The girls are serving 12-year and 18-year sentences.

Five defendants in Istanbul have been jailed since 1995 without having been convicted (they are accused of being members of TIKKO). Their trial is pending the outcome of a case against five police officers accused of torturing them. At a September hearing in the case, none of the accused police officers appeared in court, the case was postponed again, and the detainees were sent back to jail.

Songul Yildiz was acquitted in 1997 on charges of being a PKK member. In 1997 two policemen received 10-month suspended sentences for mistreatment and were suspended from the police force for 2.5 months; both were still on duty by year's end.

A case against 12 policemen accused of torturing the September 1997 “Musa Anter Peace Train” detainees continues, but charges may be suspended under a new law (see Section 4).

On November 15, the Manisa court sentenced 10 policemen to between 5 and 10 years in jail for torturing 15 teenagers in Manisa in 1995. The court found that the students exhibited evidence of physical and psychological torture while under detention; lawyers for the teenagers said that their clients were tortured by means of beating, electric shocks, hosing with cold pressurized water after having been

stripped, and sexual abuse. The policemen previously had been acquitted twice due to lack of evidence, but each time the appeals court overruled the acquittal and ordered a retrial. The policemen cannot appeal the November decision again, but have applied to the Court of Cassation to reduce their sentences. The case against the students at the State Security Court in Izmir ended with their acquittal in late November. The Court of Cassation had overturned the January 1997 convictions of 10 of the students on charges of belonging to an illegal leftist organization; 4 other students originally were acquitted.

Police harass, beat, and abuse demonstrators (see Section 2.b.). Police also harass and abuse journalists (see Section 2.a.).

The ECHR ruled against Turkey in several cases of torture from previous years. In one case the victim had suffered brain damage. The ECHR noted that domestic legal remedies were insufficient because prosecutors had not taken adequate steps to investigate the torture claims.

Prison conditions remain poor. With some exceptions (i.e., for high-profile political prisoners or for those with gang connections), prisons remain plagued by overcrowding, underfunding, and very poor administration. Despite the existence of separate juvenile facilities, juveniles and adults sometimes are incarcerated together, and most prisons lack adequate medical care for routine treatment or even medical emergencies. Families often must supplement the poor quality food. Human rights observers estimate that at any given time, at least one-quarter of those in prison are awaiting trial or the outcome of their trial.

In most cases, prisons are run on the ward system. Prisoners with similar ideological views are incarcerated together and, in some cases indoctrinate and punish their own, resulting in gang and terrorist group domination of entire wards. The Ministry of Justice said publicly in December that it has not fully controlled the prisons since 1991. Efforts by the Ministry of Justice over the past year to construct and transfer inmates to a small-group "F-type" cell system were criticized strongly by human rights groups and prisoners' groups. Groups linked to terrorist organizations claimed that the ward system was a more humane form of incarceration. Critics of the F-type cells claim that these cells allow authorities to isolate single inmates or small groups of prisoners from other inmates, and to control prisoners' access to water, food, electricity, and toilets.

In November and December, hundreds of prisoners, mostly affiliated with far-left terrorist groups, went on hunger strikes to protest F-type prisons, claiming that they intended to starve themselves to death. The Government entered the prisons in December, after the fast had reached its sixtieth day and negotiations to end it had not been successful. During and after the government intervention, at least 31 inmates and 2 Jandarma were killed. Weapons and other illegal materials were found in the cells during the operation. The cause of many of the deaths—including those who allegedly set themselves on fire on the order of their organization—is unclear. The Government, not following normal practice, refused to allow prisoner families or lawyers to see autopsy results. No open investigation has been planned, although there may be internal disciplinary proceedings for some prison officials. Some prisoners were transferred to newly-opened cell-system prisons. Two members of the Parliamentary Human Rights Committee visited one of the new prisons at the end of the year. According to their report, 341 prisoners from 5 other jails had been transferred to the new cell-system prison. Some of them, as well as prisoners in other jails, continued their hunger strikes while many others complained of brutal handling by the authorities or inadequate medical treatment. Prisoners' strikes and demonstrations by supporters' groups and human rights organizations, particularly the HRA, continued and in many cases led to detentions. Four offices of the HRA were closed in November and December for activities relating to the prison protests (see Section 4.)

During an attempt to bring prisoners to their court appearances in July, prison authorities injured 61 inmates at Burdur Prison. One prisoner's arm was torn off by machinery used to break down a wall. Inmates alleged that they were tortured following the incident.

In May and June, the Parliament's Human Rights Committee, under then-chairman Sema Piskinsut, released a series of comprehensive and highly critical reports on prison conditions throughout the country. In October Piskinsut was not re-appointed to chair the committee. Some critics of the Government claim that this was in response to her activism. She was replaced by Huseyin Akgul of the MHP. The reports were based on 2 years of visits by the committee (which includes members from all 5 political parties represented in Parliament) and interviews with over 8,500 inmates. The reports, which also included evaluations of some detention sites such as police cells, alleged that torture remains widespread in the prison system and that those in positions of authority, including prosecutors and provincial gov-

ernors, were not doing enough to ensure adequate living conditions for inmates. AI noted that these reports represented a significant step forward by officials in documenting torture as well as prison conditions.

The Government permits prison visits by representatives of some international organizations, such as the European Committee to Prevent Torture and the U.N. Special Rapporteur on Torture. The CPT visited in July, and again in December. However, the Government does not allow NGO's to visit prisons except for individuals acting in their capacity as lawyers. A delegation from AI visited in April and Human Rights Watch (HRW) conducted research into prisons over the course of the year. Delegations from AI and HRW met with Turkish officials as part of their research into prison issues; however, AI and HRW assert that during their return visits in December, following the prison crisis, government officials declined to meet with them.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention continued to be problems. To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime. The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare. According to the HRA, there was significant improvement in the first 8 months of the year in numbers of detentions (21,866) compared with the same period in 1999 (40,380). However, the HRF claims that in the final 2 months of the year there was an upsurge in unregistered detentions in connection with prison protests.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice, legal experts assert that the authorities do not always respect these provisions and that most citizens do not exercise this right, either because they are unaware of it, or because they fear possibly antagonizing the authorities. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. By law a detainee's next of kin must be notified as soon as possible after arrest. In criminal and civil cases this requirement is observed.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access to an attorney. The lack of early access to an attorney is a major factor in the continued use of torture by security forces. Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of 48 hours, extended for up to 4 days at a prosecutor's discretion and, with a judge's permission, which is almost always granted, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days.

Private attorneys and human rights monitors reported uneven implementation of these regulations, especially attorney access. AI asserts that lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refuse to disclose the place of detention or even the fact that the detainee is being held. Current regulations on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of state security detentions. In addition legal limits on detention periods at times are circumvented by subjecting a detainee to successive charges or falsifying detention records. The police maintain 24-hour monitoring bureaus that are required to record detentions on computers. According to the HRA, in the state of emergency region the police detain, beat, and then release groups after the maximum period of detention in order to intimidate them.

Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence.

The decision concerning early access to counsel in such cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, sometimes for years. Many such cases involve persons accused

of violent crimes, but there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials.

On several occasions, the police beat and detained peaceful demonstrators (see Sections 1.c. and 2.b.). During a September protest over prison conditions officers beat the relatives of prisoners. The police also beat and detained members of political parties (see Section 3). Students detained while making a press statement in Istanbul in June claimed that they were tortured, and one alleged that the police broke her arm.

The Government does not use forced external exile. It retains the authority to authorize internal exile (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however, various officials acknowledge the need for legislative changes to strengthen the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and the NSC periodically issue announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. The High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. The composition of the High Council could impact the independence of the judiciary; although the Constitution provides for security of tenure, the High Council controls the career paths of judges through appointments, transfers, promotions, and other matters, and its decisions are not subject to review. Various government and judicial officials during the year discussed the need to adopt legislative changes to strengthen the independence of the judiciary.

The judicial system is composed of general law courts, military courts, the SSC's, and the Constitutional Court, the nation's highest court. The Court of Cassation hears appeals for criminal cases, including from the SSC's. The Council of State hears appeals of administrative cases or those between government entities. Most cases are prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants, including police, can be tried only after administrative approval from the governor or subgovernor, which are centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court as well. However, the Court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, hear cases involving military law, members of the armed forces, and may try civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft.

SSC's are composed of panels of five members: Three civilian judges and two prosecutors. SSC's sit in eight cities and try defendants accused of crimes such as terrorism, gang-related crimes, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the State." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts may be appealed only to a specialized department of the Court of Cassation (Appeals Court) dealing with crimes against state security. During the year, the SSC's dealt mainly with cases under the Anti-Terror Law and Section 312 of the Criminal Code. Human rights observers cite prosecutions of leaders of the political Islamic movement, nonviolent political leaders associated with the Kurdish issue, and persons who criticize the military or the Government's practices as evidence that the SSC's often serve a primarily political purpose.

PKK leader Abdullah Ocalan, sentenced to death in 1999, remained in prison at year's end. Carrying out the death sentence still requires action and approval by the Justice Ministry, the Council of Ministers, Parliament, and the President. The Government in January decided to agree to the request of the ECHR to suspend the death sentence process until the court completes its judicial processes. In December the ECHR accepted Ocalan's petition and will inquire into allegations regarding irregularities of his capture and trial in the country.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complain that they have few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials note that problems can arise from the fact that the police report to the Interior Ministry, not to the courts.

Prosecutors are charged with determining which law has been broken and objectively presenting the facts to the court. Defense lawyers do not have equal status with prosecutors. There is no jury system; a judge or a panel of judges decides all cases. Trials for political crimes or torture frequently last for months or years, with one or two hearings scheduled each month. Proceedings against security officials often are delayed because officers do not submit statements promptly or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurs and then only after a separate case determining the legality of the evidence is resolved. In practice a trial based on a confession allegedly coerced under torture may proceed and even conclude, before the court has established the merits of the torture allegations.

In January a "prisons protocol" signed by the Ministries of Justice, Interior, and Health called for intensified searches of those entering prisons, including lawyers and prosecutors. The Bar Association claims that defense lawyers are searched intensively, in contrast to other personnel, and that the new rule permits prison officials to confiscate documents from prisoners that may relate to their defense. The State is required to return the documents if they are defense-related. The Government issued a second circular, in March, requesting that those who conduct the searches do so in a respectful manner and bear in mind the right of access and of private correspondence between a client and his attorney.

Defense attorneys routinely are denied access to files that the State asserts deal with national intelligence or security matters, especially in cases heard by SSC's. Furthermore, attorneys defending controversial cases have been subject to legal charges, including spurious accusations that they are couriers for clients who are alleged terrorists. Hasan Dogan, a Malatya attorney who frequently defends suspects in SSC cases, was acquitted in 1999 of charges by an informer that he was a member of the PKK or assisted the organization. An appeals court reversed his acquittal and he was sentenced to 3 years and 9 months. He has appealed this verdict and the case was still pending. He also faces the same charge in another case, and was sentenced in December to 3 years, 9 months. He has applied for a suspension of this punishment. Another case was opened against him for insulting the military; results were still pending at year's end. The trial of 25 Diyarbakir lawyers charged in 1993 and 1994 for aiding and abetting the PKK, and in a few cases with membership in a terrorist organization, continued at the Diyarbakir SSC (see Section 4).

By law the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSC's. In practice only a tiny percentage of defendants have lawyers. Bar Associations in large cities, such as Istanbul, have attorneys on call 24 hours a day. Costs are borne by the Association. Defense lawyers generally have access to the public prosecutor's files only after arraignment.

In law and in practice, the legal system does not discriminate against minorities. Legal proceedings are conducted solely in Turkish with some interpreting available; however, some defendants whose native language is not Turkish may be disadvantaged seriously. Turkey recognizes the jurisdiction of the ECHR. During the year, Turkey lost 23 cases to which it was a party, most of which pertained to free expression, deaths, past disappearances, and torture and was fined \$1.2 million (812 billion TL). In 11 additional cases, mostly relating to failure to ensure due process of law, Turkey accepted a friendly settlement and paid \$150,000 (about 1 billion TL); and the court dismissed a further five cases.

There is no reliable estimate of the number of political prisoners in the country. The Government claims that alleged political prisoners are in fact security detainees convicted of being members of, or assisting, terrorist organizations.

International humanitarian organizations are allowed access to political prisoners, provided the organization can obtain permission from the Ministry of Justice. With the exception of the Committee to Prevent Torture of the Council of Europe, which has good access, in practice few such permissions are granted.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights. With some exceptions, government officials may enter a private residence or intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally are respected outside the state of emergency region. If delay may cause harm to the case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large. Other exceptions include persons under special observation by the security directorate general, places anyone can enter at night, places

where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels. According to a 1999 law that permits wider wiretapping, a court order is needed to carry out a wiretap. However, in an emergency situation, a prosecutor can grant permission. The wiretap can last only 3 months, with two possible extensions of 3 months each.

In the provinces under emergency rule, the regional state of emergency governor empowers security authorities to search without a warrant residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association maintains that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. Seven provinces remain under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas, and grants the provincial governor several extraordinary powers. Due to the improved security situation, the use of roadblocks in the southeast decreased.

With the diminution of PKK terrorism, the formerly widespread practice of evacuating villages to prevent their giving aid to the PKK has lessened; however, there was a report of one village re-evacuation occurring in October (see Section 1.g.).

Some elements of society complain that a ban on the wearing of religious head coverings in government offices, other state-run facilities, and universities interfered with citizens' religious observance (see Sections 2.b. and 2.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since 1984 the PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians. In response, police, Jandarma, village guards, and the armed forces conducted an intense campaign to suppress PKK terrorism. However, since 1999 almost all such violent activity by the PKK has ceased, although some armed clashes between the two sides continued to occur. Security forces continued to target active PKK units as well as those persons they believed supported or sympathized with the PKK. There continued to be few reports of government and PKK human rights abuses committed against non-combatants. According to statistics from the governor of the state of emergency region, 23,415 PKK members, 5,029 security force members, and 4,460 civilians have lost their lives in the fighting since 1987. During the year, 29 members of the security forces and 15 civilians died, according to the military.

The Government's state of emergency, renewed in Diyarbakir, Hakkari, Sirnak, and Tunceli provinces for 4 months in November, imposes stringent security measures in those four southeastern provinces. The regional governor for the state of emergency may censor news, ban strikes or lockouts, and impose internal exile. The decree provides for doubling the sentences of those convicted of "cooperating with separatists." Informants and convicted persons who cooperate with the State may receive rewards and reduced sentences. Only limited judicial review of the state of emergency governor's administrative decisions is permitted.

In October the governor of Tunceli formally abolished the food embargo in that region, the last large-scale rationing in the region. Food rationing also had been justified as a means of denying logistical support to the PKK. Provincial authorities deny villagers access to some high pastures for grazing, citing security concerns, but have allowed other villages access to their high pastures.

Unlike in the previous year, there were no credible allegations of serious abuses by security forces during the course of operations against the PKK.

The Government organizes, arms, and pays a civil defense force in the region of more than 65,000 persons, which is known as the village guards. Participation in this paramilitary militia is mainly voluntary, but villagers faced danger from both the PKK and the Government when choosing whether or not to join the guard force. Village guards have a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contribute to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" are viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, is significantly lower than in the past.

There was a report of one village re-evacuation during the year (see Section 1.e). Five residents of Akcapinar hamlet said Jandarma burned 16 tents, one home, and crops there in early October. Residents had apparently returned to the hamlet in May after having received permission from local officials but without the requisite permission from higher levels within the Government. Between 1984 and 1999, and particularly in the early 1990's, a large number of persons were displaced forcibly from villages. The practice was justified by the Government as a means of protecting civilians or preventing PKK guerrillas from obtaining logistical support from

the inhabitants. Provincial authorities deny villagers access to some high pastures for grazing, citing security concerns, but have allowed other villages access to their high pastures. The Government reported that 378,000 persons had "migrated" (it disputes the term "evacuation") from 3,165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. The highest credible estimate of displaced persons is as high as 1 million. Voluntary and assisted resettlements have begun in the region. In some cases, persons may return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned, but there is a noticeable increase in the pace of returns.

After the middle of the year, there appeared to be an upsurge in the rate of returns and return requests. About 10,000 persons returned to their villages between June and August, according to the state of emergency governor. In July he declared that 65,000 of the 131,000 return requests filed with his office were "appropriate." According to the Jandarma, over 28,000 persons returned to the OHAL region and adjacent provinces during the year. They state that there are an additional 238,900 applications for returns to 621 villages and 461 smaller hamlets, but only about a third of these claims are appropriate (mainly for security reasons) at this time. A July HADEP "migrant commission" report claimed HADEP had over 23,000 additional requests for returns, each petition representing a family. However, some persons included on return petitions may not have been aware that a request had been made for them. Furthermore, many evacuees have neither the will nor the economic means to return.

Despite the increased pace, returns to date represent a fraction of the number of persons who may wish to return. Governors continued to provide building materials to some returnees. Activists remain critical of government efforts to resettle villagers in government-constructed "central villages" instead of original village sites. Local Jandarma impose limitations on some resettlement efforts. According to news reports, in January Jandarma prevented the return of 15 families to a village in Sirnak province. The families claimed that the village guards who currently occupy their village had burned their homes and cut down their orchards.

The Government continues to deal with the problem of the hundreds of thousands of persons displaced from their villages and hamlets. According to the Government, its "East and Southeast Anatolia Action Plan" began in May. The Plan, as well as other government programs, has focused on providing assistance to displaced persons and support for return to villages or relocation to new, centralized villages. Over 4,000 persons now live in centralized villages. From June to October, financial and other assistance (including young trees, animals, beehives, and looms) was provided to over 14,000 persons in 96 villages and 87 hamlets.

Regional cities in the southeast have doubled and tripled in size in the past decade, without a commensurate increase in services such as schools. Many persons from the area went to major cities in the West of the country. A 1998 parliamentary committee investigation concluded that the State was partly responsible for the displacements and had failed to compensate adequately villagers who had lost their homes and lands in the region. However, regional officials report that flows of migrants nearly stopped during the year due to waning PKK activity in the countryside.

In contrast to the national average of 45 children per classroom, there are typically 60 to 90 children per classroom in eastern and southeastern provinces and as many as 80 to 100 in Diyarbakir (most schools in the southeast employ a shift schedule for classes to accommodate the large numbers). According to the Government, in the southeast there was a noticeable improvement in the number of students able to attend classes, partly due to improved availability of teachers and schools, and partly due to the requirement for an 8-year education. During the 1999 to 2000 school year, there were 270,000 students in secondary education in the southeast, compared to 240,000 the year before. In the state of emergency region, 450 schools are closed, although none were closed during the year. Although the Government has built boarding schools in the region's larger towns, these new schools have not met the demand. Although schools remained open in most urban centers in the southeast, rapid migration led to severe overcrowding of city schools and chronic teacher shortages. Despite a longstanding tradition of boarding schools in the rural areas of the country, some ethnic Kurdish leaders have expressed concern that the Government constructed boarding schools, rather than rebuild local schools, in order to accelerate the process of Kurdish assimilation. According to press reports, soldiers in one command of the state of emergency region repaired 167 village schools in preparation for the 2000 to 2001 academic year and during the past year spent about \$700,000 (300 million TL) on health, education, and infrastructure projects in the region.

During the year, Turkish ground forces with air support conducted several operations in northern Iraq against the PKK. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan cooperated with the Turkish Government in shutting down certain PKK facilities in northern Iraq. Turkish government policy is to target only PKK fighters in northern Iraq; however, Turkish planes accidentally killed 38 civilians in Sedakan, northern Iraq, during an operation in August against the PKK. The Government is taking steps to compensate the victims' families. At the end of the year, an operation against the PKK involving hundreds of Turkish soldiers continued in northern Iraq, according to press reports.

In February Parliament renewed legislation allowing members of terrorist organizations (and criminal gangs) to apply for amnesty or reductions in sentences, if they provide useful information that helps lead to the dissolution of the organization. Government figures are not available for the number of persons who applied for the amnesty, but human rights attorneys speculate that the number is above 2,500. According to press reports, many applicants, including some who were members of Turkish Hizbullah, have obtained sentence reductions or release.

The PKK remained almost completely inactive during the year. There were reports of internal divisions over jailed PKK leader Ocalan's call for ending the armed struggle, but by year's end no rival faction appeared to have gained control of the group. Apparently on orders from the PKK leadership, several groups of 8 to 10 former militants turned themselves in to the authorities, asking for amnesty. They are all currently standing trial for charges relating to membership in the PKK. Although PKK attacks against civilians and law enforcement personnel in the south-east have virtually ended, the military did engage the PKK, killing several alleged terrorists. Government authorities acknowledge that the level of violent conflict is considerably lower than in the past and that the main reason is an absence of PKK activity and the fact that the security forces were able to effectively end Hizbullah operations.

Other terrorist organizations, most notably DHKP-C, conducted attacks mainly against police targets.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms. The Constitution leaves open the possibility of restrictions to these freedoms on the basis of defense of the secular, unitary, state and protection of public order. The Government, particularly the judiciary, limits freedom of expression through the use of restrictions in the 1982 Constitution and numerous laws such as the following: Article 8 of the 1991 Anti-Terror Law (disseminating separatist propaganda); Penal Code Articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Atatürk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials). While prosecutors bring dozens of such cases to court each year, judges dismiss many charges brought under these laws. These cases constitute a form of harassment against writers, journalists, and political figures.

Domestic and foreign periodicals that provide a broad spectrum of views and opinions, including intense criticism of the Government, are widely available. The newspaper business is extremely competitive. Government censorship of foreign periodicals is very rare.

Electronic media reach nearly every adult, and their influence, particularly that of television, is correspondingly great. According to the High Board of Radio and Television, there are 229 local, 15 regional, and 16 national officially registered television stations, and 1,036 local, 108 regional and 36 national radio stations. Other television and radio stations broadcast without an official license. The increasing availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. The State owns and operates the Turkish Radio and Television Corporation.

Internet use is growing and faces no government restrictions; in fact, some banned newspapers can be accessed freely on the Internet. Parliament passed legislation in September 1999 suspending for 3 years the sentences of those convicted of crimes in the media, such as journalists, writers, and party officials who published articles. The Islamist opposition party Fazilet challenged the constitutionality of the law because it did not apply to those who committed similar crimes through speech. In September the Constitutional Court ruled that this complaint had merit and ordered the Government to correct the problem. In mid-December, the Government passed the "Provisional Suspension of Sentence Law," which in addition to leading to the eventual release of thousands of ordinary criminals, may effect the

release, and suspension of trials, of many persons prosecuted on charges related to free expression. The suspension only applies to those whose "criminal act" took place before April 23, 1999.

Although hundreds of those prosecuted or convicted for free expression crimes had their sentences or trials suspended, some writers remain in jail. Esber Yagmurdereli, for example, remains imprisoned because his conviction in 1998 was for a speech, although his case may fall under the "Provisional Suspension of Sentence Law." The CPJ reported that 14 journalists were imprisoned at year's end, compared with 18 in 1999. According to the Ministry of Interior, 43 journalists were in jail in July, of whom 26 had been convicted and the rest were still standing trial. The Chairman of the Press Council said, after studying the list, that his organization considered only four of these to be "imprisoned for their journalistic practices." Other journalist associations note that some who are imprisoned for crimes in the media are political activists with only tenuous journalistic credentials.

Under the suspension law, charges are dropped if the journalist or writer does not commit the same crime again during the 3-year period; if a second offense is committed during this time, the suspension is revoked. Human rights advocates, journalists, and other writers consider that the conditions for the suspension amount to censorship.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish. The High Board of Radio and Television (RTUK), created in 1994 to regulate private television and radio frequencies, monitors broadcasters and sanctions them if they are not in compliance with relevant laws. Parliament elects the RTUK members (divided between ruling and opposition parties) and provides its budget. Although nominally independent, the RTUK is subject to some political pressures. In December RTUK banned broadcasts of Ozgur Radio for 180 days, claiming that the station had slandered Turkish Cypriot leader Rauf Denktash in a July broadcast.

The RTUK penalizes private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. Throughout the year, the RTUK penalized radio and television stations over 210 times for noncompliance with broadcast regulations, according to testimony given by the RTUK chairman to a Parliamentary committee in November. In general RTUK suspended television broadcasts for a day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." The human rights monitoring group Mazlum-DER recorded closures of 26 television stations for a total of 208 closure days, and closures of 24 radio stations for a total of 3,725 days, while the Government provided RTUK closure figures of 62 television stations closed for 704 days, and 67 radio stations closed for 3,889 days.

RTUK decisions may be appealed to the provincial administrative court and then to the Council of State (Danistay). In some cases, this is successful. In February the RTUK gave a 1-day closure punishment to CNN TURK, in response to a January broadcast in which a commentator asked a program guest if PKK leader Ocalan could be compared with former South African President Mandela. According to the RTUK, the broadcast "threatened the existence and unity of the Turkish state" and "encouraged separatism." CNN TURK appealed the decision and won. Another RTUK closure order, against Channel 6 for its criticism of the Government's response to the August 1999 earthquake, was also overturned by the Danistay.

Despite the Government's restrictions, the media criticize government leaders and policies daily and have developed a more adversarial role vis-a-vis the Government. Lively debates on human rights and government policies continued, especially on issues relating to Turkey's EU membership process; the role of the military; political Islam; and the question of ethnic Kurds as "minorities." Nevertheless, persons who write or speak out on such highly sensitive topics risk prosecution.

Government decree 430 gives the Interior Ministry, upon the request of the state of emergency regional governor, the authority to ban distribution of any news viewed as misrepresenting events in the region. In the event that a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, lead to self-censorship on some issues.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. Prosecutors closed numerous journals or suspended their operations during the year. The police frequently raid offices of small leftist publications, while distributors of the pro-Kurdish journals Evrensel and Yeni Gundem outside the state of

emergency region claim regular harassment and the confiscation of their newspapers by the police.

Journalists, including those from mainstream and western media, were harassed periodically and subjected to police abuse while covering stories. Two Swedish journalists were arrested, and their film confiscated, while visiting a small town near Diyarbakir in April. Their film was returned and they were released after the Swedish Government protested.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints.

In April a group of 24 intellectuals sought to challenge legal restrictions on expression by republishing the formally banned book "Freedom of Thought" under the new title "Freedom of Thought—2000." The group, which consists of well-known human rights activists, actors, journalists, and academicians, notified officials at the Istanbul SSC of their actions. The court indicted the group in May, demanding sentences ranging from 7 to 15 years' imprisonment for 16 persons on various charges, including supporting a terrorist organization and inciting hatred and enmity. The case was ongoing at year's end. In December musician and human rights activist Sanar Yurdatapan and Nevzat Onaran, Chairman of the Contemporary Lawyer's Association's Istanbul branch, each served 24-day sentences given by a military court in connection with the publication of a previous "Freedom of Thought" pamphlet.

Nadire Mater was acquitted in September of charges that she "insulted the military" with her publication, "Mehmet's Book." Copies of the book were seized in 1999 on order of the Istanbul SSC, and Mater and her publisher were charged under Article 159 of the Penal Code, with a possible prison sentence of 2 to 12 years. Since part of the acquittal was based on the Suspension of Sentences Law for the book's early editions, she faces a 3-year "probation" period, and if she commits the same crime she theoretically would face a resumption of her trial. The prosecutor appealed the acquittal, and the ban on the book continues. "Mehmet's Book" is a compilation of interviews with retired conscripts who had served in the southeast. The book records without commentary the soldiers' experiences in the field. These rank-and-file stories allege corruption, drug abuse, and dishonest handling of the press. As many as 40,000 to 50,000 copies have been sold, and although the book remains banned it is available in some bookstores.

The Istanbul SSC brought charges of "supporting separatist and terrorist propaganda" against the distributors of the CD-Rom version of National Geographic magazine's full collection in late 1999. The collection included a 1992 article on Kurds that showed a map of the region most populated most heavily by Kurds; the article was published and circulated in Turkey. In February the court suspended the case in line with the "suspension of sentences" law, because the publication date was before April 1999.

In March Islamist former Prime Minister Necmettin Erbakan was convicted under the Penal Code (Article 312) of "promoting enmity" along religious lines, for a speech he had made in 1994 in which he referred to parliamentarians as "infidels." He was sentenced to 1 year's imprisonment, but his punishment was suspended under the "probational suspension of sentences law" passed in December. Human rights groups and some politicians criticized the verdict as undemocratic, but the judiciary and many mainstream politicians defended it. Also in March, the chairman of the Islamic business-oriented association Musiad was sentenced to 1 year's imprisonment under the same law, for a 1999 statement in which he referred to "believers and nonbelievers." His sentence was suspended.

Abdurrahman Dilipak, a veteran columnist with the Islamist daily Akit, faced multiple charges during the year for articles criticizing the Government's policy, especially on religious head coverings and the alleged activities of a military group that reportedly monitors political Islam. He was convicted in January by the Malatya SSC and sentenced to 1 year's imprisonment related to a 1998 conference in Malatya. Appeals continued at year's end.

Former chairman of the HRA Akin Birdal reentered prison in March after a 6-month release on medical grounds. He was released on September 23 after serving a total of over 9 months' imprisonment on charges related to free speech (see Section 4).

Hasan Guzel, head of the small Rebirth Party and an outspoken former Education Minister under the pro-Islamist Refah Party government, was released from jail in May after serving 5 months of a 1-year sentence for "inciting religious and ethnic enmity," based on a controversial 1997 speech. In January he was convicted on the same charge in a different case relating to a 1998 speech.

Poet Yilmaz Odabasi entered prison in March to serve a 7-month sentence for contempt of court, for having said that he was "ashamed to live in the same age and

country" as the court that convicted him in 1997 for "disseminating separatist propaganda" with his book "Dream and Life." He was released in June.

Cases may be continuing against Dogu Perincek, chairman of the Workers' Party, for convictions concerning a 1994 speech delivered at the HRA general convention and slandering former Prime Minister Tansu Ciller. In September Perincek was acquitted on charges of assisting the PKK and possessing secret state documents.

The trial of Dr. Veli Lok, president of the HRF's Izmir branch, for violation of the press law, ended in June. Dr. Lok, Bahri Akkan (spokesman for the Izmir Democracy Platform), and Fikret Ilkiz (an editor at Cumhuriyet newspaper) were convicted on the basis of an article published in October 1999 in Cumhuriyet, in which Lok and Akkan were quoted regarding a trial involving other HRF members. Publicly commenting on an ongoing court case is forbidden under the Press Law. The Ministry of Justice sent a letter to the Izmir prosecutor in November 1999, asking him to review the Cumhuriyet article and determine if a crime had been committed. The indictment followed shortly. Lok and Akkan were sentenced to pay a fine of about \$200 (120 million TL); Ilkiz is to pay about \$210 (124 million TL). Lok's sentence was suspended for 5 years, and he has appealed.

In October a Syriac priest was charged under Article 312 for "inciting religious, racial and sectarian hatred" for comments he made to the media about legislation under consideration at that time by the U.S. Congress that referred to Armenian genocide. The trial of the priest, who spoke in favor of the legislation, began in December. He spent one night under arrest but otherwise has been free to continue his pastoral duties.

In April the pro-Kurdish daily Ozgur Bakis ceased publication, blaming government pressure (including closure orders, fines, investigations of 124 out of 370 editions, and court cases against editors). In its place Yeni Gundem newspaper began publication in May and was banned in the emergency region a week later. Also in April, the state of emergency governor banned four magazines (Ozgur Halk, Yasamda Genclik, Ozgur Kadinin Sesi, and Rewsen) from the emergency region. In May the governor banned distribution of four newspapers and eight journals, including Evrensel Kurdish-language weekly Azadiya Welate (which had been banned previously). However, these publications can be accessed in the emergency region on the Internet. Throughout the country some potential customers are afraid to purchase Kurdish-language materials because the possession of such items may be interpreted as evidence of PKK sympathies.

Kurdish-language cassettes and publications are available commercially, although the periodic banning of particular cassettes or singers continued, especially in the state of emergency region. Kurdish-language broadcasts of news, commentary, or discussion are illegal throughout the country. One radio station broadcasts in Kurdish but is widely believed to be government-sponsored. Kurdish music is played on radio and television programs with certain restrictions, especially in the emergency zone and adjacent provinces. The state of emergency regional governor frequently bans from the region Kurdish recordings that may be played legally elsewhere in the country. In August he issued an order banning the sale of 242 music recordings, most in Kurdish. Stations that play Kurdish songs not on the limited play list risk temporary bans or closure. Radio stations that mix small amounts of Kurdish songs into their predominantly Turkish broadcasting appear to face fewer problems.

Pro-PKK Medya-TV, which is banned, broadcasts in Kurdish from Europe and nevertheless can be received via satellite dish. Another station, Kurdistan-TV, based in northern Iraq, can be received via satellite, and is not banned. The ECHR ruled against Turkey on some cases of free expression, such as the conviction of a newspaper editor for "disseminating separatist propaganda" in 1993.

The Mesopotamian Cultural Center (MKM), an NGO that seeks to promote Kurdish language and culture, continues to operate. Some officials alleged that the organization is linked to the PKK. The group's centers in the southeast remain closed. Police exert pressure against the groups and hinder their activities, and local officials monitor and often interrupt their cultural events. Some MKM branches report that they were prevented from selling Kurdish-language music cassettes and were warned against organizing cultural events. On December 30, however, for the first time the Governor of Hakkari province in the southeast allowed a Kurdish-language music concert, organized by an MKM-sponsored band. Five thousand persons attended the concert.

The Kurdish culture and research foundation (Kurt-Kav) remained open and continued some activities, including Kurdish language training and a study of Kurdish oral tradition. In February Kurt-Kav was acquitted of charges alleging promotion of separatism for its sponsorship of scholarships for 30 Kurdspeaking students. A second case on the same charges, based on cooperation with a Swedish university

to promote study of the Kurdish language, still was pending in the courts at year's end.

Academic freedom generally is respected; however, there is believed to be some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. The authorities may deny permission if they believe that a gathering is likely to disrupt public order. Significant prior notification of gatherings is required, and the authorities may restrict meetings to designated sites.

The police beat, abused, detained and harassed some demonstrators, but showed restraint in other instances. The police appeared to be acceding to a November 1999 Security Administration directive that called for the use of minimum force in dispersing demonstrations. In February, following the arrests of three HADEP mayors in the southeast (see Section 3), supporters of the mayors held large, peaceful protests in Diyarbakir's center. Police allowed the demonstrations to continue even though they were not approved, and there was no violence. Police detained several dozen demonstrators during the 3-day protest period.

In contrast to the previous year, the March 21 Kurdish Nevruz ("New Year") celebrations were marked by calm and respectful behavior among participants and security forces. According to press reports and initial contacts with activists in the southeast, the police detained several hundred unauthorized demonstrators in Mersin, Sanliurfa, Siirt, and Adana, but there were reportedly no arrests nor excessive use of force (as there had been in the previous year). The authorities for the first time granted permission for a major celebration a few miles outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and police treated the crowd well, according to a Kurdish activist. Istanbul municipal authorities denied permission for a celebration there because the organizers referred to "Newroz," on the grounds that since there is no letter "w" in Turkish, this was a Kurdish spelling.

On World Peace Day, September 1, the authorities denied permission for peace demonstrations in Diyarbakir, Izmir, Ankara, Mersin, and Antalya. In Diyarbakir the police reportedly broke up a gathering, detaining 30 participants and injuring 10. In Van the police detained 27 persons, including the HADEP provincial chairman. In Mus the police reportedly detained, beat, and tortured the former district president of HADEP. In Tunceli a group of 200 persons was allowed to demonstrate, and in other cities events took place peacefully.

In October police disrupted a professional conference in Izmir of the Turkish Medical Association (TMA) on the grounds that the meeting, which was to have discussed the issue of prison health, was illegal. International observers present for the conference noted that police officers demanded to videotape all of the proceedings. The TMA cancelled the conference.

Police have detained and, on occasion, mistreated members of groups that protested prison conditions, the Ulucanlar prison incident in September 1999 (see Section 1.c.), and the installation of "F-type" small cells to replace the current ward system. In June the police broke up an anti-prison rally and detained 20 participants, including the chair of the Istanbul branch of the HRA, Erin Keskin; when critics started to protest those detentions, the police broke up that second rally and detained another 30 persons. However, in early August the Minister of Justice spoke to demonstrators in front of his Ministry and invited some of them to visit a new F-type prison, which they did the following day. In August an association of families of political prisoners left Istanbul for Ankara by bus to protest F-type prisons and warn against the potential of hunger strikes and violence in jails (see Section 1.c.). The group alleges that it was stopped while en route several times by police and Jandarma, and that some parents were beaten with clubs and had to be hospitalized. Hundreds of protesters were temporarily detained during the period of hunger strikes in the prisons in November and police intervention in December.

In December, following a terrorist attack on a police bus that killed two anti-riot police, thousands of fellow officers staged protest marches in all of the country's major cities. The marches occurred over several days, despite efforts by senior police officials to bring them under control. Several hundred police officers have been charged with disobeying orders and marching without a permit; they faced disciplinary and judicial proceedings at year's end.

Dr. Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center; Günseli Kaya, who also works at the Center; and 66 others face charges of "holding an unauthorized demonstration" for participating in the funeral procession in October 1999 of one of the prisoners killed in the September 1999 Ulucanlar incident. Ayan, Kaya, and 12 others were held in detention for 3 months before being released at the start of their trial in January. The trial continued at year's end.

Six school children, between the ages of 12 and 14 years, were acquitted in March of charges of holding an "unauthorized demonstration" in 1998. The children had held a sign that said "We Want Teachers" during a rally after no teachers came to school that day and previous days.

The Constitution provides for freedom of association; however, associations and foundations must submit their charters for government approval, which is a lengthy and cumbersome process.

c. Freedom of Religion.—The Constitution establishes Turkey as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas, and the Government generally observed these provisions in practice; however, it imposed some restrictions on religious minorities and on religious expression in government offices and state-run institutions, including universities.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet, which some groups claim reflects the beliefs of the Sunni Islamist mainstream to the exclusion of Alevi adherents, regulates the operation of the country's more than 70,000 mosques. Local and provincial imams, who are civil servants, are employed by the Diyanet. The Government states that the Diyanet treats equally all that request services. During the year, partly in commemoration of the Christian jubilee, the Diyanet sponsored several ecumenical events among major religious groups, including a meeting in Tarsus in May, which produced a document that called for intercommunal understanding.

A separate government agency, the Office of Foundations (Vakıflar Genel Müdürlüğü), regulates some activities of religious minorities, including those established under the Lausanne Treaty in 1923 (Greek Orthodox, Armenian Orthodox, and Jewish), and their affiliated churches, monasteries, and religious schools. The Vakıflar, which dates back to the Ottoman Empire, must approve the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages. The Vakıflar oversees 160 minority religious foundations, including Greek Orthodox (about 70 sites); Armenian Orthodox (about 50); and Jewish (20); as well as Syrian Christians, Chaldeans, Bulgarian Orthodox, Georgians, and Maronites.

In May a court allowed a Protestant church in Istanbul to establish itself as a "foundation." Normally all "religious" foundations need to have been in existence since the early days of the republic in order to be deemed as such.

The population is about 99 percent Muslim, primarily Sunni. In addition to the country's Sunni majority, an estimated 12 million Alawis (an offshoot of Shi'a Islam) freely practice their faith and build "Cem houses" (Alawi places of worship). Some Alawis allege discrimination in the form of failure to include any Alawi doctrines or beliefs in religious instruction classes. Alawis also charge that there is a Sunni bias in the Religious Affairs Directorate and claim that the Directorate tends to view the Alawis as a cultural rather than a religious group. However, some Sunni Islamic political activists charge that the secular State favors and is under the influence of the Alawis. The Government periodically allocates funds to the Alawi community and funds Sunni activities.

There are several non-Muslim religious minority groups; most are concentrated in Istanbul and other large cities. These include an estimated 50,000 Armenian Orthodox Christians, 25,000 Jews, and roughly 3,000 Greek Orthodox adherents. There are approximately 3,000 Protestants; 10,000 Baha'is; an estimated 15,000 Syrian Orthodox (Syriac) Christians; and a small, undetermined number of Bulgarian, Chaldean, Nestorian, Georgian, and Maronite Christians. The number of Christians in the southeast has declined as the younger generation, especially among Syriacs, leaves the area to live in Istanbul, Europe, or North America. In December President Sezer issued a message to Turkey's minority religious groups on the occasion of Christmas and Hanukah.

The military and judiciary, with support from other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 3). The National Security Council (NSC)—a powerful military/civilian body established by the Constitution to advise senior leadership on national security matters—categorizes fundamentalism as a primary threat to public safety and order. The armed forces regularly dismiss individuals whose official files reflect participation in Islamist fundamentalist activities. In October the military dismissed 44 officers suspected of sympathizing with Islamic groups or Kurdish rebels. At a meeting in March, the NSC discussed a report that claimed that fundamentalist Islamic elements had increased their activities in a number of areas, including infiltrating government ministries. However, the same NSC report noted that legislative measures have been taken on only 5 points of the February 1997 18-point program against

fundamentalism. In August President Sezer twice refused to sign a "decree with force of law" that would have streamlined the procedures for firing civil servants suspected of fundamentalist or separatist tendencies, explaining that such a measure should be reviewed by Parliament.

In a widely publicized August 30 "victory day" statement, armed forces Chief of Staff General Huseyin Kivrikoglu issued a strong message to the Government to take action against Islamic fundamentalism. In a reference to the civil servants decree turned back twice by President Sezer, Kivrikoglu said that the Government and the Parliament should take immediate action to address the problem of "thousands" of civil servants whose fundamentalist views were threatening the secular state. He noted that the military had an effective means of getting rid of suspected fundamentalists or separatists from its ranks and that the civil service should adopt similar measures. Kivrikoglu alleged that the leader of a moderate Islamic Tarikat, Fetullah Gulen, plans to undermine the state and said that 11 of the 44 officers recently dismissed by the military for fundamentalist proclivities were Gulen supporters. Kivrikoglu claimed that Gulen supporters had infiltrated the judiciary as well, a charge denied by the Minister of Justice.

Tarikats and other mystical Sunni Islamic, quasi-religious, and social orders were banned in the 1920's but largely were tolerated until the 1997 call by the National Security Council for strict enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism. However, prominent political and social leaders remain associated with Tarikats.

In March Islamist former Prime Minister Necmettin Erbakan was convicted under the Penal Code (Article 312) of "promoting enmity" along religious lines, for a 1994 speech in which he referred to Parliamentarians as "infidels." He was sentenced in March to 1 year's imprisonment (see Section 2.a). Also in March, the chairman of the Islamic business-oriented association Musiad was sentenced to 1 year's imprisonment under the same law, for a 1999 statement in which he referred to "believers and nonbelievers." His sentence was suspended. The Istanbul SSC ordered the confiscation of the June 28 issue of the reportedly anti-Semitic newspaper *Akit* and the June 23-29 edition of its related weekly publication *Cuma* for "inciting religious hatred," for its treatment of the death of a prominent military official known for his secular views. *Akit* had reported in its coverage that it "did not forgive" the official for his actions against imam-Hatip schools, Koran courses, and students who wear headscarves.

Religious and moral instruction in state primary and secondary schools is compulsory for Muslims. Students who complete primary school may study the Koran in government-sponsored schools. The Government does not permit private Koran courses.

Upon written verification of their non-Muslim background, minorities considered by the Government to be covered by the 1923 Lausanne Treaty (Greek Orthodox, Armenian Orthodox, and Jewish) are exempted by law from Muslim religious instruction. They may hold their own classes or if they want to attend Muslim courses, may do so with parental consent. Syriac and other Christians whom the Government does not consider to be an official Lausanne Treaty minority are not exempted. In August the Syriac community reiterated a 1995 appeal to the Government to be considered a Lausanne Treaty minority.

Government authorities do not interfere in matters of doctrine pertaining to minority religions, nor do they restrict the publication or use of religious literature. While the Government does not recognize the ecumenical nature of the Greek Orthodox Patriarch, it acknowledges him as head of the Turkish Greek Orthodox community and does not interfere with his travels or other ecumenical activities.

The authorities monitor the activities of eastern Orthodox churches and their affiliated operations. The Ecumenical Patriarchate in Istanbul consistently has expressed interest in reopening the seminary on the Island on Halki in the Sea of Marmara. The seminary has been closed since 1971 when the State nationalized most private institutions of higher learning. Under current restrictions, including a citizenship requirement, religious communities remain unable to train new clergy. However, coreligionists from outside the country have been permitted to assume leadership positions.

By law religious services may take place only in designated places of worship, although non-Muslim religious services often take place in nondesignated places of worship. However, police disrupted several Christian religious gatherings on the grounds that they were being held in unauthorized locations. On May 24 in Istanbul, several persons (including non-Turks) were detained overnight following a police raid on a private apartment where a group was holding Protestant services. Most of the participants were released the next day and charges were dropped; two Turks were held for several days before being released. Currently the attendees face

charges for unauthorized meetings and unauthorized establishment of an education center.

Minority foundations, including those of religions recognized under the Lausanne Treaty, may not acquire property for any purpose, although they can lose it. If a community does not use its property because of a decline in the size of its congregation over 10 years, the Vakıflar takes over direct administration and ownership. There have been no reports of minority religions losing their houses of worship or other facilities during the year. If such minorities can demonstrate a renewed community need, they may apply legally to recover their properties. Bureaucratic procedures and considerations relating to historic preservation at times have impeded repairs to existing religious facilities. Restoration or construction may be carried out in buildings and monuments considered "ancient" only with authorization of the regional board on the protection of cultural and national wealth. Syriac Christians have been allowed to renovate their historic buildings in Mardin, although their efforts remain closely monitored by the authorities. In May Syriac Christians gathered in Elazığ to celebrate the completed restoration of a 1,800-year-old church.

The Baha'i community currently is fighting a legal battle against government expropriation of a sacred Baha'i site near Edirne. The site was granted cultural heritage status in 1993 by Edirne's board of natural and cultural riches, a branch of the Ministry of Culture. However, in January the Ministry of Education notified the Baha'i community that the property had been expropriated for future use by the adjacent primary school. The Ministry has deposited funds in the Baha'i community's bank account for the expropriated property. In April the local administration court in Edirne rescinded its temporary stay of execution and allowed the Ministry of Education to implement expropriation, although it has not done so. The Baha'i appeal of the expropriation continued at year's end.

There are legal restrictions against insulting any religion recognized by the State, interfering with that religion's services, or debasing its property.

No law explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally are subject to government restrictions or harassment. There are no known estimates of the number and religious affiliation of foreign missionaries in the country. Many prosecutors regard proselytizing and religious activism on the part of evangelical Christians, and particularly Islamists, with suspicion, especially when such activities are deemed to have political overtones. The police sometimes arrest proselytizers for disturbing the peace; courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but generally they are able to reenter the country easily. In a case in March, two Turkish Christians were detained for a month on the charge of "insulting Islam" by distributing Bibles; they were released in May at their first hearing when witnesses refused to stand by their signed statements. Their trial continued in one of four jurisdictions where cases were opened.

The Government continued to enforce a more than 50-year-old ban on the wearing of religious head coverings at universities or by civil servants in public buildings. Some women who wear head coverings, and both men and women who actively have shown support for those who defy the ban, have lost their jobs in the public sector as nurses and teachers; some others were not allowed to register as university students. The Council of State (Danıştay) ruled in a 1999 case that universities are public institutions and, as such, have an obligation to protect the country's basic principles, including secularism. In making its ruling, the Danıştay referred to its understanding of a ruling by the ECHR in favor of Turkey, which noted that students had to abide by university dress codes, and that the wearing of a headscarf could be construed as pressure on other students. According to Mazlum-DER, during the year 127 teachers lost their jobs for wearing head coverings and there were dozens of smallscale protests this school year against the headscarf ban.

Merve Kavakcı, elected an M.P. in April 1999 from the Islamist Fazilet (Virtue) Party, unsuccessfully sought in May 1999 to be sworn in to Parliament wearing an Islamist-style head covering. Kavakcı's case highlighted the ongoing dispute over the ban on wearing religious-style clothing in official settings. She later was stripped of Turkish citizenship on the grounds that she had assumed another country's citizenship without notifying proper authorities and lost her parliamentary privileges. She appealed the verdict on her citizenship, and in February the highest administrative court upheld the lower court's ruling. The issue of headscarves in Parliament, in terms of legislation that would give a final definition to the parliamentary dress code, remained unresolved.

The case to close the Islamist Fazilet Party, which was filed in May 1999, was still pending at the Constitutional Court at year's end (see Section 3). Although religious affiliation is listed on national identity cards, there is no official discrimination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally enjoy freedom of movement domestically and the freedom to travel abroad; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. As the security situation continued to improve in the southeast, security officials decreased use of roadblocks and vehicle and passenger searches.

Although there is no legal internal exile, since 1990 the state of emergency region's governor in the southeast has had the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (in place for 15 years), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." Teachers, party officials, and trade unionists have been affected by this provision in the past, and dozens of unionists were kept out of the southeast this year, according to press reports. In July security officials in Batman took the passports of two visiting British parliamentarians who were looking into the issue of the Ilisu dam, and also took documents of a Republican People's Party (CHP) official and some accompanying journalists.

When Turkey ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, which have the force of domestic law, it exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. Although it has not lifted subsequently the geographic limit of its treaty obligation, since 1994 the Government has granted temporary asylum to all those recognized as refugees. Asylum-seekers apply to the Government for temporary protection and to the U.N. High Commissioner for Refugees (UNHCR) for resettlement. If both procedures recognize the asylum-seeker as a refugee, UNHCR proceeds with resettlement and submits the case to other countries. European refugees are given temporary residence permits by the Government, renewable until they achieve resettlement or a durable solution.

Furthermore, the UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented after 15 days. According to the UNHCR, there were 5,681 asylum seekers during the year; out of these cases and some from previous years, UNHCR rejected the asylum applications of 4,471 and accepted 2,709.

A regulation obliges asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as an asylum-seeker. The time limit for registration in the Government's asylum program is implemented strictly and remains an obstacle to the full access of asylum seekers to refugee status determination procedures. During the year, 25 refugees and asylum-seekers were returned to a country where they feared persecution, compared with 46 in 1999 and continuing a steady decline since 1995, according to the UNHCR. The obstacles inherent in the Government's asylum procedures lead to many refugees being considered as "illegals." This year the UNHCR considered that there were approximately 100 refugees not registered with the Government. The UNHCR and government authorities continue to work to resolve this problem and to find ways to allow greater access of all asylum seekers to this procedure.

If they comply with the asylum regulation's requirements, asylum seekers are registered by the Government and processed for eligibility determination. Late in the year, the Council of State confirmed administrative court rulings since 1997 that concluded that failure to submit an asylum claim within a fixed time limit could not be a reason not to address the application or grant asylum. The UNHCR has no information on discrimination by the Government on the basis of nationality. The UNHCR maintains a branch office in Ankara and field presences in Istanbul, Silopi, Van, and Agri.

The mass influx in 1999 of 18,000 Kosovars fell under the 1994 asylum regulation. The Government allowed Kosovars to enter the country freely and de facto allowed them "first asylum"—to stay until they repatriate or resettle voluntarily. An estimated 2,000 persons from Bosnia-Herzegovina and several hundred from Kosovo were granted a special temporary "guest" status; 42 Kosovars and 74 Bosnians still reside in former refugee camps. Because there are no visa requirements, thousands of Iranians remain in the country for extended periods. The Government generally does not allow similar mass influxes from Iraq but allows some individuals and families to settle in or transit the country en route to permanent resettlement.

Cooperation between the UNHCR and the Government has continued since 1998 in the field of training border guards and other government officials responsible for

asylum-seekers and refugees. During the year, approximately 150 officials received UNHCR-sponsored training in Bursa, Izmir, Antalya, Ankara, and Van. The training is very successful and has led to increased contact between UNHCR and local, military, and judicial authorities. The UNHCR works with local partners including the Turkish Red Crescent Society, the Association for Solidarity with Asylum Seekers and Migrants, and the Anatolian Development Foundation to integrate refugees into society.

The country continues to be a transit and departure point for illegal migrants and asylum seekers of various nationalities en route to Europe, who travel in small groups utilizing land routes, boats, and ships.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice. Turkey has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. More than 30 political parties are active (most of them minuscule), 5 of which are represented in Parliament. Parliament elects the President as Head of State every 7 years or when the incumbent becomes incapacitated or dies.

In addition to these bodies, in accordance with the Constitution, the NSC, which includes both military and civilian government leaders and is chaired by the President, plays a significant role in shaping government policy.

The Government neither coerces nor forbids membership in any political organization; however, the chief public prosecutor may bring cases seeking the closure of political parties before the Constitutional Court, which may close them down for unconstitutional activities. The chief public prosecutor opened cases in 1999 to close two significant parties, Fazilet and HADEP, alleging that they were centers of illegal activities. These cases were unresolved at year's end.

Government pressure against HADEP continued, based on the Government's belief that many HADEP supporters had ties to the PKK or supported their agenda. Throughout the year, the police raided dozens of HADEP offices, especially in the state of emergency region, and detained provincial officials and elected HADEP mayors. For example, in September the chair of HADEP'S Sirtak branch and a dozen other executives were arrested, and police raided HADEP offices in Istanbul, Diyarbakir, Adana, Mersin, and Van. In June HADEP secretary general Ahmet Turan Demir was convicted under Article Eight of the Anti-Terror Law for "separatism," for a speech he gave in October 1999; in November Demir was sentenced to 1-year's imprisonment and a fine of \$1,168 (800 million TL), and in November he was convicted of "making separatist propaganda" in a 1998 speech and given another 1-year sentence, reduced to 10 months. He has not yet gone to jail for either conviction. During the year, the Government brought 10 cases against HADEP mayors, most for charges of "separatist propaganda." A case against Cihan Sincar, Mayor of Kiziltepe, on the grounds that she had referred to "Kurdistan" in an interview with a Swedish newspaper, ended with her acquittal in November. In December the Ankara SSC opened an investigation against HADEP on the grounds that its November party congress had extended support for the PKK.

In February Jandarma arrested the HADEP mayors of Diyarbakir, Siirt, and Bingol, mostly based on testimony by the deputy mayor of Diyarbakir who allegedly was tortured while in police custody (see Sections 1.c., 2.b., and 4). The mayors were charged under Article 169 of the Penal Code with supporting an illegal organization (the PKK) through fundraising activities in Europe and Turkey. The mayors were held for 3 days, and the Interior Ministry removed them from office but reinstated them after peaceful public protests began. The mayors remained free and in office at year's end, pending the outcome of their trial, which began in April. They were allowed to travel outside the country, although some HADEP officials have been barred for years from international travel. In September another aide to the Diyarbakir mayor was arrested by the anti-terror police on charges of links to the PKK.

The military and judiciary, with support from some other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 2.c.).

In August Islamist leader Fetullah Gulen was indicted for "separatism" and "forming a criminal gang;" however, an Istanbul court annulled this indictment on appeal. Two weeks later Ankara SSC Prosecutor Nuh Mete Yüksel brought another indictment of trying to "change the characteristics of the republic as specified in the Constitution." Yüksel is seeking the maximum 10-year sentence against Gulen

under the Anti-Terrorism Law and alleges that Gulen was trying to “infiltrate” the military.

The trial continued in Ankara of a group of 33 Islamist politicians and business figures who had formed a group called the National View Organization. The group, many of whom were members of the banned Refah Party, were charged in 1999 with attempting to impose a “religious order” in contravention of Article 146.1 of the Penal Code (forcibly trying to change the constitutional order); some of the defendants face the death penalty. The case continued at year’s end.

The Democratic Mass Party (DKP), which the Government closed in February 1999, had not yet had its closure decision published. Party members cannot legally form or join another party until the closure decision is officially published.

Reports continued of corruption and the abuse of power in the security forces, including ties with illegal organizations. The Government mounted 21 operations in the final 3 months of the year into corruption in banking, exports/imports, rural affairs, drugs, and other areas, leading to hundreds of detentions and over 100 arrests. In June parliamentary committees cleared former Prime Ministers Yilmaz and Ciller of a range of corruption charges relating to their activities while in office. Some trials linked to corruption charges, involving former Interior Minister Mehmet Agar and M.P. Sedat Bucak, began in 1998 but were halted in April 1999 when both were elected to the new Parliament and gained automatic legal immunity (which had been lifted by the previous Parliament). During the year some M.P.’s proposed in Parliament that their immunity be lifted. In June Parliament also voted to clear Agar of charges of “establishing a criminal gang” relating to the 1996 Susurluk scandal. In September an alleged 1998 memorandum from senior military sources was made public by the media and human rights groups. The memo details a plan of discrediting government critics, including HADEP and Fazilet parties, the HRA, and specific politicians and journalists. In some cases, actions occurred that were similar to the memo’s recommendations.

In February a former Batman provincial governor admitted that during his 1993 to 1997 term, his office acquired weapons worth \$2.6 million (1.5 trillion TL) to equip extraordinary units fighting the PKK. He said that most were given to the Jandarma and some to the police; some allegedly were given to village guards as well. The then-Prime Minister agreed to fund the purchase in order to “protect the State,” she explained, although the Ministry of Interior had not agreed. The foreignmade weapons entered the country without clearing customs. The extralegal aspects of the transaction fueled speculation that some weapons may have disappeared. There was no parliamentary investigation following the revelations. In December, however, a case was opened against four officials from the Foreign Trade Undersecretariat’s General Directorate of Imports for “allowing illegal importation of weapons by the Batman governorate.” The defendants face sentences of between 1 and 4 years.

There are no legal restrictions on political activity by women, the Constitution calls for equal political rights for men and women, and many women are active politically; however, women are underrepresented seriously in government and politics. There are only 22 women in the 550-seat Parliament, there are no female ministers in Prime Minister Ecevit’s 35-member Cabinet, and there are no female governors. However, one of the five major political parties is headed by a woman.

There are no legal restrictions on political activity by minorities; however, some minorities are underrepresented in government and politics.

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

Nongovernmental organizations operate in many regions but face government obstruction and restrictive laws regarding their operations, especially in the four provinces that comprise the state of emergency region. The Associations Law governing the activities of most NGO’s (some fall under the Law of Foundations, and others incorporate themselves as businesses) has restrictive provisions regarding membership, fundraising, and scope of activities.

The nongovernmental HRA has branches nationwide and claims a membership of about 20,000 persons. In 1990 the HRA established the HRF, which operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and serves as a clearinghouse for human rights information. Other domestic NGO’s include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Doctor’s Association, human rights centers at a number of universities, and Mazlum-DER, which is the Organization of Human Rights and Solidarity for Oppressed Peoples. Human rights organizations are represented on the Provincial Human Rights Councils currently being formed.

Human rights monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. The HRA's Diyarbakir branch was reopened in April after having been closed for 3 years. However, several weeks later the state of emergency region governor's office ordered the branch closed for 3 months. Police allowed the reopening in August but within minutes revealed orders to close it for 3 months. The Diyarbakir governor allowed it to reopen 2 months later in October. The HRA branch in Van was also closed for 3 months in May but reopened in August without incident. In February the authorities closed the Malatya HRA branch indefinitely for possessing illegal publications (such as banned issues of otherwise legal newspapers). However, in April a court ruled that there were no criminal grounds for closure, and it reopened in June. At the end of the year, mostly for reasons linked to ongoing protests over F-type prisons (see Section 1.c.), authorities closed HRA branches in Malatya, Gaziantep, Van, and Konya.

Mazlum-DER's Sanliurfa branch reopened in April. The office had been closed since December 1998 after members had made allegedly "separatist" statements in the press regarding the ban on headscarves in public buildings. The Malatya branch remained closed.

In September an international summer program held by the Helsinki Citizen's Assembly (HCA) in Canakkale was closed by Turkish authorities two days after opening. Although no official reason was given for closure, it is possible that the participation of Armenian students may have played a role. The HCA generally has not experienced this kind of closure problem.

The Mersin Migrants' Association (Goc-Der), which was shut down in 1998, in February was given written permission by the Mersin governor to reopen. The Kurdish-led organization assists migrants from the southeast. Goc-Der had been closed pending a verdict in a case accusing its founders of several technical violations of Turkey's Associations Law and of possession of illegal publications. In December 1999, a court acquitted the defendants of all but one minor charge and fined them \$2 (1.5 million TL).

In May student associations at Diyarbakir's Dicle University and Van's Centennial University were closed for 3 months, along with two Diyarbakir "cultural centers." In September the leaders of an Islamic youth organization (National Youth Foundation) said that the police ordered the closure of 28 regional offices of their organization. The National Youth Foundation is affiliated with the Islamist Fazilet party.

The harassment of lawyers involved in political cases in the southeast continued. An increased number of attorneys are willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys still face criminal charges and other harassment, particularly if they defend clients accused of terrorism or illegal political activity, pursue torture cases, or seek prompt access to their clients (which police often view as interference).

During the year, attorneys in several cases were charged with various offenses (such as acting on behalf of illegal organizations), and were detained, searched, or threatened. The lawyer for the teenagers tortured in Manisa (see Section 1.c.) was put on trial for allegedly showing pictures of the accused policemen to the media, although her lawyer claimed that the television cameras had viewed an open case file. In November attorney Zeki Ruzgar, who was convicted in December 1999 of "membership in an illegal organization" and sentenced to 15 years in jail, was acquitted of all charges by the Court of Cassation.

The trial of 25 Diyarbakir lawyers entered its sixth year at the Diyarbakir SSC, with prosecutors in October calling for significant sentences against some of the defendants, who were charged in 1993 to 1994 with "aiding and abetting the PKK" and "membership in an illegal terror organization." Allegations in the indictment include legal behavior such as filing a petition with the ECHR. Some 16 of the lawyers alleged that they were tortured while in incommunicado detention after their arrests. The lawyers were free pending trial at year's end. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and publicizing human rights violations in the southeast (see Section 1.e.).

In Elazig two lawyers had not yet stood trial based on their 1999 indictment for "slandering government officials." The new Prosecution of Civil Servants law prohibits making false accusations against public employees based on "enmity, hatred, or slander," the lawyers are charged with having stated publicly that an alternative medical report showed that their client had been tortured by security officials. No new cases are believed to have been opened under this provision during the year.

Dr. Seyfettin Kizilkan filed his second appeal to the Court of Cassation for a reversal of the Diyarbakir SSC's reconfirmed decision to sentence him to more than 20 years' imprisonment for "assisting and sheltering an illegal organization." Dr. Kizilkan was the director of Diyarbakir's largest hospital and was arrested after police allegedly found bomb materials and PKK documents in his home. Dr. Kizilkan and his associates maintain that the police planted the evidence. He has been transferred out of the state of emergency region to a government hospital in the Black Sea region and was free pending the outcome of his appeal at year's end. The case against Dr. Zeki Uzun, who was accused of aiding illegal organizations by providing medical reports and treatment, ended with his acquittal in March (see Section 1.c.). Some observers claim that Uzun, and others associated with the Izmir HRF Torture Treatment Center, have been harassed for their work with torture victims.

Former HRA Chairman Akin Birdal, who was released from jail in September (see Section 2.a.), faces additional charges in two cases. He is accused of "insulting the moral being of the State" based on a 1998 speech in Urfa to the HRA, while the other trial is based on a 1995 speech in Tarsus for "inciting racial or religious enmity."

A court case was opened in 1998 against 12 policemen accused of torturing the September 1997 "Musa Anter Peace Train" detainees. The case was due to continue with the next trial session in March 2001, but may be suspended under the newly-passed law for probational release of prisoners since the charge was mistreatment (Penal Code Article 245) rather than torture (Article 243). Legal proceedings against some of the organizers ended in 1998 with an acquittal.

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens, groups, and government officials. Security police routinely place such official visitors in the southeast under visible surveillance for reasons that may include an effort to intimidate those they meet, as well as legitimate protection concerns. Visiting foreign government officials and legislators were able to meet with human rights monitors. Representatives of international governmental organizations were able to visit Leyla Zana and Akin Birdal in prison, in accordance with Turkey's international obligations. There were no public reports of officials representing foreign governments being denied permission for such visits.

In May State Minister for Human Rights Mehmet Ali Irtimcelik resigned. He was replaced by Rustu Kazim Yucelen. In September Minister Yucelen began a series of meetings with governmental and civil society leaders. Ten meetings were held in provinces throughout the country and were designed to allow all provinces an opportunity to send representatives. The first meeting, in Tunceli, was attended by more than 200 government and NGO representatives who discussed human rights problems. Participants in other meetings noted the importance of establishing such a dialog, and a range of human rights groups took part. In late November, the Government passed regulations establishing permanent Provincial and Sub-Provincial Human Rights Councils, which will institutionalize consultations among NGO's, professional organizations, and the Government. These councils are being formed and some have held introductory meetings.

In February the High Council for Human Rights Coordination (HCHRC) drafted a report on the reforms needed in order for Turkey to comply with the EU's "Copenhagen Criteria" of democratization and human rights. The report, also known as the "Demirok Report," was adopted by the High Council (composed of representatives from the Justice, Interior, Education, Health, and Foreign Affairs Ministries, along with representatives of the security forces). The Cabinet adopted the report in September as a working and reference document. The report details dozens of constitutional, legislative, and administrative reforms necessary for compliance with EU political standards and underlines the immediate importance of reforms in the area of free expression.

The mandate of the Parliamentary Human Rights Committee is to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports. The Committee undertook a review of systemic human rights problems, including but not limited to problems in prisons and other places of detention such as police stations (see Section 1.c.). In December the Committee formed permanent sub-committees on prisons and the Provincial/Sub-Provincial Human Rights Councils.

In August the Government signed two U.N. covenants, on Civil and Political Rights and on Economic and Social Rights. They had not yet been ratified by year's end.

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

The Constitution proclaims Turkey to be a secular state, regards all citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds; however, discrimination remains a problem in several areas. The Government officially recognizes only Eastern Orthodox, Armenian Apostolic, and Jewish adherents as minorities covered under the 1923 Treaty of Lausanne.

Women.—Violence against women is a problem. Spousal abuse is serious and widespread. According to the Family Research Institute in the Prime Minister's office, beating in the home is one of the most frequent forms of violence against women. Despite 1998 legislation that made spousal abuse illegal, complaints of beatings, threats, economic pressure, and sexual violence continue. According to a survey done in April by Istanbul University, at least 10 percent of women experience violence on a daily or weekly basis.

Spousal abuse is considered an extremely private matter, involving societal notions of family honor. Few women go to the police, who in any case are reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. The 1998 law allows women to apply for restraining orders against their husbands and therefore to stay in their own homes. Observers and government officials note that this program has been very successful in some of the cities and rural areas of the country but less so in the more traditional southeast. The law is also limited to spouses, and therefore does not address some other sources of violence such as in-laws. Citizens of either sex may file civil or criminal charges for abuse but rarely do so.

There are 9 shelters and 6 consultation centers for battered women; in addition the child protection and social services agency provides services to victims of domestic violence through its 19 social centers. Several private shelters that had previously been in operation closed due to lack of funds.

Laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. Although national police statistics show about 1,200 complaints of rape through November, there is no information on what percentage of rape incidents are reported. "Honor murders"—the killing by immediate family members of women who are suspected of being unchaste—continue in rural areas and among recent immigrants to cities; according to media reports, there may be dozens of such murders every year. Under the law, killings that were "provoked" (such as honor killings) can receive a lighter sentence than other types of murders. Because of further sentence reductions for juvenile offenders, observers note that young male relatives often are designated to perform the killing. Government authorities have tried to send a clear message of intolerance for this practice through the prosecution of those responsible for the murders, but it continues. Another dimension of this problem is suicides among young girls forced into marriage. Such suicides are most common in the southeast, where suicides have risen more than 50 percent since 1993 and where 80 percent of suicides are by women. The traditional practice of "virginity testing" continues, despite governmental regulations prohibiting it unless requested by the woman.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

Some laws still discriminate against women. The Civil Code prohibits granting gender-based privileges or rights but retains some discriminatory provisions concerning marital rights and obligations. Because the husband is the legal head of household, he is authorized to choose the domicile and represents the conjugal unit. As parents, husband and wife exercise joint child rearing rights, but when they disagree, the husband's view often prevails. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child; a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives one-fourth of the estate, and her children receive the rest. According to a 1994 government survey, households headed by women have 50 percent less income than those headed by men.

The literacy rate for women is 78 percent, compared with 94 percent for men, but in rural areas the rate can be as low as 50 percent for women, according to 1999 statistics. One reason for this is that men must serve in the army, and if they do not know how to read they are taught upon entry.

Particularly in urban areas, women continue to improve their position, including in the professions, business, and the civil service. They constitute 35 percent of the students in universities. However, they continue to face discrimination to varying

degrees. Women are generally underrepresented in managerial-level positions. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help. Women may take the examination to become governors or subgovernors; several are subgovernors.

Independent women's groups and women's rights associations continue to increase in number. There are many women's committees affiliated with local bar associations. Other organizations include the Association to Support Women Candidates (Ka-Der), "The Flying Broom" women's advocacy group, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. The concept of lobbying for women's rights, including greater elected representation, is gaining momentum. Women continue to be very active in ongoing debates between secularists and Islamists, especially with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities.

Children.—The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family issues oversees implementation of the Government's programs for children. During the year, the Government established a Children's Rights Monitoring and Assessment High Council to focus on children's rights issues.

Government-provided education through the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to allow more girls to continue their education. In practice in rural Anatolia, the literacy rate for girls is very low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some continue on to high school, for which they generally must travel or live away from home (see Section 1.g.).

The social security system aims to provide social security and health insurance for all its citizens, but there are still gaps in this coverage, leaving about 20 percent of families and their children without coverage, according to the June UNICEF report on "The State of Women and Children in Turkey." Persons not covered by insurance may use a special program to access public health care. In terms of immunization, infant mortality, and malnutrition, Turkey's standards remain at levels that are not compatible with the level of development and resources in the country, according to the UNICEF report. Currently, only about 40 percent of children aged 12 to 23 months are fully immunized. Infant mortality has rapidly declined over the past decade, and as of 1998 stood at 43 per 1,000.

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvent or ignore these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law also often are held for up to 4 days in incommunicado detention. In September the Minister of Justice and the head of Ankara's Bar Association signed an agreement allowing the Bar Association to inspect two children's prison facilities in Ankara, the first such arrangement.

Children have suffered greatly from the cycle of violence in the southeast. The migration—forced or voluntary—of many families, past terrorism against teachers, and school closings in the southeast have uprooted children and moved them to cities that are hard pressed to find the resources to provide basic, mandatory services such as schooling. Many cities in the southeast are operating schools on double shifts, with as many as 100 students per classroom (see Section 1.g.). The Government has built regional boarding schools to help deal with this problem, but they are insufficient in number.

Instances of child beating and abuse are reported more frequently than in previous years, according to women's groups. The increase likely is attributable to greater public awareness of the problem.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People with Disabilities.—The law does not mandate accessibility to buildings and public transportation for the disabled. According to the June UNICEF report on women and children in Turkey, welfare institutions "provide limited financial, employment and educational support to the handicapped." According to the report, the number of disabled persons is unknown. The Ministry of Education reports that there are 1.1 million disabled children in the country. Although there are many in-

stitutions for the disabled, most attention to disabled persons remains at the individual and family level. The Government established an "Administration of Disabilities" office under the Prime Ministry in 1997, with the mandate of developing cooperation and coordination among national and international institutions, and to conduct research into issues such as delivery of services. Certain categories of employers are required to hire disabled persons as 2 percent of their employee pool, although there is no penalty for failure to comply.

Religious Minorities.—Jews and numerous Christian denominations are generally free to practice their religions and report little discrimination in daily life. However, there are restrictions on clerical training and on the Orthodox Patriarch in Istanbul, and police disrupted several Christian religious gatherings on the grounds that they were being held in unauthorized locations.

The Government restricts the Orthodox Patriarch by requiring that he be a Turkish citizen and that his selection be approved by the Government. In addition in 1971 the Government closed the only remaining Orthodox theological seminary in the country. As a result, Orthodox citizens have no access to theological training—requisite to become an Orthodox Priest—in Turkey.

In May police raided a small Christian congregation in the Avcilar district of Istanbul and arrested six Turkish citizens, an American, and an Australian. They were charged with opening a Christian training institute without legal permission. The defendants were charged with violating Law 2911, which "prohibits unauthorized meetings and demonstrations." The defendants maintained that they completed the required applications to hold meetings with the assistance of local police officials. The case is currently pending.

Jews and numerous Christian denominations freely practice their religions and report little discrimination in daily life. Some incidents still occur, and extremist groups or individuals target minority communities from time to time. However, during the year no attacks were reported on minority community properties. No perpetrators have been arrested or charged in a 1998 arson attack on the Orthodox shrine, now a museum, at Saint Therapon where the custodian was killed; nor in the December 1997 bombing at the Orthodox Patriarchate. Police protection increased after the 1998 attack, and investigations continue. In June, 33 persons were convicted and given the death penalty for "trying to change the constitutional regime," for their role in setting a July 1993 fire in which 37 secularist intellectuals (mainly Alawi Muslims) died.

No laws prohibit religious conversion. Nonetheless individuals contemplating conversion, especially to Christianity, often face family and community pressures, and proselytizing remains socially unacceptable. Some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation. There are no non-Muslim senior officers in the military, according to a senior military official, because non-Muslims do not apply to attend the military academy, and officers must be graduates.

Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic material.

National/Racial/Ethnic Minorities.—The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, and many M.P.'s, senior officials, and professionals are Kurds; however, Kurds who publicly or politically assert their Kurdish identity or publicly espouse using Kurdish in the public domain risk public censure, harassment, or prosecution. In March the Court of Cassation for the first time affirmed a lower court decision to allow a Turkish citizen to change registry records and give his daughter a Kurdish-language, rather than Turkish, first name. Kurds who are long-term residents in industrialized cities in the West are in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds currently migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.

Private spoken and printed communications in Kurdish are legal; however, the use of minority languages, including Kurdish, in television and radio broadcasts, by political parties, and in schools is restricted by a plethora of laws and even articles of the Constitution (see Section 2.a.); these restrictions are invoked arbitrarily. Although some senior politicians, including the Prime Minister, Deputy Prime Minister Yilmaz, Foreign Minister Ismail Cem, and the head of the intelligence service

have asserted that the Government should allow Kurdish broadcasting, no changes to the applicable laws were made.

The Government circumscribes the activities of organizations such as the MKM, a corporation with branches in several cities outside the southeast, which was established to promote Kurdish language and culture (see Section 2.a.).

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). The small numbers of Greek-language students have little opportunity to continue their education in Turkey, and consequently many go to Greece, often never to return.

No accurate accounting of the Romani population exists, but it may be significant in regions near Bulgaria and Greece. No incidents of public or government harassment directed against Roma were reported. However, experts claim that Roma experience discrimination, for example, regarding employment. In June the head of the Diyanet issued a circular instructing muftis to educate the public about Turkish Roma and stressing that Islam considers all persons born equal and without any sins. The circular instructed muftis to dispel myths that lead to discrimination against Roma.

Section 6. Worker Rights

a. The Right of Association.—Workers, except police and military personnel, have the right to associate freely and form representative unions. This right encompasses civil servants, including schoolteachers.

The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from, a labor union. The law states that unions and confederations may be founded without prior authorization based on a petition to the governor of the province of the prospective union's headquarters. Unions are independent of the Government and political parties. They must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. The Constitution requires candidates for union office to have worked 10 years in the industry represented by the union. The Supreme Court in 1998 banned the Disk-affiliated union in the leather sector, Deri-Is, because it violated this article in the Constitution and prohibited it from appealing to a higher court. It applied to the ECHR for redress. The International Labor Organization (ILO) Committee on Freedom of Association has stated that this provision is extremely prejudicial to the interests of the trade unions and has urged that it be repealed.

Just over 13 percent of the total civilian labor force (15 years of age and above) are unionized. The labor force numbers around 22 million, with approximately 43 percent employed in agriculture. There are four confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); the Confederation of Progressive Trade Unions (DISK); and the National Confederation (Misk). There are also 3 public employees unions and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests.

Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms. However, the Government may not dissolve a union summarily.

The constitutional right to strike is restricted. For example, the Constitution does not permit strikes by civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike is suspended for the first 10 years of a company's operations in the nine free trade zones (see Section 6.b.).

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout. Nonbinding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions are forbidden to engage in secondary (solidarity), political, or general strikes, or in slowdowns. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. Article 42 of Law 2822, governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under Law 2822 to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators still fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and

the Committee on the Application of Standards regard the Government's application of Law 2822 as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

According to the Labor Ministry, from January through November there were 19 strikes in the public sector involving 11,879 workers and 32 strikes in the private sector involving 6,565 workers. During the same period there were also 2 lockouts in the private sector involving 2,483 workers.

Public and private sector workers throughout the country went on strike during the summer to protest efforts by the Government and employers to keep pay raises in line with the Government's planned inflation rate of 25 percent.

Some labor union members faced government limits on freedom of speech and assembly (see Sections 2.a. and 2.b.), while some civil service organizations continued to demonstrate for the right to strike and for higher salaries. Legislation providing the right to strike for civil servants was introduced in the last parliamentary session but was not adopted. Civil servants currently have the right to organize and engage in collective bargaining.

All defendants were acquitted in the trial, begun in 1996, against Turk-Is Chairmanship Council officials who were charged with violating the Associations Law when Turk-Is announced support for political parties during the 1995 election. No action has been taken in a second trial against Turk-Is officials charged with holding illegal demonstrations in 1995 to protest a deadlock in collective bargaining.

With government approval, unions may and do form confederations and join international labor bodies, as long as these organizations are not hostile to Turkey or to freedom of religion or belief. The International Confederation of Free Trade Unions (ICFTU), of which Turk-Is had been an affiliate for years, approved DISK as an affiliate in 1992; Hak-Is became a member in 1997.

b. The Right to Organize and Bargain Collectively.—All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. The law requires that, in order to become a bargaining agent, a union must represent not only 50 percent plus 1 of the employees at a given work site, but also 10 percent of all the workers in that particular industry. This barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 73 percent of organized labor.

The Ministry of Labor reportedly manipulated membership figures to prevent unions from acquiring bargaining rights or to rescind such rights. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity are not covered by a collective agreement.

The ILO has called on the Government to rescind this 10 percent rule, stating that it violates ILO Convention 98. However, both Turk-Is and the Turkish employers' organization favor retention of the 10 percent rule, since each confederation has an established membership area and does not want the status quo upset. In 1994 the Government informed the ILO Committee on the Application of Standards that the Ministry of Labor and Social Security proposed to remove the 10 percent numerical restriction and that it had communicated its proposal to the social partners. The ILO took note of the Government's statement that it continued to study removal of this requirement despite objections from employer and worker organizations. However, since then the Government has taken no further action.

The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally are applied in practice.

The ILO has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. Some private sector employers continued to try to eliminate unions. A total of 414,000 workers in the public sector were dismissed within the last 2 years. As a result of the privatization of 128 entities in 12 sectors, 10,746 workers were laid off.

The continuing state of emergency in the southeast has resulted in restrictions on labor organizations in four provinces. A law enacted in 1984 provides for the establishment of free trade zones, which are intended to attract domestic and especially foreign investment, and to promote international trade. There are nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (two), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones. However, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor disputes that cannot be settled by the parties are subject to compulsory arbitration.

Workers inside the zones are paid in foreign exchange rather than in Turkish currency, giving them a hedge against inflation.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and statutes prohibit compulsory labor, including that performed by children, and the Government generally enforces these provisions in practice; however, trafficking in foreign women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and labor laws forbid the full-time employment of children younger than age 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. The Constitution also states that “no one shall be required to perform work unsuited to his/her age, sex, and capacity.” With this article and related laws, the Government undertakes to protect children from work unsuited to their age and capacity, such as underground mining and from working at night. According to Article 67 of the Labor Law, children who attend school can work no more than 7.5 hours a day, inclusive of school time. The Ministry of Labor effectively enforces these laws only in largescale industrial and service sector enterprises. Children working in agriculture, in household-based establishments, in establishments with three or fewer workers, in apprenticeship training centers, and those working as domestic servants are subject to the Code of Obligations, which fails to provide a minimum age of employment. However, according to Article 174 of the Code of Obligations, children between the ages of 12 and 16 years may not work at night and may work for no more than 8 hours a day.

Child labor is widespread. According to a June United Nations Children’s Fund report, 1.07 million children between the ages of 6 and 14 and 2.4 million children between the ages of 15 and 17 are in the labor force. This represents about six percent of all children aged 6 to 14, and 60 percent of those aged 15 to 17. According to an October 1999 State Statistics Institute report, 961,000 children work in family businesses and do not receive wages, 257,000 are seasonal workers, and 387,000 are wage earners. Some 1.1 million of the working children are boys. Child labor is used most often in small-sized enterprises. According to official data, 87 percent of working children are employed by small-sized enterprises having 1 to 9 workers, 7 percent work in medium-size enterprises (10 to 24 workers), and 6 percent are employed by large-scale enterprises (more than 25 workers).

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, especially in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest.

The gradual elimination of child labor is a national priority. The seventh 5-year development plan, which ran through this year, committed the Government to enact legislation to restrict further child labor and to adopt legislation to conform to relevant international conventions. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions.

The Ministry of Labor, the ILO’S International Program on the Elimination of Child Labor (IPEC) government partner, actively has been combating child labor since 1992, when it established a child labor unit and trained Ministry of Labor inspectors specifically in child labor issues. In 1996 the Government and the ILO signed an agreement to extend IPEC until December 2001. Currently some 70 of the 700 field inspectors are trained to handle child labor issues, while the total number of establishments falling within the jurisdiction of the Ministry is 4 million. Labor inspectors only cover areas that are defined in the labor laws. Many children are working in areas that are not covered by labor laws, such as agriculture or the informal economy and are therefore beyond the reach of the inspectorate.

With the introduction in 1998 of the 8-year compulsory education program (previously, 5 years were compulsory), the Government expected the number of child workers to be reduced significantly, since children are required to attend school until age 14. As yet, no statistics are available concerning the impact of the mandatory 8-year education on child labor.

Small enterprises prefer child labor because it is cheaper and provides practical training for the children, who subsequently are preferred for future employment in the same workplace. If children employed in these businesses are registered with a Ministry of National Education training center, they go to the center once a week for training, and the centers are obliged by law to inspect their workplaces. Currently there are 318 centers located in 80 cities. These centers provide apprentice-

ship training in 86 occupations. Only 22.8 percent of working children take advantage of these schools.

The Constitution prohibits compulsory labor, including that performed by children, and the laws generally are enforced; however, trafficking in foreign girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body. In recent years, it has done so annually. However, during the year there were two adjustments: the nominal minimum wage was increased in January by 15 percent and again in July by 10 percent, compared with an annual inflation rate of nearly 34 percent. Public workers who are part of collective labor agreements also received an inflation-indexed increase and a 5 percent prosperity rate increase. The monthly gross minimum wage rates, which became effective in July, were approximately \$180 (118.8 million TL) for workers over age 16, and \$110 (75 million TL) for workers under 16.

The minimum wage does not provide a decent standard of living for a worker and family. It would be difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. Most workers earn considerably more. According to the results of an August survey conducted by the Public Workers' Labor Union, a four-member family requires \$834 (534 million TL) per month to live above the poverty line. Workers covered by the labor law, who constitute about one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only about 37.3 percent of total compensation.

The labor law sets a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribes a weekly rest day and limits the number of overtime hours to 3 per day, for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforces wage and hour provisions in the unionized industrial, service, and government sectors, which cover about 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government does not carry out effective inspection and enforcement programs. Law 1475 allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike. The law sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—The Government deals with the problem of trafficking in persons through laws relevant to prostitution and illegal immigration. The Ministries of Justice and the Interior are responsible for the problem, and the police, especially the immigration and organized crime authorities, enforce antitrafficking laws. Under the Penal Code, it is illegal to abduct and detain a woman or child. However, this law relates more to the old custom of kidnaping a bride, in which punishment is suspended if abductor and abductee get married. A further provision prohibits enticement to prostitution; however, penalties are light (up to 2 years' imprisonment). A further article of the Penal Code makes it a crime to send a prostitute from one place to another by force or fraud. These laws, and those dealing with illegal immigration, are most relevant to trafficking in persons.

Turkey is a major destination and transit country for trafficking in women and girls for the purpose of forced prostitution. The International Organization for Migration (IOM) and domestic NGO's stated that most trafficked women in the country are from Albania, Bulgaria, Moldova, Romania, and Ukraine. Arrests (and in most cases, deportations) of nationals from Moldova, Romania, and Ukraine rose from 6,700 in 1998 to approximately 11,000 in 1999, according to IOM. According to the Turkish National Police, 232 Moldovan, 293 Romanian, and 175 Ukrainian women were extradited in 2000. African and Asian women use Turkey as a transit point to other countries in Europe.

Organized crime groups appear to be the primary trafficking organizations. The Ministry of the Interior's organized crime department is responsible for combating trafficking. According to NGO's, victims of trafficking receive no governmental assistance and the trafficking cycle continues. Many women and girls come to the country believing that they have legitimate work as models, entertainers, governesses, or translators. In some cases, girls from Romanian orphanages have been kidnaped. Most of the activity occurs in Istanbul, Izmir, and Trabzon. Once in the country, the trafficked women and girls are in debt bondage to their traffickers, who are members of the mafia (mainly Russian). Women who attempt to escape often are

beaten, gang-raped, or killed. The Government addresses this problem with laws relating to illegal migration and unregistered prostitution; registered prostitution is legal.

Reportedly there is almost no trafficking in Turkish women or girls. There were no reports of trafficking in children for the purpose of forced labor; legislation in this area addresses the issue (see Section 6.d.).

There is little formal interagency cooperation in dealing with the problem of trafficking. Representatives from the Ministries of Interior, Justice, and Health, among other ministries and NGO's, have met on this issue. The Alien's Department of the police is the most active governmental entity addressing this problem.

The Government does not provide any formal protection, aid, or education to victims of trafficking. Since the women being trafficked are not usually from Turkey, preventive education is less applicable. Women's shelters are open to women regardless of citizenship.

TURKMENISTAN

Turkmenistan, a one-party state dominated by its president and his closest advisers, continues to exercise power in a Soviet-era authoritarian style despite Constitutional provisions nominally establishing a democratic system. The seriously flawed December 1999 parliamentary elections and the passage of a law exempting President Saparmurat Niyazov from term limits were backward steps. Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party in 1992) and President of Turkmenistan since its independence in 1991, legally may remain in office until his death. Niyazov retained his monopoly on power, and the Democratic Party, the renamed Communist Party, remained the sole political party in the country. The Government registered no parties during the year and continued to repress all opposition political activities. Emphasizing stability and gradual reform, official nation-building efforts focused on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority, and in practice the President controls the judicial system.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB); namely, to ensure that the regime remains in power through tight control of society and repression of dissent. The KNB reportedly exercises wide discretion over issues such as exit visas and Internet access and works to limit personal freedoms. The Ministry of Internal Affairs directs the criminal police, which works closely with the KNB on matters of national security. Both forces committed serious human rights abuses.

Turkmenistan is largely a desert with cattle and sheep raising, intensive agriculture in irrigated areas, and huge oil and gas reserves. Its economy remains dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil and gas derivatives, and cotton account for almost all of the country's export revenues. Negotiations between the Government and an international gas consortium concerning the construction of a gas export pipeline across the Caspian Sea—the Trans-Caspian Pipeline—stalled in the latter half of the year. While the idea for the pipeline still exists, the Government is focusing instead on negotiating large gas deals with Russia and Ukraine. It is also considering projects for pipelines through Iran and Afghanistan, as well as a pipeline to China.

The Government's human rights record remained extremely poor. The Government continued to commit serious human rights abuses, and the authorities in particular severely restricted political and civil liberties. Citizens do not have the ability to change their government peacefully. In 1999 one political prisoner died in custody under suspicious circumstances. Security forces continued to beat and otherwise mistreat suspects and prisoners, and prison conditions remained poor and unsafe. Both the criminal police and the KNB operate with relative impunity and abused the rights of individuals as well as enforced the Government's policy of repressing political opposition. Arbitrary arrest and detention, prolonged pretrial detention, and unfair trials remained problems. Approximately 12,000 prisoners were amnestied and released during the year; 2 were political prisoners. An additional 2,000 received a reduction of sentence. Interference with citizens' privacy remained a problem. During the year, the Government demolished hundreds of private homes in and around Ashgabat with very little notice given to the owners in order to make room for large urban building projects such as luxury apartments, government

buildings, and monuments; many displaced homeowners received little or no compensation for their loss.

The Government severely restricts freedom of speech and does not permit freedom of the press. In May the Government withdrew the operating licenses of all private Internet providers, leaving only state-owned Turkmen Telecom as a service provider. The Government completely controls the media, censoring all newspapers and never permitting independent criticism of government policy. Criticism of officials is only permitted if it directed at those who have fallen out of favor with the President. The focus of the media on President Niyazov, around whom a personality cult has been built, intensified during the year. The President's father and mother have been incorporated more fully into the cult. Academic freedom has also declined. The Government restricts freedom of assembly and association. The Government imposes restrictions on nonregistered religious groups. The law on religion reaffirms a number of important religious freedoms but also tightens government control of religious groups. The requirement that religious organizations have at least 500 Turkmen citizens as members in a given locality to be registered legally has prevented all but Sunni Muslims and Russian Orthodox Christians from legally establishing themselves. Repression of religious minorities continued during the year, although it abated somewhat during the summer following a government decree against unlawful searches that was issued in April. At least 10 non-governmental groups were registered during the year; 8 were affiliated with Sunni Muslim. Government restrictions on travelling abroad, including for educational and training purposes, tightened during the year. The Government has also increased restrictions on internal travel, limiting travel of both citizens and non-citizens to border cities and regions. Domestic violence against women is a problem, and women experience societal discrimination. The Government generally gave favored treatment to men over women and to ethnic Turkmen over minorities.

In January 1999, the Organization for Security and Cooperation in Europe (OSCE) opened an office in Ashgabat.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—In September 1999, political prisoner and Russian citizen Khoshali Garayev was found hanged in his cell in the maximum security prison in Turkmenbashi. Following his death, the Government rejected requests in 1999 from the Russian Government and international human rights organizations for an investigation into the suspicious nature of Garayev's death (see Sections 1.c. and 1.e.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1992 Constitution makes torture or other cruel, inhuman, or degrading treatment illegal; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions. There were credible reports that political prisoners are singled out for cruel treatment. There were reports that prisoners needing medical treatment have been beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions. In November four Protestants were tortured while in police custody and at least three of them subsequently had their homes and cars confiscated after being forced to sign a statement saying that they voluntarily had donated all they owned as a gift to the President (see Section 2.c.).

Prison conditions are poor, and prisons are unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, is rampant. Food is poor and prisoners depend on relatives to supplement inadequate food supplies. Those who do not receive food from relatives suffer greatly. Facilities for prisoner rehabilitation and recreation are extremely limited. Some prisoners have died due to overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In Turkmenbashi prison, inmates reportedly are housed 14 to a cell and are permitted visits from relatives once every 3 months, who may bring food once every 2 months. In Kizlkaya prison, near Dashoguz, prisoners are forced to work in a kaolin mine under hazardous and unhealthy conditions (see Sections 2.b. and 6.c.). In September 1999, a political prisoner was found hanged in his cell under suspicious circumstances (see Sections 1.a. and 1.e.).

The Government does not permit independent monitoring of prison conditions. The OSCE has repeatedly requested permission from the Government to visit prisons, but has received no response.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Constitution states that citizens “have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret.” However, in practice those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e. and 2.b.).

On January 5, the Government arrested Nurberdy Nurmamedov, the head of the Agzybirlik (Unity) National Movement. Nurmamedov was convicted of hooliganism and making death threats on a business associate; he was given a 5-year term in a labor camp, but was amnestied on December 22. Nurmamedov’s son, Murat, was also convicted of hooliganism and sentenced to 2 years of hard labor, but was put under house arrest instead of going to prison. The arrests of Nurmamedov and his son followed shortly after Nurmamedov’s statements criticizing the December 12, 1999, Mejlis elections and the decision by the Mejlis to appoint Niyazov president for life (see Section 2.a.).

In November 1999, the Government sentenced Parahat Yklimov, the brother of Sapar Yklimov—a former government official who lives outside the country—to 11 years’ imprisonment for financial misconduct. Prior to his arrest, he reportedly had been warned that his brother should cease his political activities abroad. His family reportedly was told by internal security organizations that he would be released if his brother returned to the country.

The precise number of political detainees held at year’s end was unknown. By law a person accused of a crime can be held in pretrial detention for up to 10 months. According to the Government, out of a total of 22,000 prisoners countrywide, some 12,000 prisoners were amnestied and released by year’s end (see Sections 1.e and 3). Among those amnestied were political prisoners Nurberdy Nurmamedov and Pirkuli Tanrikuliev. A further 2,000 prisoners were granted a reduction in sentence. In January 1999, the Government released dissident Gulgeldi Annaniyazov.

In January there were reports that a Baptist pastor and his wife, who were residing legally in the country, were deported to Ukraine. In February the family of jailed Baptist Shageldi Atakov was exiled to a small village outside of Mary (see Section 2.c.). In March the authorities forcibly returned to Russia three Baptist preachers and their families who had been living in Ashgabat and Mary (see Section 2.c.). Also in March, the Government arrested religious leader Hoja Ahmed Orazgulychev and tore down an unregistered mosque and religious school run by Orazgulychev and his followers; he subsequently was released and sentenced to internal exile in Tedjen (see Section 2.c). This occurred after he reportedly gave an interview to the Government that was critical of the President.

In November 1999, President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. President Niyazov proposed that the officials, accompanied if they desired by their families, would work off their sentences in exile. Almost all prominent political opponents of the Government have chosen to move to either Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned during year.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, in practice, the judiciary is not independent. The President’s power to select and dismiss judges subordinates the judiciary to the Presidency. The President appoints all judges for a term of 5 years. The appointments are without legislative review, except for the Chairman (Chief Justice) of the Supreme Court, and the President has the sole authority to remove all appointees from the bench before the completion of their terms.

The court system has not been reformed since the Soviet era. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat only), and, at the lowest level, 61 district and city courts. A Supreme Economic Court hears cases involving disputes between state-owned enterprises and ministries, and, increasingly, commercial disputes. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice authorities often deny these rights, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

Lower courts’ decisions may be appealed, and the defendant may petition the President for clemency. The President released over 12,000 inmates from prison in connection with general amnesties during the year (see Section 1.d. and 3). In prac-

tice adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the government prosecutor vis-a-vis the defense attorney is so great that it is very difficult for the defendant to receive a fair trial. The Government denied foreign diplomats access to several supposedly open court proceedings.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov. In January the Government released political prisoners Nurberdy Nurmamedov and Pirkuly Tanrikuliev as part of a general amnesty (see Section 1.d.). In September 1999, Russian citizen Khoshali Garayev, one of two persons convicted in secret before the Supreme Court in 1995 for antigovernment activities and planning terrorist actions against government officials, was discovered hanged in his cell at the maximum security prison in Turkmenbashi. The Government rejected all requests for an investigation into the circumstances surrounding Garayev's death (see Sections 1.a. and 1.c.). In December 1998, he and Mukhamedkuli Aimuradov were sentenced to additional concurrent terms of 18 years for allegedly attempting to escape from this prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of protection from arbitrary interference by the State in a citizen's personal life; however, government authorities violated this right. There are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitors the activities of opponents and critics of the Government. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other people, report credibly that their mail is intercepted before delivery.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. Internal security organizations reportedly pressured relatives of a former government official who left the country to convince him to return (see Section 1.d.). The relatives of a democracy activist convicted on charges of embezzlement lost a government job and access to the state-run university (see Section 2.b.). The authorities also threaten supporters of opposition political movements with loss of employment and homes (see Section 2.b.). In October President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 2.a.).

During the year, the Government demolished hundreds of private homes in and around Ashgabat at very short notice in order to make way for large government building projects such as a new sports stadium, public monuments, and luxury apartments. Those who built their homes without the appropriate approval from the Government were not offered alternate accommodations despite their length of occupancy or degree of hardship. Some of these families continue to live outdoors, near their destroyed homes, for lack of any alternative. Others who had the proper building permission have been offered apartments or plots of land in compensation, but such compensation is often not at fair market value (i.e. desert plots with no amenities) or inadequate for large families.

In April the President ordered the implementation of new procedures restricting searches of private homes (see Section 2.c.). The measures were formally approved by the legislature on June 15 and became effective immediately.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right to hold personal convictions and to express them freely; however, in practice, the Government severely restricts freedom of speech and does not permit freedom of the press. Criticism of the Government can lead to personal hardship, including loss of opportunities for advancement and employment.

The Government completely controls radio and television. It funds almost all print media. The Government censors newspapers and uses Turkmen language newspapers to attack its critics abroad; the Committee for the Protection of State Secrets must approve prepublication galleys. Russian-language newspapers from abroad are available by subscription only and are dated. Some Russian and other foreign newspapers are also available in several Ashgabat hotels. Owners of satellite dishes have access to foreign television programming. Use of satellite dishes in Ashgabat appears widespread, but the dishes are too expensive for poorer residents outside of urban areas.

While Internet access is available, there is now only one provider for the whole country. On May 29, the Government withdrew the licenses of all private Internet providers, leaving state-owned Turkmen Telecom as the sole Internet provider for the whole country. There are credible reports that the Government took this meas-

ure in order to monitor Internet activity, especially electronic mail. Internet access is prohibitively expensive for most citizens. For normal usage, monthly fees average \$20 (400,000 manat at the street rate), which is the amount of the minimum monthly wage.

In June 1999, the tri-language daily Ashgabat dropped its English and Russian sections and now is printed in Turkmen only. There are no Russian-language radio broadcasts and only one short Russian-language news program on television each day. In order to regulate printing and copying activities, the Government ordered in February 1998 that all publishing houses and printing and copying establishments obtain a license and register their equipment.

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it never allows even the mildest form of criticism of the President in print. The focus of the media on President Niyazov, to the exclusion of objective news reporting, intensified during the year and amplified the cult of personality centered around the President. Public criticism of government officials is done almost exclusively by the President himself. The Government has subjected those responsible for critical foreign press items to threats and harassment.

In January the Government arrested and sentenced Nurberdy Nurmamedov, the head of the Agzybirlik (Unity) National Movement, for hooliganism and making death threats; his son Murat was sentenced for hooliganism, as well (see Section 1.d.). The arrests followed shortly after Nurmamedov's statements criticizing the December 12, 1999, Mejlis elections and the decision by the Mejlis to appoint Niyazov president for life.

All foreign correspondents who had applied for accreditation, except the Reuters correspondent, had received it by year's end.

In January 1999 the Government arrested human rights and democracy advocate Vyacheslav Mamedov for remarks on a Russian radio broadcast attributed to him that were critical of the Government's treatment of ethnic Russians. Mamedov was soon released but remained under investigation, and his nongovernmental organization (NGO) remained unregistered at year's end.

Intellectuals have reported that the security organs have instructed them to praise the President in their art and have warned them not to participate in receptions hosted by foreign diplomatic missions. The Minister of Culture attends rehearsals of all theater productions to ensure that they do not contain antigovernment or antipresidential content. The Ministry of Culture must approve plays before they open to the public.

The Government also significantly restricts academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, such as comparative law, history, or ethnic relations. All publishing companies are state-owned and works by authors of fiction who write about particular periods of history or other topics that are out-of-favor with the Government are not published. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works. The Government abolished the Academy of Sciences in 1998. No masters' degrees or doctorates have been granted in the country since that time.

The Government increased restrictions on academic freedom during the year. Following remarks by President Niyazov on September 27, in which he criticized an elementary school history textbook for its portrayal of Turkmen history, all copies of the book were recalled from schools and most have been destroyed. Scholars are very reluctant to begin textbook projects. During the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.d.).

President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 1.f.). The President also decreed that foreign languages would only be taught in special language centers located in specific schools.

b. Freedom of Peaceful Assembly and Association.—The Constitution allows for peaceful assembly; however, the Government restricts this right in practice. Permits are required for public meetings and demonstrations. In the past, there were reports of spontaneous demonstrations; for example, over bread prices. According to Human Rights Watch, in August approximately 200 village women who aimed to bring their grievances before the President were prevented from entering Ashgabat by police forces. In September a group of approximately 30 students who had been accepted to study in Turkey but who had been denied exit visas demonstrated along with their parents in front of the cabinet of ministers building.

The Constitution allows for freedom of association; however, the Government restricts this right in practice. Unregistered organizations with political agendas are

not allowed to hold demonstrations or meetings. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. At present the only registered political party is the Democratic Party, the former Turkmen Communist Party.

Social and cultural organizations without political aims are allowed to function, but have found it difficult to register as legal entities. However, during the year, the Government reportedly registered at least 10 NGO's: 8 groups affiliated with Sunni Islam (see Section 2.c.), 1 union of entrepreneurs and inventors, and 1 educational support group. Two registered NGO's that had experienced legal difficulties and were in danger of being closed down by the Government earlier in the year had resolved their legal disputes by year's end. One of the NGO's was in the process of re-registration and the other, which had not previously been registered, was not registered but was operating normally.

Theoretically citizens have the freedom to associate with whomever they please; however, the authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes. In addition some citizens with links to foreigners are subject to official intimidation. In July 1999, the Government arrested former parliamentarian and democracy advocate Pirkuli Tanrikuliev on charges of embezzlement after he discussed forming a new political party with Western diplomats. Thereafter the Government convicted him, sentenced him to 8 years in prison, and stripped him of his medical credentials. Shortly before his arrest, his daughter lost her government job and his youngest son was removed from the list of those accepted into the state-run university. He was released under the presidential amnesty in December.

c. Freedom of Religion.—The Constitution provides for freedom of religion and does not establish a state religion; however, the Government imposes restrictions on most religious groups. Citizens are overwhelmingly Muslim, but Islam does not play a dominant role in society, in part due to 70 years of Soviet rule. The Government pays the salaries of Muslim clerics.

There is no state religion, but a modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity. Publication of the President's philosophical and spiritual guidelines on what it means to be Turkmen, known as "rukhname," has been delayed several times. There is widespread concern over what rukhname might mean for individual freedom. The state-supported Council on Religious Affairs (CRA) is part of the government bureaucracy rather than an organ for promoting interfaith dialog. The Russian Orthodox council member wears presidential medals on his clerical vestments. According to a Keston News Service report, the Council appears to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, despite the fact that this role is not listed among the CRA's duties in the Law on Religion. During the year, the Government registered 10 new NGO's, 8 of which were affiliated with Sunni Islam (see Section 2.b.).

While it affirms a number of important religious freedoms, the Law on Freedom of Conscience and Religious Organizations, which was amended in 1995 and again in 1996, also provides for significant government control of religion. Religious congregations are required to register with the Government and must have at least 500 Turkmen citizens over the age of 18 as adherents to be registered. This requirement has prevented all but Sunni Muslims and Russian Orthodox Christians from setting up legal religious organizations. Moreover the Government applies this 500-member standard on a local basis. A religious group must have at least 500 adherents in each city in which they wish to be registered.

This restriction also has caused problems for a number of minority religions, including the Baha'i Faith, which was registered by the Government in 1994 only to be deregistered in 1997 when the threshold was raised to 500 adherents. Members of the Baha'i Faith have been prevented from conducting services since 1997 and, in 1997 and 1998, were questioned by internal security representatives for holding private prayer meetings in their homes. Although the local Baha'i community in Ashgabat was able to open its center for 1 day in March 1999 to celebrate the Faith's Nowruz (spring) holiday, this year the community believed that they would not be permitted to open for Nowruz and therefore did not request permission to open. However, the local Baha'i community in Ashgabat was able to conduct a memorial service at a local restaurant in January. In January 1999, the Armenian community in Turkmenbashi applied to local authorities to use a church appropriated during the Soviet era as a cultural center pending registration as a religious organization; however, at year's end, it had not yet received a response from the

Government. The Halk Maslahaty (People's Council) had not yet reduced the 500 person threshold by year's end.

Although the law protects freedom of religion, the Government states officially that proselytizing by unregistered religions—i.e., everything other than Sunni Islam and Orthodox Christianity—is illegal. Government permission is required for any mass meetings or demonstrations for religious purposes. The Government also restricts the travel of clergy or members of religious groups to the country. Islamic religious literature is distributed through the mosques. Orthodox churches are permitted to offer religious literature. Unregistered religious groups face government harassment if they attempt to meet or distribute religious literature. In March border officials confiscated religious materials being brought into the country in bulk by a visiting group affiliated with an evangelical Christian organization.

In August 1999, Shageldi Atakov, a prominent member of the Baptist faith, was sentenced to 4 years in prison and fined \$12,000 (686 million manats)—an astronomical sum considering average wages in the country amount to \$30 (approximately 156,000 manats) a month—for an alleged illegal transfer of automobiles in 1994 that Atakov denied. On February 3, the local Committee of National Security (KNB) chief reportedly expelled Atakov's wife and children from Mary to Kaakha, where they were told not to leave the town (see Section 1.d.). In March the Government arrested Atakov's brother Chariyar on unknown charges and imprisoned him for 15 days. Credible press reports indicate that a series of efforts to intimidate Baptist congregations throughout the country took place at the beginning and end of the year, including raids of homes and confiscation of religious materials. In March the authorities forcibly returned to Russia three Baptist preachers and their families who had been living in Ashgabat and Mary (see Section 1.d.). At year's end, there were many reports of Baptist churches in several cities having been harassed by the Government.

The Government also harassed Pentecostals. On February 4, law enforcement authorities reportedly beat the Pastor and confiscated religious materials at a Pentecostal facility in Tejen. On February 6, agents from the KNB broke up a service at a Pentecostal house of worship in Ashgabat and recorded the names of all those present.

Muslims were also the target of mistreatment. In March the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by him and his followers. President Niyazov ordered that all copies of Orazgylychev's Turkmen translation of the Koran be burned. Orazgylychev subsequently was released and sentenced to internal exile (see Section 1.d.). He earlier had criticized President Niyazov for directing that Turkmen children dance around a Christmas tree during New Year's celebrations (see Sections 1.d.).

In April President Niyazov ordered that Muslim madrassahs and other religious schools be closed and that only two such schools, functioning under the auspices of the government-controlled Muftiyat, be allowed.

The President ordered the implementation of new procedures restricting searches of private homes in April, which the legislature approved in June (see Section 1.f.). The period following these measures reportedly saw a significant reduction of police harassment of some religious believers in their private homes and a reduction in the confiscation of religious property during the summer. However, there was an increase in such activity during the last 4 months of the year.

In October KNB officials detained Seventh Day Adventist pastor Pavel Fedotov at a Bible reading in Turkmenabad and charged him with holding an unsanctioned meeting and confiscating videotapes; he was released several days thereafter. In November four Protestants were reportedly tortured by police because of their religious affiliations, and at least three of them had their homes and cars confiscated after being forced to sign a statement saying that they had voluntarily donated all they owned as a gift to the President (see Section 1.c.). Police continued to detain and harass the Protestants after the initial incident.

The Seventh Day Adventist congregation in Ashgabat, whose church was demolished on short notice in November 1999 as part of a Government urban clearing project, has received neither compensation nor alternative premises for worship.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government imposes restrictions both on freedom of movement within the country and on travel abroad. The Government has tightened restrictions on travel to border cities and regions, having declared large parts of the country closed. Throughout the year, the President repeatedly told the Ministry of Foreign Affairs to maintain control over foreigners in the country. Citizens still carry internal passports. These documents are used primarily as a form of identification, rath-

er than as a means of controlling movement. Residence permits are not required, although the place of residence is registered and noted in passports.

The Government uses its power to issue passports and exit visas as a means of restricting international travel. Any citizen who wishes to visit a foreign country must obtain an exit visa, which can take up to 5 weeks to process. Although not new, this policy became more onerous in June 1999 when the country withdrew from the visa agreement of the Commonwealth of Independent States. The official reason given by the Government for this action was to secure the country's borders against foreign criminal elements. Most citizens are permitted to emigrate without undue restriction. During the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.a.).

The government-funded Council of World Turkmen provides assistance to ethnic Turkmen abroad who wish to return to the country and apply for citizenship; however, the Government discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries. Immigration of non-Turkmen from other areas of the former Soviet Union is discouraged by the unofficial policy of favoring employment of ethnic Turkmen.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The 1997 Law on Refugees establishes the procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The country currently provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government has granted refugee or asylee status to some ethnic Turkmen from Afghanistan and has allowed some Tajik refugees and migrants to reside in the country. The Government cooperates with the UNHCR and other humanitarian organizations that assist refugees. There were no confirmed reports of the forced expulsion of those having a valid claim to refugee status. There have been unconfirmed reports of small numbers of refugees being forcibly returned by individual border guards; however, according to the UNHCR, there is no clear pattern of abuse or forced expulsion of refugees, with the exception of such low-level harassment.

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

Citizens have no real ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares Turkmenistan to be a secular democracy in the form of a presidential republic. It calls for the separation of powers between the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power is absolute, and the country remains a one-man state. Despite the appearance of decisionmaking by consensus, most decisions are made at the presidential level. In his address to the Halk Maslahaty in July 1998, President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues; however, in reality even local leaders are selected and dismissed by the President. In December 1999, the Halk Maslahaty proposed, and the newly elected Mejlis (Parliament) approved, a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President, but only for Niyazov, as the country's first president, conferring on him a lifetime term in office.

In November 1998, the President announced that any Turkmen citizen who would like to write to him with a complaint could do so directly. Special mailboxes were set up throughout the country and, in the first year, some 140,000 letters were received by the President. Citizens still apparently write to the President because these letters are often cited in the local media, but the numbers received during the year were not reported.

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President. In August 1999, the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Mejlis routinely supports presidential decrees and has no real independence. In the 1994 Mejlis elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. President Niyazov promised in 1998 that the parliamentary elections scheduled for December 1999 for a reconstituted Mejlis would be "free and fair" and conducted on a "wide democratic basis"; however, the elections were seriously flawed. Although there were at least two candidates for each Mejlis seat, every candidate was selected by the Government, and there was no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the elections. In its public explanation, ODIHR cited serious concerns that the broad electoral framework in the country fell short of its OSCE commitments. The Government claimed that 98.9 percent of eligible voters participated. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting.

There are no legal restrictions on the participation of women or minorities in the political process; however, women are underrepresented in government and politics. Thirteen members of the 50-member Mejlis are female, although women constitute over 50 percent of the population. Women serve in the following positions: Minister of Textiles, Prosecutor General, Chief of Presidential Protocol, Deputy Minister of Health, Deputy Minister of Social Welfare, Deputy Minister of Education, Deputy Minister of Economy and Finance, and Deputy Chairman for Textiles and Foreign Trade. No women serve as provincial governors. Minorities are represented in the Government, although preference is given to ethnic Turkmen. The Mejlis consists of 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Uzbek.

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

There are no local human rights monitoring groups, and government restrictions on freedom of speech, press, and association would preclude any effort to investigate and criticize publicly the Government's human rights policies. Several independent journalists based in Russia report on these issues in the Russian press and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues.

In January 1999, President Niyazov signed a decree establishing a human rights commission that he heads. The commission oversees the work of law enforcement agencies, the military, and the judiciary, but it appears to have little real authority. The commission is subordinate to the National Institute for Democracy and Human Rights under the President, which has been in operation since 1997. Its mandate is to support the democratization of the government and society and to monitor the protection of human rights. The Institute maintains four full-time staff members to receive and resolve citizen complaints of arbitrary action. Of the 2,590 complaints received during the year, some 35 percent concerned appeals, pardons, and abuses by law enforcement officials; 10 percent dealt with social and economic problems; and 24 percent concerned housing. The remainder were in the miscellaneous category. In general the Institute conducts a study of the complaint and returns its findings to the individual and the organizations involved. However, the Institute is not an independent body, and its ability to obtain redress is limited by government interests.

In January 1999, the OSCE opened an office in Ashgabat. There was no further progress on negotiations on a memorandum of understanding between the Government and the OSCE.

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

The Constitution provides for equal rights and freedoms for all, independent of one's nationality, origin, language, and religion. It further specifies equal rights before the law for both men and women. There is no legal basis for discrimination against women or religious or ethnic minorities. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limit the employment and educational opportunities of women and nonethnic Turkmen.

Women.—Anecdotal reports indicate that domestic violence against women is common, but no statistics are available. The subject is not discussed in society. There are no court cases available and no references to domestic violence in the media. One unofficial group to support battered women operates in Ashgabat.

Women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in the health care and education professions and in

service industries. Women are restricted from working in some dangerous and environmentally unsafe jobs. Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role is as homemaker and mother, and family pressures often limit opportunities for women wanting to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favor men over women.

There is only one officially registered women's group, which is headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. The Government has no program specifically aimed at rectifying the disadvantaged position of women in society, as it does not acknowledge that women suffer discrimination.

Children.—The Government's social umbrella covers the welfare needs of children. The Government has not taken effective steps to address the environmental and health problems that have resulted in a high rate of infant and maternal mortality. In September 1999, the Government cut the number of years of basic education from 10 to 9 years; however, children now in their eighth, ninth, or tenth year of education will be unaffected. There is little difference in the education provided to girls and boys. Education is free and compulsory.

Class sizes in the country are increasing rapidly, facilities are deteriorating, and funds for textbooks and supplies are decreasing. In September the President called for a reduction in the number of teachers by 10,000 before the end of the year. Educators are concerned that this will further exacerbate crowded classrooms, overwork teachers, and further reduce the quality of education in the country. The ostensible reason for the reduction is to increase salaries for the remaining teachers. However, past similar promises have been unfulfilled, and teachers are routinely paid 2 to 3 months late. In 1998 the Ministry of Education (MED) increased the number of students per class from 30 to 45. Wages for teachers and administrators are in arrears in many districts; this, added to the fact that salaries are low, has caused some teachers to leave the field and seek jobs in the private sector, leaving classrooms overcrowded.

Bribery has become a main component of the admission process at prestigious departments in universities. Although officially free, admission to many faculties at Turkmen State University in Ashgabat reportedly costs between \$2,000 and \$4,000. Paying bribes for good grades is also a common practice. Furthermore, the MED has discouraged schools from having contacts with NGO's and international organizations.

There is no societal pattern of abuse against children. However, during the annual cotton harvest, some schools in agricultural areas are closed and children as young as 10 years of age work in the cotton fields for up to 2 months (see Sections 6.c. and 6.d.).

People with Disabilities.—Government subsidies and pensions are provided for those with disabilities, although the pensions are inadequate to maintain a decent standard of living. Those capable of working generally are provided with jobs under still valid preindependence policies that virtually guarantee employment to all. According to existing legislation, facilities to allow access by the disabled must be included in new construction projects. However, compliance is inconsistent and most older buildings are not so equipped. Care for the mentally retarded and mentally ill is provided on the local level. Mentally retarded and mentally ill children are placed in boarding schools, with educational and future employment opportunities if their condition is mild. The psychological hospital in Bekrova and the psychological clinic in Gok Tepe were closed over the past year. To compensate a psychiatric hospital was opened in Dashoguz for those in need of in-patient care. There is also a hospital for the criminally insane in Lebap Velayat. Out-patient facilities exist in Ashgabat, Yoloten, and Tedjen. In theory patients receive food, clothing, and medical care at in-patient facilities but in practice, supplies are inadequate and services are poor.

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights and freedoms for all citizens. Turkmen comprise approximately 77 percent of the population of about 5.2 million; Uzbeks, 9 percent; and Russians, 7 percent. There are smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Since independence the country has not experienced ethnic turmoil.

As part of its nation-building efforts, the Government has attempted to foster Turkmen national pride, in part through its language policy. The Constitution designates Turkmen as the official language, and it is a mandatory subject in school, although it is not necessarily the language of instruction.

The Constitution also provides for the rights of speakers of other languages to use them. While Russian remains in common usage in commerce and in everyday life,

the Government has intensified its campaign over the past year for official business to be conducted solely in Turkmen. Some high-ranking government officials have been publicly criticized by the President for their failure to speak Turkmen. In accordance with his wishes, Russian language usage in newspapers has been cut back sharply during the past few years (see Section 2.a.). In June 1999, the Government switched one of the Russian language daily newspapers to Turkmen and reduced daily Russian news broadcasts on state-run television to 30 minutes. In October 1999, the state radio ceased entirely its daily 15-minute Russian language news broadcast. During the year, there were no Russian language radio broadcasts and only 15 minutes of news in Russian on television each day. Nonethnic Turkmen employees at government ministries reportedly were given until December 1999 to learn Turkmen, and there have been reports that some government employees, such as doctors and teachers, have been dismissed from their positions because they failed to learn the language. The most prominent example was the rector of the Polytechnical Institute in Ashgabat, who was dismissed from his position in 1999 for his inability to speak Turkmen.

Non-Turkmen fear that the designation of Turkmen as the official language places their children at a disadvantage educationally and economically. They complain that some avenues for promotion and job advancement are no longer open to them. Only a handful of non-Turkmen occupy high-echelon jobs in the ministries, and there are reports that managerial positions were closed to non-Turkmen. As a result of these restrictions, more and more ethnic Russians view their situation in the country as deteriorating and are seeking Russian citizenship.

Section 6. Worker Rights

a. The Right of Association.—Turkmenistan inherited the Soviet system of government-controlled trade unions. There are no legal guarantees entitling workers to form or join unions. The Colleagues Union is the only legal central trade union federation permitted, and it claims a membership of 1.3 million; its member unions are divided along both sectoral and regional lines. Unions may not form or join other federations.

While no law specifically prohibits the establishment of independent unions, there are no such unions, and no attempts were made to register an independent trade union during the year.

The law neither prohibits nor permits strikes and does not address the issue of retaliation against strikers. Strikes are extremely rare and no strikes were known to have occurred during the year.

There is no information available on union affiliation with international unions. The country joined the International Labor Organization in 1993.

b. The Right to Organize and Bargain Collectively.—The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close association of both the trade union and the state-owned enterprise with the Government seriously limits workers' ability to bargain, and workers often go months without pay or receive their paychecks late.

The Ministry of Economics and Finance prepares general guidelines for wages and sets wages in health care, culture, and some other areas. In other sectors, it allows for some leeway at the enterprise level, taking into account local factors. The Government determines specific wage and benefit packages for each factory or enterprise.

The law does not prohibit antiunion discrimination by employers against union members and organizers, and there are no mechanisms for resolving such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor; however, there were unconfirmed, anecdotal reports of trafficking in women (see Sections 5 and 6.f.) and reports of prisoners being forced to work in a kaolin mine in Kizlkaya prison, near Dashoguz, under hazardous and unhealthy conditions (see Section 1.c. and 2.b.). The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of children who work in cotton harvesting in rural areas (see Section 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday is 8 hours).

A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely is granted. Violations of child labor laws occur in rural areas during the cotton harvesting season, when teenagers

work in the fields and children as young as 10 years of age sometimes help with the harvest.

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas (see Section 5 and 6.c.).

e. Acceptable Conditions of Work.—There is no minimum wage. In December 1999, the Government raised the average wage in the state sector to approximately \$77 (400,000 manats) per month at the official rate. While the Government subsidizes the prices of many necessities and provides others free of charge, this wage falls short of the amount required to provide a decent standard of living for a worker and his or her family. Most households are multigenerational, with several members receiving salaries, stipends, or pensions. Even so, many people lack the resources to maintain an adequate diet, and meat is a luxury for most citizens.

The standard legal workweek is 40 hours with 2 days off. Individuals who work fewer hours during the week or are in certain high-level positions may also work on Saturdays.

The country inherited from the Soviet era an economic system with substandard working conditions—one in which production took precedence over the health and safety of workers. Industrial workers often labor in unsafe environments and are not provided proper protective equipment. Some agricultural workers are subjected to environmental health hazards. The Government recognizes that these problems exist and has taken some steps to address them, but it has not set comprehensive standards for occupational health and safety. Workers do not always have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—There are unconfirmed, anecdotal reports of women from Turkmenistan traveling to Turkey and the United Arab Emirates (U.A.E.) and working as prostitutes, especially before the U.A.E. tightened its entry visa requirements for young women over the past few years. The Government does not have programs in place to combat trafficking in persons, but cooperates in educational efforts on this topic. In November 1999, the Government and the International Organization on Migration hosted a 1-day seminar on illegal migration during which trafficking in women was discussed in detail.

UKRAINE

Ukraine is governed by a directly elected president and a unicameral parliament, the Verkhovna Rada (Supreme Council), which is elected partially according to proportional representation and partially by direct constituency mandate. Incumbent President Leonid Kuchma was reelected after two rounds of voting on October 31 and November 14, 1999. There were some irregularities during the election campaign and during the balloting, including those cited in the March 7 final report of the Office for Security and Cooperation of Europe/Office of Democratic Institutions and Human Rights (OSCE/ODIHR) which stated that the presidential elections of October and November 1999 “failed to meet a significant number of the OSCE election related commitments.” However, almost all observers agreed that the election results reflected the will of the electorate. Despite numerous flaws and irregularities, previous national elections in 1998 and 1994 also generally reflected the will of the electorate. The President appoints the Cabinet and controls government operations. In an April referendum, which observers described as flawed in several respects but probably reflected the will of the people, voters approved several changes to the Constitution which would expand presidential powers and increase executive branch influence over Parliament. The Constitutional Court later struck down two of the six proposed amendments; however, constitutional changes had not been implemented by year’s end. The Constitution mandates an independent judiciary; however, the courts are funded through the Ministry of Justice, are subject to political interference and corruption, and are inefficient.

The Security Service of Ukraine (SBU), the Ministry of Internal Affairs (which controls the various police forces), and the Ministry of Defense have equal responsibility for internal security and report to the President through the Cabinet. The State Tax Administration also has law enforcement powers, which it exercises through the tax police. The armed forces largely have remained outside of politics. While civilian authorities generally maintain effective control of the security forces, institutional government corruption sometimes can lead to their improper use. The SBU and other government agencies have interfered indirectly in the political proc-

ess through criminal and tax investigations of politicians, journalists, and influential businessmen. Members of the security forces committed human rights abuses.

Ukraine is making a difficult transition from a centrally planned to a market-based economy. The private sector has continued to grow and now represents a substantial portion of the economy. For the first time since independence, the country experienced economic growth (5 percent). Nevertheless, the country remains in a serious economic crisis. While the Government made some progress in key areas such as privatization, energy, and the state budget, the country lacks many of reforms needed to generate sustainable economic growth. Industrial output has suffered years of sharp decline. A 1999 presidential decree on agricultural reform led to a break-up of the Soviet-era state farm system. Legislation enabling the granting of land titles was passed; however, the property rights of former collective farm workers are weak and poorly defined. Production in key areas such as wheat was unreliable. The summer grain harvest was the worst since 1945, but the winter crop was the best in years. According to official statistics, about half of the work force is employed formally in manufacturing, with the balance divided between services and agriculture; however, in reality many industrial enterprises have reduced or stopped production. Exports are diversified and include metals, chemicals, sugar, and semi-finished goods. The annual per capita gross domestic product for the year was approximately \$669. However, millions of employees go months without being paid, and most individuals derive a significant proportion of their income from the shadow economy. Inflation was 19 percent during the first half of the year, but averaged less than 0.5 percent per month since June. Investment remains at low levels, with many potential investors discouraged by rampant corruption, onerous taxation, and arbitrary licensing practices. Unemployment has affected women disproportionately; 56 percent of those officially registered as unemployed are women. Wealth is concentrated in the political elite and among directors of state-dominated sectors such as metals, oil, and gas.

The Government's human rights record was poor in some areas; however, the Government continued to respect the rights of its citizens in other areas. In previous years, police and military committed extrajudicial killings; however, there were no reports of such incidents during the year. A prominent journalist disappeared in September. In November a decapitated body believed to be his was found. Later that month, a prominent political opponent accused the President of complicity in the disappearance. Those charges have not been proved or disproved. The Government asserted that it is investigating the journalist's disappearance and conducting tests to determine the identity of the corpse; however, the case remains unsolved at year's end, and the authorities' poor handling of the investigation proved a source of great concern. Police and prison officials regularly tortured and beat detainees and prisoners, sometimes resulting in death. The beating of conscripts in the army by fellow soldiers was common and sometimes resulted in death. Prison conditions are harsh and life-threatening. There were instances of arbitrary arrest and detention. Lengthy pretrial detention in very poor conditions was common, and detainees often spent months in pretrial detention for violations that involved little or no prison time if convicted. Long delays in trials are a problem. The Government rarely punishes officials who commit abuses. The SBU, police, and Prosecutor's Office have drawn domestic and international criticism for their failure to take adequate action to curb institutional corruption and abuse in the Government. Many high-profile corruption cases have been dropped, ostensibly because of lack of evidence. Anticorruption legislation has been enforced selectively, mostly against government opponents and low-level officials. Political interference and corruption affect the judicial process. The judiciary is overburdened, inefficient, and lacks sufficient funding and staff. These factors undermine citizens' right to a fair trial. The criminal justice system has been slow to reform, due to both lack of government effort and strained economic resources. The Government continued to intrude in citizens' lives and infringe on their privacy rights. The Government interfered with the news media and restricted freedom of the press; however, a wide range of opinion is available in newspapers and periodicals. Government interference was particularly severe during the period preceding the April referendum on amendments to the Constitution that would expand presidential powers by limiting the power of the Parliament and in response to coverage of the scandal surrounding the disappearance of an opposition journalist. Self-censorship remained a significant problem. During the 1999 presidential election campaign, government authorities interfered in the election process and stepped up pressure on the media through tax inspections and other measures. The national broadcast media came under particular pressure. There were some limits on freedom of assembly, and there were some instances of restrictions on freedom of association. Limitations on nonnative religious organizations constrained freedom of religion. The Government took steps to return to religious

groups properties expropriated during the Soviet era. It returned two churches that were rebuilt with government funds. Some limits on freedom of movement, most notably the registration or "propiska" system, remained. The Government took steps to support the return and resettlement of exiled Tatars in Crimea. As many as 10 elected mayors from several regions reported government harassment stemming from their lack of support for President Kuchma during the 1999 presidential campaign. The SBU monitored the activities of nongovernmental organizations (NGO's) during the year. Violence and discrimination against women; violence against children; societal anti-Semitism; and discrimination against religious, racial, and ethnic minorities are problems. The Government discourages some workers from organizing unions, and forced labor in the form of trafficking in women and girls for sexual exploitation is a significant problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government agents. In previous years, members of the police and military committed extrajudicial killings; however, there were no reports of such incidents during the year.

There were reports in previous years that police beat persons at alcohol corrective treatment centers and sometimes killed them (see Section 1.c.).

Members of the armed forces killed soldiers during violent hazing incidents in previous years (see Section 1.c.). According to a government official, in 1998 10 to 12 military personnel were beaten to death, and a total of 20 to 30 died as an indirect result of injuries sustained from hazing.

Abuse of prisoners and detainees, and harsh prison conditions, sometimes led to death (see Section 1.c.). Statistics on prison deaths for this year were unavailable. In 1998 there were 1,901 deaths in prison and detention facilities, many due to harsh conditions.

The pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists have been the victims of possibly politically-motivated—and sometimes fatal—attacks. There were allegations of government involvement in the disappearance and presumed death of opposition journalist Heorhiy Gongadze; however, those charges have not been proven (see Section 1.b.).

No official statistics for contract killings during the year were available.

The Government made no known progress in resolving a number of the high profile killings of past years. No progress was made in solving the 1999 murder of the security chief of the independent television station STB or the 1999 killings of the chairman of the regional arbitration court Borys Vihrov and the director of local television station Igor Bondar in Odessa. The Government also made no known progress in resolving the 1998 murders of former director of the national bank Vadym Hetman, deputy head of the Crimean government Aleksandr Safontsev, the mayor of Shakhtersk, or the campaign manager of a Kiev mayoral candidate. Nor was there any progress in resolving the 1997 murders of the governor of the Razoolnensky district, the Crimean deputy minister for tourism and resorts, the murder of prominent businessman Arkadiy Tabachnyk, or the bombing of the intensive care unit in Simferopol. In May police arrested a suspect in the 1995 killing of Member of Parliament Yevhen Shcherban.

b. Disappearance.—On September 16, prominent journalist Heorhiy Gongadze disappeared. Gongadze was the editor of the on-line news journal *Ukrainska Pravda* and was a frequent critic of both the Government and leading business figures. In a July open letter addressed to the Prosecutor General, he complained of government harassment, including being followed and questioned by security forces. In early November, police found a decapitated body outside of Kiev, which Gongadze's friends and family believed was that of the missing journalist. The Government asserted that it is conducting a full-scale investigation of his disappearance. The body was sent to forensic experts for examination, yet no positive identification was made by year's end—authorities did not begin the process of conducting a DNA test until mid-December. On November 28, the leader of the Socialist Party, Oleksandr Moroz, accused the President and other senior government officials of complicity in the disappearance of Gongadze. He also released audio tapes purporting to be conversations between the President, his Administration Chief Volodymyr Lytvyn, and Minister of Internal Affairs Yuri Kravchenko discussing the desirability of Gongadze's abduction. The tapes, provided by a former Presidential security guard, were not authenticated officially by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police and prison officials regularly tortured and beat detainees and prisoners, and there were numerous reports of such abuse. Amnesty International (AI) and other human rights groups continued to receive regular reports that Berkut (special militia units or riot police) troops tortured and beat inmates as part of regular training exercises. The media reported that police subjected detainees to the “swallow,” in which the detainee is placed on his stomach and his feet are tied to his hands behind him, forcing his back to arch. Another abuse is the “baby elephant,” in which a gas mask is placed on the prisoner’s head and the flow of oxygen slowly reduced. Detainees also were subjected to a method called the “monument,” in which a prisoner is suspended by his hands on a rope and beaten. Requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to an attorney. There is no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions. Prisoners may address complaints to the Ombudsman, and that office has received widespread reports of torture in pretrial detention. However, the Ombudsman has no enforcement authority, and the Government made little effort during the year to end such practices or to punish officials who committed or abetted such abuses. According to the Office of the Ombudsman, most of the complaints that it received centered on human rights violations by law enforcement personnel. In 1999 the Ombudsman was criticized for failing to investigate whether special police units beat prisoners during regular exercises in jail. During the year, the Ombudsman made the treatment of prisoners a priority and investigated conditions in at least two prisons. On December 1, 1999, the Parliament passed an amendment to the Criminal Code that prescribes up to 15 years’ imprisonment for torture. However, human rights monitors reported little difference in the treatment of prisoners since adoption of this law.

Police also abused Roma, particularly in the Transcarpathian region, and harassed and abused dark-skinned persons (see Section 5). Police also harassed journalists and refugees (see Sections 2.a. and 2.d.). Police corruption also remained a serious problem.

Reports continued of harsh conditions and violence against conscripts in the armed forces. Senior officers reportedly required malnourished recruits to beg for food or money. Senior conscripts often beat recruits, sometimes to death (see Section 1.a.). Punishment administered for committing or condoning such activities did not serve as an effective deterrent to the further practice of such abuses. Between 1991 and 1998, 450 soldiers were convicted of violent harassment of their colleagues; approximately 200 military personnel were prosecuted in 1998 for violent hazing (10 to 12 conscripts were beaten to death, and 20 to 30 died from injuries related to hazing).

Some politically active individuals were wounded in violent attacks. In February unknown assailants beat parliamentarian Oleksandr Yeliashkevych near a hotel where several Members of Parliament live. Five suspects were charged in the October 1999 bombing in which presidential candidate Natalia Vitrenko was wounded slightly, and more than 30 others were injured. No progress was reported in resolving the April 1999 wounding by gunshot of Kiev municipal government official Mykola Pidmogylny or the November 1999 shooting of Vinnytsia Mayor Dmytro Dvorkis.

Members of the press were hurt in violent incidents throughout the year. In July Anatoliy Zhuchynsky, a reporter for the Vinnytsia newspaper 33 Channel, was assaulted outside his home. He linked the attack to his political reporting. In August two men assaulted Valentyna Vasylenko, a reporter for the Cherkassy newspaper Antenna, in the stairway outside her apartment. She attributed the attack to her coverage of criminal groups. In September Nikolay Severin, an editor of an independent paper in Luhansk, was attacked by brick-wielding assailants outside his home. He blamed the assault on his critical reporting.

No progress was made in resolving the 1999 firebombing of the office of the Tatar Assembly Mejlis in Simferopol or the 1999 bombing of the office of the Communist Party leader Leonid Hrach in Simferopol. Accusations by opposition presidential candidate Marchuk linking the presidential administration to a false bomb threat that disrupted a 1999 meeting between Marchuk and local residents were never proven.

In 1998 the Government created a penal department to oversee reform of the penal system and to serve as the administrative center of the penal system. The new department originally was placed under the oversight of the Ministry of Interior, but it was given the status of an independent government agency by presidential decree in 1999. However, human rights groups report that this change in

status has not affected its practices. The Government failed to punish prison and police officials who committed or condoned violence against prisoners.

There was no improvement during the year in prison conditions, which are harsh, life-threatening, and do not meet minimum international standards. Prison officials intimidated and mistreated inmates. Due in part to the severe economic crisis, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. According to official statistics, funding for prisons decreased by almost 14 percent over the last 3 years. During the year, the Government announced a general amnesty for 34,800 inmates intended to relieve overcrowding. Because the country lacks a well-developed system of suspended sentences, and the law does not differentiate between misdemeanors and felonies, at least one-third of inmates were convicted of only minor violations.

Conditions in pretrial detention facilities routinely failed to meet minimum international standards. Inmates sometimes were held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding is common in these centers. For example, the pretrial detention center in Kiev, houses 3,500; it was constructed to hold 2,850 persons.

According to official sources, information on the physical state of prison walls and fences as well as pretrial detention blocks is considered to be a government secret. However, the press reported freely about harsh prison conditions. In 1998 there were 1,901 deaths in prisons and detention facilities, which was more than 3 times the death rate of the general population. Poor sanitary conditions result in deaths from diseases such as tuberculosis and dysentery. There are frequent incidents of murder by fellow inmates and suicide.

Conditions in the Interior Ministry's Corrective Labor and Treatment Centers for Alcoholics (LTP's), where violent alcoholics are confined forcibly by court decision, differ little from those in prisons. Virtually no treatment is available. According to statistics from March, 12 LTP's with some 3,000 inmates continued to operate. Although some centers were transferred to the Health Ministry during the year, the Government had not lived up to its earlier commitment to transfer all of the LTP's to the ministry. Police have the right to take forcibly any person appearing drunk in public to special sobering centers. Human rights groups reported cases of police mistreatment, robbing, or beating of detainees at such centers (see Section 1.a.). In August 1999, the Government issued a decree directing the closure of such centers by the end of this year; however, some centers remained open at year's end.

The Government continued to allow prison visits from human rights monitors; however, these monitors reported that it can be difficult to obtain access to prisons. Cases were reported in which prisoners were not permitted correspondence and family visits were allowed only once per year. Prisoners may complain to the Ombudsman about the conditions of detention, but human rights groups reported that inmates were punished for initiating complaints.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The Constitution stipulates that only courts may issue arrest warrants, but under its transitional provisions, the Prosecutor's office retains the right to issue search and arrest warrants until 2001. The maximum period of detention after charges have been filed is 18 months, but the law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires immediate notification of family members concerning an arrest, but this action often is not taken in practice.

By law a trial must begin no later than 3 weeks after indictment, but this requirement rarely is met by the overburdened court system. Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases can take years to go to trial. Although the 1996 amendment to the Criminal Procedures Code provides for bail, it is used rarely. Restrictions on travel outside a given area sometimes are employed. Accused persons usually are held without bail in pretrial detention for several months. As of October, there were 228,000 prisoners, 48,000 of whom were persons held in pretrial detention. The Constitution provides compensation for unlawful or arbitrary arrest, detention, or conviction, but there are no known cases in which this provision was invoked. Reports indicated that this inaction is a result of lack of faith in the judiciary rather than the absence of unlawful or arbitrary detentions.

The law stipulates that a defense attorney be provided without charge to the indigent from the moment of detention or the filing of charges, whichever comes first. There are insufficient numbers of defense attorneys to protect suspects from unlawful, lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system exists in principle, public attorneys often

refuse to defend indigents for the low government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups reported that the client-attorney privilege occasionally was denied by prison or investigative officials. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures. However, many persons remained unaware of these safeguards.

The Government occasionally charges persons who are openly critical of the Government (usually opposition politicians or editors and journalists from the opposition press) with criminal libel or tax evasion charges (see Section 2.a.). In August Oleksandr Tymoshenko, the husband of then-Deputy Prime Minister Yulia Tymoshenko, and a business associate were arrested on charges of embezzlement of state funds. Tymoshenko's efforts to reform the energy sector had drawn strong opposition, most notably from powerful businesspersons closely tied to the Government. Although the investigation of the men reportedly was underway for some time, some observers believed that timing of the arrests was intended to pressure Tymoshenko.

In May 1999, police officers in Mukachevo detained some 70 persons, primarily Roma, in a local market for illegal trading. The detainees were held without charges for 2 days and forced to perform manual labor for police officers. In July 1999, three Romani women were detained for failing to produce identification. They were ordered to clean the police station but they were released when a leader of a Romani NGO intervened on their behalf. There were no reports of incidents targeting Roma during the year.

Police also arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Official corruption is widespread. The Government apparently enforced anticorruption statutes selectively for political ends. While anticorruption statutes were applied increasingly against lower-level officials, such enforcement reportedly is lacking against high-level officials. In 1999 Vasylkiv Mayor Valeriy Popovych was detained briefly on corruption charges after complaining of government harassment due to his support for opposition candidate Moroz during the October 1999 presidential election. Charges against Popovych were dropped in January; however, in February he resigned his post under pressure from regional authorities. In 1999 a number of persons arraigned on criminal and corruption charges claimed that they were victimized because of their support for the former Prime Minister, who is currently on trial abroad for money laundering, and government opponent Pavlo Lazarenko. Former government officials Petro Shkudun, Mykola Syvulsky, and Vasyl Koval claimed that their cases were motivated politically due to their links to Lazarenko. In December 1999, Koval was sentenced to serve five years in prison on corruption charges. In June Syvulsky again was arrested on corruption charges while serving as an aide to former Deputy Prime Minister Tymoshenko, who had been associated with Lazarenko.

The Government does not employ forced exile.

e. Denial of a Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary is subject to considerable political interference from the executive branch and also suffers from corruption and inefficiency. The courts are funded through the Ministry of Justice, which allows the Government to influence the judicial process. The presidential administration also reportedly continues the old Soviet tradition of weighing in by telephoning justices directly.

The establishment of an independent judicial system provided for in the Constitution still awaits the passage of implementing legislation. As a result, the judiciary continues to operate according to Soviet principles. Most judges and prosecutors were appointed during the Soviet era, and court officials are attuned closely to the Government's interests. The High Judicial Council, which approves the appointment of and disciplines judges, consists primarily of senior executive branch representatives, including the Prosecutor General and the Chairman of the State Security Service. Human rights lawyers claimed that the judiciary was not free from government influence, particularly at the regional and local levels. For example, court chairmen are appointed directly by the executive and wield considerable influence over the outcome of a case through case assignments, the control of staff and promotions, and the control of social benefits available to judges. Court chairmen reportedly deliberately overburden independent-minded judges with too many cases and then instigate disciplinary actions against them for not completing their case-

work. There are credible reports that court chairmen regularly followed executive instructions. The Ministry of Justice and court chairmen also controlled judges' housing. Judges whose rulings were not in accord with the executive branch were provided with apartments far from city centers or are ignored altogether when new apartments became available.

The judiciary lacks sufficient staff and funds, which engenders inefficiency and corruption. The court system receives all its funding from the Ministry of Justice. Budgetary funds allocated by the Government in 1999 covered only half of the judiciary's requirements for the year; funding levels for the year were said to be similarly inadequate. In 1999 the Supreme Court challenged in the Constitutional Court the legality of the Government's practice of arbitrarily limiting the judiciary's budget. In its petition, the Supreme Court complained that the district courts received only 51 percent of required funding, military courts 33 percent, and oblast courts 62 percent. In 1999 the Constitutional Court ruled that the Government's practice of limiting the judiciary's budget was unconstitutional. This attempt by the Government to cut the judiciary's budget, and similar attempts in recent years, demonstrated clearly the dependence of the court system on the executive and the Government's willingness to make use of that dependence.

The authority and independence of the judicial system also are undermined by the poor record of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely are used. Compliance is particularly poor if the decision clashes with government interests. The Prosecutor General, the head of the Supreme Court, the chairmen of regional courts, and the chairmen of the Kiev municipal court (or the deputies of these officials) can suspend court decisions, which leads to interference, manipulation, and corruption.

Many local observers regard the Constitutional Court as the country's most independent judicial body. Human rights groups state that overall the Constitutional Court has maintained a balance of fairness. However, in March the Court ruled that the President's proposed referendum on expanding presidential authority was constitutional, although it threw out two of the six original questions. Observers believed that this decision indicated a pro-presidential bias.

There has been little progress in implementing the provisions of the 1996 Constitution that provide for a thorough restructuring of the court system, to be accomplished by June 2001, including the introduction of appellate courts. In an effort to meet the June 2001 deadline, the President established a council on judicial reform in August; however, the council has had little impact and at year's end, Parliament had not passed a new law on the judiciary. Pending the passage of the required enabling legislation, the court system still is organized along Soviet lines, with the exception of the Constitutional Court.

The court system consists of the Constitutional Court, general jurisdiction courts, and arbitration and commercial courts. General jurisdiction courts and arbitration courts are organized on three levels: district courts; regional courts; and the Supreme Court and Supreme Arbitration Court. General jurisdiction courts are divided into criminal and civil sections. Military courts only hear cases involving military personnel.

The Constitutional Court consists of 18 members, appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudsman, and the Crimean legislature can request the Constitutional Court to hear a case. Citizens may apply to the Constitutional Court through the Ombudsman, although in practice the Ombudsman has yet to exercise this right. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision is violated, or that it is interpreted differently by different government bodies. However, of some 8,000 such petitions only 4 were accepted for review as of early 1999.

Under the current court system, cases are decided by judges who sit singly, occasionally with two public assessors ("lay judges" or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public, adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some qualifications, these requirements are upheld in practice. However, implementing criminal procedure legislation establishing juries has not been adopted. Complicated cases can take years to go to trial. In the interim, defendants usually wait in pretrial detention. The 1996 amendment to the Soviet-era Criminal Procedures Code provides for bail, but to date it has been used rarely (see Section 1.d.).

Organized crime widely is alleged to influence court decisions. The Justice Ministry reported that in 1997 135 judges were disciplined, 22 dismissed, and 5 prosecuted for bribery. No higher court judge has been disciplined to date. Criminal elements routinely use intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives. However, the unit has not yet been formed, and trial participants are vulnerable to pressure. There is a witness protection law, but it is in abeyance because of lack of funding. Under a law adopted in March, the names and addresses of victims and witnesses can be kept confidential, if they request protection due to fear for their lives.

Prosecutors, like the courts, also are organized into offices at the rayon, oblast, and republic levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the Parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General.

Although by law prosecutors and defense attorneys have equal status, in practice prosecutors are much more influential. The procuracy, in its pretrial investigative function, acts in effect as a grand jury. A prosecutor may initiate investigation through his own office or conduct investigations initiated by the Ministry of Internal Affairs or the SBU. Prosecutors also have the right to issue warrants without court approval and to suspend court decisions, thus effectively placing the procuracy above the courts in the legal hierarchy. In several cases, the procuracy has used its judicial review powers to annul court decisions unfavorable to the presidential administration's economic or political interests and ordered the case reexamined by a different court. The Office of the Prosecutor General practices selective prosecution and initiates investigations against the political or economic opponents of the President and his allies. The Prosecutor General ignores parliamentary and court requests for investigations into high-ranking persons if the accused is a presidential ally.

The Constitution considerably curtails the prosecutor's authority, limiting it to prosecution, representing the public interest in court, oversight of investigations, and implementation of court decisions. However, in the absence of new criminal and criminal procedure codes to implement constitutional restrictions, the transitional provisions of the Constitution permit the prosecutor's office to conduct investigations and oversee general observance of the law. In November 1997, the Constitutional Court interpreted the Procuracy Law, ruling that citizens can dispute prosecutors' decisions in court.

The Constitution includes procedural provisions to ensure a fair trial, including the right of a suspect or witness to refuse to testify against himself or his relatives. However, pending passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remains in place. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era. Nearly all completed cases result in convictions.

According to official statistics, in the first half of 1999, there were 114,600 convictions, between 36 and 39 percent of which resulted in prison sentences. A total of 494 defendants were acquitted, which is an increase of 11 percent from the corresponding period in 1998. In the first half of the year, there were 113,902 convictions and 375 acquittals. However, as judges frequently send cases unlikely to end in conviction back to the prosecutor for "additional investigation" (which usually leads to the dropping of the case), these statistics are somewhat misleading. Additionally evidence indicates that suspects often bribe court officials to drop charges before cases go to trial, to lessen sentences, or to commute them.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Authorities infringed on citizens' privacy rights. Although the Constitution requires that courts issue search warrants, this provision has not yet been implemented, and prosecutors continue to issue search warrants. The SBU may conduct intrusive surveillance and searches without a warrant, with the consent of the Prosecutor General, who nominally oversees this function of the SBU. However, the extent to which the Prosecutor General utilizes his authority to monitor SBU activities and to curb excesses by security officials is unknown. The Constitution provides citizens with the right to examine any dossier on them in possession of the SBU and to sue for physical and emotional damages incurred by an investigation. However, this right does not exist in practice, because the necessary implementing legislation has not been passed.

Some remnants of Soviet control mechanisms persist. There are no probable cause statutes, and police officials and militia personnel have the right to stop persons and vehicles arbitrarily to initiate extensive document checks and vehicle inspections. In February the Ministry of Interior ordered traffic police to end the practice of stop-

ping vehicles without reason; however, the order had little effect in practice. Police may detain a person arbitrarily for up to 3 hours to verify identity. There have been reports that police sometimes abused this right.

Journalists whose news reports are critical of the Government or who covered opposition politicians reported that frequently they were followed by SBU agents and that their telephones were wiretapped (see Section 2.a.).

Under the current "propiska" registration system, all internal passports contain a stamp indicating residence and matrimonial status (see Section 2.d.). The Government has indicated its intent to eliminate the propiska system, but little progress has been made to date.

The Law on Public Organizations prohibits members of the police, SBU, and armed forces from joining political parties. Prior to the 1998 parliamentary elections, mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 2.b.).

There were no reported cases of the political abuse of psychiatry; however, the press and human rights groups have reported several cases of abuse of psychiatry for economic reasons. Persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The disputes often entail the corruption of psychiatric experts and court officials. In February Parliament adopted a new Law on Psychiatry which bans abuse of psychiatry for political and nonmedical reasons and provides safeguards against such abuse. However, human rights monitors report that the law was not implemented by year's end, and the old Soviet system of classifying mental illness is still in use. Persons diagnosed with mental illness may be confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling. In the meantime, the 1988 old Soviet psychiatric regulation remains in force. There are some 1.2 million registered psychiatric patients in the country. Within 3 days after forcible confinement to a hospital, a patient must be examined by three doctors. Patients (including convicted prisoners) subsequently must be examined by the senior regional psychiatric commission within half a year. According to the Ukrainian Psychiatric Association, the Health Care Ministry has not always cooperated with human rights groups attempting to monitor abuse of psychiatry.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and a 1991 law provide for freedom of speech and of the press; however, in practice the Government interfered with the news media and restricted these rights through the widespread use of tax inspections, libel cases, subsidization of friendly media, and intimidation of journalists. In addition journalists reported feeling more subtle forms of pressure, in particular to provide positive coverage of the President, which resulted in more self-censorship. The Government owns or controls most of the national radio and television channels, which is the primary source of information for most citizens. However, there is a wide variety of newspapers and periodicals available, which espouse different political points of view, and individuals can and frequently do criticize the Government without reprisal. Though limited in readership, internet publications, in particular *Ukrainska Pravda*, played a key role in covering the disappearance of Heorhiy Gongadze and the scandal surrounding allegations of Presidential involvement in the case (see Section 1.b.). Government attempts to control the press were reported by the media.

The print media, both independent and government-owned, demonstrated a tendency toward self-censorship on matters that the Government and in particular the President deemed sensitive. Private newspapers have been established and are free to function on a purely commercial basis, although very few are profitable. However, they are subject to various pressures, such as control of access to affordable state-subsidized newsprint; dependence on political patrons who may facilitate financial support from the State Press Support Fund; close scrutiny from government officials, especially at the local level; and politically motivated visits by tax inspectors. In 1997 the President issued a decree on support of the press that requires the Cabinet to draw up a list of publications needing government support, including those published by central and local governments, public organizations, associations, unions, educational institutions, and newspaper employees. The journalistic community believed that this decree was intended to control the press by supporting loyal members. In December the President issued a decree defending freedom of the press; however, observers report it has had little impact. The dependence of much of the press on government patronage has inhibited criticism, particularly at the local level. The State Committee for Information Policy has warned some periodicals

against fomenting ethnic tensions and conducting antistate propaganda and has applied to the Prosecutor's Office to open investigations into those newspapers. In December a court in Kharkiv fined the local chapter of PROSVITA, an organization that promotes Ukrainian language and culture, and ordered it to cease publication of its newspaper on the grounds that it had published an anti-Semitic article. The case presented the first time a court has punished a publication for anti-Semitic writings.

The Committee on Protection of State Secrets enjoys broadly defined powers over all media. In 1997 the Cabinet adopted a regulation that further defined state secrets to include information on executions, the state of prisons, pretrial detention blocks, and centers for the forcible treatment of alcoholics. (The "state of prisons" refers to the physical state of the prison walls and fences, not prison conditions.) The press is able to report about harsh prison conditions without any inhibition. Journalists report that, in general, the committee has not interfered with their activities (see Section 1.c.).

The Government pressured media outlets to support an April referendum on amending the Constitution to increase presidential powers. In March the Tax Administration temporarily froze the accounts of the newspaper *Silski Visti*, (which opposed the referendum and supported Socialist candidate Oleksandr Moroz during the presidential election), and confiscated its paper stock. In September the Tax Administration fined *Silski Visti* more than \$178,000 (1 million hryvnia) for tax evasion. In October *Silski Visti* temporarily suspended publication due to heavy financial pressures. The paper resumed publication, but continued to experience financial problems.

In April the newly founded newspaper *Itogi* was subjected to eviction, disconnection of its phone lines, and tax inspections of its main investor after publishing an article critical of a senior government official. The newspaper went out of business after publishing only five issues.

The Government, both central and local, regularly targeted opposition newspapers with unannounced tax inspections or fire and building code inspections. Prior to the 1999 presidential election, the Government forced at least one opposition newspaper, *Polytyka*, to close. Government officials initiated more than 20 criminal and civil libel cases against *Polytyka*'s editor, Oleg Lyashko, asking more than \$40 million (220 million hryvnia) in damages. Lyashko was acquitted in one of two criminal libel cases that charged him with slandering the President and his staff, but that acquittal was overturned in December 1999. At a December hearing, Lyashko's trial was tentatively set for January 2001. In January the State Committee for Information Policy refused to register Lyashko's new publication *Svoboda*. In February the Committee reversed its decision, and *Svoboda* began publication. However, government officials subsequently pressured Lyashko to change the tone of coverage in *Svoboda*, and the newspaper has experienced financial difficulties that prevented its regular basis publication. In March Lyashko was assaulted in the entryway to his home after publishing an article critical of an Odesa businessman. Although he initially blamed the Government, Lyashko later accused the businessman of orchestrating the attack. There has been no further investigation into the case, and no one has been charged with the assault.

The newspaper *Den*, which supported presidential candidate and former Prime Minister Yevhen Marchuk during the 1999 presidential campaign, was subjected to 25 tax inspections between January and July 1999. After Marchuk joined the Government as Secretary of the National Security and Defense Council during the year, *Den* became less critical of the Government and the repeated tax inspections ceased.

In 1999 the Parliament adopted a resolution on the media that called for investigations into all complaints of harassment of nonstate media outlets by the Tax Inspectorate, the Prosecutor General's Office, or the presidential administration. Journalists reported that the resolution had little impact.

Government officials also frequently use criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to punish critics. Article 7 of the Civil Code allows anyone, including public officials, to sue for damages if circulated information is untrue or insults a person's honor or dignity. Article 125 of the Criminal Code prescribes imprisonment of up to 3 years for libel. There is no distinction between private individuals and public officials (except for the President), nor is there a limit to the amount of damages that may be awarded. Consequently, any journalist who publishes an article critical of a public official risks being sued for damages.

The Prosecutor General can file criminal libel charges. According to Ministry of Justice statistics, 123 persons were convicted in 1998 for criminal libel. Of these seven cases resulted in prison sentences. According to the Union of Journalists of Ukraine, journalists lose two of every three cases against them in the courts. In

1999 approximately 2,250 libel cases were filed. Exact figures for this year are not available; however, media analysts expect a similar number of cases for the year. Journalists complain that because the law does not limit damages, it can be used to drive opposition newspapers out of business.

On occasion fines were so large that accounts were frozen and equipment confiscated by the Tax Inspectorate to enforce payment. It is clear that a large number of libel and personal dignity suits are motivated politically. Moreover, even when the actions of the Tax Inspectorate are overturned by subsequent court decisions, the damage to the newspapers' finances can be irreparable. Their accounts remain frozen until all appeals are completed. Independent newspapers face further financial pressure as they try to compete with pro-presidential newspapers, which are sold at a price significantly below cost. Newspapers aligned with the presidential administration reportedly often are financed by wealthy presidential allies. The threat of multiple lawsuits for large amounts of money also was used to pressure owners of opposition newspapers to sell their shares to their political opponents.

In March the Lviv newspaper *Express*, which had been critical of the local government, was fined \$26,785 (150,000 hryvnia) for libel. Journalists and students protested the decision, and in April the regional court overturned the lower court's decision. Journalists sometimes were subjected to physical attacks related to their professional activities. Some journalists reported threats of arrest or assaults when investigating crime and official corruption (see Section 1.c.). The intermeshing of organized crime and many public officials makes it difficult to assess whether these attacks and threats were motivated politically.

Despite government pressure and media self-censorship, the variety of newspapers and periodicals on the market, each espousing the view of its respective sponsor, provides a variety of opinion. Foreign newspapers and periodicals circulate freely.

The broadcast media, the primary source of news and information for most citizens, are either state-owned or, in the case of private stations, subject to pressure from the Government, which took steps during the year to strengthen its control over this sector. In 1998 the Government transferred over state-owned broadcasting and transmission facilities from the *Derzhtele-radio* (State Committee for Television and Radio) directly to the Information Ministry (later reorganized as the State Committee for Information Policy). The President and the Parliament each appoint half of the members of the National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time. President Kuchma did not name his half of the eight-member board until June, after the Parliament replaced its original four members in May. In the absence of a functioning council, the Government had virtually unchallenged control over media licensing prior to the 1999 presidential election and in the lead-up to the April referendum.

Other state agencies took advantage of the lack of a working council to harass opposition stations. For example, the frequency of arbitrary tax inspections increased considerably without a working council. The State Electro-Communications Inspectorate increased the fees for broadcast frequencies tenfold in 1999 without the prior approval of the council. Fee increases disproportionately affected independent stations, since state channels were permitted to ignore payment of their frequency fees. The law entitles private and foreign companies to obtain a license to establish and operate their own transmission facilities.

Prior to the 1999 presidential election, the Government increased pressure on the broadcast media, using tax inspections and other measures, and forced at least five local television stations (four in the Crimea and one in Dnipropetrovsk) to close. Numerous sources charged that the administration continued to use government agencies, particularly the Tax Inspectorate, to pressure the opposition media and businesses supporting its political opponents. Prior to the 1999 presidential election, the independent television station STB, one of the more balanced and independent media outlets, faced increasing harassment by government entities. It was threatened with closure and the arrest of its owners if it did not cede financial and editorial control to presidential supporters. Its staff suffered physical assaults, threatening phone calls, robbery, and lawsuits. In August 1999, the State Tax Administration froze STB's bank accounts for failure to pay sufficient taxes. By October 1999, the station was sold and had changed its news programming to take a more pro-Kuchma approach. During the 1999 presidential election campaign, several regional television outlets were taken off the air by government authorities, allegedly to prevent coverage of opposition presidential candidates. The presidential campaign saw a marked imbalance in the coverage of candidates on national television and radio channels, with opposition candidates receiving very limited and often negative coverage at the national level. Opposition candidates had more success in obtaining access to smaller local and regional television channels.

In the period leading up to the April referendum on constitutional amendments that would expand presidential powers, television coverage was overwhelmingly pro-presidential and pro-referendum.

There is no known government censorship of books, film, or theater.

While major universities are state owned, they operate for the most part under full autonomy. However, academic freedom is an underdeveloped and poorly understood concept. Nepotism and bribery reportedly are common during entrance exams and also influence the granting of degrees. Administrators of universities and academic and research institute directors possess the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. This atmosphere tends to limit the spirit of free inquiry. Restrictions by the Communications Ministry on the mailing of scientific documents also have caused concern.

The State Secrets Committee maintains offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. An April 1998 presidential edict allows only government-designated contractors to provide Internet access at state institutions that have such censorship offices. Human rights groups feared that this edit may limit the freedom of information for universities and scientific research institutes. A July presidential decree identified the development of the Internet as a priority of national information policy and instructed the Government to design a state program to develop the Internet network. A 1999 presidential decree sought to require that all communication companies and Internet providers be licensed and their equipment be fitted for wiretapping (implicitly by the security services). However, the decree was blocked by Parliament in 1999.

All private and religiously affiliated universities operated without any reported state interference or harassment.

b. Freedom of Peaceful Assembly and Association.—The Constitution and law provide for freedom of assembly, and the Government generally respects this right in practice; however, there were some instances in which this right was restricted. The 1988 law on public assembly circumscribes freedom of assembly by stipulating that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration. The Criminal Code prescribes up to 6 months in prison, 1 year of corrective labor, or a fine for repeatedly staging unauthorized demonstrations. The 1996 Constitution requires that demonstrators merely inform the authorities of a planned demonstration in advance; however, authorities insist that all demonstrations meet the restrictive requirements of the 1988 law. Under the 1988 law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice unlicensed demonstrations are common, and most but not all occur without police interference, fines, or detention. There were no reports of cases of interference during the year.

Communist groups complain that the authorities failed to punish Ukrainian nationalist groups who harassed them during their demonstrations. Ukrainian nationalist groups in turn complained that the authorities do not protect them from harassment by Communist groups. On December 22, a local court ordered antipresidential protestors occupying a large square in central Kiev to vacate the area because of impending holiday celebrations. Demonstrations by the group outside of Parliament and other Government buildings also were banned. On the same day the court decision was reached, the demonstrators announced that they would dismantle all but one of the protest tents erected on the square, and would resume demonstrations after the holidays if warranted. The demonstrations ended peacefully December 23.

The Constitution, law, and government regulations restrict freedom of association to varying degrees. These restrictions generally apply to organizations that are considered dangerous, such as those which advocate violence or racial and religious hatred, or which threaten the public order or health.

A government requirement that a political party have representatives in at least half of the country's regions in order to register officially has limited the ability of Russian, Crimean, Tatar, and Romanian groups to organize (see Section 3).

The Ministry of Justice, with the Prosecutor General's consent, has the authority to warn, fine, or suspend operations of political parties for illegal operations. Suspension can be for up to 3 months and can be extended for 6 months upon the Ministry's request.

In 1998 the Constitutional Court invalidated the 1993 Crimean law on citizens' associations, thus outlawing regional Crimean parties. A 1992 law on public organizations prohibits the Government from financing or materially supporting political parties. According to this law, political parties may not receive funds from abroad

or maintain accounts in foreign banks. The law prohibits police authorities, members of the SBU, and armed forces personnel from joining political parties.

Prior to the 1998 parliamentary elections, the mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 1.f.).

Freedom of association also is restricted through a strict registration requirement that lends itself to political manipulation and corruption; however, in practice such regulations seldom are employed to restrict this freedom. Groups must register with the Government to pursue almost any purpose. The Ministries of Internal Affairs, Justice, Economy, and Foreign Economic Relations, as well as the State Committees on Religion and Broadcasting and other government bodies have registration functions and used this power to limit freedom of association (see Sections 1.d. and 2.c.).

For example, after almost a year of attempting to register as a national organization, a Luhansk-based group for the protection of gay rights, the Nash Mir Gay and Lesbian Center, succeeded in registering in November 1999. According to group representatives, local officials indicated that the group was not registered because it was a gay rights group. The group reported this year that it is functioning without problems.

Groups must be registered with the Government to engage in almost any activity, whether commercial, political, religious, or philanthropic. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entered into contracts.

The registration law gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its charter, but the party is not required to notify authorities of all its meetings. A change in the group's charter necessitates reregistration.

A registered group may not duplicate any function or service that the Government is expected to provide. For example, human rights lawyers who wished to represent prisoners were prohibited from establishing an association because the Government is required by the Constitution to provide lawyers for the accused. However, this requirement is not always enforced. In the

mid-1990's, AI was refused registration under the pretext that human rights protection is the function of the State. It continued to apply and eventually was registered.

c. Freedom of Religion.—The Constitution and the 1991 Law on Freedom of Conscience and Religion provide for separation of church and state and the right to practice the religion of one's choice and the Government generally respects these rights in practice, with the exception of some nonnative religions, which experienced difficulties registering, buying, or leasing property. The Government generally permits religious organizations to establish places of worship and to train clergy. The Government has continued to expedite allotment of land plots for construction of new houses of worship and to return religious buildings and sites to their former owners.

Although in past years the Government's protection of religious freedom had deteriorated for nonnative religious organizations (defined as all organizations other than Orthodox, Greek Catholic, and Jewish), nonnative religions reported less difficulty in obtaining visas and registering. The Government did not discriminate against individual believers of nonnative religions; however, their organizations faced ongoing difficulty in carrying out their activities during the year. Through burdensome licensing requirements and informal means, local authorities restricted nonnative religions as well as Christian denominations other than Greek Catholic and Orthodox. The Government took steps to return properties expropriated during the Soviet era to religious groups.

A 1993 amendment to the 1991 Law on the Freedom of Conscience and Religion restricts the activities of nonnative, foreign-based, religious organizations. The amendment narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other foreign citizen representatives of foreign-based religious organizations. They may preach, minister religious ordinances, or practice other canonical activities "only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." Although the Church of Jesus Christ of Latter-Day Saints had complained in 1998 that this restriction prevented the transfer of its missionaries between cities, church leaders subsequently have not reported any difficulties in transferring missionaries between cities.

All religious organizations are required by the 1991 Religion Law to register with the State Committee on Religious Affairs. If a group chooses to register as a national organization, it must register with the central office of the State Committee

for Religious Affairs, and each of its local groups must register with the local office of the State Committee in the region where it is located. Those groups that choose to register as local organizations must register only with the regional office of the State Committee. This status is necessary to own property or carry out many economic activities, such as publishing religious materials or opening bank accounts. This process is supposed to take not more than 1 month (or 3 months in cases in which either the central or regional committee decides that an expert opinion is necessary to determine the legitimacy of a group applying for registration). However, in practice this process generally exceeds 1 month. The regional offices also supervise the compliance of religious organizations with the provisions of the law. Some nonnative religious organizations credibly reported that, especially at the local or regional levels, officials of the state committee refused to register their organizations for protracted periods, thus effectively delaying their activities and limiting freedom of association (see Section 2.b.). However, there were fewer reports than in prior years of nonnative religious groups experiencing such registration problems.

Native religious organizations, especially the Orthodox Church in the central, southern, and eastern regions of the country and the Greek Catholic Church in the west, exerted significant political influence at the local and regional levels and pressured local officials not to register nonnative religious organizations or to allow them to rent or purchase property. Each of the two dominant denominations, within their respective spheres of influence, also reportedly pressured local officials to restrict the activities of the other.

The ongoing dispute among competing Orthodox Christian administrative bodies claiming to be "the Ukrainian Orthodox Church" remained deadlocked. The Government has been unable to stop disagreements between the Orthodox believers and Greek Catholics in the western part of the country where the two communities were contentious and often engage in bitter disputes over church buildings and property in over 600 localities. The Kiev Patriarchate of the Orthodox Church complained of harassment by local authorities in the predominantly Russian-speaking eastern region of the country, while the Moscow Patriarchate of the Orthodox Church complained that local governments ignored the appropriation of its churches in the Ukrainian-speaking western region. In 1999 Patriarch Filaret of the Ukrainian Orthodox Church of Kiev Patriarchate and his followers were assaulted by supporters of the Moscow Patriarchate in Mariupol (see Section 5).

According to the State Committee for Religious Affairs, the transfer of most places of worship to their original owners according to a 1992 decree on restitution was nearing completion. In 1996 and 1997, 105 buildings were returned; in 1998, 92 were returned; and in 1999 103 were returned. About 40 buildings were returned during the first half of the year. There still were about 340 former houses of worship that were used for nonreligious purposes, but 275 of them were not claimed by religious groups. In the fourth quarter of 1999, local authorities in the oblasts of Dnipropetrovsk, Donetsk, Zakarpatia, Lviv, Mykolayiv, Odesa, Poltava, Sumy, Ternopil, and Chernivtsi, as well as in Sevastopol, returned 42 former houses of worship to religious groups. In August the local Government returned a former Mosque to the Muslim community in Crimea.

Numerous Jewish congregations have negotiated successfully with local authorities for worship space. In 1996 a Kiev arbitration court decided in favor of transferring the title of the former Kiev Central Synagogue, which in Soviet times was used as a puppet theater, to a Chabad Hasidic congregation. By December 1997, the puppet theater had vacated the building, and in the spring of 1998, the building reopened again as a synagogue. The synagogue was rededicated this year after extensive renovation. The decision set an important precedent for the judiciary's role in religious property restitution. According to Jewish community representatives, progress on restitution is generally satisfactory, although more could be done. In the first quarter of the year, two synagogues were returned to the Jewish community.

The pace of restitution of Christian churches has slowed in recent years, since the buildings that remain in state possession tend to be prime properties currently being used as museums, concert halls, or city halls. All religions have enjoyed equal opportunity to regain control over former community property. Problems in obtaining restitution resulted from inadequate legislation, bureaucratic inertia, and the difficulty of locating alternative quarters for current occupants. In February 1999, a presidential order instructed all local governments to complete the handover of former religious property whenever possible by the end of 1999 and banned privatization of religious communities' property. However, restitution is not complete. The committee attributed delays in returning other properties to lack of funds and the difficulties involved in finding alternative space for current users.

In July a dispute arose over efforts by a Jewish organization to build a memorial park at an ancient Jewish cemetery and holocaust massacre site in Sambor, a town

in Lviv Oblast. City authorities deferred the project after local nationalist groups demanded that the site also commemorate non-Jewish victims of the Nazis buried on the site. Efforts to reach a compromise stalled when the Nationalists demanded that no Jewish symbols appear at the site, that no Hebrew be used on inscriptions, and that Christian crosses be displayed. Nationalist groups later installed makeshift crosses at the site. At year's end, work on the memorial had stopped, and the crosses remained.

A number of religious properties were returned to Christian churches during the year. In the first quarter of the year, the Ukrainian Orthodox Church received 17 buildings. In May the Kiev Patriarchate received the newly rebuilt, historic St. Michael's Cathedral in central Kiev for its exclusive use. The Cathedral, which had been destroyed by Stalin in 1936, was rebuilt with significant local government funding. In September the Moscow Patriarchate received for its use the newly rebuilt Uspensky Cathedral of the Lavra Monastery, which also was restored using government funds.

In June four foreign public school teachers with religious affiliations were deported from Sevastopol after being accused of illegal religious activity incompatible with their work visa status. Although the central Government in Kiev offered to assist them with an appeal of this decision, the teachers decided voluntarily to depart the country.

During the year, the Government made significant efforts to ensure that pilgrims of the Bratslav Hasidic sect were able to visit the tomb of their founding rabbi in the city of Uman on the occasion of the Jewish New Year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, there are some limits. In particular the Government has not yet fulfilled its pledge to abolish mandatory registration—the propiska system—and replace it with an informational residence register (see Section 1.f.). Regulations impose a nationwide requirement to register at the workplace and place of residence in order to be eligible for social benefits, thereby complicating freedom of movement by limiting access to certain social benefits to the place where one is registered. For example, persons who move to other regions for work in the private sector may be denied formal access to free medical care and other services provided by the Government. Residence without registration carries a fine under the administrative code, but this provision rarely is enforced. Human rights groups reported cases of persons being stripped of their residence registration, evicted from their homes, and made homeless through criminal fraud or court error. Police also arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Citizens who wished to travel abroad were able to do so freely. Exit visas are required for citizens who intend to take up permanent residence in another country. There were no known cases of exit visas being denied to citizens during the year. The Government may deny passports to individuals in possession of state secrets, but denials may be appealed. A lapse in an Israeli-Ukrainian student exchange agreement in 1999 led to concerns about the ability of several hundred students to travel overseas for study in Israel. While negotiations continued between the Ukrainian and Israeli Governments over the renewal of the lapsed exchange agreement, the Ukrainian Government took steps to ensure that the students in question could travel to Israel. The exchange agreement was renewed in April.

Citizenship law provides the right to citizenship for all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 13, 1991. In order to be eligible, persons must not be citizens of other countries and must submit their application by year's end. An amendment to the law in April extended the application deadline to 2005 for Ukrainians returning from the far north and east in Russia and for former military officers. Dual citizenship is not recognized. A 1997 amendment to the Citizenship Law also provides the right to citizenship for deported victims of political oppression, such as the Crimean Tatars. Refugees can acquire citizenship if they have lived legally in the country for 5 years and can communicate in the Ukrainian language. Since independence over 1.5 million Ukrainians have returned to the country, while over 1 million persons, mostly ethnic Russians, have left the country.

The Government has not supported a foreign-funded program to facilitate the travel to the country of some emigrants who qualify for resettlement as refugees. More than 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. According to government officials, as of September between 220,000 and 230,000 Tatars had acquired Ukrainian citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship has excluded many

of them from participating in elections and from the right to take part in the privatization of land and state assets. However, the 1997 amendment to the Citizenship Law waives some of the usual residence and language requirements for returning deportees and expedites the acquisition of citizenship. The amendment facilitates the acquisition of citizenship by Crimean Tatars who were deported victims of political oppression. It allows deported persons, including Crimean Tatars, to acquire citizenship without a mandatory 5-year term of residence in the country and without Ukrainian language proficiency. In 1999 the Rada further amended the Citizenship Law to allow deported persons or their descendants living in the country for 5 years to acquire citizenship automatically without having to renounce any foreign citizenship that they may possess. Previously Crimean Tatars had difficulty obtaining documents from Uzbekistan to confirm that they had relinquished their Uzbek citizenship.

The 1993 Law on Refugees governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), and refugee status initially is given for a 3-month term and is subject to further extension. According to government statistics, 2,898 persons (more than half of whom are Afghans) were granted refugee status between January and October. A commitment was made to award refugee status to all Afghans who arrived in the country before 1995. Under the new Citizenship Law, legally registered refugees can apply for citizenship after 5 years of permanent residence. Under the Refugee Law, refugees are entitled to material assistance. The Cabinet decided to start allocating funds in the 1999 national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee center. In cooperation with the UNHCR in 1997, the Government established a refugee receiving center for 200 persons in Vinnytsya. The Government planned to open four other centers elsewhere; however, no additional center had been opened by year's end.

Instances of police harassment of certain categories of refugees apparently diminished during the year.

According to the State Committee for Nationalities and Migration, the Government has a first asylum policy. This means that persons who travel directly from their home country to Ukraine as refugees are assured refugee status. However, there were some problematic cases in 1999.

There were no reports during the year that persons were forced to return to a country where they feared persecution. In 1999, four Uzbeks, including two exiled Uzbek oppositionists, reportedly were arrested without a warrant, denied counsel, and deported forcibly to Uzbekistan without a hearing, despite protests by human rights groups. The four claimed to have been tortured and forced to give false testimony; nonetheless, they were sentenced later that year by an Uzbek court to between 8 and 15 years in prison.

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

Citizens have the right and the ability to change the government peacefully. The Constitution provides universal suffrage for citizens at least 18 years of age and for periodic elections every 4 years for the Parliament and every 5 years for the President. A presidential election was held on October 31 and November 14, 1999. Parliamentary elections took place in 1994 and in 1998.

Power is divided between the executive, legislative, and judicial branches. Although nominally independent, the judicial branch in practice is influenced heavily by the executive (see Section 1.e.). The President appoints the Prime Minister, who appoints the remainder of the Cabinet. The Prime Minister, as well as certain other appointments, such as the Prosecutor General, is subject to parliamentary approval. The Constitution grants the President limited power to pass binding decrees and directives that have the power of law.

The voting process in connection with the April referendum on amendments to the Constitution that would increase presidential powers was conducted in a generally free and fair manner; however, there were some serious problems. While most observers agreed that there were few procedural irregularities on voting day, the period leading to the referendum was marked by unbalanced media coverage and inappropriate involvement of government officials in turning out the vote and influencing voters on behalf of President Kuchma. Voter turnout was reported to be higher than during the October 1999 presidential election, raising suspicions of manipulation on the part of the presidential administration. For example, an unusually high number of voters were allowed to vote before election day. Pollsters reported that exit poll results on turnout were notably lower than results reported by the

Government. However, it is believed that the outcome of the referendum generally reflected the will of the people.

In June by-elections were held to fill 10 vacant parliament seats. Opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of propresidential candidates. However, observers believed that it was unlikely that these problems significantly altered the outcome of the election.

As many as 10 elected mayors reported continued harassment by the Tax Administration and law enforcement bodies, allegedly at the direction of presidentially appointed regional governors. The mayors attributed this pressure to their lack of support for President Kuchma during the 1999 presidential election. In February Vasylkiv Mayor Valeriy Popovych resigned under pressure after being detained and released on corruption charges. In September Myrhorod mayor Vasyl Tretetsky was removed from office by the city council. The press reported that the regional governor threatened council members with the loss of family members' jobs if they did not oust Tretetsky. In September Romny mayor Viktor Strelchenko resigned, reportedly after being told that the city would not receive heating fuel from regional authorities if he remained in office. Cherkasy mayor Volodymyr Olinyk, who ran for president in 1999 but dropped out in favor of another opposition candidate, was under criminal investigation and complained of SBU monitoring of his activities.

International observers noted violations of election day procedures in the 1999 presidential elections, with more numerous and serious violations occurring in the second round of voting. However, the violations reportedly were not widespread nor systematic. The most serious problems were unbalanced media coverage and the coordinated and inappropriate involvement of government officials in both rounds of the election on behalf of President Kuchma. The OSCE also was concerned over pressure exerted on voters in prisons, hospitals, and educational institutions on behalf of President Kuchma. A representative of the Parliamentary Assembly of the Council of Europe declared that the elections were "far from fair and democratic." OSCE observers noted that unauthorized persons, including SBU officers, present in polling stations, especially during the runoff election and had reports of militia involvement in campaigning. After the first round of voting, three regional administrators were dismissed, allegedly for failing to produce sufficient votes for President Kuchma in their districts. After the second round of voting, President Kuchma dismissed two oblast governors and six rayon (regional) heads in those regions where Kuchma received fewer votes than Communist Party rival Symonenko. Very high voter turnouts, particularly in western districts, aroused suspicion of ballot stuffing on President Kuchma's behalf in the second round of voting. However, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election, in view of President Kuchma's 18-point margin of victory.

In the 1999 preelection period, various forms of government pressure on the media served to limit the independence of the press (see Section 2.a.). The Parliamentary Assembly of the Council of Europe found that state media coverage of the presidential campaign was biased strongly in favor of President Kuchma. The Government allegedly used official agencies, especially the Tax Inspectorate, to disrupt or eliminate the businesses of political opponents prior to the elections. Presidential candidate Yevhen Marchuk reported that police ordered a meeting with voters evacuated in Luhansk in August 1999, citing an anonymous bomb threat (see Sections 1.c. and 2.b.). Political candidates also reported difficulty in renting meeting halls, closure of their local campaign offices by government officials, confiscation of campaign vehicles, and pressure on employees from directors of state-owned enterprises. Many opposition presidential candidates complained that the SBU overstepped its mandate and interfered in the campaign to the benefit of President Kuchma. These reports appear credible. There are confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity (see Sections 1.f. and 4). Presidential candidates complained about the presidential administration's dominance over the media and the illegal involvement of state officials in Kuchma's campaign. The Supreme Court declared in November 1999 that it did not have the right to question the decision of the Central Election Committee or to declare an election null and void but that it could only order recounts in specific polling stations.

Women are active in government and politics, but are underrepresented and they hold a disproportionately small percentage of offices. Women hold 37 of the 450 seats in the Rada. Only two women hold ministerial posts. The 18-member Constitutional Court has two female members.

Jews are well represented among the political elite and hold several parliamentary seats. Many Crimean Tatars are unable to participate fully in the political process, primarily due to citizenship problems (see Section 2.d.). The Government's requirement that a political party have representatives in at least half of the coun-

try's regions in order to register officially has limited the ability of Russian, Crimean Tatar, and Romanian minority groups to organize (see Section 2.b.).

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

A wide variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. However, human rights groups reported more difficulties in investigating penal conditions, which are a significant human rights concern. There are confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity during the 1999 presidential election campaign (see Section 3).

A 1998 law created the Parliamentary Commissioner on Human Rights, which is a constitutionally mandated independent human rights ombudsman. Parliament elected the first Ombudsman in April 1998. The Ombudsman serves a 5-year term and, in principle, is invested by law with very broad powers. In November the Ombudsman delivered her first human rights report to Parliament. The report noted that despite legislative guarantees, the country lacks effective mechanisms for protection of human rights. The Ombudsman's office reported that it had received more than 100,000 letters since its inception; however, many of those letters were requests for information rather than complaints of human rights violations. The office's staff grew by 30 percent during the year to approximately 60 full- and part-time workers. However, the office was underfunded, and employees sometimes were unpaid.

The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any government installation; and the oversight of implementation of human rights treaties and agreements to which the country is a party. However, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law required the Government to submit amendments to existing laws to provide the legal framework for the operation of the Ombudsman's office. The Ombudsman's office itself drafted some 70 amendments to this effect, but those amendments had not been enacted at year's end. All citizens and current residents can address their concerns to the Ombudsman. The Ombudsman also serves as the intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly. The Ombudsman made combating of trafficking in persons (see Section 6.f.) and improving prison conditions a priority during the year.

Citizens have the right to file appeals with the European Court of Human Rights in Strasbourg about alleged human rights violations. According to one human rights expert, some 13,000 appeals were made to the court in 1998 and some 200 cases were accepted by the court for review.

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

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, due in part to the absence of an effective judicial system, the Government does not enforce these provisions effectively. The Government has not prosecuted anti-Semitic acts, under the law forbidding the sowing of interethnic hatred.

Women.—Violence against women is reportedly pervasive. While statistics compiled by the U.N. Development Program show that the number of reported rapes and attempted rapes decreased in recent years, surveys indicated that the majority of rapes and other cases of physical abuse went unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped, and over 25 percent physically abused, in their lifetimes.

The Criminal Code outlaws rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Spousal abuse also is illegal, but authorities often pressure women not to press charges against their husbands. Separate statistics on prosecutions for wife beating or on average sentences are not available. In 1997, the last year for which statistics are available, 1,510 criminal cases were opened for rape, 822 for sexual abuse, and 3 for sexual compulsion. Information on convictions was not available.

Violence against women does not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem. Hot lines, shelters, and other practical support for victims of abuse are practically nonexistent, although there are some shelters run by private organizations. In 1998 Kiev municipal authorities opened the country's first state-funded women's center. In 1998 the Government an-

nounced plans to establish a network of shelters throughout the country, but by year's end, it had not yet begun to implement these plans.

Ukraine is a significant source country for girls and women trafficked to Central and Western Europe and the Middle East for sexual exploitation (see Section 6.f.). A 1998 amendment to the Criminal Code imposes harsh penalties for—among other offenses—trafficking in human beings, including for sexual exploitation and pornography; however, the effectiveness of this step has not yet been established. The authorities rarely prosecute men for engaging women in the rapidly growing sector of sexually exploitative work.

Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a "materially dependent person," which applies to employees, legal safeguards against harassment are inadequate. In the only known case of prosecution for sexual harassment in the workplace, *Pravda Ukrayiny* editor Oleksandr Horobets was convicted in 1999 of sexual harassment of a subordinate and sentenced to 7 months in prison. However, the fact that Horobets was the editor of an opposition newspaper calls into question the motives of the procuracy in prosecuting the case.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally is observed. However, the economic crisis has harmed women disproportionately. Women are much more likely to be laid off than men. Women constitute approximately 56 percent of the unemployed population, and as much as 90 percent of newly unemployed persons. Industries that are dominated by female workers are also those with the lowest relative wages and the ones that are most likely to be affected by wage arrears problems.

The Constitution and the Law on Protection of Motherhood and Childhood prohibit the employment of women in jobs that are hazardous to their health, such as those that involved heavy lifting. However, despite implementation of a government program to combat dangerous labor, these laws remain poorly enforced. The Ministry of Labor estimated that 15 percent of working women are employed in hazardous jobs. Furthermore human rights groups maintained that management selectively observed the law only as necessary to lay off or fire female workers. Many women's rights advocates feared that the law may be used to bar women from the best paying blue-collar jobs. By law pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of three years. However, this benefit is a disincentive for employers to hire women for responsible or career track jobs.

Few women attain top managerial positions in state and private industry. A March business survey found that half of private sector employees are women. According to the survey, women run 30 percent of private small businesses and 13 percent each of large and medium businesses. According to government statistics, 69.2 percent of the country's 213,000 state administration jobs were held by women, including 45.2 percent of the managerial positions. However, of the highest "first" and "second" category offices, only 5.6 percent in central or local governments are filled by women. (These numbers do not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU, which have substantially more male employees at all levels.)

Educational opportunities for women generally have been, and continue to be, equal to those enjoyed by men. However, the Government limited the number of women who can receive military officer training to only 20 percent of the total number of students accepted. The military limited the role of women to certain functions. This limited their chances for promotion and training opportunities and they were left with low-paying routine positions in the military.

Children.—The Government is committed publicly to the defense of children's rights, but the deep economic crisis severely limited its ability to ensure these rights. The low priority that both the public and the Government attached to children's rights is reflected in the absence of groups that aggressively promote children's rights. For example, the widely acknowledged problem of growing violence and crime in and outside schools, especially the notoriously violent vocational schools, largely is ignored by the public and the Government.

Education is free, universal, and compulsory until the age of 15. However, the public education system has deteriorated as a result of government financial disarray. Teachers often went unpaid for months. Increasing numbers of children from poor families dropped out of school, and illiteracy, which was previously very rare, has become a problem. Health care is provided equally to girls and boys, but economic problems have worsened the overall quality of the health care system.

There were higher numbers of homeless children, who usually fled poor orphanage or poor domestic conditions. According to government statistics, 100,000 children are registered as homeless; of those, 14 percent are under age 7. Although statistics

were unavailable, drug use and child prostitution are widespread and received substantial media attention during the year. Several charity groups were formed to assist these children, but they have not been able to reduce the problem. In January President Kuchma issued a decree aimed at reducing homelessness among children; however, the effect of that decree is unknown. In 1997 the All-Ukrainian Committee for Protection of Children released survey results that revealed that every fifth or sixth child of both sexes under age 18 suffered from sexual harassment (including every third girl), and that every 10th girl is raped.

Deteriorating conditions in the state orphanages led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of private, government-supervised orphanages. There are 75 such orphanages with some 800 children. To curb illegal adoption, an April 1998 amendment to the Criminal Code prescribed up to 15 years' imprisonment for trafficking in children and illegal adoption (see Section 6.f.). However, there had been no known successful cases of its application as of year's end.

People with Disabilities.—The law prohibits discrimination against the disabled, but the Government has done little to support programs targeted at increasing opportunities for the disabled. The law mandates access to buildings and other public facilities for the disabled, but it is enforced poorly.

Religious Minorities.—Anti-Semitism exists on an individual and societal basis. However, the central Government generally discouraged it. Some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts regularly. Anti-Semitic publications also are imported from Russia and distributed without the necessary state license. During the year, President Kuchma and Prime Minister Yushchenko repeatedly and publicly spoke about the need for the peaceful coexistence of ethnic and religious groups. Authorities opened criminal cases against publications for fomenting interethnic hatred. Moreover, the Procuracy warned certain publications against publishing anti-Semitic material. In 1999 the Shimon Dubnov Ukrainian Academy of Jewish History and Culture filed suit against the nationalist newspaper *Vechirniy Kiev* for publishing anti-Semitic criticism of the Academy's collection of scholarly articles, "Judeophobia Against Ukraine," which was published in 1998. The case still was pending at year's end.

Anti-Semitic incidents continue to occur but, according to local Jewish organizations, have declined in number over recent years and they were concentrated in western regions of the country.

In October large crosses were erected on prominent elevations near Sevastopol. In November the crosses were cut down. Although Orthodox religious leaders accused Tatars of dismantling the crosses, the Tatars denied involvement, and no one was held formally responsible for the act.

During the year, there were no arrests made in the 1997 firebombing of the Kharkiv Israeli cultural center, nor have there been any prosecutions for the desecration of Jewish cemeteries in 1997.

There were occasional statements by Ukrainian Orthodox Church officials (both Moscow and Kiev Patriarchates) denouncing the spread of nonnative religions and sharply criticizing their missionary activities. Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as salary cuts, layoffs, and public criticism for betraying "native religions."

Native religious organizations, especially the Orthodox Church and the Greek Catholic Church, pressured local and regional officials not to register nonnative religious organizations or to allow them to rent or purchase property. Both these denominations also reportedly pressured officials to restrict the activities of the other.

Tension also persists between the different branches of the Orthodox Church. In April 1999, a violent scuffle took place in the southeastern city of Mariupol between supporters of the Ukrainian Orthodox Church (Moscow Patriarchate) and the entourage of Patriarch Filaret of the Ukrainian Orthodox Church (Kiev Patriarchate). Filaret had come to Mariupol to consecrate a cross erected on the future site of a Kiev Patriarchate church. A scuffle broke out when opponents tried to pull down the cross. Filaret received minor injuries, and several of his followers were treated at a local hospital for concussions and minor injuries.

National/Racial/Ethnic Minorities.—The frequent harassment of racial minorities is an increasing problem. The police routinely detain dark-skinned persons for arbitrary document checks (see Section 1.c.). In addition there were increased reports of racially motivated violence against persons of African and Asian heritage. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma face considerable societal discrimination. Opinion polls have shown that among all ethnic groups, the level of intolerance is highest toward Roma. In the

Transcarpathian region in particular, Roma continue to be subject to violence and abuse by police (see Section 1.c.).

The Constitution provides for the “free development, use, and protection of the Russian language and other minority languages in Ukraine.” This compromise builds on a 1991 law on national minorities, which played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages in conducting personal business and by allowing minority groups to establish their own schools. Nonetheless, some pro-Russian organizations in the eastern part of the country complained about the increased use of Ukrainian in schools and in the media. They claimed that their children are disadvantaged when taking academic entrance examinations, since all applicants are required to take a Ukrainian language test. According to official statistics, there are 16,352 Ukrainian schools, 2,399 Russian schools, 98 Romanian schools, 67 Hungarian schools, 11 Moldovan schools, 9 Crimean-Tatar schools, and 3 Polish schools in the country.

In May a popular folk singer was killed at a cafe in Lviv, allegedly by Russian-speakers who objected to his singing Ukrainian songs. The murder sparked protests and prompted a national debate over the use of Ukrainian and Russian languages. In July the city council issued a decree banning the broadcast of “amoral songs” in public places, which some observers interpreted as a prohibition against Russian language music. However, the decree never was enforced and in August the local procuracy declared the decree unlawful. Ukrainian and Crimean Tatar minorities credibly complain of discrimination by the Russian majority in Crimea and demand that the Ukrainian and Tatar languages be given equal treatment to Russian. According to Tatar leaders, unemployment is as high as 50 percent in their community. In January 1999, the office of the Tatar Assembly Mejlis (the unofficial Tatar parliament) was firebombed in Simferopol. As of October, no one had been charged in the crime, though Tatars blamed Russian chauvinists. In May 1999, on the anniversary of Stalin’s deportation of the Tatars to central Asia, 35,000 Tatars demonstrated for official recognition of the Mejlis, Tatar representation in the Crimean parliament, and for official status for the Tatar language. In response President Kuchma created a presidential Tatar advisory committee that included all members of the Mejlis. Tatar leaders reported that during the year the committee helped promote Tatar interests at the national level. Also in May 1999 Tatar protesters erected a tent camp in front of the Crimean government building. The camp was dismantled after the Crimean Prime Minister Serhiy Kunitsyn agreed to the protesters’ demands for the creation of a council to represent Tatar interests in the Crimean government, for the right of Tatars returning from central Asia to own land, and for the creation of Tatar schools. A demonstration held on the anniversary of the deportation of Crimean Tatars in May was much smaller and less politicized.

The Crimean Government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the central Government is working with the UNHCR, OSCE, and the International Organization for Migration on support for the Crimean Tatar community.

The majority of the more than 260,000 Crimean Tatars who have returned to the country from exile in central Asia have received citizenship. According to Tatar leaders, approximately 30,000 to 40,000 of them still lack citizenship, a decrease from 67,000 in 1999. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling, and that the onerous process of acquiring citizenship has excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (see Section 2.d.).

Romanians called for university-level instruction in Romanian or the establishment of a Romanian technical college. There are 86 Romanian-language schools in the Chernivtsi oblast.

Rusyns (Ruthenians) called for status as an official ethnic group in the country. At a congress held in Uzhhorod in 1999, representatives of the Rusyn community called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country’s ethnic groups in the 2001 census. According to Rusyn leaders, more than 700,000 Rusyns live in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join trade unions to defend “professional, social and economic interests.” Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The 1992 Law on Citizens’ Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of

these organizations, which have the right to establish and join federations on a voluntary basis. In principle all workers and civil servants (including members of the armed forces) are free to form unions. In practice the Government discourages certain categories of workers, for example, nuclear power plant employees, from doing so. A new trade union law designed to replace Soviet-era legislation was adopted by Parliament and signed into law by the President in 1999. In January independent unions challenged the law. The grounds that it was as unconstitutional, and in late October, the Constitutional Court ruled that some provisions of the 1999 Labor Union Law were unconstitutional. The court rejected the requirement that unions must register with the Ministry of Justice and the condition that unions have a certain level of membership and regional representation in order to qualify for national status. The International Labor Organization (ILO) has stated that the law violated ILO Convention 87 on Freedom of Association.

The successor to the Soviet trade unions, known as the Federation of Trade Unions (FPU), has begun to work independently of the Government and has been vocal in advocating workers' right to strike. The FPU has supported the protests of miners and other professions over unpaid wages. However, as during the Soviet era, most FPU affiliates work closely with management. Following President Kuchma's 1998 appointment of the head of the FPU-affiliated coal miners' union to be director of the national coal monopoly, the FPU ended support for striking miners. Enterprise managers are free to join the FPU. In 1997 the FPU leadership created a political party, the All-Ukrainian Party of Workers, which is virtually indistinguishable from the FPU.

Independent unions now provide an alternative to the official unions in many sectors of the economy. The Independent Miners' Union of Ukraine (NPGU), unions representing pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and other unions operate either independently or within one of three national confederations. While exact membership is unknown, estimates for independent union membership ranged from 100,000 to 300,000, while estimates for FPU-affiliated unions ranged from 17 to 23 million members. Independent unions have claimed unsuccessfully a share of the former Soviet trade unions' huge property and funds, especially the social insurance benefits fund, a Soviet-era legacy traditionally controlled by the official unions.

Independent unions claimed that the new trade union law is more restrictive than the old Soviet legislation. To acquire national status, a union must have representation in more than half of the 14 regions of the country, or in onethird of the enterprises in a regionally based sector, or have a majority of union members in the sector. National status and registration confer the right to acquire space, property, to maintain bank accounts, and to enter legally binding agreements. These new requirements are likely to make it difficult for miners and sailors to organize. Another contentious requirement is mandatory registration by the Justice Ministry. All unions were required to reregister with the Justice Ministry by April. As of October, nearly all FPU-affiliated unions and 14 independent unions were registered. The largest independent union, the Independent Miners Union, was not registered because it lacks the geographic presence necessary for national status. As of October, the Justice Ministry had not applied the administrative sanctions against unregistered unions that were foreseen in the new law. Registration determines participation of a union in the national collective bargaining agreement with the Government, as well as membership on the Social Insurance Fund Board (see Section 6.b.). Independent unions stated that the Justice Ministry denied registration to unions not loyal to the Government. They also reported that management in many enterprises cited the new law in refusing to deal with independent unions. Additionally management no longer is obligated to provide free accommodation and telephone lines to unions. However, the law gives unions a say in labor safety and division of newly built housing.

The Constitution provides for the right to strike "to defend one's economic and social interests." The Constitution states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law does not extend the right to strike to members of the procuracy, judiciary, armed forces, security services, law enforcement agencies, and public servants. However, a 1998 Law on Labor Disputes Resolution extends the right to strike to employees of "continuing process plants," for example, metallurgical factories, provided that they give 15 days' advance notice of their intent to strike. The law prohibits strikes that jeopardize life or health, the environment, or that can hinder disaster, accident, or epidemic-related operations. According to the International Confederation of Free Trade Unions (ICFTU) 1999 report, the law does not allow strikes in the transport sector. Workers who strike in prohibited sectors can receive up to three years imprisonment.

The law does not prohibit specifically strikes based on political demands. The law prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The Government has relied on the prosecutors and the courts to deal with strikes that it considered illegal. The law does not extend the immunity from discipline or dismissal to strikers who take part in strikes that later are declared illegal by the courts. A union that organizes an illegal strike is liable for strike-inflicted losses.

According to official statistics, there were 15 strikes in the first quarter of the year. There are no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU is a member of the Federation of Chemical, Energy, Mine, and General Workers' Union.

b. The Right to Organize and Bargain Collectively.—The Law on Enterprises states that joint worker-management commissions should resolve issues concerning wages, working conditions, and the rights and duties of management at the enterprise level. Overlapping spheres of responsibility frequently impeded the collective bargaining process. The Government, in agreement with trade unions, established wages in each industrial sector and invited all unions to participate in the negotiations. The 1998 Law on Labor Disputes Resolution provides for the establishment of an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. During the first 4 months of the year, the service mediated 414 labor disputes. According to official statistics, in 1999 the service mediated 421 labor disputes.

The manner in which the collective bargaining law is applied prejudices the bargaining process against independent unions and favors the official unions (affiliates of the FPU). Most workers never are informed that they are not obligated to join the official union. Renouncing membership in the official union and joining an independent union can be bureaucratically onerous and typically is discouraged by management. The collective bargaining law prohibits antiunion discrimination. Under the law, disputes should be resolved by the courts. There have been cases in which such disputes have not been settled in a fair and equitable manner.

Under the new trade union law, an independent union also can be removed easily from the collective bargaining process at the enterprise level. Under the old law, if several unions at an enterprise failed to agree on joint representation, the larger union, that is the FPU represented labor in the bargaining process. The new law failed to address this problem.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the Labor Code prohibit forced and compulsory labor, and it generally is not known to occur; however, the country is a major source of girls and women trafficked for sexual exploitation (see Sections 5 and 6.f.). The law does not prohibit specifically forced and bonded labor by children; however, there were no reports of such practices, apart from victims of traffickers.

Human rights groups described as compulsory labor the common use of army conscripts and youths in the alternative service for refurbishing and building private houses for army and government officials. In 1998 student groups protested against a presidential decree obliging college and university graduates, whose studies have been paid for by the Government, to work in the public sector at government-designated jobs for 3 years or to repay fully the cost of their education. Students described the decree as an anticonstitutional attempt to introduce compulsory labor, as the Constitution provides for free choice of job and one's agreement to work. The Government stated that the decree would cover only students who entered higher education institutions in 1997 and thereafter. The extent of enforcement of the decree is unknown. In the past, human rights groups reported complaints from medical and law students that they had been forced to accept government-assigned jobs for 3 years to repay the cost of their education or not receive their diplomas. However, no recent complaints have been reported.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum employment age is 17; however, in certain nonhazardous industries enterprises may negotiate with the Government to hire employees between 14 and 17 years of age, with the consent of one parent. The Constitution provides for general secondary education. School attendance is compulsory until the age of 15, a regulation vigorously enforced by the Ministry of Education. However, since the Soviet era, the number of dropouts has increased significantly, mostly because of rising poverty. The Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation. The Government does not prohibit specifically forced and bonded labor by children, but

there were no reports that it occurred, apart from victims of traffickers (see Sections 6.c. and 6.f.).

The Government ratified ILO Convention 182 on the Worst Forms of Child Labor in October.

e. Acceptable Conditions of Work.—The minimum monthly wage is \$21.70 (118 hryvnia), and the minimum monthly pension is \$4.70 (24.9 hryvnia). The average monthly salary is \$41.60 (228.8 hryvnia), which does not provide a decent standard of living for a worker and family. Moreover millions of persons go unpaid for many months because of shrinking budget revenue. In July Parliament declared the official subsistence level to be about \$50 (270.1 hryvnia) per month. Although the practice of underreporting sources of income is widespread, it is estimated that in fact some 50 percent of the population effectively lives in poverty.

The Labor Code provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries, for example, defense, significantly reduced the workweek for some categories of workers.

The law contains occupational safety and health standards; however, these frequently are ignored in practice. Lax safety standards and aging equipment caused many serious accidents, resulting in approximately 47,000 work-related injuries in 1999. According to official statistics, these were 85 serious industrial accidents in which 141 workers were killed and 332 were injured occurred during the first half of the year. Mining accidents killed 212 miners during the first half of the year. In the coal mining sector, it is estimated there are 5.2 deaths for every million tons of coal extracted.

In theory workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, in reality, independent trade unionists reported that asserting this right would result in retaliation or perhaps dismissal by management.

f. Trafficking in Persons.—Trafficking in women and girls is a significant problem. The country is a major source and transit country of women and girls trafficked to Central and Western Europe, the United States, and the Middle East for sexual exploitation, and reports of trafficked women and girls from Ukraine also have come from Australia, Japan, and South Africa. The International Organization for Migration estimated in 1998 that 100,000 citizens had been trafficked abroad for this purpose since 1991. Between 1991 and 1997 Israeli authorities deported 1,500 Russian and Ukrainian women who had been trafficked there; and Italian officials estimated in 1999 that at least 30,000 Ukrainian women were employed in Italy in exploitative situations. In Israel where many Ukrainian women are trafficked, the Government fails to protect the victims and routinely jails the Ukrainian women on charges of prostitution prior to their deportation.

The Parliament passed an amendment to the criminal code in 1998 that imposes harsh penalties for, among other offenses, trafficking in human beings, including for sexual exploitation and pornography. In 1999 the Government established special police units to investigate trafficking crimes; however, the effectiveness of these units and of the amended Criminal Code has not yet been established. In 1999 the Human Rights Ombudsman established a National Coordinating Council for the Prevention of Trafficking in Human Beings; however, the organization has yet to demonstrate its effectiveness. Trafficking is becoming a higher priority for law enforcement agencies, but these agencies often lack the financial and personnel resources to combat well-established criminal organizations that run trafficking operations. The Ministry of Internal Affairs in 1999 established special antitrafficking units at the national and oblast levels. These units became operational this year; however, they have had limited impact. NGO's claimed that the local militia received bribes in return for ignoring this problem. Moreover, some reports allege that local public officials abetted or assisted organized criminal groups in trafficking women abroad.

The authorities do not prosecute men routinely for engaging women in the rapidly growing sector of sexually exploitative work. In the past three years, 37 criminal cases have been brought against alleged traffickers, most of which ended in acquittals. Sentences for those convicted of trafficking generally were not severe and usually consist of fines. In November a Greek man and two Ukrainian women were convicted of trafficking in human beings and sentenced to seven years and five years in prison, respectively. This case marked the first time convicted traffickers received jail sentences. In 1999 two women who were sentenced to 5-year suspended sentences and fined \$150 (680 hryvnia) for trafficking. In August 1999, authorities in the Netherlands arrested a Ukrainian national and three Dutch nationals for trafficking women to sex clubs in the southern Netherlands from Ukraine, Belarus, Poland, and Romania. No update on the results of these arrests were available at

year's end. Also in 1999, a man was given a suspended sentence and fined for trafficking women to brothels in the former Yugoslavia and engaging them in prostitution, and three persons were arrested on suspicion of selling 200 young women and girls to be used as forced labor in night clubs or as prostitutes in Turkey, Greece, and Cyprus.

Women who are trafficked out of the country often are recruited by firms operating abroad and subsequently are taken out of the country with legal documentation. They are solicited with promises of work as waitresses, dancers, or housemaids, or are invited by marriage agencies allegedly to make the acquaintance of a potential bridegroom. Once abroad the women find the work to be very different from what was represented to them initially.

The Government, primarily due to lack of funds, is unable to assist victims effectively. Some NGO's, such as the domestic NGO La Strada, began offering some support services for victims of trafficking, but these groups also suffered from a shortage of funds. For example, La Strada described a case in February in which seven Ukrainian mothers contacted the NGO to request help for their daughters who were trafficked into prostitution in Montenegro. The NGO became frustrated with the lack of assistance from the Government because there was no central point of contact to address the situation or provide assistance. With foreign assistance, four regional trafficking prevention centers were opened in addition to the three already in existence. Centers now operate in Donetsk, Lviv, Dnipropetrovsk, Chernyivtsy, Kherson, Rivne, and Zhytomyr. The centers offered job-skill training, have telephone hot lines, and serve as referral centers for health, legal, and psychological counseling. In addition to the three cities with trafficking prevention centers, hot lines operate in Luhansk, Odesa, Kharkiv, Ternopil, and Sevastopol. In the first half of the year, La Strada hot lines received 1,040 calls, 684 of which were from callers classified as potential victims. Winrock, an NGO also involved in antitrafficking efforts, reported more than 2,600 calls to its hot lines in the first quarter of the year.

In September 1999, the Cabinet of Ministers adopted a national program for the prevention of trafficking in women and children, involving 20 ministries, local governments, international organizations, donors, and domestic and international NGO's. The program was to combat trafficking as well as to assist victims; however, severe budget constraints limited the ability of the Government to implement the program effectively. The Ombudsman made public statements that the issue of trafficking was a priority (see Section 4). The Ministry of Education introduced a curriculum on trafficking prevention and awareness in high schools. NGO's conducted general awareness programs.

UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. Some central government powers have been devolved to locally elected bodies in Wales, Scotland, and Northern Ireland. The judiciary is independent, but Parliament may supercede its decisions through legislation.

Throughout the country, police forces are under the effective control of civilian officials. The intelligence agency MI-5 has the authority to act in support of other law enforcement agencies in the prevention and detection of serious domestic crime, but information collected by that agency generally is not admissible as evidence in trials. The Royal Ulster Constabulary (RUC) in Northern Ireland has a complex and controversial role, due to the special and difficult circumstances in the region with respect to law and order. In some areas of Northern Ireland, because of the continuing threat of violence, army units operate to reinforce the RUC. Individual members of UK police forces committed human rights abuses in some instances.

A highly developed, diversified, market-based economy with extensive social welfare services provides most residents with a high standard of living. Higher than average unemployment rates prevail among certain demographic groups, including youth and racial minorities, and in Northern Ireland, among Catholics.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Individual members of the police occasionally abused detainees. Prison conditions, including overcrowding and the number of prison suicides, also remained problems. There are some limits on freedom of assembly and association related to the security situation in Northern Ireland. The Government continued to take steps to combat violence against women. Societal discrimination against women, nonwhite minorities, and the Traveller (nomadic) community are problems, as are child abuse and

occasional societal violence against minorities. Trafficking in women is an acknowledged problem. In October the Human Rights Act came into effect, allowing for the enforcement of provisions of the European Convention on Human Rights in UK courts.

In Northern Ireland, power was devolved in December 1999 under the terms of the Good Friday Agreement, which established local government institutions, including a legislative assembly and a power-sharing executive. In February 2000, due to the lack of progress on weapons decommissioning by republican paramilitary groups, the Ulster Unionist Party (UUP) threatened to withdraw from the executive in protest. The Secretary of State for Northern Ireland suspended the institutions in February in order to prevent UUP withdrawal. In May, after the Provisional Irish Republican Army (PIRA) pledged to put its weapons completely and verifiably beyond use, the Government lifted the suspension, allowing devolution to resume. In October Executive First Minister David Trimble of the UUP refused to allow executive ministers of the republican Sinn Féin Party to participate in meetings of the North-South Ministerial Council, because there had been no progress on the weapons issue. At year's end, Sinn Féin ministers were challenging Trimble's move in court.

The Northern Ireland Human Rights Commission (HRC) initiated a comprehensive consultation process on a bill of rights specific to Northern Ireland, as mandated by the Good Friday Agreement. The commission also provides legal advice and assistance to citizens. The HRC Chief Commissioner urged the Government to grant the commission additional funding and enhanced powers. Under the terms of its creation in 1999, the HRC can make the case for such changes in a report to the Government in 2001.

The police force in Northern Ireland has had a complex and controversial role and under some circumstances continues to rely on support from British Army units. Approximately 13,000 British troops were stationed in Northern Ireland, the lowest number since the early 1970's. The Good Friday Agreement mandated wide-ranging reforms in policing and criminal justice with the aim of developing fair, effective, and representative law-enforcement institutions that have the confidence of all parts of the community. In November Parliament passed a Northern Ireland Police Bill based on the recommendations of the Independent Commission on Policing in Northern Ireland (commonly known as the Patten Commission). In March the criminal justice review mandated by the Good Friday Agreement publicly proposed as part of its findings reforms in the Northern Ireland prosecution system and in the procedures for making judicial appointments; its recommendations are expected to be implemented beginning in 2001.

In accordance with the Good Friday Agreement, the Government in September completed the staged release of 433 prisoners affiliated with paramilitary organizations that maintain a complete and unequivocal cease-fire—although “punishment” attacks continued in areas under the influence of these groups. Several paramilitary dissident groups in Northern Ireland committed acts of violence aimed at disrupting the peace process. During the year, over 250 violent sectarian attacks took place in Northern Ireland. Loyalists carried out 86 punishment shootings and 72 punishment beatings, while republicans carried out 50 punishment shootings and 54 beatings.

RESPECT FOR HUMAN RIGHTS

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

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

The Police Complaints Authority (PCA), an independent watchdog organization, concluded its inquiry into the police investigation of the death of Roger Sylvester, a black man who died in 1999 after being restrained by police officers. The PCA certified that the circumstances had been investigated to its satisfaction and forwarded an investigation report to the Crown Prosecution Services (CPS). In November the CPS ruled that there was insufficient evidence to file criminal charges against the police officers involved in Sylvester's case. Sylvester's family called for an independent inquiry.

In December the CPS also ruled out filing criminal charges against police officers involved in the 1999 shooting death of Henry Stanley. Amnesty International expressed concern over the CPS decisions not to prosecute in the Sylvester and Stanley cases, which the organization considers “strong prima facie evidence” cases.

In May a London court set a February 2001 trial date for a police officer charged in the murder of James Ashley, who was shot and killed during a police raid on his home in 1998. In connection with the case, four other police officers face trial.

According to the PCA's Annual Report, deaths in police custody fell to 47 during the 12 months ending in March 2000, compared with 65 during the same period the previous year. The report states that 11 of the deaths occurred because of natural causes, 9 were due to alcohol or drugs, and 12 were suicides. The PCA supports the abolition of the offense of "being drunk and incapable" and recommends that drunks be dealt with by nurses and paramedics rather than by the police. According to the Home Office, the provisional number of deaths in police custody in England and Wales during the calendar year was 47; in Scotland it was 3.

There also were a number of deaths in custody in prison due to suicide and natural causes (see Section 1.c.).

The Northern Ireland Human Rights Commission is assisting the family of Jim McDonnell in the formal inquest into his death in 1996 in Northern Ireland's Maghaberry Prison. Fellow prisoners charged that prison staff beat him.

In April the European Court of Human Rights declared admissible 4 cases brought by the families of 12 individuals killed by the security forces (or with alleged security force collusion) in Northern Ireland in the 1980's and 1990's. The families contend that the Government violated, *inter alia*, Article 2 (the right to life) of the European Convention on Human Rights and charge that the deceased were killed unjustifiably by the State or its agents through excessive use of force and that the State failed to comply with its procedural obligations by not effectively investigating the deaths. One of the cases had earlier been included in an inquiry into the use of lethal force (including allegations that the authorities sanctioned a shoot-to-kill policy) conducted in 1984–87 by John Stalker.

In 1998 the Government opened a new judicial inquiry, presided over by a panel of three prominent judges from the UK and other Commonwealth countries, to establish the facts of the events of January 30, 1972, in Northern Ireland—"Bloody Sunday"—when 13 unarmed civil rights demonstrators in Londonderry were killed by British soldiers, but for which no member of the security forces was ever held accountable. The inquiry spent 2 years gathering testimony and evidence from other victims, journalists, and government officials. Formal hearings began in March in Londonderry. Following the August resignation from the panel of Sir Edward Somers due to personal reasons, the Government appointed John Toohey, a former judge on the Australian High Court. The disruption resulted in a 2-month delay in the proceedings, which resumed in November. The inquiry is expected to hear testimony from approximately 800 to 1,000 witnesses and continue for another 2 to 3 years.

David Copeland was convicted in June of a series of bombings in London in 1999 and sentenced to six life sentences. The bombings, motivated by racism and homophobia, killed three people.

Under the criteria of the 1998 Northern Ireland (Sentences) Act, the Government determined that the main republican and loyalist paramilitary groups were abiding by a cease-fire. Despite the fact that the groups are considered to be maintaining a cease-fire, killing and wounding by both republican and loyalist groups in Northern Ireland continued. The groups that the Government determined were not maintaining a total and unequivocal cease-fire are the Real IRA (RIRA), the Continuity IRA, the Irish National Liberation Army (INLA), the Red Hand Defenders, and the Orange Volunteers.

The PIRA was blamed widely for three May killings, including the killing of a dissident republican activist. While the PIRA did not comment or deny involvement, media reports attributed these crimes to the group.

More than 10 deaths in Northern Ireland during the year were attributed to feuding among the principal loyalist paramilitary groups. Victims included reputed members of key loyalist paramilitaries, including Ulster Volunteer Force (UVF) leader Richard Jameson.

In August the feud between the UFF/UDA and the UVF intensified when a display of strength by the UFF/UDA on the Shankill Road in Belfast led to gunfire and attacks on houses. During the following week, Bobby Mahood and Jackie Coulter (the latter connected with the UFF) were shot and killed, as was Sam Rockett, a UVF supporter. In August the Government revoked the release of Johnny Adair, a leader of the loyalist UFF who had benefited from early release in October 1999, for his role in the violent feuding. Subject to the approval of the Sentencing Board, the Government is recommending that Adair serve the duration of his original prison term. In December the factions announced a "truce."

Although a number of suspects were questioned, no one was charged with the murder of lawyer Rosemary Nelson, who died in a car bomb attack in 1999. The Red Hand Defenders, a loyalist splinter group, claimed responsibility, and human rights groups continued to express concern about alleged police collusion in the mur-

der. Nelson, known for taking on high-profile civil rights cases, claimed as early as 1997 that RUC officers made death threats against her.

In December 1999, a coalition of six human rights organizations stated that Nelson's death constituted a failure by the Government to meet its international obligations to ensure that lawyers are able to perform their jobs without fear for their safety. These organizations called for a full public inquiry into all the circumstances of Nelson's murder. In his April 2000 report to the U.N. Commission on Human Rights, the Special Rapporteur on the Independence of Judges and Lawyers expressed concern over the extent and thoroughness of the official investigation into Nelson's complaints of RUC threats.

Cognizant of the controversy surrounding Nelson's case, in 1999 the RUC appointed Deputy Chief Constable of Norfolk Colin Port to take over the investigation of the murder. Port's 80-member investigative team interviewed 7,000 potential witnesses. In March police made the first arrest of the case, questioning a man who was a member of the Royal Irish Regiment at the time of the murder; he was charged with an unrelated offense. In May the Independent Commission for Police Complaints (ICPC) ruled that there was "insufficient evidence" to discipline the RUC officers accused of threatening Nelson. In August Port appeared on the television program "Britain's Most Wanted" to appeal for individuals with information relating to the murder to come forward.

No one has been charged in the UK for the 1998 bombing in Omagh that killed 29 persons. The RIRA claimed responsibility for the bombing. While authorities have collected information that identifies individuals alleged to be responsible for the bombing, much of it cannot be used as evidence. In October news organizations identified the alleged perpetrators, which prompted complaints from victims' families that a future trial could be jeopardized. Witnesses who could make prosecution possible have been reluctant to come forward. Family members of victims have criticized Sinn Féin for refusing to assist in the police investigation. While over 20 suspects were detained, only 1, Colm Murphy, was charged (for aiding and abetting the crime) and faces trial in the Republic of Ireland.

In September a Belfast coroner conducted a public inquest into the Omagh bombing. Unlike inquests in England and Wales, coroner's courts in Northern Ireland do not reach verdicts apportioning blame, but instead make "findings" confined solely to the facts surrounding violent, sudden, or unexplained death. Human rights groups have argued in other inquests that this narrow definition shields wrongdoers, including soldiers and police officers, and unnecessarily keeps family members from learning the truth of the circumstances regarding their relative's death.

Human rights groups continued to call for an independent inquiry into the December 1997 killing of Billy "King Rat" Wright, leader of the Loyalist Volunteer Force, in the high security Maze Prison by members of INLA. The facts of the killing call into question the prison's security standards: The watchtower in the courtyard where the killing took place allegedly was unmanned at the time, the perpetrators had weapons smuggled to them, and they apparently had knowledge of Wright's whereabouts. The jury at the coroner's inquest in February 1999 stated that "person or persons unknown and undetected" were involved. In July the Government refused "on security grounds" to answer a parliamentary question about the identity of the official in charge of the prison on the day of Wright's murder.

In June a Belfast coroner abandoned plans for an inquest into the 1997 death of Robert Hamill. Hamill's case received widespread attention because four RUC officers in a nearby vehicle allegedly did not act while Hamill was beaten to death by a mob. The coroner said that he feared that key witnesses would be in danger if they were called to give evidence. In 1999 one of the six suspects was acquitted of the killing but found guilty of a minor offense. The trial judge expressed concerns about the inaction of the police. Human rights groups argue that the RUC had intervened successfully in similar circumstances in the past. Moreover, they charge that the RUC's failure to intervene made the identification and prosecution of the murderers more difficult. The police ombudsman was directing the police investigation at year's end. Irish Prime Minister Bertie Ahern called for an independent public inquiry. The family provided the Government with evidence that it says makes a definitive case for such an inquiry.

The investigation into the 1989 murder of defense attorney Patrick Finucane continued. Finucane was killed in front of his family by members of the Ulster Defense Association (UDA). Human rights organizations have alleged security force collusion in the murder. In July two RUC officers were arrested and questioned about the murder, which was being reviewed in a third round of independent investigations by the Commissioner of the Metropolitan Police, Sir John Stevens. In August the inquiry seized documents related to the case from the British Army. William Stobie was arrested in 1999 and charged with the murder, although in August the charges

were reduced to aiding and abetting murder. Stobie has claimed he was an RUC informer at the time of Finucane's murder and said he warned police of a "hit" by the UDA, although it was unclear whether he knew Finucane was the target. Human rights organizations, the U.N. Special Rapporteur on the Independence of Judges and Lawyers, and Finucane's family continued to press the Government for an independent public inquiry into the killing. They cited the possible existence of new evidence that would support charges of collusion between government officials and loyalist paramilitary groups in Finucane's murder.

While British Army regulations normally bar from service those guilty of "serious crimes," Scots Guards Jim Fisher and Mark Wright continued to serve in their regiment, to which they were reinstated in 1998 after being convicted of and serving time in prison for the 1992 murder of Peter McBride. In 1999 McBride's family won a judicial review against the British Army Board that sanctioned the soldiers' reinstatement. In November the board reaffirmed its decision, allowing the pair to remain in the service.

Former Chilean President Augusto Pinochet left the UK on March 2 after Home Secretary Jack Straw announced that he would not extradite Pinochet to Spain for alleged human rights abuses because he was too ill to stand trial.

b. Disappearance.—There were no reports of politically motivated disappearances. The Commission for the Location of Victims' Remains was established jointly by the British and Irish Governments in 1999 to facilitate the location of the remains of nine victims of IRA paramilitary violence from the 1970's. The commission succeeded in locating the remains of three persons in 1999, but suspended its work in May, pending the receipt of additional information from the IRA. Work had not resumed by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture and other cruel, inhuman, or degrading treatment; however, individual members of the police occasionally abused detainees. Human rights organizations maintain that such abuse, while not widespread, is a matter of serious concern (see Sections 1.a. and 5). Detainees who claim physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions.

Reports by official bodies and nongovernmental organizations (NGO's) have suggested that the public lacks confidence in existing procedures for making complaints against the police. According to a February 2000 Council of Europe committee report, more complainants have been taking their cases to the civil courts rather than filing complaints. The report states that even where complaints are filed and point to likely police culpability, criminal or disciplinary action against police officers has been rare, and convictions or disciplinary action even rarer; in many cases, police officers under investigation took medical retirement. According to the report, of 36,731 complaints recorded in the 1996–97 period studied by the committee, only 141 resulted in legal or disciplinary action (latest statistics available). While accepting the need for reform of the complaint procedures, the Government disputed some of the conclusions reached in the report, pointing out that it omitted to mention over 1,000 disciplinary actions taken and the informal resolution of 32 percent of cases to the satisfaction of the complainants.

Following these reports, the Government has engaged in an ongoing process to reform the police complaints system. In 1999 the Government phased in new complaint procedures. Among other things, the new procedures instituted a formal written warning procedure in serious cases and lowered the burden of proof in civil misconduct proceedings. In May 2000, the Home Office published a consultation document based on two separate studies conducted by a management consulting firm and a human rights group. The paper recommended that complaints against the police be handled by a new body, whose name would better reflect its independent nature than the current Police Complaints Authority. It also recommended that the new body have the ability to independently investigate the most serious complaints, including deaths in custody. The Home Office, after receiving and incorporating feedback on its May paper, issued a further report in December on its proposed framework for a new police complaints system, much of it based on the two groups' recommendations.

Two RUC officers, Michael Magowan and Darren James Neill, were convicted and imprisoned in May for the 1998 assault on 18-year-old Bernard Patrick Griffin. Griffin, a Catholic, was arrested, beaten, verbally abused, and threatened. Griffin was then charged with assault. The truth emerged when a third officer present, Andrew Lea, confessed to his superiors; Lea was fined \$1,600 (1,000 pounds). Magowan and Neill received 1- and 2-year sentences, respectively, and face RUC disciplinary charges of criminal conduct, which could result in dismissal.

The Police Ombudsman for Northern Ireland began operation in November. The ombudsman has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the RUC Chief Constable, the Police Authority of Northern Ireland, or the Secretary of State for Northern Ireland. The ombudsman is to supervise automatically cases involving death or serious injury and may investigate other cases. The ombudsman can recommend to the Director of Public Prosecutions (DPP) that charges be brought against officers, although the final decision rests with the DPP. The ombudsman can direct the Chief Constable to take disciplinary action against police officers. Unlike the ICPC, which must rely on the complaints and discipline branch of the RUC to provide investigators, the ombudsman has an independent investigative staff.

Prior to being replaced by the ombudsman in November, the ICPC received 2,036 complaints; in November and December the ombudsman received about 540 complaints. In addition 2,396 cases were passed on from the ICPC to the ombudsman. Of the 2,390 cases completed by both organizations during the year, 7 led to informal disciplinary action and 9 led to formal criminal charges.

Legislation implementing the 1999 Patten Report on Policing in Northern Ireland was enacted in November. The law changes the operational name of the RUC to the Police Service of Northern Ireland (PSNI), imposes hiring quotas to increase Catholic representation in the service (now only 8 percent of the total), and introduces new human rights standards and wider use of community policing practices. The law establishes a new policing board comprised of 9 public members and 10 political party representatives from the Assembly. The reform remains controversial. Chris Patten, author of the original recommendations, has endorsed the bill and urged full participation in the new institutions. However, the nationalist parties object to the bill for not strictly following all recommendations of the Patten Commission, while unionist critics argue that reforms will undermine the effectiveness of the police. By year's end, the impasse over implementation had not been resolved.

The Independent Assessor of Military Complaints continued to coordinate investigations into complaints of abuses committed by the Army in Northern Ireland. During the year, some 20 formal and 550 informal complaints were received; most involved allegations of verbal abuse or excessive helicopter flights adjacent to residential areas.

The police and military in Northern Ireland continued to use plastic bullets to quell civil disturbances. The Patten Commission recommended the use of plastic bullets "only as a last resort, short of the use of firearms" and recommended that the Government conduct research to find "an acceptable, effective and less potentially lethal alternative" to plastic bullets. The Government accepted these recommendations. New guidelines mandate that plastic bullets only be used to avert the risk of loss of life or serious injury; formerly, their use was sanctioned to protect property or to preserve the peace. During disturbances in July, the police relied on water cannons to repel a disorderly crowd.

In total the security forces fired 25 plastic bullets during the year, compared with 111 in 1999. According to RUC rules, plastic bullets should be aimed below the rib cage; nevertheless, the use of plastic bullets in prior years resulted in 17 deaths and numerous head and upper body injuries. Plastic bullet use in Northern Ireland is criticized severely by human rights monitors, although the European Court of Human Rights ruled in 1984 that using them to quell serious riots did not contravene the European Convention on Human Rights. The U.N. Committee Against Torture, the European Parliament, and human rights NGO's have called for a ban on their use.

The Patten Commission recommended the closure "forthwith" of Northern Ireland's three holding centers used to detain and interrogate individuals suspected of terrorist offences. Human rights organizations have long called for their closure because of repeated complaints of police mistreatment during interrogations. One facility, at Castlereagh, was closed in 1999, and a second, Strand Road, was closed in September; the RUC contends that it cannot quickly close the third center, Gough, because it lacks the capacity in existing police stations to cope with the demands of questioning hundreds of terrorist suspects per year. Audio and video recordings are now made of all interrogations in the holding centers, and the number of complaints against the police by persons arrested under emergency legislation has diminished significantly.

The independent commissioner for holding centers in Northern Ireland made unannounced visits to holding centers in order to observe interrogations and interview detainees. The number of complaints, generally for verbal harassment or "technical assault," dropped substantially.

David Adams was assaulted during his arrest and initial incarceration at the Castlereagh interrogation center in 1994. In 1998 a Belfast court awarded Adams

\$48,000 (30,000 pounds) for exemplary damages. Adams later was sentenced to 25 years for conspiracy to murder. Following the court decision on damages, an independent inquiry into Adams's treatment was initiated by the assistant chief constable of Strathclyde. On the basis of his report, the DPP declined to pursue charges against any of the officers involved. An application by Adams for judicial review of the DPP's decision was denied in June.

Police occasionally harassed Travellers and members of other minorities. Separate 1999 and 2000 reports pointed out that minorities are more likely to be stopped and searched than whites. In 1999 the Home Secretary ordered the police to recruit 8,000 officers from ethnic minorities within 10 years. In response the London Metropolitan Police increased recruitment of minority officers and hired additional recruits in 1999, which brought the total number of minority officers to less than 4 percent of the force. However, one-third of UK police forces have recruited no additional minorities.

The armed forces have a procedure to handle complaints of harassment, racial and otherwise. Service personnel also have the right to submit complaints to employment tribunals. In 1998 the services entered into a 5-year partnership agreement with the Commission on Racial Equality (CRE) to promote racial equality practices. During the year, the armed forces registered 77 internal harassment complaints, including 28 for sexual harassment, 9 for racial harassment, and 31 for bullying or other harassment.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out "punishment" attacks on victims who live in areas under paramilitary influence. The attacks often are intended to maintain or extend the control of paramilitary groups in a given region. Targets include group members who have broken ranks or individuals accused of "antisocial" activities such as drug trafficking or carjacking. The attackers have used iron pipes, baseball bats, sledgehammers, and spiked clubs to beat their victims and shot them in the knees and legs. The authorities recorded over 200 such incidents during the year. Human rights groups say that available statistics underreport the true number of casualties because many of the victims are too intimidated to report paramilitary punishment attacks.

A bomb damaged Hammersmith Bridge in London in June. In September terrorists fired a missile, believed to be a rocket propelled grenade, at the MI-6 building, headquarters of Britain's Secret Service. Neither attack resulted in injuries, and no one publicly claimed responsibility.

Prison conditions generally met minimum international standards. The chief inspector of prisons' annual report expressed disappointment that prison management had failed to recognize and eliminate problems independently or to followup on negative reports in previous years. The inspector described the treatment of prisoners and the conditions in several prisons as unacceptable, but noted some improvements in other institutions. The Prison Service made attempts to correct the problems of overcrowding and poor facilities maintenance in its prisons, through an investment of some \$1.72 million (1.1 million pounds) in maintenance projects during the 1999-2000 period and a reduction in the number of prisoners required to "double up" in cells through the addition of 500 new places. In August the deputy governor at Feltham, a juvenile prison, resigned in protest over what he termed dangerous and antisocial conditions. An October Prison Service report criticized procedural failures at Feltham in the case of Zahid Mubarek, an Asian man who was beaten to death by a fellow inmate, Robin Stewart. Stewart had been charged with racially motivated crimes and continued to write racist letters from prison, but nonetheless was housed in the same cell with Mubarek. In August four warders at the Portland Young Offenders Institute were suspended from their duties pending investigation of allegations of abuse over a 14 year period. The prison population in England and Wales as of December decreased by 2 percent over the same time the previous year from 65,279 inmates to 63,881.

Prison suicides decreased during the last year. The Prison Service reported 139 deaths of prisoners in England and Wales during the year, compared with 148 such deaths in 1999. Of these deaths, 82 were self-inflicted (91 in 1999) and 54 were due to natural causes (57 in 1999). The Scottish prison service reported 19 deaths in custody in 2000: The causes of 13 were unresolved pending the results of routine inquests, 5 were suicides, and 1 was due to natural causes.

Human rights groups have been particularly critical of Special Security Units (SSU's), which are used to hold prisoners deemed to pose an exceptional risk of escape. Citing small group isolation, the lack of adequate exercise, work, educational opportunities, and natural daylight, as well as strict enforcement of noncontact visits through a glass barrier, human rights groups maintain that SSU imprisonment

violates international standards. At year's end, 7 prisoners remained in SSU's; none was imprisoned for Northern Ireland terrorist-related crimes.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland Office and the Scottish Office.

The number of female prisoners continued to rise. According to a 1999 Home Office report, women now commit 20 percent of all crime, and the number of women sent to prison doubled in the previous 6 years. Implementing the recommendations of a 1999 report by its women's policy group, the Prison Service adopted new procedures governing admission to mother and baby units and standards for their management.

Faced with a large increase in the number of asylum seekers, the Government in December housed 1,195 immigration detainees in regular prisons, where normally they are held separately from convicted prisoners and prisoners awaiting trial. According to human rights groups, 28 regular prisons house some immigration detainees. The U.N. High Commissioner for Refugees (UNHCR) and other groups cite a lack of specialized skills among regular prison officials in dealing with immigration detainees. The UNHCR, which regularly visits detention centers and has excellent relations with the Government and detention center officials, continues to criticize the Government's "expectation of noncompliance" by asylum seekers. In March the Government opened a new center to house asylum seekers for short periods while their cases are decided. The Home Office was also in the process of finalizing rules for the treatment of asylum seekers in detention centers, which has been called for by the chief inspector for prisons for England and Wales.

The Prison Service stated that three prisoners were convicted in 1999 of offenses related to the situation in Northern Ireland. The requests by all three for repatriation to the Republic of Ireland remained under consideration. Since the prisoners committed their offenses after the signing of the Good Friday Agreement, they are not covered by its provisions for the early release of prisoners.

The Government permits human rights monitors to visit prisons and immigration detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The authorities can and often do make arrests or detain suspects without judicial warrants, especially in Northern Ireland, when they believe that they have reasonable cause to suspect wrongdoing. The 1994 Criminal Justice and Public Order Act allows police officers to stop and search vehicles and pedestrians if a police officer of at least superintendent rank (or a chief inspector if no superintendent is available) "reasonably believes" it is expedient to do so to prevent acts of violence. The authorization is limited to a 24-hour period but is renewable under certain circumstances.

In July Parliament enacted the 2000 Terrorism Act, which is scheduled to come into force in February 2001. The law reforms mechanisms and powers used to deal with terrorism relating to Northern Ireland and extends them to all forms of domestic and foreign terrorism across the United Kingdom. It replaces the Prevention of Terrorism (Temporary Provisions) Act of 1989, the Northern Ireland (Emergency Provisions) Act of 1996 (Amended in 1998), and sections of the Criminal Justice (Terrorism and Conspiracy) Act of 1998, incorporating many provisions of those acts into the new law. Certain other provisions of those laws, applicable only to Northern Ireland, are to be extended for a maximum of 5 years, based on the special security situation that continues to exist there.

The new act widens the definition of terrorism to include actions or threats of action that are designed to influence the Government or intimidate the public to advance a political, religious, or ideological cause that involves serious violence against a person or serious damage to property, endangers a person's life, creates a serious risk to the health or safety of the public, or is designed to seriously interfere with an electronic system. It gives police the power to arrest and detain suspected terrorists for up to 48 hours without judicial review, or, under limited circumstances, legal representation. Under the law, the Government may ban organizations involved with any form of international or domestic terrorism and prosecute individuals who participate in or support such organizations. The law also enhances the Government's power to seize assets related to terrorist activities.

The act also provides for special emergency powers applicable to Northern Ireland for a period of up to 5 years maximum—or less if the Secretary of State for Northern Ireland determines that the security situation allows it. These powers include special entry, arrest, search, and seizure authority without a warrant under certain circumstances, nonjury, single-judge "Diplock Court" trials for "scheduled" offenses, and a lower standard of admissibility of confessions than in ordinary courts.

Human rights groups, including Amnesty International, have expressed objections over certain temporary and permanent provisions of the new act. These objections focus on the broad definition of terrorism employed in the law, the proscriptive pow-

ers of the state, and the powers of arrest, detention, and interrogation. They argue that the act effectively reverses the burden of proof in suspected terrorism cases and fails to provide adequate safeguards against abuse by law enforcement officials.

Suspects arrested without warrants must be released within 24 hours (or 36 hours if a serious offense is involved) unless brought before a magistrates' court or arrested under Terrorism Act provisions. The court may authorize extension of detention by 36 hours and on further application by another 24 hours, versus the 48-hour scheme extant in Northern Ireland (see Section 1.e.).

Defendants awaiting trial have a statutory right to bail unless there is a risk that they would flee, commit an offense, interfere with witnesses, or otherwise obstruct the course of justice, or unless they were on bail when the alleged offense was committed. Defendants who are remanded in custody are protected by statutory custody time limits, which restrict the period for which they can be held while awaiting trial to a maximum of 182 days, unless the court grants an extension. According to data supplied by the Home Office, at year's end 6,791 defendants were in custody awaiting trial. Of those in custody, 6,094 had been awaiting trial for less than 24 weeks, while 196 had been waiting longer than 48 weeks. On balance the time spent awaiting trial decreased from 1999. The 1998 Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The law gives administrative detention power to immigration officers. There is no time limit to such detention and no right to have it reviewed by a court. At year's end, approximately 1,500 asylum seekers were detained. They are detained either in immigration detention centers or in regular prisons (where they are normally held separately from convicted prisoners and those awaiting trial). Occasionally they are held in police cells, if for no more than 48 hours and pending removal from the country or transfer to another accommodation (see Section 1.c.).

Unlike those accused of criminal offenses, asylum seekers are given no written statement about why they were detained, although the practice is to provide them with updates on the status of their claims and the time required for their adjudication. Asylum seekers do not have an automatic right to apply for bail, and bail application, which can be made to immigration appellate authorities, requires a relatively high level of surety.

The Government does not use exile (also see Section 2.d.).

Paramilitary organizations in Northern Ireland also continued to threaten individuals and families to compel them to leave the province. Estimates of the number of people who fled into exile since the signing of the Good Friday Agreement in 1998 range as high as 800.

e. Denial of Fair Public Trial.—The judiciary is independent and provides citizens with a generally fair and efficient judicial process.

There are several levels of courts. The vast majority of criminal cases are heard by magistrates' courts, which are managed by locally based committees. Their decisions may be appealed to the Crown Court, which also hears criminal cases requiring a jury trial, or to the High Court. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and is functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission (CCRC) operates as an additional appellate body to investigate suspected miscarriages of justice in England, Wales, and Northern Ireland. It considers cases after the judicial appeals process is exhausted and where there is significant new evidence that casts doubt on the conviction. In Scotland similar appeals may be made to the Scottish Office.

The law provides for a fair trial, and the authorities respect and enforce the law in this regard. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right to appeal to successively higher courts.

The 1998 Human Rights Act took effect in October, bringing the European Convention on Human Rights into British Law (see Section 4). Under this law, all public bodies must act in a manner compatible with the convention. The law provides citizens with the right to take alleged violations of the convention by a public authority into British courts. The Government derogated from Article 5(3) of the convention, dealing with the prompt resolution of a case after arrest or detention and included this derogation in the Human Rights Act. NGO's criticize this derogation.

In July Parliament passed the 2000 Terrorism Act, which replaced several other related laws (see Section 1.d.). Under the new law, the testimony of a senior police officer, corroborated by a suspect's silence under questioning, can be considered evidence of a suspect's membership in a terrorist organization. The act also criminalizes membership in a proscribed terrorist organization or the support of such an or-

ganization, including the provision of money or other property. The act allows for the seizure and forfeiture of assets belonging to a person convicted of fundraising or otherwise assisting or supplying property to be used for the purposes of terrorism. Human rights groups, including Liberty, have criticized the criminalization of membership in a terrorist organization as violating the right to freedom of expression and association.

Under the 1994 Criminal Justice and Public Order Act, judges have the power to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee sharply criticize this provision, which they consider an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland. Based on a 1996 European Court of Human Rights judgment, the 1999 Criminal Evidence (Northern Ireland) Order codifies guidelines issued by the Attorney General that prohibited the drawing of inference from silence when a suspect is questioned before being permitted access to an attorney.

Indigent defenders have the right to free counsel of their choice, with some exceptions. Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

In Northern Ireland, special "emergency" restrictions affect due process. The 2000 Terrorism Act extends the application of most provisions of the 1991 Northern Ireland Emergency Provisions Act (EPA) for a year, subject to another 12-month extension. Trials for certain terrorist-related offenses are conducted automatically in "Diplock courts" without a jury unless they specifically are "scheduled out" to ordinary jury courts. Diplock courts were established to avoid cases being heard by juries that might make decisions along sectarian lines, as well as to protect jurors from intimidation. If judges decide to convict, they must justify the decision in a document that becomes part of the court record. An appellate court may overturn the decision on either factual or legal grounds. During the year, 89 persons were tried in Diplock courts, of whom 39 either pled or were found guilty. An internal review of the Diplock court system was completed in July. It concluded that, due to the risk of juror intimidation, the time was not yet right to achieve the Government's objective of resuming jury trials for all offenses. The Government accepted this conclusion. The Diplock courts, and the Government's latest decision to retain them, have been criticized widely by human rights groups.

Provisions of the EPA extended under the Terrorism Act establish lower standards for the use of uncorroborated confessions in Northern Ireland than in normal cases, and such confessions have in the past been used as the sole basis for conviction. Additionally, these provisions permit the police to prevent any suspected terrorist from contacting legal counsel for up to 48 hours after arrest under certain circumstances, at the request of a police officer with the minimum rank of superintendent. After a detainee has asked to see a lawyer and has done so, this period is renewable in subsequent 48-hour increments until the detainee is charged or released. Human rights groups have criticized these provisions, arguing that a detainee is most likely to need counsel in the first few hours; lack of counsel during that time makes false or coerced confessions and the abuse of detainees more likely. According to the Northern Ireland office, 92 requests for access to lawyers were made through June, none of which were delayed.

The 1996 Criminal Procedures and Investigations Act reduced defense lawyers' access to potential evidence held by the prosecution, including information as to how the evidence was collected. According to the Committee on the Administration of Justice, a local NGO, this practice may be contrary to U.N. guidelines on the role of prosecutors.

In light of allegations of security force collusion in the killings of Patrick Finucane and Rosemary Nelson (see Section 1.a.), there is continuing concern about harassment of lawyers by members of the RUC. The Human Rights Commission and the Law Society (the solicitors' professional association) received complaints from attorneys during the year and were considering undertaking a study to assess the full extent of the problem, since there is evidence that the number of incidents is underreported. The RUC maintains that it has zero tolerance for misbehavior toward attorneys and specifically has addressed the issue in its new code of ethics.

In March a nine-member panel of legal professionals, drawn from the civil service and private practice, issued the Northern Ireland Criminal Justice Review, which was mandated by the Good Friday Agreement. The review's 294 recommendations are intended to improve the criminal justice system so that it will enjoy the confidence of all parts of the community while delivering justice efficiently and effectively. The report recommends the creation of a single independent prosecuting au-

thority called the Public Prosecution Service for Northern Ireland that would be responsible for all prosecutions, including minor offences that are now prosecuted by the police. The review also recommends creation of a nonpolitical Northern Ireland Attorney General to oversee the Prosecution Service. It calls for the establishment of a single minister-level Department of Justice once responsibility for justice is devolved to Northern Ireland. To ensure that judicial appointments faithfully reflect the composition of Northern Ireland society, the review recommends the establishment of a Judicial Appointments Commission, which would include input from the First Minister and Deputy First Minister, to introduce local political responsibility and accountability into the appointments process. The review also makes recommendations on restorative justice, juvenile justice, community safety, victims and witnesses, and sentencing and prisons.

During a 6-month consultation period ending in September, the Government accepted comments on the review from human rights NGO's and political parties. In October the Government stated that it fully endorses the general approach taken in the report. Legislation is expected in 2001.

In accordance with the Good Friday Agreement, the Government concluded the process of releasing prisoners affiliated with paramilitary organizations that maintained a cease-fire. By year's end, 433 paramilitary prisoners, including 229 republicans and 193 loyalists (and 11 "others") had been released under the 1998 Northern Ireland (Sentences) Act, commonly referred to as the early release program.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Warrants normally are required for a police search of private premises; however, under the 2000 Terrorism Act a police officer may enter and search "any premises if he or she reasonably suspects a terrorist is to be found there." The Government compensates persons whose houses or property have been damaged during house searches.

In July the Regulation of Investigatory Powers Act (RIPA) became law. The RIPA allows the Government to monitor the content of private electronic communications after obtaining a warrant. In addition law enforcement agencies may require individuals and businesses to disclose encryption keys under certain circumstances. In October the Government enacted regulations under the RIPA allowing businesses to monitor the electronic communications of employees. The regulations are expected to be challenged under the Human Rights Act.

In Northern Ireland, paramilitary attacks on the homes and families of police and politicians decreased significantly, but the security forces believe that such groups continue to conduct surveillance and retain the capability to target police and politicians.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Strongly held common-law tradition, an independent press, and a democratic political system combine to secure freedom of speech and of the press. Viewpoints critical of the Government are well represented.

The print media are dominated by a handful of national daily newspapers, all privately owned and independent (although often generally aligned with a political party). About half of the electronic media are run by the British Broadcasting Corporation (BBC), which is funded by the Government but enjoys complete editorial independence. Corporations under renewable government license run the remainder.

In May Barry Michael George was charged with the 1999 murder of Jill Dando, a leading television personality. George, whose trial was scheduled for February 2001, was believed to have been obsessed with Dando.

Press organizations and human rights groups continued to criticize the 1981 Contempt of Court Act, which allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice. The 1984 Police and Criminal Evidence Act also contains provisions that compel journalists to give evidence in cases where police can prove it is necessary to their investigation. The Official Secrets Act, another law cited by journalists as unduly restrictive, prohibits the defense that the information is already in the public domain or that its publication is in the public interest.

In November Parliament passed the Freedom of Information Act (FIA). The FIA provides for public access to information held by the government. Certain information, including information related to the Security Service and Secret Intelligence Service, is subject to an absolute exemption from disclosure. In addition, the Government may refuse to disclose other "exempt" information, including information relating to national security and the operation of any ministerial private office, if the public interest in maintaining the exemption outweighs the public interest in

disclosure. Critics, including the NGO Campaign for Freedom of Information, charge that the exemptions are overly broad.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of peaceful assembly, but that right is limited routinely where it would impose a cost on public convenience. Police dispersed a May 1 anticapitalist demonstration in London after participants rioted, stoned police, and damaged cars and businesses. Several persons were injured, and a number of protesters arrested.

In Northern Ireland the annual “marching season” posed significant problems for the Government since the right of assembly conflicted with the concerns of local residents in some communities who perceived the parades as the celebration of Protestant “triumphs” in historical battles. The 1998 Public Processions (Northern Ireland) Act transferred responsibility for ruling on disputed marches from the RUC to a Parades Commission. Of the 3,304 parades held during the year, 260 were considered contentious. Of these the Parades Commission imposed restrictions on 188. The courts refused the Orange Order’s bid for a judicial review of the act. The Orange Order claimed that the law’s provisions violated the Human Rights Act’s provisions for freedom of speech and assembly.

In response to the Parades Commission’s decisions in June and July not to allow the Orange Order parade down the nationalist Garvaghy Road in Portadown, the Orange Order called for widespread protests throughout Northern Ireland. Loyalist demonstrators blocked streets, and some hijacked and burned cars; the protests caused widespread disruption, and businesses were forced to close early. The two parades at Drumcree on July 2 and 9 took place relatively peacefully amid a massive security presence, but on several intervening evenings loyalist protesters on Drumcree Hill became violent and attacked police and army security forces. The Portadown Orange Lodge called for peaceful protests but did not condemn the violence. The Apprentice Boys’ Siege of Derry parade on August 12 largely was peaceful.

The law provides for freedom of association, but that right is sometimes limited. Under the 2000 Terrorism Act, it is an offense, punishable by up to 10 years’ imprisonment, to belong to or profess to belong to an organization proscribed by the Home Secretary. Individuals are also subject to prosecution for supporting or inviting support for a proscribed organization, arranging or addressing meetings by proscribed organizations, or wearing clothing or carrying or displaying articles that would reasonably arouse suspicion of membership in a proscribed organization. Amnesty International has expressed concern that these powers may infringe on the rights to freedom of association and expression.

c. Freedom of Religion.—Government policy provides for freedom of religion, and the Government generally respects this right in practice. Members of all faiths and denominations enjoy freedom of worship. The Human Rights Act prohibits discrimination on the basis of religion. Those who believe that their freedom to worship has been abrogated have the right to appeal to the courts for relief. The Church of England (Anglican) and the Church of Scotland (Presbyterian) have the status of state religions, although their status has come under increasing scrutiny. A January university report on religious discrimination commissioned by the Home Office claimed that the establishment of the Church of England causes “religious disadvantage” to other religious communities. The Home Office at year’s end still was considering the report.

The Church of Scientology asserts that it faces discrimination because the Government does not treat Scientology as a religion. Ministers of Scientology are not regarded as ministers of religion under prison regulations or for immigration purposes. In 1999 the independent Charity Commission rejected a Church of Scientology application for charitable tax status accorded to most religious groups, and concluded that it is not a religion for the purposes of charity law.

The 1988 Education Reform Act requires that government schools hold a daily act of nondenominational Christian worship. A parental right of withdrawal exists for children who do not wish to participate, and safeguards exist for teachers who do not wish to participate in or conduct religious education. The act provides for alternative collective worship for other faiths. Teachers’ organizations have called for government review of the act. Some “voluntary schools” provided by religious groups enjoy state support. While the majority of these schools are Anglican or Catholic, there are a small number of Methodist and Jewish schools.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation. In 1997 the Home Secretary revoked all exclusion orders preventing individuals linked to terrorism in Northern Ireland from traveling to Great Britain. When the Prevention of Terrorism Act was renewed in

1998, it did not include provisions for exclusion orders. However, the Home Secretary has the power to activate other statutes implementing exclusion orders at any time.

The Government cooperates closely with the UNHCR and other humanitarian organizations in assisting refugees. First asylum is provided under a temporary protection process. Applicants are given 6 months' "leave to enter the country" on arrival. They then can apply for an automatic 3-year extension of their stay and may apply for refugee status at any time. Asylum applications are considered in accordance with the criteria set out in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Some asylum seekers are detained while the Government reviews their cases (see Section 1.d.); some are detained in regular prisons (see Section 1.c.).

Faced with growing numbers of asylum applicants, the Government passed legislation in 1996 and 1999 designed to deter illegal entrants and the abuse of the asylum process, streamline the appeals process, and restrict benefits provided to asylum seekers. In December the Government issued guidelines for use by the courts in considering asylum claims by women. Judges were urged to consider forms of persecution more likely to be faced by female asylum applicants, including female genital mutilation and forced prostitution. The Government's policy, and the 1999 Immigration and Asylum Act in particular, have been criticized by the UNHCR and NGO's for being detrimental to refugee rights. In particular Amnesty International in a September report claims that the Government's practice of dispersing asylum seekers throughout the county and issuing them vouchers for the purchase of food and other items stigmatizes asylum seekers and denies them access to community services.

At year's end, 66,195 asylum applications were outstanding, compared with 101,475 outstanding a year earlier. The Government decided on 110,065 initial asylum applications, granting asylum in 10,185. Under a special program to clear the asylum backlog, the Government also granted leave to remain in 10,330 cases. An additional 11,365 cases were refused asylum, but were granted "exceptional leave to remain."

There were no reports that persons were forced to return to countries where they feared persecution.

Fighting among loyalist paramilitary groups resulted in the expulsion of over 200 families from their homes in the Shankill region of West Belfast as each group sought to expel from the neighborhood families allegedly sympathetic to their rivals. This scale of violent eviction had not been experienced in Northern Ireland since 1972.

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

Citizens have the right to change their government and freely exercise that right. The lower chamber of Parliament (the House of Commons, the center of legislative power) is elected in periodic, multiparty elections. The upper chamber (the House of Lords), with the power to revise and delay implementation of laws, is made up of hereditary and appointed life peers and senior clergy of the established Church of England. In the first stage of a government reform program, the House of Lords agreed in 1999 to remove all but 92 of its over 900 hereditary peers who, with approximately 500 life peers and 26 clergy, make up the current House of Lords. Possible additional reforms are being debated, which would further reduce the size of the chamber, democratize selection of members, and add representatives of faiths other than Anglicanism as *de jure* members.

The Government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years. Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. As in the rest of the country, Northern Ireland has city and district councils but with fewer powers. England and Wales also have County Councils. The Northern Ireland Assembly, the Scottish Parliament, and the Welsh Assembly have control over matters of regional importance, such as education, health, and some economic matters. Foreign affairs and defense continue to be the responsibility of the central government.

Due to continuing problems with the decommissioning of paramilitary weapons, the Northern Ireland Assembly and Executive (established under the terms of the Good Friday Agreement) were suspended in February. The institutions were restored in May following intensive British-Irish talks with the parties and an initiative on weapons by the IRA.

The small number of remaining UK overseas territories have an aggregate population of approximately 190,000. They enjoy varying degrees of self-government on the British model, with appointed governors.

Women are underrepresented in government and politics, although they and minorities face no legal constraints on voting or holding office. Women constitute 18 percent of the members of the House of Commons and approximately 16 percent of those in the House of Lords. Some 28 Members of Parliament have identified themselves as members of minority ethnic groups.

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

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

A number of international nongovernmental human rights organizations, including Amnesty International and Human Rights Watch, are based in the country. The Government cooperates fully with international inquiries into alleged violations of human rights.

The 1998 Human Rights Act, which incorporated the provisions of the European Convention on Human Rights into domestic law, took effect in October 2000 for the entire United Kingdom. Proceedings under the Human Rights Act can be brought only by victims of a breach of convention rights by a public authority. The Home Office has a human rights unit to carry out human rights policy and legislation. NGO's have criticized the Government for its failure to create a government-wide Human Rights Commission. In Northern Ireland the Human Rights Commission was established as an outcome of the peace process. While cases still may be taken to the European Court of Human Rights, all domestic remedies under the 1998 act must be exhausted first.

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

The 1976 Race Relations Act prohibits discrimination on the basis of race, color, nationality, or national or ethnic origin and outlaws incitement to racial hatred. These protections were extended to Northern Ireland in 1997. However, some groups continued to experience official and societal discrimination.

The Human Rights Act prohibits discrimination on the basis of religion by public authorities. Employment discrimination on the grounds of religious or political opinion was outlawed specifically in Northern Ireland by the Fair Employment Act. The 1998 Fair Employment and Treatment Order extended the prohibition on discrimination to the provision of goods, facilities, services, and premises. The Government respects and enforces all antidiscrimination laws, which concentrate on employment and the supply of goods and services. The Northern Ireland Equality Commission began operation in August 2000 to oversee antidiscrimination policy.

Women.—Violence against women continues to be a problem. In 1999 a government report, "Living Without Fear," indicated that one in four women experience domestic violence at some stage in their lives, that reported incidents of rape more than tripled over the past 10 years, that two women per week are killed by their current or former partners, and that women fear personal attack more than any other crime. According to a February 2000 Home Office study, the 6,000 rapes and 17,500 indecent assaults recorded by the police yearly vastly underreport of the real scale of sexual violence against women. The study estimates the true number of rapes and assaults at between 118,000 and 295,000. The research was released as part of a package of government grants and projects aimed at improving the conviction rate for rape and providing women with better protection against domestic violence. Reports of violence against women in Northern Ireland have increased.

Criminal penalties for rape, including spousal rape, sexual assault, and domestic violence are substantial, and these laws are enforced strictly; however, conviction rates for rape tend to be lower than for other crimes. In the 12 months ending in September, 37,263 sexual offences were recorded in England and Wales, a decrease of 0.4 percent over the same period in 1999. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provides shelters, counseling, and other assistance for battery or rape and offers free legal aid to battered women who are economically reliant on their abusers.

Criminal action for sexual harassment cases must be prosecuted under assault legislation since no law specifically prohibits sexual harassment. Women's groups have complained that civil suits concerning sexual harassment and discrimination

on the basis of gender sometimes take up to 3.5 years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes, but women experience some discrimination in practice. The 1975 Sex Discrimination Act, as amended in 1986, prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. According to the Government's Equal Opportunities Commission (which supports persons who bring discrimination cases before industrial tribunals and courts and produces guidelines on good practice for employers), significant progress has been made towards equal opportunity for women since the commission was established in 1975. The introduction of the national minimum wage in 1999 was an important change in the effort to equalize pay. However, a February report for the Government's Women's Unit found that women in full-time work earn on average 84 percent of the earnings of male full-time workers.

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

Women's issues within the Government are represented at the cabinet level by the Minister for Women, who heads up the Women's Unit, which engages in dialog with women and advises the Government but has no authority for direct action.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its systems of public education and medical care. The Government provides free, compulsory education to age 16 and further education to age 18 if the student so desires.

While there is no societal pattern of abuse directed against children, indications are, despite a lack of reliable data, that child abuse is nevertheless a problem. Since the paramilitary cease-fires, reports of violence against children in Northern Ireland have increased.

Concern and publicity surrounding pedophiles is growing. As part of a government drive to protect the young from child abusers, previously secret registers of pedophiles are available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition suspected child abusers and convicted pedophiles are banned from working with children. Childcare organizations must consult a list before offering anyone a job, paid or otherwise, and it is illegal for them to hire anyone named on it.

Various laws covering England and Wales stipulate that children have the right to apply for court orders, to give or withhold consent for medical treatment (for those capable of making an informed decision), to make complaints to the relevant local authority, to have their ethnic, linguistic, and religious background considered in decisions affecting them, to have reasonable contact with their families (usually applied in a circumstance where there was abuse), and in general to be consulted regarding their desires.

In February rules were introduced in England and Wales to reduce the intimidation that young suspects may feel when tried in an adult court. The rules include a ban on robes and wigs and uniformed security officers in the courtroom and affect all defendants under age 18 who face serious criminal charges in crown courts. The changes were in response to a 1999 European Court of Human Rights ruling that two young boys' rights were violated by the intimidating nature of their trial.

Under the Prevention of Terrorism Act, the police can arrest and detain children as young as 10 years old for up to 7 days.

In January the Government published a consultation document proposing that laws be amended to make it illegal for parents to hit their children with an implement or hit them on the head or face. It did not propose to outlaw completely spanking or hitting. The proposals are the result of a European Court of Human Rights ruling in 1998 that a 9-year-old boy's rights were violated by his stepfather's caning. The 1998 School Standards and Framework Act extended the ban on corporal punishment in state schools to private schools and nursery schools. Child welfare groups have called for all corporal punishment of children to be outlawed.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health and has been illegal in the United Kingdom since 1985, is practiced by immigrant populations from countries in which the practice is common. The extent to which the procedure is carried out in the UK is unknown, but the Government continues to work to eradicate it.

People with Disabilities.—The 1995 People With Disabilities Discrimination Act outlaws discrimination against disabled persons in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. In addition all businesses are required to accommodate disabled customers. Adaptations must be "reasonable," bearing in mind the circumstances and

size of the business. The 1993 Education Act requires local education authorities to make provision for the special educational needs of disabled children.

In April the Disability Rights Commission (DRC) was launched. The DRC provides a hot line for disabled people and employers, legal advice and support for individuals, and policy advice to the Government. The DRC also has the power to conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with law, and apply for injunctions to prevent acts of unlawful discrimination.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility and that all taxis be wheelchair accessible. In 1992 the Government promulgated similar regulations for sensory-impaired persons. However, while generally improved, access to many buildings, especially older buildings, including transportation centers, remains inadequate.

Religious Minorities.—According to the NGO the Board of Deputies of British Jews, the number of anti-Semitic incidents in Britain during the year was 398, compared with 270 in 1999 (adjusted figure). Public manifestations of anti-Semitism are confined largely to the political fringe, either far right or Islamist. In reaction to the October violence in the West Bank and Gaza, a number of synagogues were attacked by persons throwing bricks or other objects through the windows and anti-Semitic leaflets were posted in Manchester, Birmingham, and London. A Jewish man was stabbed in London in October in an apparent racist attack.

Although there is some evidence that unemployment rates among Catholics remain higher than among Protestants in Northern Ireland, government programs and continued economic growth in the region have resulted in a decrease in the overall unemployment rate.

The 1989 Fair Employment (Northern Ireland) Act, as amended, aims to end even unintentional or indirect discrimination in the workplace, and a public tribunal adjudicates complaints. All public sector employers and all private firms with over 10 workers must report annually to the Equality Commission on the religious composition of their work force and must review their employment practices at least once every 3 years. Noncompliance can bring criminal penalties and the loss of government contracts. Victims of employment discrimination may sue for damages. Although critics of the act assert that its targets and timetables are too imprecise, most leaders of the Catholic community regard it as a positive step.

While the active recruitment of Catholics by the Northern Ireland Civil Service produced rough proportionality in overall numbers, the service acknowledges that Catholics remain significantly underrepresented in its senior grades. Government efforts to increase the recruitment of Catholics into the police (currently 92 percent Protestant) and related security jobs in Northern Ireland have been hampered by widespread antipathy in the Catholic community to the security forces as well as by intimidation by republican organizations opposed to any cooperation with the police or security forces. Despite past efforts, the percentage of Catholic officers in the force has not changed significantly. The new policing bill mandates that a 50:50 religious balance be maintained in new recruitment until the religious composition of the police reflects the mix in society at large. Critics of this approach contend that it will violate the UK's international commitments.

The fear of intercommunal violence has, over the years, led to a pattern of segregated communities in Northern Ireland. Protestant and Catholic families have moved away from mixed or border neighborhoods.

According to the RUC, there were 28 arson/bomb attacks and 3 other acts of violence directed at both Protestant and Catholic churches in Northern Ireland during the year.

National/Racial/Ethnic Minorities.—Despite legal prohibitions against race discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin and Travellers face occasional acts of societal violence and some discrimination. According to an official report in October, 21,700 racially related offenses were recorded in the 1999–2000 period. Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years' imprisonment. The Government strictly enforces the laws and regulations in this area.

In June David Copeland was convicted of a series of racially motivated bombings in London that killed three people (see Section 1.a.). In November Robert Stewart, an inmate at the Feltham young offender institution, was convicted of the March murder of his Asian cellmate, Zahid Mubarek. Prior to the commission of the murder, Stewart had been charged with racially motivated offenses, and had written a number of racist letters while in prison (see Section 1.c.).

The government-appointed but independent Commission for Racial Equality provides guidelines on good practice, supports persons taking court action under the 1976 Race Relations Act, and may initiate its own court actions. After investigating

a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE then monitors the response to its notice for 5 years.

According to a February announcement by Scotland Yard, the number of black and Asian officers in the metropolitan police increased by 20 percent since the release of the Lawrence Report. However, minority officers still represent only about 4 percent of the metropolitan police force. More than one-third of police forces did not increase minority recruitment, the rate of which is substantially below the level required to meet targets set by the Home Office.

A series of reports in 1999 and 2000, both independent and commissioned by police, show that minorities are more likely to be stopped and searched by police than whites (see Section 1.c.).

In March the Police Complaints Authority announced that it would conduct a new inquiry into the police handling of the death of Ricky Reel, a young Asian found drowned in the Thames River in 1997. His family believes that Reel was the victim of a racial attack and claim that police failed to investigate the crime properly.

Travellers, nomadic populations consisting of Roma, Irish, and “new” Travellers, estimated to number 100,000 persons, experience marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. U.N. Committees on both the Rights of the Child and the Elimination of Racial Discrimination have expressed similar concerns. In August 1997, the Government passed the Race Relations (Northern Ireland) Order, which for the first time gave specific legal protection to minority ethnic groups there, including the Traveller community. In January a study by Dundee University revealed institutionalized racism towards the Scottish Traveller community. In particular it showed that racist and intolerant attitudes among health professionals prevented Travellers from receiving proper medical care.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions, and the Government respects this right in practice. The 1999 Employment Relations Act established the country’s first procedures for statutory, as distinct from voluntary, union recognition. The Department of Trade and Industry began to promulgate implementing regulations during the summer of 2000. Additional regulations are being issued as they are completed. For example, beginning on September 4, 2000, workers are entitled to be accompanied at disciplinary and grievance hearings by a trade union representative—even if an employee’s workplace is not unionized.

Unions are free of government control. The Employment Relations Act affords significant new protection to union organizing efforts and, for the first time, confirms the statutory right to strike. The act sets minimum employment standards for the first time in labor law.

Unions participate freely in international organizations. The general secretary of the International Confederation of Trade Unions (ICFTU), the general secretary of the Trade Union Advisory Committee to the Organization for Economic Cooperation and Development, and the workers’ representative on the governing body of the International Labor Organization (ILO) are all former British trade union leaders.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is longstanding and widespread, covering about 30 percent of the work force. Unionization is heaviest in the public sector. Under the Employment Relations Act, labor-management contracts are, for the first time, legally enforceable.

Under the 1999 act, unions can file a request for recognition, identifying the proposed bargaining unit, to the Central Arbitration Committee (CAC). The act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces.

Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC can issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit.

Although the law encourages voluntary agreements between employers and unions, the CAC can, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays. To date no union has filed a case before the CAC. This reflects the Trades Union Council’s (TUC) explicit preference that its member unions should secure workplace agreements through negotiation rather than in the

courts. The TUC acknowledged that the right to take a unionization dispute to the CAC has boosted its organizing efforts.

Workers are protected against dismissal or other retaliation for campaigning or voting for or against recognition. Unions no longer are required to name members when initiating a strike ballot, to minimize opportunities for retaliation. The law also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies. This is aimed at "blacklists," as operated in the past. Dismissed strikers are able to claim unfair dismissal if fired within 8 weeks of when they first undertook a legal strike.

Union members are protected against "being subject to any detriment" due to union activity or membership. This protection goes further than the previous language of "action short of dismissal taken against him as an individual." Heretofore, it was legal for employers to withhold fringe benefits otherwise available to non-union employees.

At the same time, the 1999 act retains key policies implemented by previous governments, notably ballots and notice before strikes, abolition of the closed shop, secondary boycotts, and prohibition against mass picketing.

There are no export processing zones. The Employment Relations Act also extends its protection to contract and part-time workers in an attempt to close loopholes that previously allowed some employers to evade labor regulations. Foreign workers are protected to the full extent of the law.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited and is not practiced.

d. Status of Child Labor Practices and Minimum Age for Employment.—School attendance until age 16 is compulsory. Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course. Forced and bonded child labor is prohibited, and the Government effectively enforces this prohibition (see Section 6.c.). The UK ratified ILO Convention 182 on the worst forms of child labor on March 23 and ILO Convention 138 on the minimum age for employment in June.

e. Acceptable Conditions of Work.—The country's first minimum wage went into effect on April 1, 1999. As of October 1 the adult minimum wage was \$5.50 (£3.70). The youth wage was raised to \$4.75 (£3.20) on June 1, 2000.

When introduced in 1999, the new pay thresholds were expected to benefit some 1.5 million workers directly. However, according to government figures in October, nearly 300,000 workers still were paid less than the minimum wage a year after its introduction. Government departments aggressively are instructing employers that they must bring pay practices into compliance. The Board of Inland Revenue examined 7,000 employers by October and had recovered \$4 million (2.7 million pounds) on behalf of underpaid employees.

Recognizing that the national minimum wage is a new institution, the Government asked the Low Pay Commission (incorporating academics, employers, and trade unions), created in 1998, to review the standard's implementation and make recommendations by July 2001.

Currently the national minimum wage, by itself, does not provide a decent standard of living for most workers with families. But other elements of the welfare state fill the gap. Of nearly 28 million workers, some 6 million (21 percent) benefit from some social insurance scheme or another. This is in addition to free universal access to the National Health Service. The working families' tax credit and disabled person's tax credit—both implemented as of 1999—are designed to ensure a working family a weekly income of \$320 (200 pounds), which constitutes a living wage.

As of April, the Government also introduced a minimum income guarantee for low-income pensioners. This increases the basic state pension that all retired employees receive. And the Government also announced that, as of April 2001 the threshold of total personal assets will be raised to allow more low-income pensioners to avail themselves of this benefit.

The Government introduced a working time directive in 1998 to bring domestic legislation into compliance with the European Union's 48-hour workweek. New 1999 legislation significantly raised the maximum compensation level for unfair dismissal claims from \$19,200 to \$80,000 (12,000 to 50,000 pounds). Regulations from 1999 enhanced parental leave provisions for employees with more than a year's continuous service. The Human Rights Act, which came into force on October 2, 2000, added additional rights in the workplace.

The 1974 Health and Safety at Work Act stipulates that the health and safety of employees not be placed at risk. In practice the act is updated constantly. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives ac-

tively monitor enforcement of the act. Workers can remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—No laws specifically criminalize trafficking in persons, which is a growing problem. A July Home Office report on reforming the law on sexual offences recommended the creation of a new crime of trafficking a person for the purpose of sexual exploitation. The police successfully prosecuted traffickers under other laws, such as those against procuring and living off of immoral earnings. Under the 1999 Immigration and Asylum act, persons found importing illegal immigrants can be fined \$3,600 (2,000 pounds).

A May Home Office report on trafficking in women estimated that up to 1,400 women were trafficked into the country in 1998. The report highlighted that police largely are unaware of the scale of the problem and do not treat it as a priority. The Government was considering the report's recommendations, which include the creation of a new crime category of "sexual exploitation," allowing trafficked women to sue their exploiters, and a focus on prevention campaigns in host countries.

On June 21, 58 ethnic Chinese suffocated in the back of a truck while attempting to enter the country illegally. Three persons were arrested and face trial in the UK in connection with the deaths.

UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch that serves him dominate political life. First chosen president in a 1991 election that most observers considered neither free nor fair, Karimov had his stay in office extended to 2000 by a 1995 plebiscite. Parliament subsequently voted to make the extension part of Karimov's first term, thus making him eligible to run again in 2000. He was elected to a second term in January against token opposition with 92.5 percent of the vote under conditions that were neither free nor fair. The Oliy Majlis (Parliament) consists almost entirely of regional officials appointed by the President and members of parties that support the President. Despite constitutional provisions for an independent judiciary, the executive branch heavily influences the courts in both civil and criminal cases.

There is effective civilian control over the military. The Ministry of Interior (MVD) controls the police. The police and other MVD forces are responsible for most normal police functions. The National Security Service (NSS)—the former KGB—deals with a broad range of national security questions, including corruption, organized crime, and narcotics. The police and the NSS committed numerous serious human rights abuses.

The Government has stated that it is committed to a gradual transition to a free market economy. However, continuing restrictions on currency convertibility and other government measures to control economic activity have constrained economic growth and led international lending organizations to suspend or scale back credits. The economy is based primarily on agriculture and agricultural processing; the country is a major producer and exporter of cotton. It is also a major producer of gold and has substantial deposits of copper, strategic minerals, gas, and oil. The Government has made some progress in reducing inflation and the budget deficit, but government statistics understate both, while overstating economic growth. There are no reliable statistics on unemployment, which is believed to be high and growing. The Government is taking some modest steps to reduce the host of formal and informal barriers that constrain the nascent private sector.

The Government's poor human rights record worsened, and the Government continued to commit numerous serious abuses. However, there were positive human rights developments in a few areas. Citizens cannot exercise their right to change their government peacefully. The Government has not permitted the existence of an opposition party since 1993. Election and registration laws restrict the possibility that any real opposition parties form or mount a campaign. There were credible reports that security force mistreatment resulted in the deaths of several citizens in custody. Police and NSS forces tortured, beat, and harassed persons. The security forces arbitrarily arrested or detained pious Muslims and other citizens on false charges, frequently planting narcotics, weapons, or forbidden literature on them. Prison conditions are poor, and detention can be prolonged. The judiciary does not always ensure due process and often defers to the wishes of the executive branch. Parliament passed a law on judicial reform that was awaiting presidential approval at year's end. The Government also demonstrated a commitment to permitting

International Committee for the Red Cross (ICRC) access to detained persons and prisoners. Police and NSS forces infringed on citizens' privacy, including the use of illegal searches and wiretaps. Those responsible for documented abuses rarely are punished.

The crackdown that followed the explosion of five terrorist bombs in Tashkent on February 16, 1999, continued during 2000. Among those arrested and tried were persons with close links to avowed Islamist Uzbeks abroad who, the Government believes, were responsible for the bombings. However, other victims of the crackdown included members of the secular opposition, human rights activists, and thousands of overtly pious Muslims and members of Islamist political groups. While it is not possible to estimate the number of those arrested, observers believe that the scale surpasses any previous such action. The Moscow-based human rights group Memorial has documented over 1,400 cases of persons imprisoned between January 1999 and April 2000. The organization credibly estimates that the total number arrested and tried in that time frame was between 4,000 and 5,000. By year's end, well over 5,000 persons were in prison as a result of the crackdown.

The Government severely restricts freedom of speech and the press, and an atmosphere of repression stifles public criticism of the Government. Although the Constitution expressly prohibits it, press censorship continues, and the Government sharply restricts citizens' access to foreign media. A 1999 decree requires all Internet service providers to route their connections through a government server. The primary purpose of this measure, according to the Government, is to prevent access to information that the Government considers harmful. Despite the law, private Internet providers have proliferated during the year.

The Government limits freedom of assembly and association. The Government continues to ban unauthorized public meetings and demonstrations. The Government has not yet implemented a 1999 law that improves the formal legal framework for the formation, registration, and operation of nongovernmental organizations (NGO's). The Government continues to deny registration to opposition political parties as well as to other groups that might be critical of the Government. For example, the Ministry of Justice has denied repeated applications for registration of the Human Rights Society of Uzbekistan (HRSU) and the Independent Human Rights Organization of Uzbekistan (IHROU), citing technical deficiencies in the applications. Unregistered opposition parties and movements may not operate freely or publish their views. The Government restricts freedom of religion. The Government harassed and arrested hundreds of Islamic leaders and believers on questionable grounds, citing the threat of extremism. The Government tolerates the existence of minority religions but places strict limits on religious activities. Although the Government had registered over 174 minority religious communities by year's end, several others were prevented from registering by local officials. Unlike in 1999, university authorities did not expel students for wearing Islamic dress during the year.

The Government continues to voice rhetorical support for human rights, but does not ensure these rights in practice. Although the election, religion, and media laws contain elements that theoretically support human rights, in reality the Government does not respect such provisions. The Office of the Human Rights Ombudsman, which was formed in 1997, reports that it is assisting hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police. The Ombudsman's office issued reports identifying the most serious types of violations of human rights by government officials; however, most of the successfully resolved cases were relatively minor. The Government pardoned and released imprisoned human rights activist Mahbuba Kasimova at year's end.

Domestic violence against women is a problem, and despite a constitutional prohibition, there continues to be significant traditional, societal discrimination against women. The Government undertook cooperation with women's NGO's. Trafficking in women and girls for the purposes of prostitution occurs. Workplace discrimination against some minorities persists. There are some limits on worker rights.

Beginning in August, insurgents from the Islamic Movement of Uzbekistan (IMU) conducted significant armed incursions in Uzbekistan and neighboring states. Over two dozen members of the Uzbek police and armed forces were killed in the conflict as were at least 30 insurgents. During the conflict, the Government ordered the evacuation of least five villages in the Surkhandarya region near the border with Tajikistan. After spending 2 months in a temporary camp, the villagers were transferred in November to a newly constructed settlement more than 200 kilometers away, where they complained to international observers of poor conditions and abusive treatment.

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political killings; however, security forces committed killings. Security force mistreatment resulted in the deaths of several prisoners in custody. According to human rights activists and other observers, many of those killed in custody were interned at a new prison near Jaslik in Karakalpakstan, where conditions were thought to be extremely harsh. Nearly all the inmates of this facility, which opened in the spring of 1999, were accused of religious extremism. Although there is specific information available on only a handful of deaths due to mistreatment in custody, human rights observers and relatives of prisoners claim that the number of such cases throughout the country during the year reached several dozen. Law enforcement officials warned families not to talk about their relatives' deaths. Government officials acknowledge that some inmates of Jaslik died, but attribute the deaths to illness and the extremely hot climate rather than mistreatment.

The country's regulations require that every death in custody be investigated by a medical examiner. In most cases, deaths apparently due to beating are ascribed to heart failure. However, in June Batirjon Karimov, a guard at a prison in Almalyk, was convicted and sentenced to 6 years in prison for beating a prisoner to death. The court convicted Karimov of Articles 103 and 104 of the Criminal Code: Driving someone to suicide and intentionally causing severe bodily harm, respectively. The victim, Akmal Latipov, who had just been brought to the prison, allegedly slashed his wrist with a razor when Karimov began to beat him, in order to escape the beating. A forensic medical examination established the cause of Latipov's death to be blows to the head inflicted by Karimov.

According to the World Organization Against Torture, Rustam Norbaev, a possible member of the political Islamic movement Hizb ut-Tahrir, was arrested on March 13 and died in pretrial detention in Yakkabaga on March 18, allegedly after being tortured. Officials claimed that Norbaev hanged himself.

Negmat Karimov, who was sentenced in July 1999 to 20 years in prison for alleged involvement in the terrorist conspiracy behind the 1999 Tashkent bombings, died in prison in Navoi on March 22. According to his parents, his body showed multiple signs of beating. Karimov also was convicted on charges related to religious extremism.

In late December, Amanullah Nosirov, a member of Hizb ut-Tahrir convicted in 1999, died in prison in Navoi. According to acquaintances of the deceased, he died of injuries sustained while being beaten. Nosirov was the brother of Haffezullah Nosirov, an alleged leader of Hizb ut-Tahrir who was convicted in March (see Sections 1.d. and 1.e.).

Hazratkul Kodirov, a former resident of a village near the Tajik border that had been evacuated during clashes with the IMU, died near the end of December, allegedly from injuries sustained during police interrogation (see Section 2.d.). (According to other residents of the village, police used beatings to force up to 39 men to confess to collaborating with the IMU.) Kodirov's brother alleged that the body bore 50 small holes and that the genital area was "destroyed." Hazratkul had given an interview to the British Broadcasting Corporation (BBC) in November deploring conditions in the resettlement camp.

Shukhrat Parpiev, who was sentenced in December 1998 to 15 years in prison, died in the Jaslik prison on May 5. According to an acquaintance, Parpiev was not religious, but had been arrested because he was seen with a known religious figure suspected of extremism. Parpiev's body allegedly was bruised badly, and had a broken clavicle, crushed skull, and broken ribs.

In an open letter to the President, 33 Tashkent residents protested the military hazing death on June 13 of Dmitriy Popov, a recruit who suffered from heart problems. Popov was allegedly beaten by senior soldiers on June 7. The HRSU commented that such deaths were not uncommon in the military. At year's end, military prosecutors were planning on bringing a criminal case against five soldiers who allegedly participated in the beating.

There were no reported politically motivated killings by the insurgent IMU, although there were casualties on both sides of the conflict. During and after the armed incursions of August and September, Uzbek military forces laid mines on the border with Tajikistan. Press reports indicate that such mines have killed at least 13 Tajik civilians. The Ministry of Defense asserts that all minefields are clearly marked and that it has informed the Tajik Government of their locations in accordance with international norms.

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

It is widely believed that Imam Abidkhon Nazarov, missing since March 1998, fled the country to avoid arrest and was not abducted by security forces. There were no reported developments in the 1995 disappearance of Imam Abduvali Mirzaev or in the 1997 disappearance of his assistant, Nematjon Parpiev. Most independent observers believe that the two missing Islamic activists are either dead or in NSS custody.

There was one report of a person who has disappeared after being taken into custody. Bakhodir Khasanov, an instructor of French at the Alliance Francaise, was apprehended by plainclothes officers in front of witnesses on July 17. Authorities have not yet acknowledged that he is being held (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits these practices, both police and NSS routinely beat and otherwise mistreat detainees to obtain confessions, which they then used to incriminate the detainees. Both the frequency of allegations of torture and the alleged severity of the treatment increased during the reporting period.

In December Human Rights Watch (HRW) released a major report on torture in Uzbekistan that details dozens of allegations based on interviews with victims and their families. The report claimed that the number of allegations and the degree of brutality of torture were increasing. The most common torture techniques are beating, often with blunt weapons, and asphyxiation with a gas mask. There were numerous unverifiable reports of interrogators raping detainees with objects such as bottles, and of threatening to rape both detainees and their family members.

Although it is routine for police to beat confessions out of detainees, anecdotal evidence suggests that those suspected (sometimes only because of their piety) of Islamist political sympathies are treated more harshly than criminals.

According to his family, noted writer Mamadali Makhmudov, who claimed that he and five other defendants were tortured during 5 months of detention prior to his August 1999 trial, continued to suffer mistreatment in prison. Family visits to him in Jaslik prison in May and June revealed that his fingernails had been pulled out and that he was in generally very poor health. On July 4, the Interior Ministry said that Makhmudov's health was satisfactory and that he did not request medical treatment. In December acquaintances reported that Makhmudov nonetheless had been transferred to a hospital prison.

In a trial concluded in the Akmol Ikramov regional court in Tashkent on September 6, 15 members of Hizb ut-Tahrir all alleged that they had been tortured during pretrial detention. According to those attending the trial (international monitors were barred from the courtroom), the defendants alleged that guards and interrogators had used beatings and electricity, and had forced them to sign blank statements. Several alleged that guards had raped them. The defendants were sentenced to between 12 and 16 years each.

Prison conditions are poor, and worse for male than for female prisoners. Males and females are housed in separate facilities. Prison overcrowding is a problem. Human rights activists reported that the incarceration of 10 to 15 persons in cells designed for 4 is common. Tuberculosis and hepatitis are endemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there are severe shortages of food and medicines, and prisoners often rely on visits by relatives to obtain both. Brutal treatment by guards and an especially harsh and polluted desert environment were said to make conditions at Jaslik prison the worst in the country. By year's end, however, human rights observers had learned from witnesses that conditions in Jaslik had improved substantially. According to the Committee for the Legal Assistance of Prisoners, there are between 500 and 800 total inmates at Jaslik. Although the law allows all prisoners to have occasional family visitors, the remoteness of Jaslik makes such visits rare and difficult. Most of the prisoners transferred to Jaslik were convicted for their alleged participation in unauthorized Islamic groups. The Government operates labor camps, where conditions of incarceration have been reported to be less severe than in prisons.

An amnesty signed by the President on the occasion of the September 1 Independence Day, may affect up to 25,000 of the country's 63,000 prisoners, according to government press releases. The amnesty does not apply to those convicted of political crimes. While there was no official report on the number of prisoners actually released, human rights activists estimate it to be around 10,000.

The Government in December decided it would permit prison visits by human rights monitors such as the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile.—Security forces continued to arrest and detain individuals arbitrarily, without warrant or just cause. A Soviet-era detention law provides that police may hold a person suspected of committing a crime for up to 3 days. At the end of this period, the detained person must be declared officially a suspect, charged with a crime, or released. A person officially declared a suspect

may be held for an additional 3 days before charges are filed. A prosecutor's order is required for arrests, but not for detentions, prior to the filing of charges. In practice these legal protections frequently are ignored. In some cases, police circumvent the rules by claiming that the detainee is being held as a potential witness and not as a suspect; there are no regulations concerning the length of time witnesses may be detained. A court date must be set within 15 days of arrest (or filing of charges) and the defendant may be detained during this period. A defendant may not have access to counsel while in detention but only after the first interview with an investigator. Once the trial date is set, detainees deemed not to be violent may be released on their own recognizance pending trial. No money need be posted as bond, but in such cases the accused usually must sign a pledge not to leave the city. In practice this procedure rarely is used. During the period between arrest and trial, defendants are almost always kept in pretrial detention, which has been known to last as long as 2 years.

In the March trial in Guliston of Hizb ut-Tahrir activist Haffezullah Nosirov and 11 others, the defendants were tried on average 6 months after arrest. Many claimed that authorities used the interim period to torture them into signing confessions. The trial marked the first time since June 1999 that international observers were permitted to attend a trial of accused religious extremists.

In ordinary criminal cases, the police generally are capable of identifying and arresting only those reasonably suspected of the crime. However, both the police and NSS are far less discriminating in cases involving perceived risks to national security. Prosecutors have brought charges against at least 140 persons in connection with the bombings, including at least 12 in during this year. All those tried have been convicted. Twenty of these were sentenced to death, with most reportedly already executed. Hundreds of other defendants have also been convicted of terrorism, most allegedly linked to those convicted of the bombings or other actions attributed to the IMU.

It is common government practice to violate the human rights of both immediate and extended family members of those the Government has targeted. For example, Bakhodir Khasanov, an instructor of French at the Alliance Francaise, was detained and held incommunicado in the basement of the Ministry of the Interior on July 17. This is the fourth time that authorities have detained Khasanov. The security services' interest in Khasanov apparently stems from the fact that many in the Khasanov family are pious Muslims, although Bakhodir himself has claimed that he is not especially religious. Bakhodir's father and brother are both currently imprisoned. His brother Ismail was convicted in August 1999 for alleged links to Islamic extremists and was retried on additional charges of being involved in events in Yangiabad, although those events took place while he was in prison. In November 1999, police arrested Khasanov's 70-year-old father after planting Hizb ut-Tahrir leaflets on him. He signed a confession after police forced him to watch them beating his son Ismail, and is now serving 3 years in prison.

Kamoletdin Sattarov of Andijon was convicted of anti-State activity in July after police allegedly planted two Hizb ut-Tahrir leaflets on him. His brother Muradjon was jailed in 1999 for membership in Hizb ut-Tahrir. Kamoletdin has admitted that Muradjon had gotten involved with the group but denied that he shared his brother's political or religious passions. Investigators in Kamoletdin's case found individual appeal forms of the U.N. High Commissioner for Human Rights in his home and used them as evidence against him (see Section 4).

All male members of the family of missing Imam Abidkhon Nazarov remain in jail, and allegedly are beaten periodically by interrogators trying to learn Nazarov's whereabouts. Similarly, three brothers of exiled democratic opposition leader Mohammed Solikh are imprisoned because of their family ties (see Sections 1.c. and 3).

Family members of missing Andijon Imam Abdu Kori Mirzaev reported that they were harassed and kept under constant surveillance.

According to NGO reporting, Uzbek Imam Khadji Khudjaev was arrested by Russian police in August, apparently at the request of the Uzbek Government, and was extradited to Uzbekistan in November to face charges of involvement in the February 1999 Tashkent bombings.

Police in Nukus allegedly planted drugs on a Baptist pastor in July, and held him without charge until his release in late September (see Section 2.b.).

Police routinely planted small amounts of narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes. The most frequent victims of this illegal practice have been suspected members of unofficial Islamic organizations such as Hizb ut-Tahrir. They usually were sentenced to between 15 and 20 years in prison. The total number of those either tried and convicted or still in pretrial detention is unknown, but human rights activists contend that there

are well over 1,000 and perhaps several thousand. Many of those in detention are political detainees.

In December the Parliament passed judicial reform legislation, which, according to an international NGO that reviewed the laws, mandates notable, if incremental improvements. The reforms included modifications to the criminal justice system to make it adversarial and reduce the power of the procuracy, improvements in the appeals process to ensure greater access to the courts, and increases in the independence of the courts from the executive branch of government.

In general, the Government does not hold political detainees indefinitely, but brings them to trial eventually. Because there is no free press or public record of arrests, it is not possible to determine the number of detainees awaiting trial. Estimates by human rights activists are usually in the range of several thousand.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judicial authority; however, the judicial branch takes its direction from the executive branch and has little independence in practice. Under the Constitution, the President appoints all judges for 5-year terms. They may be removed for crimes or failure to fulfill their obligations. Power to remove judges rests with the President, except for Supreme Court judges, whose removal also must be confirmed by Parliament.

The system of courts of general jurisdiction is divided into three tiers: District courts, regional courts, and the Supreme Court. In addition a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts on the regional level that deals with economic cases between judicial and legal entities.

Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. The Criminal Code has reduced the list of crimes punishable by death to murder, espionage, and treason, eliminating the economic crimes that were punishable by death in the former Soviet code. Officially, most court cases are open to the public but may be closed in exceptional cases, such as those involving state secrets, rape, or young defendants. However, except for the first trial in June 1999, all trials of those suspected of involvement in the February 16 terrorist bombings were closed to international observers and the public on security grounds. In similar fashion, many trials of alleged Islamic extremists have been closed. International trial monitors or foreign diplomats only rarely are permitted to observe court proceedings.

State prosecutors play a decisive role in the criminal justice system. They order arrests, direct investigations, prepare criminal cases, and recommend sentences. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. There is no protection against double jeopardy. Judges whose decisions have been overturned on more than one occasion may be removed from office. Consequently, judges rarely defy the recommendations of prosecutors. As a result, defendants usually are found guilty.

The Government still uses the Soviet practice of trial by a panel of three judges: one professional judge and two lay assessors who serve 5-year terms and are selected from workers' collectives. The judge presides and directs the proceedings. However, in practice, judges often defer to the Government and its prosecutors on legal and other matters. Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The State provides legal counsel without charge, but by law the accused also has the right to hire an attorney. In practice the right to an attorney often is violated and there are numerous examples of denial of this right.

In a March trial of 48 alleged members of Hizb ut-Tahrir in Termez, the judge allegedly appointed the police investigator who developed the prosecution's case as the defense attorney for six of the defendants. Police allegedly tortured detained Imam Abduvakhid Yuldashhev on at least two occasions in August and September, to force him to sign statements refusing the services of defense attorneys.

The Government typically held unannounced trials of large groups of those alleged to be extremists, and rarely let international observers attend. Human rights observers contended that these groupings of defendants were arbitrary, since the prosecution only occasionally argued that those on trial actually were connected to one another. Defendants often claimed that the confessions on which the prosecution typically based its cases were extracted by torture. Judges ignored these claims and invariably convicted the accused, handing down severe sentences—usually from 15 to 20 years' imprisonment. Torture and mistreatment of detainees are explicitly outlawed. Lawyers may, and occasionally do, call on judges to reject confessions thus extracted and to investigate claims of such treatment. There has been no report of a judge opening an investigation into claims of torture.

In one such trial that ended on April 14 in Tashkent, 12 defendants were convicted of anti-State activity, belonging to illegal groups, and other charges. Two of the defendants were sentenced to 20 years, and eight more to 17 years. One defendant, Abdulaziz Mavlianov, an employee of the Tashkent office of the ICRC, allegedly confessed only to having given about \$15 (10,000 soum) and some publicly available information to the main defendant, alleged Islamist activist Toirjon Abdusamatov. At his trial, Mavlianov renounced that confession, which he had never signed. Despite the relatively innocuous nature of the alleged activities that led to his conviction, he was sentenced to 17 years in prison.

In practice most defense lawyers are unskilled at defending their clients. Courts often do not allow all defense witnesses to be heard, and written documents are given more weight than courtroom witnesses. In the March trial of Haffezullah Nosirov and 10 other alleged members of Hizb ut-Tahrir, defendants were convicted in part on the basis of written testimony from Bakhrom Abdullaev, an alleged terrorist who reportedly had been executed in January. Furthermore, the judge in the case refused the defense's request to question the other (living) witnesses whose written statements formed the remainder of the prosecution's case. In his retrial, Sattarov was sentenced to 10 years in prison, which was 1 year more than his original sentence.

In November the Government staged a trial of 12 alleged conspirators in the 1999 Tashkent bombings, 9 of whom were being tried in absentia. Since the court made no formal effort to notify the defendants directly of the charges against them, the proceedings violated the International Convention on Civil and Political rights. Although the State appointed lawyers for the missing defendants, they put up only a token defense, lasting less than 3 hours after a 2-week prosecution case. Several of the lawyers stated openly that they were unable to defend their clients because they had no opportunity to consult with them. Two of the absent defendants, IMU leaders Tohir Yuldashev and Jumaboy Khojiev (a.k.a. Juma Namangani), were sentenced to death. Other defendants received sentences of between 12 and 20 years in prison.

The Constitution provides a right of appeal to those convicted; however, such proceedings usually are formalistic exercises that confirm the original conviction. For example, the appeal of Imam Abdurakhim Abdurakhmanov on August 8 lasted only 20 minutes, and the judge did not permit testimony. Abdurakhmanov, who had been sentenced to 17 years in prison and reportedly was subjected to torture prior to trial, was not allowed to be present at the appeal. However, a judge in the Andijon regional court, after hearing an appeal in August, ordered a retrial of Kamoletdin Sattarov, on the grounds that he was not represented properly at the original trial earlier that month.

Authorities arrested and tried unfairly relatives of suspects and members of opposition groups (see Sections 1.d. and 3).

In April the Moscow-based human rights organization Memorial published a list of over 1,400 individuals arrested and convicted for political and religious reasons from January 1999 to April 2000 (see Section 2.c.). The organization credibly estimates that, including those it can document, a total of between 4,000 and 5,000 such persons have been imprisoned. While most were convicted of conspiracy against the constitutional order, many were convicted of nonpolitical offenses such as tax evasion, misappropriation of funds, or illegal possession of narcotics or firearms. It is widely believed that in the latter cases, arresting officers planted the incriminating materials.

On September 5, the Chairman of the Supreme Court claimed that there were 2,000 persons in jail for crimes against the State. At the same news conference and again the following day, the Minister of Justice explicitly rejected the notion that these or any other prisoners could be classified as "political," on the grounds that all had been tried and convicted of crimes. However, the fact that nearly all convictions are based on forced confessions makes it impossible to determine what percentage of those convicted actually violated the law. Moreover, the alleged "crimes," as interpreted by the courts, encompass criticism of the Government and possession of religious beliefs that the Government defines as extremist. Therefore, most of those convicted of crimes against the State are political prisoners.

In December the Government proposed a draft agreement with the ICRC allowing the ICRC access to all prisoners. The draft agreement was modeled after the ICRC's own proposals and met all ICRC conditions for undertaking a program of prison visits.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Authorities infringe on these rights. By law only a prosecutor may issue a search warrant or authorize electronic surveillance. There is no provision for a judicial review of such warrants. Security agencies routinely monitor telephone calls and employ sur-

veillance and wiretaps in the cases of persons involved in opposition political activities.

A Law on Freedom of Conscience and Religious Organizations and other legislation (see Section 2.c.) prohibits private teaching of religion. Students who in 1997 and 1998 were expelled from schools for wearing religious dress were not allowed to reenroll in 2000 (see Section 2.c.). Unlike in 1999, students were not arrested for wearing religious dress during this year.

Police arrested, detained, and beat family members of suspects that they were seeking (see Sections 1.c and 1.d.). Authorities also frequently forced relatives of alleged religious extremists to undergo public humiliation at neighborhood assemblies organized for that purpose. For example, the mother of IMU leader Juma Namangani was summoned to a school auditorium in late August where an assembly of neighbors confronted her. Relatives of soldiers killed in the insurgency insulted her and smeared her face with black paint. Local leaders shamed her for bringing Namangani into the world until she tearfully apologized and cursed her son.

Both the wife and mother of missing Imam Abidkhon Nazarov were forced to undergo similar public humiliation in February and March.

The Government does not allow general distribution of foreign newspapers and other publications. However, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications are available. A modest selection of other foreign periodicals is available in Tashkent's major hotels, and authorized groups can obtain foreign periodicals through subscription. The authorities do not permit rebroadcast of Russian programming that is critical of the Government (see Section 2.a.).

In May postal authorities confiscated a package addressed to human rights activist Mikhail Ardzinov. The package contained documents from a Moscow human rights conference as well as copies of the Erk Party newspaper. In the notice sent to Ardzinov, authorities claimed that the material was confiscated on the basis of a statute prohibiting the mailing of items of artistic or cultural significance.

In March police confiscated six copies of the Uzbekistan chapter of the 1999 HRW World Report from a HRW representative who was observing the trial of the 12 men on trial for membership in Hizb ut-Tahrir (see Section 1.d.). According to an international NGO, the presiding judge at the trial characterized the distribution of the report as the clandestine distribution of leaflets. In November customs authorities confiscated several copies of the journal of the unregistered Birlik Democratic Movement that had been mailed to a private citizen. Customs claimed that the material was illegal and anticonstitutional. In the same month, Customs opened mail sent from HRW's New York office to its Tashkent office and confiscated several copies of a published list of political and religious prisoners in Uzbekistan compiled by the Moscow-based human rights organization Memorial. In explaining the confiscation, a representative of the Ministry of Foreign Affairs told HRW that it took issue with the content of the Memorial report.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for “freedom of thought, speech, and convictions”; however the Government continues to restrict these rights severely.

A 1991 law against “offending the honor and dignity of the President” limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the Government in public. The 1998 Mass Media law formally provides for freedom of expression, protects the rights of journalists, and reiterates the constitutional ban on censorship. Nonetheless, several articles of the law, and the lack of due process provided for in their implementation, allow the Government to use the law to silence critics. The law established an interdepartmental government commission which issues licenses to approved media outlets. In May a new law changed the term of validity of these licenses from 1 year to 5 years, a move welcomed by those in the media. The interdepartmental commission is empowered to revoke licenses and close media outlets without a court judgment.

According to the Mass Media Law, journalists are responsible for the accuracy of the information contained in their news stories, potentially subjecting them to prosecution. The law prohibits stories that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see Section 2.b.).

The Constitution prohibits censorship; however, it is widely practiced and the Government tolerates little, if any, criticism of its actions. The last opposition newspaper to be published was that of the Erk Democratic Party, which has been banned within the country since 1993 but is published sporadically abroad.

There are no private publishing houses, and government approval is required for all publications. Newspapers are generally printed by state-owned printing houses, which refuse to print any edition that does not bear the prior approval of the Committee for the Protection of State Secrets. In these circumstances, journalists who want to ensure that their work is published practice self-censorship.

In April authorities closed an independent Urgench newspaper, Panorama (circulation 500). Panorama's publisher, Konstantin Aksianov, had purchased his own presses and thus was able to produce and distribute the newspaper without censorship by the Committee for the Protection of State Secrets. However, private printing presses require licenses and in April, the State Press Committee, without explanation, revoked Panorama's license to print and warned other printers not to print the newspaper.

Information remains very tightly controlled. The Uzbekistan Information Agency cooperates closely with the presidential staff to prepare and distribute all officially sanctioned news and information. Nearly all newspapers are organs of government ministries. Private persons and journalist collectives may not establish newspapers unless they meet the media law's standards for establishment of a "mass media organ," including founders acceptable to the Government. A handful of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content, are allowed to operate without censorship. Limited numbers of foreign periodicals are available (see Section 1.f.).

Four state-run channels that fully support the Government and its policies dominate television broadcasting. A cable television joint venture between the state broadcasting company and a foreign company broadcasts the Hong Kong-based Star television channels, including the BBC, Deutsche Welle, and Cable News Network world news, to Tashkent and a few other locations. Access to cable television is beyond the financial means of most citizens.

There are between 30 and 40 privately owned local television stations and 3 privately owned radio stations. Generally, broadcasters practice self-censorship and enjoy some leeway in reporting critically on local government.

The interdepartmental commission closed two television stations in 1999. One of them was allowed to reopen in 2000. Officials claimed that the stations did not meet technical requirements for relicensing and that there was no political element to the closings. Foreign observers noted that the two were among the most independent in the country and interpreted the closings as a warning to other broadcasters to be careful of their content. Shukhrat Babajanov, the owner of ALC, a station in Urgench that has been prohibited from reopening, unsuccessfully sued the Government in February for damages resulting from the station's closing. He appealed and lost again in March. ALC had also lost its registration temporarily in 1997, allegedly for technical violations of regulations. It was believed widely at the time that the real reason for the 1997 closure was that the owner had been a member of the Erk political party in the early 1990s. Babajanov and his former employees were subjected to harassment and veiled threats by police during the summer.

As these cases illustrate, enforcement of the registration and licensing requirements can be strict, and the Government's implementation of the media law does not function smoothly. Because the registration committee meets irregularly and because the annual re-registration requirement has only recently been revised, up to one half of independent television stations have been forced to operate with expired licenses, making them vulnerable to a government shut down. During the 1999 election season, owners reportedly believed that the Government was intentionally delaying re-registration in order to ensure that the stations broadcast nothing unfavorable. However, in 2000 most owners reported that tensions between them and the Government eased substantially.

Private radio and television broadcasters formed an independent professional association in 1998. The association resisted both generous incentives and heavy pressure from the Government to elect the Government's candidate as chairman. Government officials openly threatened members of the group and the opposition candidate who was elected. Since that time, the Government has arbitrarily denied the group's registration application on seven occasions, three during the last year. In one unsuccessful effort to win registration, the association even changed its name from ANESMI to MEDIA. Ministry of Justice officials reportedly advised the group privately that it never would be registered. The lack of registration effectively restricts MEDIA's ability to attract international funding and operate legally.

Radio Free Europe/Radio Liberty and the Voice of America are not permitted to broadcast from within the country, despite the Government's 1992 contractual agreement to allow this activity. The Government allows both organizations to have correspondents in the country. The BBC World Service was required to broadcast on a very low FM frequency that most radios would not be able to receive, and then

only after the BBC had agreed on paper to restrictions amounting to self-censorship. (However, observers agree that there is no evidence that the BBC actually engages in self-censorship.) The World Service is permitted to broadcast only 2 hours per day: Two 30-minute broadcasts per day in Uzbek, and two 30-minute broadcasts per day in Russian, 7 days a week.

Since February 1999, all Internet service providers have been required to route their connections through a state-run server. The avowed main purpose of this directive was to prevent the transmission of what the State considers to be harmful information, including material advocating or facilitating terrorism, material deemed hostile to the constitutional order, and pornography. By year's end, the Government had re-routed all but one provider, but did not yet possess the equipment and expertise necessary to complete implementation of the decree. The Government has issued regulations and taken technical steps to filter access to content that it considers objectionable. Despite these restrictions, the availability of Internet access has expanded as the number of service providers and Internet cafes have grown.

The Government has granted academic institutions a degree of autonomy, but freedom of expression still is limited.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly; however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds, and in practice the Government restricted the right of peaceful assembly. The Government must approve demonstrations but does not grant permits to demonstrators routinely. In November 1999, a group of 30 to 40 veiled Muslim women gathered in front of the office of the Tashkent hokim (local governor) to protest the incarceration of their relatives. The police ordered them to disperse after refusing their request to meet with the hokim. Some members of the group report that they have been under intermittent surveillance since that time. In August shopkeepers at a Tashkent bazaar spontaneously took to the streets to protest a rise in rental fees set by the Government. Police responded to contain the crowd, but no violence was reported.

The Constitution provides for the right of freedom of association; however the Government restricts the exercise of this right. The Government refuses to register opposition political parties and movements. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be registered formally with the Government in accordance with procedures prescribed by law. A 1996 analysis by foreign legal observers concluded that, while the Law on Political Parties provides theoretical protections for minority parties and permits a wide range of fund raising, it also gives the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. There are no registered opposition parties (see Section 3).

In the early 1990's, the Government repeatedly denied the attempts by the Birlik Movement and Erk Party to register. Harassment by security forces drove the leaders of these organizations into voluntary exile. These organizations made no attempt to register during the year, reportedly because their remaining adherents were afraid of government reprisals.

The Constitution and a 1991 amendment to the law on political parties ban parties of an ethnic or religious nature. Authorities cited these statutes in denying registration to the Islamic Renaissance Party (IRP) in 1992. In the early 1990's, opposition activists announced the formation of the religious Adolat-True Path Party but never pursued formal registration, claiming that their members were afraid of government reprisals. Leaders and members of these parties, denied a voice in the political process and forced to flee repression, now form the core of the IMU, which launched an armed insurgency in Uzbekistan and neighboring countries during the year.

The Law on Public Associations as well as the Law on Political Parties prohibits registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already are registered. In the past, officials have used the latter provision to block human rights NGO's and independent political parties from registering by creating another NGO or party with the identical name.

The Government has refused to register the two principal independent human rights organizations. The Human Rights Society of Uzbekistan sought registration unsuccessfully four times between 1992 and 1996. During the year, authorities refused to approve a visa to permit the HRSU's leader-in-exile to return to the country and to preside over a new founding convention, the required first step for a new registration application. In April authorities refused permission for the HRSU to host an international human rights conference in Tashkent (see Section 4).

The Independent Human Rights Organization of Uzbekistan (IHROU), headed by longtime human rights activist Mikhail Ardzinov, held its founding convention and filed registration papers in 1997, but the Government has not yet formally approved or denied the application. In both cases, the Government claims that the registration applications were not made properly and need to be resubmitted. Neither the HRSU nor the IHROU resubmitted applications during the year; there was no indication that they would be registered. The Government's repeated refusals to register these organizations appear politically motivated. The Government has approved the registration of only one human rights NGO, the Committee for Protection of Individual Rights, which was formed with government support in 1996.

The process for government registration of NGO's and other public associations is also difficult and time-consuming, with many opportunities for obstruction. Although unregistered organizations often can disseminate literature, hold meetings, and use letterhead stationery without government interference, they do not exist as legal entities and have no real access to the media or government.

A law on nongovernmental, noncommercial organizations passed in April 1999 provides a relatively benign legal framework for their registration and functioning. In particular the requirements for registration are simpler than they had been under previous legislation. However, the law contains several vaguely worded provisions that, in practice, may result in arbitrary enforcement of decisions harmful to NGO's. The real effect of the law depends on the implementing regulations, which had not yet been promulgated more than 1.5 years after passage of the law.

Nonpolitical associations and social organizations usually may register, although complicated rules and a cumbersome government bureaucracy often make the process difficult. Some evangelical Christian churches (see Section 2.c.) found it difficult to obtain registration.

c. Freedom of Religion.—The Constitution provides for freedom of religion and for the principle of separation of church and state; however, in practice the Government only partially respects these rights. The Government perceives unofficial Islamic activity as an extremist security threat and outlaws it. During the year, the Government arrested hundreds if not thousands of members of such groups and sentenced them to between 15 and 20 years in jail. The Government permits persons affiliated with mainstream religions, including approved Muslim groups, Jewish groups, the Russian Orthodox Church, and various other denominations, such as Catholics and Lutherans, to worship freely and generally registers more recently arrived religions. However, the religion law forbids or severely restricts activities such as proselytizing and importing and disseminating religious literature.

The Government is secular and there is no official state religion. Although the laws treat all religious confessions equally, the Government shows its support for the country's Muslim heritage by funding an Islamic university and subsidizing citizens' participation in the Hajj. The Government promotes a moderate version of Islam through the control and financing of the Spiritual Directorate for Muslims (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials.

In May 1998, the Parliament passed two laws that restrict religious activity. The Law on Freedom of Conscience and Religious Organizations provides for freedom of worship, freedom from religious persecution, separation of church and state, and the right to establish schools and train clergy. However, the law also severely limits religious activity. It restricts religious rights that are judged to be in conflict with national security, prohibits proselytizing, bans religious subjects in public schools, prohibits private teaching of religious principles, forbids the wearing of religious clothing in public by anyone other than clerics, and requires religious groups to obtain a license to publish or distribute materials.

The second legislative change enacted in May 1998 consisted of a series of revisions to the Criminal and Civil Codes that stiffened the penalties for violating the religion law and other statutes on religious activities. It provided for punishments for activities such as organizing a banned religious group, persuading others to join such a group, and drawing minors into a religious organization without the permission of their parents.

The Criminal Code was amended again in May 1999 with two changes that affected religious freedom. The changes draw a distinction between "illegal" groups, which are those that are not registered properly, and "prohibited" groups, which are banned altogether. The first measure makes it a criminal offense punishable by up to 5 years in prison to organize an illegal religious group or to resume the activities of such a group (presumably after being denied registration or being ordered to disband). Furthermore, the measure punishes any participation in such a group by up to 3 years in prison. The second measure sets out penalties of up to 20 years in prison and confiscation of property for "organizing or participating" in the activities

of religious extremist, fundamentalist, separatist, or other prohibited groups. In practice, the courts ignore the theoretical distinction and frequently convict members of disapproved Muslim groups under both statutes.

The Religion Law requires all religious groups and congregations to register and provides strict and burdensome criteria for their registration. In particular it stipulates that each group present a list of at least 100 Uzbek citizen members (compared with the previous minimum of 10) to the local branches of the Ministry of Justice. This provision enables the Government to ban any group simply by denying its registration petition. Government officials designed the law to target Muslims who worship outside the system of state-organized mosques. A special commission created in August 1998 may grant exemptions to the religious law's strict requirements and register groups that have not been registered by local officials. The commission has granted exemptions to 51 such groups, including congregations with fewer than 100 Uzbek members. However, no formal procedures or criteria have been established to bring a case before this commission.

In a February 29 roundtable on religious freedom, Government officials (from the Committee on Religious Affairs, Parliament, and the National Center for Human Rights) called for clarifications that would bring religion law and practice into line with the International Covenant on Civil and Political Rights, and on May 25 President Karimov suggested that the Parliament consider improvements to the religion law. However, no action was taken by year's end.

In August an expert from the U.N. Committee on the Elimination of Racial Discrimination noted the serious restrictions on freedom of religion in Uzbekistan, targeting primarily Muslims worshipping outside the state-organized mosques.

Christian churches generally are tolerated as long as they do not attempt to win converts among ethnic Uzbeks. Christians who are ethnic Uzbeks are secretive about their faith and rarely attempt to register their organizations. Christian congregations that are of mixed ethnic background are reluctant to list their Uzbek members on registration lists due to fear of incurring official displeasure. Since the law prohibits participation in unregistered groups, some minority churches have not submitted registration applications because they know that they are unable to comply with the law's requirements and prefer not to identify themselves to the authorities. Although church leaders cite high registration fees and the 100-member rule as obstacles to registration, the most frequent problem is the lack of an approved legal address, which is required in order to submit an application. Some groups have been reluctant to invest in the purchase of a property without assurance that the registration would be approved. Others claim that local officials arbitrarily withhold approval of the addresses because they oppose the existence of Christian churches with ethnic Uzbek members.

In August 1999, the central Government undertook to register minority religious groups whose applications had been blocked by local officials. Twenty churches received their registration immediately, and most new applications since that time have been approved; however, there have been exceptions. A Baptist congregation in Gazalkent attempted to register unsuccessfully throughout the year. Representatives of the group claimed that local officials were blocking its registration. The deputy mayor of Gazalkent allegedly told church leaders at one point that its application might be approved if it removed from its membership list all names of ethnic Uzbek origin. Another Baptist congregation in Guliston was denied registration in December ostensibly on the grounds that its proposed church was in a residential area. Although two Jehovah's Witness congregations are registered, eight others that have attempted to register during the last year were unsuccessful. Church officials believe that the fact that many members of these groups are Uzbek nationals is at the root of the bureaucratic obstructionism that they are facing. The Committee on Religious Affairs (CRA) denied the Greater Grace Christian Church of Samarkand permission to have a Finnish, rather than Uzbek, pastor. The church's application for registration was therefore blocked until this issue is resolved. The Tashkent International Protestant Church was denied registration because its members were not Uzbek citizens. However, the CRA gave permission for the church to meet and hold services. The church has appealed to the Presidential Commission on the Implementation of the Religion Law, which has authority to grant exceptions to the requirements of the law. By year's end, the Commission had not met.

At year's end, the Government had registered 1,979 religious congregations and organizations, 1,805 of which were Muslim. The 174 registered minority religious groups include 47 Korean Christian, 32 Russian Orthodox, 30 Pentecostal ("full gospel"), 23 Baptist, 10 Seventh-Day Adventist, 8 Jewish (1 Ashkenazy, 6 Bukharan, 1 mixed), 7 Baha'i, 4 Lutheran, 3 Roman Catholic, 2 Jehovah's Witnesses, and 2 Krishna Consciousness groups. Several of these congregations had fewer than the required 100 members but received exemptions from the requirement. An additional

335 applications had been denied, 323 of which were from Muslim groups. The number of mosques has increased significantly from the 80 or so permitted in the entire Soviet Union to 1,800 registered currently, but has decreased from the 4,000 or more that opened after the country gained independence and before registration procedures were in place.

Authorities tolerate many Christian evangelical groups, but often harass those that openly try to convert Muslims to Christianity. Police occasionally have broken up meetings of unregistered groups. Leaders of such groups have been assessed fines or even imprisoned. In August police allegedly detained a group of unregistered Baptists meeting in a private apartment in Chirchik for 2 days, during which police allegedly beat them. After a similar incident in October 1999 in Karshi, the Committee on Religious Affairs claimed that it took steps to ensure that police allow such Baptist congregations, which consider registration to be inconsistent with their religious beliefs, to meet undisturbed for worship.

In July police in Nukus, Karakalpakstan, arrested Nikolai Rodzinski, pastor of a small unregistered Baptist group, after allegedly planting narcotics in his bicycle pack; he was released in late September. Rodzinski came to the attention of the police because members of his congregation participated in a summer youth camp sponsored by the registered Korean Christian church "Mir." Karakalpak authorities closed the camp in July and in August ordered Pastor Vladimir Kim to close his church, on the grounds that the camp had taught religion to minors without parental consent, a violation of the religion law. Kim maintains that all parents had signed consent forms.

The Nukus Full Gospel Church has not reopened since the August 1999 presidential pardon of Pastor Rashid Turibayev, who had been imprisoned on religious and falsified narcotics charges. Nukus authorities have not returned the property confiscated in 1999 after Turibayev and two associates were convicted, and have not returned title to the church building to the Full Gospel Church headquarters in Tashkent. Local observers claim that after their release, the three were subjected to regular police harassment. Turibayev now lives in Kazakhstan where he is preaching to a Full Gospel congregation.

Central government officials, as well as many Christian leaders, view these and other incidents of harassment as isolated cases of local officials misapplying the law.

The Government's most serious abuses of the right to religious freedom were committed against Muslims. The Government's campaign against independent Muslim groups, begun in the early 1990's, resulted in numerous serious human rights abuses during the period covered by this report. The campaign has been directed at three types of Muslims: Alleged Wahhabists, including those educated at medrassas (schools) abroad and followers of missing imams Nazarov of Tashkent and Mirzaev of Andijon; those suspected of being involved in the 1999 Tashkent bombings or of being involved with the IMU, whose roots are in Namangan; and suspected members of Hizb ut-Tahrir throughout the country.

The line between the so-called Wahhabists and those suspected of being involved in the 1999 bombings and the IMU insurgency in 2000 is not always apparent, even to an unbiased observer. Both Wahhabism and the IMU stem from the growth of independent Islam that the Government has sought to suppress since the early 1990's. Based on the court record, the distinction is that the Government considers the Wahhabists to be extremists and potential terrorists and those suspected of involvement in the bombings to be active terrorists. The Government does not consider repression of these groups to be a matter of religious freedom, but instead to be directed against those who oppose and even may take up arms against the political order. However, authorities are highly suspicious of those who are more pious than is the norm, including frequent mosque attendees, bearded men, and veiled women. In practice this approach results in abuses against many devout Muslims for their religious beliefs.

On September 5, President Karimov signed a decree promising full amnesty to repentant Uzbek citizens who have joined "terrorist groups under the influence of religious extremists" abroad, but who have not participated in the insurgency.

Following both the December 1997 murder of police officials in Namangan and the February 1999 terrorist bombings in Tashkent, police detained hundreds and perhaps thousands of suspected Wahhabists. The majority of those detained were released after questioning and detention that lasted as long as 2 months. The police routinely planted narcotics, ammunition, and, beginning in 1999, religious leaflets, on citizens to justify their arrest.

To determine whom to arrest, the Government used the local mahalla (neighborhood) committees as a source of information. Shortly after the February 1999 Tashkent bombings, President Karimov directed that each committee assign a "defender of the people," whose job it was to assure that young persons in the neighbor-

hoods were not joining independent Islamic groups. The committees identified for police those residents who appeared suspicious. In an interview with the Associated Press in September, an official of the Committee on Religious Affairs said that the mahallas had identified 10,700 persons with extremist tendencies. Asked how mahalla officials know who is an extremist, the official replied "you can see it in their eyes." Human rights observers noted that in practice the committees often perceived as suspicious those same individuals who already had been detained by the police in the wake of either the 1997 murders of officials in Namangan or the 1999 Tashkent bombings, and who subsequently had been released because there was no evidence against them. There were dozens of cases involving persons who previously had been detained and released who were rearrested and tried during the year.

The absence of a free press and the rarity of public trials make it impossible to determine how many persons have been incarcerated. Nonetheless, the Moscow-based human rights organization, Memorial, has compiled a list of over 1,400 documented cases of persons allegedly imprisoned for political and religious reasons from January 1999 to April 2000 (see Section 1.e.). Memorial estimated that the total number of such prisoners was between 4,000 and 5,000. Human Rights observers estimate credibly that from 30 to 50 persons were convicted for alleged Islamic extremism each week during the reporting period. The number of those in pretrial detention is unknown but is probably several hundred. Nearly all those listed were accused of being Muslim extremists. By the end of June of this year, the Government had convicted 128 persons for direct involvement in the bombing plot. Of these, at least 18 received death sentences, most of which reportedly have been carried out.

Pavlonazar Khodjaev was sentenced to death in May for allegedly having links to the IMU and helping plan a terrorist action near Yangiabad. Khodjaev's father had been imprisoned in 1999, according to human rights activists, because of his refusal to divulge to authorities the whereabouts of Pavlonazar and another of his sons. The elder Khodjaev was beaten to death in Jaslik prison in July 1999.

Abdurakhim Abdurakhmanov, an independent Tashkent imam and follower of Imam Nazarov, was arrested on or about April 27. The Government held him incommunicado and did not inform his family of his whereabouts. Abdurakhmanov had been fired from his job as leader of the Kokoldash Madrassa in 1996 and was arrested, severely beaten, and imprisoned briefly in 1998 after police claimed to have found narcotics and a false passport on him. After the recent arrest, officials questioned his wife and sister-in-law, accusing them of Wahhabism. He was convicted in July and sentenced to 17 years in prison. At his trial he claimed that he was tortured.

A leading independent Muslim cleric, Imam Abidkhon Nazarov, has been missing since March 1998, when dozens of police and security agents raided and searched his home. Although his family claims that the security services abducted him, the Government and many observers believe that he fled to avoid arrest.

There was one new development in the October 1999 release of leading Islamic figure Imam Abduvakhid Yuldashev, who was rearrested on July 23. Since his arrest he allegedly has been mistreated severely. He was held incommunicado for some 6 months and was twice beaten into signing documents refusing counsel. Another Islamic activist, Abdurauf Gafurov, remains free after his 1999 release.

There were no reported developments in the 1995 disappearance of Imam Abduvali Kori Mirzaev or the 1997 disappearance of his assistant, Nematjon Parpiev; or the 1992 disappearance of Abdullah Utaev, leader of the outlawed Islamic Renaissance Party.

Several persons arrested for religious reasons apparently died from mistreatment in custody (see section 1.a.).

Students who in 1997 and 1998 were expelled from schools for wearing religious dress were not allowed to re-enroll in 2000 (see Section 1.f.).

Synagogues function openly; Hebrew education (long banned under the Soviets), Jewish cultural events, and the publication of a community newspaper take place undisturbed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for free movement within the country and across its borders, and the Government generally respected these rights; however, at times it limited this right. Citizens must have permission from local authorities in order to resettle in a new city. The Government rarely grants this permission to those who wish to move to Tashkent. The Government requires citizens to obtain exit visas for foreign travel or emigration, but grants these permits routinely. All citizens have a right to a passport, and the Government does not restrict this right. The new passports serve as both internal identity cards and, when properly certified, as external passports. Every citizen must carry such a document when trav-

eling inside or outside the country. Police occasionally confiscate these documents, severely restricting a person's right to travel.

Movement within the country of foreigners with valid visas generally is unrestricted. However, in mid-year, mountainous regions in the South and East of the country were closed to traffic because of the IMU insurgency. Visitors require special permission to travel to certain areas, such as Termez, on the Afghan border.

Several Uzbek human rights activists were able to leave and reenter the country without encountering problems from the Government. The Government has not returned the passport of human rights activist Mikhail Ardzinov which police had confiscated in June of 1999. This restricted his freedom of movement within the country and prevented him from attending international conferences.

The law on citizenship stipulates that citizens do not lose their citizenship if they reside overseas. However, since Uzbekistan does not provide for dual citizenship, those acquiring other citizenship lose Uzbek citizenship. In practice the burden is on returning individuals to prove to authorities that they have not acquired foreign citizenship while abroad. There were reports during the year that some ethnic Russians attempting to return after residing abroad were denied residence permits and new passports.

There is no law concerning the rights of refugees and asylum seekers, and the Government does not recognize the right of first asylum. The Government does not adhere to the 1951 Convention Relating to the Protection of Refugees and its 1967 Protocol. The Government considers asylum seekers from Tajikistan and Afghanistan to be economic migrants, and such individuals are subject to harassment and bribe demands when seeking to regularize their status. They may be deported if their residency documents are not in order. However, the Government agreed in August 1999 that it would not force those who have received U.N. High Commissioner for Refugees (UNHCR) mandate refugee status to leave the country. The UNHCR reports that the policy appears to be working, and that police rarely harass mandate refugees.

The population includes ethnic Koreans, Meskhetian Turks, Germans, Greeks, and Crimean Tartars deported to Central Asia by Stalin during World War II. These groups enjoy the same rights as other citizens. Although they are free to return to their ancestral homelands, absorption problems in those countries have slowed that return. Although there are no official statistics, observers including the UNHCR estimate that there are 30,000 Tajik and 8,000 Afghan refugees in the country. As of December 31, there were 1,351 UNHCR mandate refugees, with roughly 450 cases pending decision. According to the UNHCR there were no cases of forced repatriation of persons to a country where they feared persecution.

During the August conflict with the IMU, the Government ordered the evacuation of least five villages in the Surkhandarya region near the border with Tajikistan. After spending 2 months in a temporary camp, the villagers were transferred in November to a newly constructed settlement over 200 kilometers away. Conditions in the settlement are reportedly extremely poor and residents are suffering from a shortage of food. Several of the residents have told international observers that police have detained and beaten most of the men in an effort to find those who may have collaborated with the IMU. Estimates of the number in police detention at year's end ranged from 39 to over 120. One resident, Hazratkul Kodirov, died in late December, according to his brother, from injuries sustained during interrogation (see Section 1.a.).

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

While the Constitution provides for this right, in reality citizens cannot change their government through peaceful and democratic means. The Government severely represses opposition groups and individuals and applies strict limits on freedom of expression. No opposition groups participated in government or were allowed to function legally.

The Government is highly centralized and is ruled by a strong presidency. President Karimov, formerly the first secretary of the Communist Party in Uzbekistan under Soviet rule, was elected in a limited multicandidate election in 1991. A 1995 Sovietstyle referendum and subsequent parliamentary decision extended Karimov's first term until 2000. He was reelected in January to a second term with 92.5 percent of the vote. Karimov's opponent, Abdulhafiz Jalalov ran a token campaign, and admitted on election day that he himself had voted for Karimov. The Organization for Security and Cooperation in Europe (OSCE) declined to monitor the presidential election on the grounds that the preconditions did not exist for it to be free and fair.

President Karimov and the executive branch retain control through sweeping decree powers, primary authority for drafting legislation, and control of virtually all government appointments, most aspects of the economy, and the security forces.

Most government officials are members of the People's Democratic Party of Uzbekistan (PDP), formerly the Communist Party and still the country's largest party. However, the party as such does not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. There are four other parties; however, these were created with government assistance and are loyal to President Karimov. All five parties participated in the December 1999 elections to the Oliy Majlis, during which 93 percent of the electorate reportedly cast their vote. However, parties that competed in the parliamentary elections, as well as the numerous independent candidates, were congenial to the Government and did not represent a real choice for voters.

Because the voters lacked a choice, the OSCE and many international observers concluded that the December 1999 legislative elections fell short of adherence to accepted standards of free and fair elections. Local and regional hokims (governors)—who are appointed by the president—exerted a strong influence on the selection of candidates and the conduct of campaigns. Nearly half (110 out of 250) of those elected were not from party lists but were either hokims themselves or were nominated by the hokims' local assemblies. Only 16 of the 250 winning candidates had been nominated by citizens' initiative groups. These candidates generally were allowed on the ballot only if the hokims approved them.

The Oliy Majlis is constitutionally the highest government body. In practice, despite assistance efforts by international donors to upgrade its ability to draft laws independently, its main purpose is to confirm laws and other decisions drafted by the executive branch rather than to initiate legislation.

New laws governing the conduct of parliamentary and presidential elections, as well as a law creating a Central Election Commission, came into effect in 1998. These laws, combined with the 1997 law on political parties, make it extremely difficult for opposition parties to come into being, to nominate candidates, and to campaign. The procedures to register a candidate are burdensome and the Central Election Commission has authority to deny registration. For example, a presidential candidate is prohibited from campaigning before being registered, but must present a list of 150,000 signatures in order to be registered. The Central Election Commission must deny registration of presidential candidates who are found to "harm the health and morality of the people." The 1998 statutes deleted a previous provision allowing recourse to the Supreme Court to candidates whose parties are denied registration. The Ministry of Justice has the right to suspend parties for up to 6 months without a court order.

Citizens initiative groups of 100 members or more may nominate candidates to the Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Other interest groups are forbidden from participating in campaigns and candidates may meet with voters only in forums organized by precinct election commissions. The 1998 laws repeal the right of parties to fund their candidates' campaigns directly. Instead, parties must turn over all campaign money to the Central Election Commission, which then distributes the funds equally among the candidates. Only the Central Election Commission may prepare and release presidential campaign posters. In August 1999, the Parliament enacted minor modifications to the election laws, but these have had little practical effect.

According to the Law on Political Parties, judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. By law the Government prohibits formation of parties based on religion or nationality; those that oppose the sovereignty, integrity and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility. Political organizations that seek to overthrow the Government, or sow national or racial hatred, are prohibited. Moreover, the Government has refused to register democratic political opposition organizations. Membership in unregistered political organizations is not forbidden officially, but membership in unregistered organizations with a prohibited goal or premise is forbidden.

The Government continues to persecute members of unregistered, political opposition groups using such methods as arbitrary arrest, conviction on falsified charges, surveillance, and loss of employment. The leaders of the two largest unregistered opposition groups in the country—Mohammed Solikh of the Erk Democratic Party and Abdurakhim Polat of the Birlik Democratic Movement—were forced into exile in the early 1990's. After the February 1999 Tashkent bombings, persecution of members of these groups intensified. The Government repeatedly has accused Erk leader Solikh, who ran against Karimov for the presidency in 1992, of being a leader

of the terrorist plot behind the bombings. Solikh was 1 of the 9 defendants-in-absentia in the November show trial of 12 alleged bombing conspirators. He was convicted and sentenced to 15.5 years in prison. Two of Solikh's brothers (Rashid and Muhammed Bekhjanov) were imprisoned soon after the bombings and were convicted on political charges in August 1999, along with noted poet and former Solikh associate Mamadali Makhmudov and another defendant affiliated with the Birlik party.

Dozens of Erk and Birlik activists reported that after the bombings they were subjected to various forms of harassment: Frequent surveillance; restrictions on movement; searches of their homes; lengthy police interrogations; and, occasionally, detentions.

Traditionally, women participate much less than men in government and politics, and are underrepresented in these areas. There are 17 female deputies in the 250-member Parliament. There are 2 women (both with the rank of Deputy Prime Minister) among 28 members of the Cabinet; 1 is charged specifically with women's issues.

There are nine ethnic Russians or Ukrainians, six Karakalpaks, three Kazakhs, one Korean, and one Armenian in the Parliament.

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

The Government restricts and harasses local NGO's working on human rights and refuses to register the country's two main human rights organizations. Both the Minister of Internal Affairs and the Minister of Justice accused publicly both local and international human rights organizations of giving support to the country's enemies.

In the verdict in the case of Kamoletdin Sattarov in Andijon in July, the court ordered destroyed 17 individual appeal forms from the U.N. High Commissioner for Human Rights that police had found in Sattarov's home on February 3. Uzbek citizens exercising their right to free speech had filled out six of these forms; eleven were blank. The prosecution treated the forms, as well as two Hizb ut-Tahrir leaflets, as evidence of Sattarov's antistate activities. He was sentenced to 9 years in prison. Upon appeal in August, the regional court voided the verdict of the Andijon court and ordered a new trial. In his retrial, Sattarov was sentenced to 10 years in prison, 1 year more than his original sentence. However, the judge ordered that the U.N. High Commissioner for Human Rights forms be returned to Sattarov's family. Sattarov's appeal of this verdict summarily reconfirmed the new sentence in December.

Security forces continue to harass and abuse human rights activists. The chairman of the HRSU, Abdumannob Polat, lives in voluntary exile. Neither the IHROU nor the HRSU resubmitted applications to register during the year. However, HRSU's attempt to hold a congress of its members, required in order to submit a new registration application, was blocked by local officials on December 22 (see Section 2.b.)

On December 21, President Karimov pardoned and released Mahbuba Kasimova, an IHROU human rights activist and member of the Birlik Democratic Movement. Kasimova, who had been sentenced to 5 years in prison in a 3-hour trial in July 1999, had received international attention as a political prisoner. There were no developments in the case of Ismail Adilov, another IHROU activist who was imprisoned in 1999 on charges widely believed to be fabricated.

One international human rights group, HRW, has permission to operate in the country and has had an office in Tashkent since 1996. The group operates independently and has no affiliation with the Government.

The Government registered one human rights NGO in 1996. The registered NGO, the Committee for Protection of the Rights of Individuals, was formed with the support of the Government but also has ties to opposition figures. Some sources affiliated with other groups have questioned its independence from the Government. The organization acts as the Uzbek affiliate of the International Society for Human Rights based in Germany.

Since 1997 there has been a human rights Ombudsman's office affiliated with the Parliament. The Ombudsman may make recommendations to modify or uphold decisions of state agencies, but the recommendations are not binding. The Ombudsman is prohibited from investigating disputes within the purview of courts. The Ombudsman replaced the parliamentary human rights commissioner, who had insufficient trained staff to carry out in-depth investigations of human rights violations and did not vigorously pursue allegations against the police and security forces. The office of the Ombudsman increased its staff and received authorization to open regional offices throughout the country. The Ombudsman issues reports identifying the most

serious types of violations of human rights by government officials. The office claims that it has assisted hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police and local officials. Most of the successfully resolved cases appear relatively minor. In February the current Ombudsman, Sayora Rashidova, sponsored a round-table to discuss problems with the country's religion law. Non-state attendees included the mufti, the Russian Orthodox Church, academics, an international NGO, the OSCE, and various diplomatic missions.

The National Human Rights Center of Uzbekistan, created by presidential decree in 1996, has as its purpose to educate the population and government officials about the principles of human rights and democracy. The center's chief activity is to hold seminars and training, and it is not involved in human rights advocacy. The center has worked closely with international organizations such as the UNDP and the OSCE.

The Government is willing to discuss human rights matters with organizations such as the OSCE, as well as with foreign embassies. The UN has not sent human rights commission members or special rapporteurs to the country. The Government is generally willing to hold an open dialog with international human rights NGO's, and held several high-level discussions with representatives of HRW during 1999.

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

Both the Constitution and the 1992 law on citizenship prohibit discrimination on the basis of sex, religion, language, or social status; however, societal discrimination against women persists.

Women.—Spousal abuse is common, but both local activists and the police say they have no statistics on the issue. At a September 1999 seminar on domestic violence, representatives of NGO's with crisis centers reported that the number of women seeking assistance is growing rapidly. Wife beating is considered a personal family affair rather than a criminal act, and thus such cases usually are handled by family members or elders within the community (mahalla) and rarely come to court.

In December a U.S.-based NGO, Minnesota Advocates for Human Rights, released a major study on Domestic Violence in Uzbekistan. While the lack of reporting prevented the authors from determining the number of cases annually, the study concluded that domestic violence is widespread and that the Government has failed to combat or even acknowledge the problem. Another U.S.-based NGO, Winrock International, which helps develop women's organizations in Uzbekistan, agreed with the conclusions of the study but noted that public officials were willing to speak openly about the problem of domestic violence in Uzbekistan.

Trafficking in women for the purpose of prostitution occurs, particularly to the Persian Gulf, Turkey and South Korea (see Section 6.f.). Prostitution within the country is a growing problem stemming from the worsening economic situation.

Due to tradition, women, particularly in rural areas, usually marry before age 20, bear many children, and confine their activities to within the family. In rural areas, women often find themselves working in the cotton fields during the harvest season. However, women are not impeded formally from seeking a role in the workplace. The barriers to equality for women are cultural, not legal, and women who open businesses or seek careers are not hindered legally.

Although the law prohibits discrimination against women, traditional cultural and religious practices limit their role in everyday society. For these reasons, women are underrepresented severely in high-level positions. In 1995 President Karimov issued a decree on measures to increase the role of women in society, particularly extending their participation in state and social administration and coordinating the activities of ministries and social organizations as they relate to women's issues. In this connection, a deputy prime minister position was created in 1995 charged with furthering the role of women in society. This cabinet level official is also head of the National Women's Committee. The edict also mandated the formation of regional women's committees throughout the country, headed by government-appointed officials. In September the National Women's Committee sponsored a meeting commemorating the fifth anniversary of the Beijing Conference. According to NGO participants at this meeting, the Government for the first time showed a willingness to work together with NGO's on a common plan of action.

The President declared 1999 to be the "year of the woman." In April 1999 the Government promulgated a law extending additional rights to women; it reduced the workweek to 35 hours for female employees of the State and reduced the optional retirement age for women to 54 years (after 20 years of employment). Government-sponsored activities also included a series of seminars, newspaper articles,

public service announcements, and television programs that increased awareness of women's issues.

Several dozen NGO's address the needs of women. For example, the Business-women's Association in Tashkent, in addition to providing resources and information about developing small enterprises, operates a store that sells clothing and crafts. A center in Tashkent conducts seminars on sexual harassment, domestic violence, and the legal rights of women. Another center in Samarkand operates a crisis hot line and provides educational services on alcoholism, sexually transmitted diseases, and family counseling.

In parts of the country, some women and girls resort to suicide by self-immolation. There are no reliable statistics on the extent of this problem, since most cases go unreported. However, representatives of women's groups continue to observe an increase in self-immolation. After marriage many women or girls move into the husband's home, where they occupy the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercises complete control over the young bride, usually is the stimulus for suicide.

A 1997 research study indicated that the number of women enrolling in higher education was diminishing; for example, women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to about 25 percent in 1997. Cutbacks in government funding to universities and the need for families to fund a higher percentage of educational costs leaves many families in the position of being able to fund the education of only one child, either a son or a daughter. The report stated that university faculty "steer" women into occupations traditionally performed by females and suggested that administrators may practice a policy of deliberately barring entrance to women in some fields.

Children.—The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they reach majority at age 18. Traditional Uzbek values reinforce the cohesion of families; in most cases, several generations of a family live together. In theory the State provides free universal primary education and health care; however, in practice shortages and budget difficulties mean that some services must be paid for privately. The State grants monetary allowances to families based on their number of children. The country has a very high birth rate; over one-half of the population is under the age of 18.

Nine years of formal schooling are compulsory, and the average length of schooling is over 11 years. The U.N. Development Program reports that 100 percent of children complete secondary school.

There is no societal pattern of abuse of children. Trafficking in girls for the purpose of prostitution occurs (see Section 6.f.).

People with Disabilities.—One of the country's first laws, adopted only 2 months after independence in 1991, provided support for the disabled. This law was aimed at ensuring that the disabled have the same rights as other citizens. However, little effort is made to bring the disabled into the mainstream. The State cares for the mentally disabled in special homes. The Government has not mandated access to public places for the disabled.

National/Racial/Ethnic Minorities.—Government statistics dating from 1992 show that the population of approximately 23 million is about 71 percent Uzbek, 8 percent Russian, 5 percent Tajik, 4 percent Tatar, and 3 percent Kazakh, with many other ethnic groups represented. The statistics may underestimate the actual number of ethnic Tajiks. The figures treat ethnic Tajiks whose mother tongue was Uzbek as ethnic Uzbeks. Moreover, some Tajiks choose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians, frequently complain that job opportunities are limited for them. Senior positions in the government bureaucracy and business generally are reserved for ethnic Uzbeks, although there are numerous exceptions to this rule.

The 1992 citizenship law does not impose language requirements for citizenship. Nonetheless, the language issue remains very sensitive. Uzbek has been declared the state language, and the Constitution requires that the President speak Uzbek. However, the language law provides for Russian as "the language of interethnic communication." Russian is spoken widely in the main cities, and Tajik is spoken widely in Samarkand and Bukhara. The 1989 language law originally required that Uzbek would be the sole method of official communication by 1998, but subsequently was modified and now stipulates no specific date. The Government also is in the process of replacing the Cyrillic alphabet with the Latin alphabet. However, realizing the difficulties for Uzbeks and minorities alike, the Government has delayed the full transition to both the Uzbek language and the Latin alphabet to 2005.

Section 6. Worker Rights

a. The Right of Association.—The 1992 law on unions specifically provides that all workers have the right voluntarily to form and join unions of their choice, and that trade unions themselves voluntarily may associate territorially or sectorally. Membership in trade unions is optional. The law also declares all unions independent of the State's administrative and economic bodies (except where provided for by law), and states that trade unions should develop their own charters, structure, and executive bodies and organize their own work.

However, in practice the overall structure of trade unions has not changed significantly since the Soviet era. Independence has eliminated subordination to Moscow but has not altered the centralized trade union hierarchy, which remains dependent on the Government. No alternative union structures exist.

A few new professional associations and interest groups have been organized, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. Registered professional associations for judges and lawyers formed in 1997; both organizations are quasigovernmental. An association of broadcasters that formed in 1998 has failed to gain government registration (see Section 2.b.). The main activity of all registered associations is professional development. They do not license members and have no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally as organizations that defend the right to work and to protect jobs. They have lost their previous role in state planning and in the management of enterprises. The emphasis now is on the unions' responsibility for "social protection" and social justice—especially unemployment compensation, pensions, and worker retraining.

The trade union law does not mention strikes or cite a right to strike. However, the law does give the unions oversight for both individual and collective labor disputes, which are defined as those involving alleged violations of labor laws, worker rights, or collective agreements.

There were no reports of strikes. This circumstance likely reflects the absence of truly representative trade unions, as the standard of living fell and growing unemployment raised social tensions. The absence of labor activism also reflects the Communist legacy of docility in the face of authority. However, both union and government officials assert that the lack of strikes reflects general support for the Government's policies and common interest in social stability.

The 1992 law on unions provides that unions may choose their own international affiliations; however, none have done so.

b. The Right to Organize and Bargain Collectively.—Trade unions may conclude agreements with enterprises. Privatization is still in its very early phase. As a result, there is no experience with negotiations that could be described as adversarial between unions and private employers. The State is still the major employer, and the state-appointed union leaders do not view themselves as having conflicts of interest with the State.

The Ministry of Labor and the Ministry of Finance in consultation with the CFTU, set the wages for various categories of state employees. In the small private sector, management establishes wages or negotiates them with those who contract for employment.

The law forbids discrimination against union members and their officers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced labor, including by children, except as legal punishment or as may be specified by law; however, some abuses including trafficking in women and girls for the purpose of forced prostitution occur (see Section 6.f.). No statute specifically prohibits forced and bonded labor by children, and large-scale compulsory mobilization of youth and students (by closing schools) to help with the cotton harvest continues. Student labor is paid poorly, and students sometimes must pay for their food. Adults, including teachers and passersby in automobiles and busses, similarly are forced into the harvest effort.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years; 15-year-olds can receive state permission to work but have a shorter workday. In rural areas, younger children and the elderly often help to harvest cotton and other crops (see Section 6.c.). The Labor Ministry has an inspection service, which is responsible for enforcing compliance with these and other regulations governing employment conditions, and enforces them effectively.

The law prohibits forced and bonded labor by anyone, including children; however, trafficking in girls for forced prostitution and compulsory mobilization for the cotton harvest occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. As of September 1, it was less than \$4 (2,450 soum) per month. The minimum wage is not sufficient to provide a decent standard of living for a worker and family.

The standard workweek is set at 41 hours and requires a 24-hour rest period. Some factories apparently have reduced work hours in order to avoid layoffs. Overtime pay exists in theory but is not always paid.

Pay arrearages of 3 to 6 months are not uncommon for workers in state-owned industries. The problem appears to be growing.

The Labor Ministry establishes occupational health and safety standards in consultation with the unions. There is a health and safety inspectorate in the Ministry. The local press occasionally published complaints about the failure of unions and government authorities to do enough to promote worker safety. Although written regulations may provide adequate safeguards, workers in hazardous jobs often lack protective clothing and equipment. Workers are permitted to leave jobs that are hazardous without jeopardizing their employability in other jobs; however, in practice, high rates of underemployment make such action difficult.

f. Trafficking in Persons.—There are no laws relating specifically to trafficking in persons. Trafficking in women and girls for the purpose of forced prostitution occurs, particularly to the Persian Gulf, South Korea, and Turkey (see Section 5). However, there are no reliable statistics on this problem, and it does not seem to be carried out on a large scale. Uzbekistan is a source country, but not a destination or transit point, for trafficking in persons. The Government has not had occasion to assist with international investigations of trafficking or to extradite citizens accused of trafficking in other countries.

Anecdotal reports from NGO's indicate that the number of young women from Uzbekistan who are forced into prostitution abroad is growing. The Government has not acknowledged the problem publicly, but has taken some measures to combat it. According to NGO representatives, the police force in Samarkand formed a special unit on trafficking in women in 1998, but the unit's effectiveness is hampered by a lack of resources. Border guards at airports were directed to give more scrutiny to unaccompanied young women traveling to Turkey, the United Arab Emirates, and South Korea; they are authorized to deny such women permission to leave the country. There is no government program to educate or assist potential victims; however, the State University for World Economy and Diplomacy sponsored a series of lectures on domestic violence and trafficking in women during the year.

FEDERAL REPUBLIC OF YUGOSLAVIA

The Federal Republic of Yugoslavia¹ (Yugoslavia), a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro, has a president and a parliamentary system of government based on multiparty elections. The new federal Government, which was formed on November 4, dropped any claim to being the sole successor state of the former Socialist Federal Republic of Yugoslavia (which dissolved in 1992), and was recognized by the international community. Vojislav Kostunica was elected President of the Federal Republic of Yugoslavia on September 24, and took office on October 7, after mass demonstrations by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and force a second election round led Milosevic to concede defeat. Prior to Kostunica's election, former Yugoslav President Milosevic had brought Serbia closer to open dictatorship than ever before. Immediately following the 1999 war in Kosovo, Milosevic moved to consolidate his weakened position in Serbia through a campaign of intimidation and violence against his political opponents, representatives of the independent media, student groups, civil society, and even, in certain cases, members of the regime. Prior to the September elections, Milosevic, who is also President of the Socialist Party of Serbia (SPS), continued to dominate all formal and informal governing institutions in the country. Although the SPS lacked

¹ The report on the Federal Republic of Yugoslavia is discussed in three separate sections on Serbia, Kosovo, and Montenegro and addresses the human rights situations in each of these entities. Since federal authority was exercised effectively only over the Republic of Serbia throughout the year, the human rights situations in Kosovo and Montenegro are dealt with in separate sections following this report.

majorities in both the Federal and Serbian Parliaments, it controlled key administrative positions. The SPS also controlled the governing coalition with the Yugoslav Left (JUL), controlled by Milosevic's wife, Mira Markovic, and the Serbian Radical Party (SRS), controlled by Vojislav Seselj, an extreme ultranationalist known for his radical politics during the wars in Croatia and Bosnia, who resigned from his government position in October. Milosevic also controlled the judiciary.

As a key element of his hold on power, President Milosevic until his electoral defeat effectively controlled the Serbian police, a heavily armed force of some 80,000 officers that is responsible for internal security. Having been forced to withdraw from Kosovo in 1999, the police then repressed opponents of the regime in Serbia. In addition, Milosevic ignored the constitutional role of the Supreme Defense Council, essentially establishing himself as commander in chief of the Yugoslav Army (VJ), which, along with the police, was employed in the brutal campaign against the citizens of Kosovo in 1999. Several times in the past, Milosevic had purged those officers in both the police and military who either failed to follow his orders or who directly challenged his policies in Kosovo, Serbia, or Montenegro. The security forces committed numerous, serious human rights abuses.

Following the war in Kosovo, international economic sanctions remained in place much of the year. The international community began to remove those sanctions after Kostunica's election. The economy inherited by the new Government suffered from continued exclusion from international financial institutions and from the damage inflicted on infrastructure during 10 years of war. Economic performance is poor due to the general inefficiency in the economy, corruption, and continued resistance to reform and privatization. Unemployment and underemployment remain high, reaching at least 60 percent, as the Milosevic Government was unable or unwilling to introduce necessary restructuring measures. The Milosevic Government also failed to implement needed sweeping economic reforms to help the economy, including privatization, due to the influence of the regime's crony system.

Under Milosevic the Government's human rights record remained extremely poor, and it continued to commit numerous serious abuses. Milosevic attempted to prevent citizens from exercising their right to change their government. The police were responsible for numerous serious abuses, including extrajudicial killings, disappearances, torture, brutal beatings, and arbitrary arrest and detention. Impunity for those who committed human rights abuses was a serious problem. Often, serious crimes such as murder remained uninvestigated and unsolved. The judicial system was not independent of the Government, suffered from corruption, and did not ensure fair trials. Under the Milosevic regime, there were many cases of political detainees and political prisoners. However, under Kostunica, the new Government released two prominent political prisoners—journalist Miroslav Filipovic in October and human rights activist Dr. Flora Brovina in November. In December Kostunica also pardoned opposition activist Bogoljub Arsenijevic, known as "Maki." Under the Milosevic regime, the authorities infringed on citizens' privacy rights. The Milosevic Government severely restricted freedom of speech and of the press and used overbearing police intimidation and economic pressure to control tightly the independent press and media. Most journalists continued to practice self-censorship. The Milosevic Government restricted freedom of assembly and association. Police repressed citizens who opposed the Milosevic regime and severely beat scores of democratic opposition protesters throughout Serbia, sending many to hospitals. The Milosevic Government infringed on freedom of worship by minority religions and restricted freedom of movement. The regime enacted legislation to manipulate the electoral process, most recently in the summer, when Milosevic made changes to the Constitution that allowed him to be elected by popular vote to another term as President of Yugoslavia. Milosevic banned objective international observers from monitoring the September 24 elections for Yugoslav President and attempted to falsify election results. The Federal and Serbian Governments' record of cooperation with international human rights and monitoring organizations remained poor. The Milosevic Government routinely hindered the activities of local human rights groups.

The Federal Government remained uncooperative with the International Criminal Tribunal for the Former Yugoslavia (ICTY). It again failed to meet its obligations under numerous U.N. Security Council Resolutions to comply fully with the Tribunal's orders, and failed to transfer or facilitate the surrender to the Tribunal of persons on its territory indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal. (These persons include Milosevic and four of his top aides, who were indicted in 1999 for their role in the Kosovo war). Violence and discrimination against women remained serious problems. Police repression and official and societal discrimination against Muslims in the Sandzak region, Roma, and other minorities persisted. The regime limited unions not affiliated with the Govern-

ment in their attempts to advance worker rights. There was some child labor. Serbia is a source, transit, and destination country for trafficking in women and girls, and trafficking is a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and other Extrajudicial Killing.—Police committed extrajudicial killings. In November the Democratic Opposition of Serbia (DOS) Minister of the Interior, Bozo Prelevic, reported that he had received evidence suggesting that the head of the Republican State Security service, Rade Markovic, was involved in the April 1998 killing of Slavko Curuvija, the publisher of an independent Belgrade tabloid newspaper and weekly news magazine (see Section 2.a.).

The number of political and extrajudicial killings increased, and there were many indications of complicity at the highest political levels. The targets of such attacks were not limited to opposition activists. Numerous deaths of persons close to the regime in the first half of the year suggested efforts on the part of the Government to consolidate its authority and remain in power. Typically no one was arrested for such killings.

The most notable politically motivated killing was that of Zeljko Raznatovic, also known as “Arkan”—a notorious paramilitary commander from the Croatian and Bosnian wars who was indicted by the ICTY. Raznatovic was killed inside Belgrade’s Intercontinental Hotel in January. After his death, rumors began circulating of a falling out with the Milosevic regime. There was an official investigation into his death; however, it yielded no conclusive results.

A number of other prominent political figures were killed during the year. In view of the high level of corruption among the political elite, the precise mix of criminal and political motives for these crimes was difficult to determine. Pavle Bulatovic, the former Yugoslav Minister of Defense and a close associate of the Milosevic family, was killed while dining in a restaurant in February. Another close Milosevic associate, Zika Petrovic, the head of Yugoslav Airlines, was shot and killed in April while walking his dog near Belgrade’s central police station.

Belgrade investigative judge Nebojsa Simeunovic was reported missing in early November. On December 3, police in Belgrade found his body washed up on the banks of the Sava River. Judge Simeunovic had refused to sign warrants for the arrest of DOS party leaders and striking miners during the October popular campaign to unseat Milosevic. He also was in charge of the investigation of several politically sensitive cases, including the 1997 killing of Radovan Stojicic-Bazda and the February killing of Pavle Bulatovic.

Eight Albanians taken from Kosovo by withdrawing Yugoslav forces and detained in prisons within Serbia died in detention during the year (see Section 1.c.).

In March, criminals Branislav “Dugi” Lainovic and “Bata” Vucurovic were killed in Belgrade and Vojvodina, respectively. Neither apparently was involved in politics when killed, but both played significant roles in paramilitary operations in Croatia in the early 1990’s and had links to former Serbian State Security leaders.

On November 21, two Serbian police officers were killed and several were wounded in an attack by the so-called Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB), an offshoot of the disbanded Kosovo Liberation Army (KLA). On November 27, a 10-year-old boy was killed by an antitank mine planted by the Yugoslav army as his family fled the Presevo valley region for Kosovo. These incidents escalated tensions that had been building throughout the year in the region of southeastern Serbia that borders on Kosovo and encompasses the municipalities of Presevo, Bujanovac, and Medvedja. This region is populated by both ethnic Albanians and Serbs. In November thousands of ethnic Albanians fled the region for neighboring Kosovo and Macedonia, due to fear of a buildup of Serbian police and military forces. Skirmishes between Serbian police and armed Albanian UCPMB members occurred throughout the year, resulting in the reported deaths of several Serbian police as well as some UCPMB members and a few civilians.

b. Disappearance.—Police were responsible for disappearances.

The most notable disappearance was that of former Serbian President Ivan Stambolic, who disappeared while on a daily jog in a park near his home in Belgrade in August. Many observers noted that the timing of Stambolic’s disappearance (only a few weeks ahead of scheduled elections), and the fact that state-run media remained largely silent on the issue, suggested complicity by the Milosevic regime and the Serbian security service. The Serbian State Prosecutor’s office began an investigation into the case in late November, but it had not yielded any results at year’s end.

In April Jan Svetlik, an opposition councilor from Zrenjanin, was abducted by two unknown assailants and kept outside of town for several hours during a session of the local parliament. The abduction allowed the ruling SPS to retain its parliamentary majority despite the fact that two of its own members earlier had defected to the opposition. Police failed to identify the assailants.

Federal and Serbian government authorities have not cooperated fully with efforts to account for the thousands of disappearances of individuals from Kosovo during the first 6 months of 1999, nor have they allowed the International Committee of the Red Cross (ICRC) or other international organizations access to many detention facilities. Some 5,500 persons are missing; some 700 are being detained in Serbian prisons (see Section 1.d.).

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Yugoslav and Serbian law prohibits torture and other cruel forms of punishment; however, security authorities regularly and systematically used torture, beatings in detention, and other forms of abuse against citizens and members of the political opposition. The majority of cases of torture occurred before detainees were charged with offenses or during the period between the filing of charges and the commencement of the trial. Freed prisoners reported being subject to beatings with rubber batons, metal batons, and wooden bats, as well as use of electroshock, starvation, withholding of medical care, and having their hands bound tightly with plastic bands.

On May 17 and 18 in Belgrade, police beat peaceful protesters and used excessive force to disperse street protests against the Government's closing of television Studio B and Radio B2-92 (see Section 2.b.). In June police beat four persons at a police station in Zajecar after they put up opposition posters.

In July Bojan Aleksov, a human rights monitor who worked with the Safe House Project for Conscientious Objectors from the Federal Republic of Yugoslavia and the nongovernmental organization (NGO) Women in Black Against War, was arrested by police in Belgrade after being removed forcibly from his car. During his 23-hour detention, Aleksov repeatedly was threatened with death and interrogated about his human rights work and his connections with the international community. The police tortured Aleksov severely, including by forcing him to stand on his toes while they beat him with a truncheon all over his body. Despite running a fever, the police denied him water for up to 5 hours and kept him awake throughout the night. On the following morning, three police officers beat Aleksov on the soles of his feet, the palms of his hands, and other parts of his body, using a baton. Aleksov finally was forced to write a 12-page confession dictated to him by an officer, which outlined his human rights work and his contacts and visits with international organizations and officials. Under threat of death, Aleksov then was forced to agree to work for the State Security Service. Finally, the police forced Aleksov to repeat parts of the signed statement on video and made him repeat his "confession" three times in order to appear convincing enough. In response to this case, Amnesty International (AI) called for an investigation and the temporary suspension of the officers suspected of beating Aleksov pending final results of that investigation. No investigation was conducted by year's end.

In early September police also beat an Otpor activist, a minor, and forced him to eat one of the movement's posters. A lawyer representing the activist was prevented from attending the interrogation and was not able to contact the activist.

In August police interrogated and beat 19-year-old Rom Sasa Mustafic and threatened his wife, Demira Gezvira, in Belgrade. Mustafic was arrested by police, accused of theft, and allegedly beaten with a stick and punched in the stomach, ribs, back, and head. On September 26, a traffic police officer reportedly beat and threatened Skender Gasi, a 27-year-old Rom from Kosovo, in Belgrade. According to local NGO reports, Gasi did not file a complaint against the officer because he feared reprisals.

In November in Vojvodina police beat and threatened a Hungarian journalist (see Section 5).

In September police detained seven Bulgarian election observers who entered Serbia despite not receiving official credentials. Police beat three of the observers, in one case causing a ruptured eardrum, and confiscated mobile telephones, money, and personal belongings.

Police beat journalists (see Section 2.a.).

There were numerous beatings of members of the political opposition by unidentified groups of men, apparently State Security agents or thugs employed by the Milosevic regime. On February 26, several men attacked and severely beat student Milos Dosen as he pasted up a poster in Belgrade that belonged to Otpor ("Resistance"), a student-led, nonviolent political movement that opposes the Milosevic re-

gime. Despite videotape that showed the attackers and their vehicle's license plates in clear view, police did not investigate the incident.

On April 11, in Novi Sad, two unidentified men beat Radoje Cvetkov, secretary for urbanism in the Novi Sad executive council, which is controlled by an opposition party.

In June police beat a 19-year-old Otpor activist for 3 hours after they found the student movement's material in his car in Lapovo.

According to Human Rights Watch, on September 2, police beat Mile Milic, a DOS candidate for the Lajkovac municipal assembly, after arresting him for hanging DOS posters. On September 3 in Indjija, SPS activists severely beat a minor who was hanging DOS posters. AI reported that on September 4, police beat Darko Pavlovic, an Otpor activist who was arrested in Sabac while hanging DOS posters. On September 8 in Vladicin Han, police detained and beat six Otpor activists. After reportedly tying up the six activists, the police used their fists and batons to beat them on the genitals, kidneys, and heads. One activist, Aleksandar Radic, had a rope placed around his neck. Only after several hundred persons gathered in front of the police station were the activists allowed to leave and seek medical treatment. On September 15, AI reported that police beat two Otpor activists who were spraying antigovernment graffiti in Belgrade and arrested them. They both were sentenced to 10 days' imprisonment for "offenses against public peace and order." Lawyers representing the activists claimed that they were not granted access to their clients before the hearing, and were not permitted to be present while the arresting officer gave evidence.

During the election demonstrations in October, police beat some demonstrators and used tear gas to control crowds (see Section 2.b.).

Serbian Renewal Movement President Vuk Draskovic was wounded slightly after a bullet grazed his head in an attack in Montenegro in June by gunmen reportedly linked to Milosevic's regime (see Montenegro annex).

In June a crowd that emerged from the offices of the ruling Socialist Party attacked activists distributing leaflets in Barajevo.

In early March, unknown assailants damaged the car of Zarko Korac, leader of the Social Democratic Union.

Prison conditions do not meet minimum international standards. Torture and beatings were reported. There were reports that Albanians held in prisons included young children, the elderly, and persons who were blind and deaf (see Section 1.d.). Overcrowding and lack of food, medical care, and heating in winter all are problems.

A total of eight Albanians taken from Kosovo by withdrawing Yugoslav forces and detained in prisons within Serbia died in detention; two were confirmed to have died in August, reportedly one of a heart attack and one of cancer.

A series of prison riots occurred in November. The unrest began in Sremska Mitrovica and spread to prisons in Nis and Pozarevac, as well as Padinska Skela prison near Belgrade and the juvenile penitentiary in Valjevo. Prison inmates demanded an improvement in prison living conditions and an expansion of a proposed amnesty bill for Kosovar Albanian prisoners in Serbia to include other Serbian criminals. Several inmates alleged that they were victims of severe beatings in prison by guards. Prisoners also alleged that they were denied access to health care. Hundreds of ethnic Albanians were evacuated from the Pozarevac prison after they were threatened by Serbs for not joining the protests. One Serb prisoner died after falling off the roof of the Nis prison and several persons reportedly were injured during the riots. In response, the Government pledged emergency funds to improve prison conditions and on November 10, authorities released 14 Serbs and 1 ethnic Albanian from the Pozarevac prison. In exchange, inmates agreed to put down their weapons and to allow guards back in the prison.

On December 14, a military court in Nis sentenced nine Serbian military policemen and one lawyer to prison terms totaling 7 years for extorting money from Kosovar Albanian prisoners.

Although the Milosevic regime generally permitted some prison visits by human rights monitors with sporadic access often subject to the whim of local officials, access generally was poor. On several occasions, outside monitors, including representatives of the ICRC, were denied access to individuals reportedly held by Serbian police, especially draft evaders and Kosovar Albanians whom retreating security forces transferred from Kosovo after hostilities ceased. However, the ICRC had no access to or information about persons detained in military detention facilities at year's end.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention was common in Serbia under Milosevic, with such abuses aimed at opponents of the regime apparently on a daily basis.

Defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations. The ability of defense attorneys to challenge the legal basis of their clients' detention often was hampered further by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. Investigative judges in Serbia often delegated their responsibility for carrying out investigations to the police or members of the State Security Service and rarely questioned their accounts of the investigation—even when it was obvious that confessions were coerced from the accused. Results of such sham investigations then were used in court to convict defendants on fabricated charges.

According to the Humanitarian Law Center, at least 10 Kosovar Albanian minors were being held in the country's prisons in January. These children were among the approximately 2,000 civilians removed from Kosovo when the Yugoslav Army withdrew its forces in 1999. Serbian authorities reportedly sold dozens of these prisoners back to their families in Kosovo for prices as high as \$25,000 (DM 50,000). Numerous human rights groups have documented an open-air market in northern Kosovo where lawyers purporting to represent these prisoners go to strike deals with families or friends of those imprisoned to secure their release. Despite the exchange of large sums of money, the lawyers often are never seen again. Human Rights groups also noted that in those cases where prisoners are released, the extorted "fees" were divided between the lawyers, judges, and police involved in individual cases and prisons. Human rights organizations believe that the Government still holds approximately 700 Kosovar Albanian political prisoners and detainees. The Government claims that some of these prisoners and detainees were convicted of common crimes.

Visits to political detainees were rare and often were supervised by police. Local human rights NGO's attempted to visit prisoners, with mixed results. The ICRC was able to visit many, if not all, of the approximate 700 Kosovar Albanian political detainees inside Serbia. However, it is not clear that the ICRC has been able to arrange more than an occasional visit.

Opposition politicians faced harassment by police under the Milosevic regime. On February 29, Belgrade police detained and interrogated Ivan Kovacevic, the Serbian Renewal Movement spokesman and a member of the Serbian Parliament. In March a total of 42 members of Vojvodina's League of Social Democrats were arrested in Novi Sad. They were handing out flyers asking for citizens to assemble in front of a construction site, where the regime was blocking the city's efforts to begin rebuilding a bridge destroyed during the NATO bombing campaign.

In May three members of Otpor—Momcilo Veljkovic, Radojko Lukovic, and Dusan Ignjatovic—were arrested after friends of Marko Milosevic, the President's son, beat them severely outside a cafe in Pozarevac, Milosevic's hometown. The Otpor activists claim that they were beaten after they came to the defense of another activist, Dragan Milovanovic, who was being pressured by Marko Milosevic's associates to join the Socialist Party of Serbia.

The beating set off a wave of protests, and the opposition scheduled demonstrations in Pozarevac a week later, which it ultimately was forced to cancel due to intimidation by the Milosevic regime. As a part of its effort to intimidate and prevent the demonstrations, police arrested Nenad Canak, the President of the Vojvodina League of Social Democrats, as he drove to Pozarevac. Police also arrested and interrogated dozens of others, including journalists, opposition politicians, and Otpor activists across Serbia in Nis, Novi Sad, Kragujevac and Pozarevac.

Several days later, Veljkovic and Lukovic were released by the district prosecutor Bosko Papovic, who did not find grounds to prosecute. Papovic in turn was dismissed from his post by the Government, and the activists were rearrested and served a total of 2 months in prison. The judge appointed by the Milosevic regime claimed that releasing the students earlier would "upset the public."

In June police in Leskovac arrested 10 persons, including Igor Olujic, a leading human rights lawyer with the Belgrade-based Humanitarian Law Center, Dobrosav Nesic, president of the Leskovac NGO Council for Human Rights, and several opposition party activists. Those detained were protesting peacefully the arrest a few days earlier of Otpor activist Vladimir Stojkovic. During the arrest, police used excessive force against several persons, including Bojana Ristic, a representative from the Serbian Renewal Movement who also serves in the Parliament.

Also in June 20 members of Otpor were arrested in Smederevska Palanka. Police in Ivanjica detained an 11-year-old boy for waving an Otpor flag in public. Police also questioned the boy's father about his support for Otpor. In September police arrested Otpor activist Branko Ilic in Arilje for the 10th time during the year. By

the end of June, Otpor announced that since the winter, more than 1,000 of its activists had been arrested by the police.

Opposition candidates in the Sandzak region of Serbia reported that tactics of the Milosevic regime greatly interfered with campaigning. Police arrested Coalition Sandzak activists for handing out leaflets and banned opposition rallies from taking place.

As the regime intensified its crackdown, in July Yugoslav Army members arrested four Dutchmen, two British citizens, and two Canadians near Montenegro's borders with Serbia and Kosovo. All were charged with espionage. The British citizens charged that they were beaten by the police and nearly lynched by VJ soldiers. Officials of the arrestees' countries had difficulty obtaining consular access to them after their transfer to federal prison facilities in Belgrade. Following Milosevic's ouster, all were released, and the charges against all eventually were dropped (see Montenegro annex).

Federal statutes permit the police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. The police often combine the two for a total 4-day detention period. After this period, police must turn over a suspect to an investigative judge, who may order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention of up to 6 months.

Exile is not permitted legally, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, Federal and Serbian courts largely were controlled by the Milosevic regime and rarely challenged the will of the state security apparatus. Judicial corruption also is widespread. While judges are elected for fixed terms, they may be subjected to governmental pressure. Serbian authorities frequently deny a fair public trial to non-Serbs and persons whom they believe oppose the regime.

Since 1998 republic-level judges no longer have mandates for life and are required to seek office periodically through election. This process involves obtaining Justice Ministry approval for each judge's candidacy. Local observers fear that the provision in effect makes judges functionaries of the Government, who easily may be removed if they do not cooperate.

The court system comprises local, district, and supreme courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which republic Supreme Court decisions, depending on the subject, may be appealed. There is also a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the constituent republic authorities to enforce its rulings.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remains in force. Considerable confusion and room for abuse remain in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. Under federal law, defendants have the right to be present at their trial and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. The presiding judge decides what is read into the record of the proceedings. Either the defendant or the prosecutor has the right to appeal the verdict.

Defense lawyers, especially those representing minority clients, have filed numerous complaints about flagrant breaches of standard procedures, arguing that they undermine their clients' rights. Even when individual judges admitted that the lawyers were correct, the courts ignored or dismissed the complaints. For example, in Pozarevac, district prosecutor Bosko Papovic conceded that two Otpor activists were innocent of charges that they had conspired to kill associates of Marko Milosevic. Nevertheless, the two youth activists were imprisoned for 2 months, in May and June. Papovic, along with 15 other judges who defended his decision, subsequently was fired (see Section 1.d.).

Many legal scholars have expressed concern over the 1998 Act on Lawyers, which they believe restricts the freedom of lawyers and interferes with the independence of lawyers in their dealings with clients. They believe that the law gives too much authority to the lawyers' chambers, both at the republic and federal levels, which the Helsinki Committee alleges would enable the Government to exercise stricter control over the profession. According to a Serbian Constitutional Court judge, the law enabled the regime to interfere with the lawyer-client relationship, which even during the Communist era was upheld to a greater degree.

In June the Government debated the passage of a law against terrorism in the Serbian Parliament. With its sweeping powers, the law would have allowed police essentially to arrest anyone, including NGO and media representatives, whom they deemed to be working for the removal of the Government. The law allowed for a

minimum sentence of 3 years' imprisonment in such cases. Finally, the law extended the period of detention during which police could conduct their investigation from 3 to 30 days. Although the bill was not signed into law, the threat of its passage hampered many opposition activities against the Milosevic regime.

Under Milosevic, the Government also violated norms of judicial fairness by pursuing cases previously brought against individuals and groups charged under the Yugoslav Criminal Code with jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities (undermining the "constitutional order"). Most of the cases involved alleged violations under Article 136 of the Federal Penal Code related to "association to conduct enemy activity," or Article 125 concerning "terrorism." There is no clear estimate as to how many persons remain imprisoned on these specific charges.

Among the most prominent is the case of Dr. Flora Brovina who was transferred from Kosovo to a prison in Nis in July 1999. Dr. Brovina, who is known for her human rights work on behalf of women and children in Kosovo, was tried and convicted on terrorism charges and in December 1999 sentenced to 12 years' incarceration. Dr. Brovina was freed on November 1 by a special pardon from President Kostunica.

The Serbian court system convicted 143 ethnic Albanians in a mass trial in Nis in May. The men, who received sentences ranging from 7 to 13 years' imprisonment, were convicted of being members of the KLA, terrorism, and attacking police. The trial was criticized widely by human rights groups because little effort was made to establish individual, as opposed to collective, guilt. In addition, defense witnesses were not allowed to testify, and the judge reportedly admitted that there could have been "shortcomings" in the prosecution's evidence.

On July 6, six ethnic Albanians in Serbia accused of terrorism and supporting the KLA were sentenced to a total term of 46 years in prison. Human rights NGO's noted that the trial was unfair and that allegations of torture were widespread. The court failed to investigate the allegations of torture and accepted a filmed confession made while the men were in police custody, which already had been aired on Serbian State television. AI noted that this was in clear violation of the Yugoslav Code of Criminal Procedure.

A spokesperson for the Serbian Judges Association stated that as of July, 50 of its members had been forced to resign due to pressure from the regime. This followed the dismissal by the Government of 16 judges for their alleged work with the political opposition, including Djordje Rankovic and district prosecutor Bosko Papovic, who spoke out against the case of the two Otpor activists who were beaten by associates of Marko Milosevic in Pozarevac (see Section 1.d.).

Ukshin Hoti, leader of UNIKOMB, a political party that advocates Kosovo's unification with Albania, was in detention for the entire year. Hoti was in a Nis jail and was reportedly in poor health. His lawyers have been denied access to him since February 1998. Hoti was serving a 4-year sentence in a prison in Nis and was to be released on May 17, 1999. However, the Pristina-based Council for Human Rights was unable to locate Hoti as of July 1999 and there was no further information at year's end.

In December, President Kostunica pardoned opposition activist Bogoljub Arsenijevic, known as "Maki."

The Government continued to hold an estimated 700 ethnic Albanians as political prisoners. Visits to political prisoners are rare and are often supervised by police. Local human rights NGO's have attempted to visit prisoners, with mixed results. The ICRC has been able to visit many, if not all, of the Kosovar Albanian political prisoners inside Serbia.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Under the Milosevic Government, the authorities infringed on citizens' privacy rights. Federal law gives republic ministries of the interior sole control over the decision to monitor potential criminal activities, a power that is abused routinely. It is widely believed that the authorities monitor opposition and dissident activities, eavesdrop on conversations, read mail and e-mail, and wiretap telephones. Although illegal under provisions of federal and Serbian law, the federal post office registers all mail from abroad, ostensibly to protect mail carriers from charges of theft.

The law includes restrictions on searches; however, officials often ignored them. Police raided the Belgrade and Mladenovac offices of Otpor in early September without a search warrant. The previous day, police raided Otpor's Novi Sad office. They confiscated computers, several thousand T-shirts, posters, buttons, and information about the movement's activists. Despite the law, the police did not leave any notification of the items they removed from Otpor's premises. The Serbian Helsinki Committee stated that the raids violated Article 21 of the Serbian Constitution, according to which police may enter a premise with a warrant or, if no warrant is ob-

tained, in order to “save people and property.” Before the September 24 elections, as part of its crackdown on independent political activists, police also repeatedly raided the offices of CESID, a Serbian election monitoring NGO, confiscating files and computers.

A government law requiring universal military service is enforced only sporadically; it was not enforced vigorously during the year. The informal practice of the military has been not to call up ethnic Albanians. However, in Montenegro VJ troops forcibly conscripted youths during the year. Of approximately 100,000 draft evaders living abroad at the start of the year to avoid punishment, 40 percent were estimated to be ethnic Albanian. This number in part reflects the large number of conscription-age men in Yugoslavia’s Albanian community. Leaders of Kosovo’s Albanian and Sandzak’s Muslim communities maintained that when forced compliance of these groups with universal military service did occur, it was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, up to 12,000 young men for whom criminal prosecution for draft evasion already had started were granted amnesty. Others who did not fall into this category were told that if they returned to Yugoslavia their cases would be reviewed on a “case-by-case” basis, a policy that has not inspired confidence among offenders. A law passed in October 1998 stated that draft dodgers who did not report for military service would forfeit their right to inheritance. In many cases Yugoslav officials have refused to issue proper travel documents to children born to asylum seekers (see Section 2.d.). A new amnesty bill was pending at year’s end. The proposed law would grant amnesty to draft evaders, deserters, those who refused to bear arms, and to most political prisoners convicted under Article 136 of the Penal Code (association to conduct enemy activity), but not to political prisoners convicted under Article 125 (terrorism). Many ethnic Albanian political prisoners were reportedly convicted under Article 125, but the exact number is unknown.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—Federal law provides for freedom of speech and of the press; however, the Milosevic regime severely restricted these rights in practice. The October 1998 Law on Public Information, which was used to silence the independent media during the Kosovo war, continued to be applied to journalists and members of the political opposition. The regime arrested dozens of journalists and levied the equivalent of hundreds of thousands of dollars in fines in apparent efforts to silence the independent media. The regime took over independent television and radio stations and shut down others. State-controlled media coverage was biased severely in favor of Milosevic’s coalition parties, the SPS and JUL, particularly in early September. State media carried minimal coverage of opposition parties, and what was covered was cast in a negative light. The regime also severely restricted international media coverage of the September elections by denying entry visas to many foreign journalists and by placing travel restrictions within Serbia on others. In addition, during the preelection period the regime forced international news organizations to broadcast through state-controlled facilities where reports could be censored or blocked.

The Milosevic regime also cracked down on opposition politicians and politically active NGO’s, particularly in the months preceding the September elections. Police arrested almost a dozen DOS candidates and raided several DOS offices. In the Sandzak region, police arrested opposition activists for handing out leaflets (see Section 1.d.). Many observers suggested that the disappearance of former Serbian President Ivan Stambolic in late August was meant to be a threatening message to SPS politicians not to stray from Milosevic’s party (see Section 1.b.). Police also brought over a thousand members of the Otpor movement into police stations for questioning. Some of these interrogations resulted in beatings (see Section 1.c.).

While the media climate greatly improved after Kostunica’s election victory, media independence remained a problem. Observers noted that after the DOS took control of state-owned Radio-Television Serbia, coverage leading up to the December 23 parliamentary elections strongly favored DOS candidates. Other media outlets also lack professionalism.

In March an indictment was filed against Dusan Mihajlovic, an opposition party leader; however, the case was not pursued. Mihajlovic was charged with “spreading false information and disturbance of citizens” because of remarks he made on a television news program criticizing a Milosevic speech.

In May independent journalist Miroslav Filipovic, who also worked closely with the Helsinki Committee for Human Rights in Serbia and as a correspondent for the Belgrade-based daily *Danas*, was arrested on charges of “espionage” and “spreading false information” following a series of articles investigating Yugoslav Army abuses in Kosovo. Formal charges were not brought against Filipovic until June. A closed

trial held in July was protested by human rights NGO's, as was the 7-year sentence that Filipovic received. Both the prosecution and the defense appealed the sentence. The Filipovic case attracted significant attention from many international press and human rights groups. In addition over 300 journalists from Serbia, Montenegro, and Bosnia signed a letter to Milosevic protesting the harsh sentence against Filipovic and demanding his release. On October 10, the Supreme Military Court in Belgrade overturned the guilty verdict against Filipovic on procedural grounds and sent the case back to court for a new trial. Kostunica pardoned Filipovic in October, and the charges against Filipovic were dropped.

The Government fined the newspaper Glas Javnosti \$5,000 (300,000 dinars) under the Public Information Act, and Slavoljub Kacarevic, director and editor-in-chief of the newspaper, was fined \$2,000 (120,000 dinars) for an article published on June 14. Also in June, in Leskovac a car belonging to two independent journalists was vandalized outside the police station while the two were covering protests.

In July independent publishers were forced to reduce the number of pages in their newspapers because the amount of paper supplied by the only domestic newsprint manufacturer was insufficient. The Federal Government turned down a request to import additional paper supplies even as leading Belgrade dailies Blic, Danas, and Glas Javnosti, and weeklies Vreme and NIN, used their last reserves of paper.

According to the Association of Independent Electronic Media (ANEM) network, more than 140 radio and television stations were banned inside Serbia under Milosevic, and, as of April, more than \$625,000 (37.5 million dinars) in fines were imposed on independent media under the Public Information Act. Despite this repression, ANEM reported that dozens of independent radio and television stations still were broadcasting.

In mid-January, broadcasting equipment was stolen from the Belgrade television station Studio B. As a result, over 2 million viewers were unable to receive the station's signal. Although no one was ever charged with the crime, ANEM believed that the theft was in direct response to Studio B's broadcast of opposition-related programming.

In a controversial news conference in February, former Serbian Deputy Prime Minister Vojislav Seselj threatened violence against independent journalists.

In March the police attacked a technician and security guard at Studio B and confiscated transmission equipment from the premises. In addition eight print and electronic media outlets were fined for alleged violations of the Law on Public Information. Six additional independent radio and television stations were closed in March.

Foreign journalists were expelled from Serbia and denied entry visas periodically throughout the year, especially during the period prior to the September elections.

Following the beating of the three Otpor activists in Pozarevac in May, there was a wave of arrests as independent journalists publicized the assault. Studio B and the independent dailies Blic and Danas were fined for "false reporting" after they informed the public of the attack.

On May 17, police moved against four of the largest independent media outlets—Studio B, B2-92, Radio Index, and Blic—and closed down the building from which they all operated. Radio Pancevo remained the only source of independent information in the Belgrade area until later that same night when its transmission also was blocked. On May 17 and 18 in Belgrade, police beat peaceful protesters and used excessive force to disperse street protests against the Government's closing of television Studio B and Radio B2-92 (see Sections 1.c. and 2.b.).

In June security guards beat Hanibal Kovac, a correspondent for Radio Free Europe, in Sabac in a recreation center controlled by a member of the Serbian Radical Party. The guards reportedly told Kovac that he was "first on the list and that other reporters would get the same." Police also beat up a reporter in Novi Sad for wearing an Otpor T-shirt.

On June 2, Dusika Radulovic, owner of a small independent newspaper Borske Novine was sentenced to 3 months in prison for publishing an article that allegedly libelled members of the local government. On June 9, satirist Boban Miletic was sentenced to 5 months in prison for ridiculing Milosevic during a public reading of his latest book.

Also in June, a television crew from Radio Kraljevo was arrested along with Democratic Party officials and four Otpor activists in Kraljevo.

In August journalist Zoran Lukovic was arrested and sent to prison to serve a 5-month sentence for "spreading false information." Lukovic was convicted in March 1999 with another journalist, Srdjan Jankovic, and with Slavko Curuvija, editor of the Belgrade daily tabloid Dnevni Telegraph. Curuvija was murdered in Belgrade in April 1999, allegedly by members of Milosevic's secret service (see Section 1.a.). Lukovic was pardoned and released at the end of the year.

In August the NGO Reporters without Borders protested the Government's jamming of radio broadcasts by opposition station Radio Jasenica and the private station Radio Globus. A press release issued by the organization pointed to "a policy of increasing repression against independent media" prior to the September election. The Organization for Security and Cooperation in Europe (OSCE) also highlighted media repression in the period prior to the elections.

In August five cable networks in Novi Sad stopped broadcasting news from television stations in Montenegro, Croatia, Bosnia, and Hungary following a Yugoslav Information Ministry ban on broadcasting "political propaganda programs." Critics charged that the ban was an attempt to prevent 200,000 viewers in the region from having access to independent media during the September election campaign.

The Independent Journalists' Association of Serbia (NUNS) noted in August that "repression of the authorities against the media in Serbia increased in the past few months." In addition the NUNS noted in its Dossier of Repression that the Information Act "in the past few months has become an auxiliary means of carrying out repression." The NUNS confirmed ANEM's report that the independent media were charged the equivalent of hundreds of thousands of dollars in fines by the regime.

On November 27, two policemen beat Hungarian journalist Peter Aradi and threatened to kill him. Otpor reported that Aradi was taken to the police station in Senta, a town near the Hungarian border, where he was interrogated, beaten, and threatened before being released the following day (see Section 5). Also in November, three plainclothes police officers from the Serbian Interior Ministry detained Milos Antic, assistant editor of the *Nedeljni Telegraf*, and interrogated him for 2 hours at the police station in Belgrade. They pressured him to reveal his sources for an article he had written about Milosevic's alleged attempts to crack down on prodemocracy protesters during the October 5 demonstrations; the officers said they were acting under orders of a prosecutor preparing a case against Milosevic.

In 1998 the Parliament passed the Universities Law. It severely curtails academic freedom by allowing the Government to appoint rectors and governing boards and hire and fire deans of faculties. Deans in turn can hire and fire professors—in effect taking away tenure and promoting regime loyalists inside the universities. The law also discourages political activism among students. After October 5, the new Government reinstated all previously dismissed professors.

b. Freedom of Peaceful Assembly and Association.—Federal and republic level Constitutions provide for freedom of peaceful assembly; however, under Milosevic, the Serbian and Federal Governments severely restricted this right.

In Kragujevac in February, Otpor was prevented from collecting contributions to assist the independent newspaper *Nezavisna Svetlost* in paying a fine levied against it under the Public Information Law.

On April 14, police stopped buses with opposition supporters traveling to rallies in Belgrade. On May 9, police stopped an opposition rally in Pozarevac by blocking opposition supporters' access to the town. On May 17 and 18, police used excessive force to disperse opposition street protests in Belgrade (see Section 1.c.). Police banned opposition rallies in the Sandzak region (see Section 1.d.).

During the election demonstrations in October, police beat some demonstrators and used tear gas.

Federal and republic level Constitutions provide for freedom of peaceful association; however, under Milosevic the Serbian and Federal Governments severely restricted this right. By the end of the summer virtually anyone wearing an Otpor T-shirt was subject to arrest or harassment by the police.

c. Freedom of Religion.—The laws at both the federal and Serbian republic level provide for freedom of religion; however, under Milosevic, there were incidents of government infringement on freedom of worship by minority groups, and the legal system provided little protection for the religious rights of minority groups.

Although in the past the Milosevic regime was allied closely with and gave preferential treatment to the Serbian Orthodox Church, a split between the two widened considerably during the year. The split began with the onset of violence in Kosovo and widened with the regime's continued repression of the political opposition.

The Government repressed Muslims in the Sandzak region along the border between Serbia and Montenegro. Reports of harassment in the Sandzak region indicated that it was carried out mostly by federal Yugoslav army troops.

The Government made no progress in the restitution of property that belonged to the Jewish community, despite Milosevic's past promises to resolve the disputes. The Orthodox and Catholic Churches have had similar difficulties with the restitution of their property confiscated by the Communist regime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement; however, under Milosevic, the Federal and Serbian governments restricted this right in practice. The federal government makes passports available to citizens; however, the authorities under the Milosevic Government restricted Yugoslav citizens from reentering the country. The Milosevic regime continued to restrict the right of Sandzak Muslims and ethnic Albanians from southern Serbia to travel by holding up the issuance or renewal of passports for unusually long periods of time. It also reserved the option of prosecuting individuals charged previously with violating exit visa requirements. Throughout Milosevic's rule, opposition politicians and activists routinely were harassed and arrested as they traveled in Serbia. The Government placed travel restrictions on journalists. Freedom of movement was also restricted in travel between Serbia and Montenegro because of the trade blockade imposed by Serbian authorities.

As Federal authorities had yet to repeal legislation targeting conscientious objectors and draft evaders from the war in Kosovo, many men could not travel freely throughout the country due to fear of arrest. Those conscientious objectors and draft evaders who fled Serbia could not return to the country for the same reason. Passports were denied as a matter of course to conscientious objectors and draft evaders. NGO representatives from 19 Serbian towns gathered in Montenegro in May and called for a general amnesty for conscientious objectors and draft evaders. AI and other NGO's noted that indictments continued to arrive at the homes of draft evaders and conscientious objectors. In several cases, trials against the men were conducted in absentia. After October 5, freedom of movement improved significantly. However, isolated incidents were reported late in the year of draft evaders from Montenegro stopped in Belgrade airport and sent back to Montenegro to face old charges in military courts. Draft evaders would be amnestied by a law being considered by the Federal Parliament at year's end.

Following their exodus from Kosovo, there were reports that Serb refugees were prevented from traveling to Belgrade in 1999. Reports continue to indicate that their freedom of movement is restricted, with many of them being confined to Southern Serbia.

Citizens reported difficulties at borders and the occasional confiscation of passports. Sandzak Muslims and ethnic Albanians complained of harassment at borders when reentering the country.

Yugoslav embassies overseas generally are considered to apply a double standard when issuing passports to their citizens; ethnic Serbs have a much easier time obtaining passports than members of ethnic minorities.

Many inhabitants of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, have not been able to establish their citizenship in Yugoslavia, leaving them in a stateless limbo. The Government suspended the processing of citizenship applications during the NATO bombing. Government officials claimed that the country's citizenship application records were destroyed in the bombing, and did not resume processing applications.

The conflicts that have occurred in Bosnia, Croatia, and Kosovo in recent years have led to widespread displacement of persons. Under Milosevic, the Government imposed numerous restrictions on free movement into and within Yugoslavia.

Approximately half a million refugees from Bosnia and Croatia and some 220,000 more recent internally displaced persons from Kosovo, mainly Serbs and Roma, are living in the country. Unemployment among these groups is estimated at over 60 percent due to the country's poor economic climate. Up to 25 percent of the refugee population has moved more than three times since arrival in Serbia. Most Serb displaced persons from Kosovo are housed with host families; some 50,000 are in collective centers. A report by the U.S. Committee for Refugees describes collective centers for refugees as varying widely in quality and population density, ranging from "decent" to "dismal, drafty, and crowded."

There are approximately 45,000 displaced Roma in Yugoslavia. Roma faced a difficult position during the Kosovo conflict. As neither Serb nor Albanian, the Roma in Kosovo tended to adapt to the ethnic group they perceived as dominant. As a result, many of Kosovo's Roma were perceived as Serb collaborators by returning ethnic Albanians, and many fled Kosovo for other areas of Yugoslavia (see Kosovo annex). Living conditions for Roma in Serbia are extremely poor. Local municipalities are often reluctant to accept Roma, hoping that if they refuse to provide shelter or assistance, the Roma may move on (see Section 5).

The Yugoslav Government has been very slow to issue passports to refugees. This is a particular problem for parents who seek asylum. For example, Yugoslav officials in Germany refuse to issue passports to children born in Germany who have a German government document certifying their birth. When these asylum seekers who

have been refused in Germany return to Yugoslavia with their children, the children travel on the basis of this document. Yugoslav authorities take the paper at the port of entry and issue a receipt for it. The children then have no documentation in a country where documentation is a basic requirement.

The U.N. Special Rapporteur for the former Yugoslavia noted in 1997 that the 1997 citizenship law would give the Ministry of Interior almost complete control over the granting of citizenship. The Government served notice that it plans to limit severely the granting of citizenship to refugees from the conflicts in Bosnia and Croatia. The Government also plans to revise the eligibility status of a large number of persons; refugees who have been granted citizenship since 1992 may stand to lose their Yugoslav citizenship if they have acquired the citizenship of a former Yugoslav republic.

Observers in the Sandzak region also noted that Muslim residents who were forced to flee to Bosnia from Sandzak in 1992 and 1993 may not be permitted to return to Serbia, particularly if they obtained Bosnian passports in the interim.

The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR). There were no reports of the forced return of persons to a country where they feared persecution during the year.

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

The Federal and Serbian Constitutions provide for this right; however, in practice, under Milosevic, citizens in Serbia consistently were discouraged and often were prevented from exercising this right by the regime's domination of the mass media, control of the police, and manipulation of the electoral process. The regime persistently sought to undermine the effectiveness of the opposition leadership throughout Serbia through financial controls. In July Milosevic altered the Constitution to permit his candidacy in the September federal elections.

Throughout the summer, the Milosevic regime continuously exerted undue pressure on persons and groups attempting to peacefully change their government (see Sections 1.c., 1.d., 2.a., and 2.b.). In one such instance, police in August halted the distribution of humanitarian assistance by the Leskovac Human Rights Board, an organization that encouraged citizens to participate in September's elections.

Kostunica came to power as President of Yugoslavia after mass demonstrations in early October by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and Constitutional Court to force a second round of elections. Kostunica ran against Milosevic in the September 24 elections under the DOS Party, an 18-party alliance. Milosevic banned international observers from monitoring the elections; the opposition reported election fraud in some areas, particularly in southern Serbia and the voting in Kosovo. In Kosovo many polling stations were not opened on the September 24 election day. Although the DOS claimed victory for Kostunica, the Yugoslav Federal Election Commission claimed that neither candidate had won an outright majority and called for a second ballot. This sparked citizen protests in Belgrade and a general strike in favor of the opposition beginning on October 2, which culminated in a mass demonstration on October 5 by half a million citizens calling for Milosevic to give up power. Kostunica declared himself President of Yugoslavia that night and 2 days later Milosevic conceded electoral defeat. A federal government was formed by the DOS and the SNP (Socialist People's Party). At the Serb republic level, a three-way interim power sharing government was formed by the DOS, the SPS (Socialist Party of Serbia), and the Serbian Renewal Movement until the December 24 republic elections. Milan Milutinovic remained President of the Republic of Serbia.

There are no legal restrictions that hinder women's participation in government and politics, and women are active in political organizations; however, they are underrepresented greatly in party and government offices, holding less than 10 percent of ministerial-level positions in the Serbian and Federal Governments. Until Milosevic's defeat, his wife Mira Markovic was an exception. She was the leading force in the neo-Communist Yugoslav Left Party, through which she exerted extraordinary and disproportionate influence on policy makers, including her husband. On November 27, female political activists announced that 10 DOS parties agreed to fill at least 30 percent of the places on the party list for the Serbian parliamentary elections with female candidates.

There are no legal restrictions on the role of minorities in government and politics; however, they are underrepresented and ethnic Serbs and, to a certain extent, Montenegrins dominate the country's political leadership. Montenegro boycotted the September 23 elections. Few members of other ethnic groups play any role at the top levels of government or the state-run economy; however, Rasim Ljajic, a Sandzak Muslim leader, was appointed the Federal Minister for Minority Affairs in

November. Ethnic Albanians in Kosovo refused to take part in the electoral process at the Serbian republic and federal level, including most recently in federal presidential elections in September. Serbs in Kosovo participated in the September elections, but with low voter turnout.

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

The Milosevic regime routinely hindered the activities of and regularly rejected the findings of human rights groups.

A number of independent human rights organizations operate in the country, researching and gathering information on abuses, and publicizing such cases. The Belgrade-based Humanitarian Law Center and the Center for Antiwar Action research human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee for Human Rights in Serbia publishes studies on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In the Sandzak region, two committees monitor abuses against the local Muslim population and produce comprehensive reports. Most of these organizations offer advice and help to victims of abuse.

Throughout the summer, Serbian police cracked down on Belgrade's human rights NGO's, including the Helsinki Committee, the Center for Anti-War Action, and Women in Black Against War. Each organization reports that it was visited and harassed by police in an effort to intimidate the NGO's and document their sources of international support. In June police closed the offices of Women in Black Against War. In a related move, the premises of the Forum for Ethnic Relations also were shut and sealed.

In August the Yugoslav Army announced that it would bring charges against Natasa Kandic, the head of the Humanitarian Law Center. The Yugoslav Army's Information Service alleged that Kandic breached the Law on Information when she published the article "I Will Not Keep Quiet About Horrors" in the independent newspaper Danas. Kandic published a defiant response to the army. The VJ did not initiate charges against Kandic, and threats and harassment against her stopped after October 5.

Citing "political activities," police in Leskovac removed the Human Rights Protection Committee from the register of social organizations and citizens' associations in the southern Serbian town in August. At the same time, criminal charges were filed against the director of the organization for the improper receipt of money.

With some exceptions, the Milosevic Government's Federal Ministry of Foreign Affairs systematically denied visas to international nongovernmental human rights organizations.

In 1999 as a result of their actions in Kosovo, the ICTY formally indicted as war criminals former President Milosevic and four other senior officials, including Serbian President Milan Milutinovic, Yugoslav Deputy Prime Minister Nikola Sainovic, Chief of Staff of the Yugoslav Army Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vlatko Stojiljkovic. President Kostunica has made public statements that he opposes the extradition of any indictees to the ICTY.

On December 11, a court in Uzice convicted and sentenced nine men for "kidnaping" indicted Bosnian Serb war criminal Stevan Todorovic and handing him over to NATO forces in Bosnia in September 1998. On December 13 in the Hague, Todorovic pled guilty to ethnic cleansing.

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

While federal and republic-level laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women, in practice the legal system provides little protection to such groups.

Women.—Violence against women is a problem and the traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities. There is no trained police unit to provide protection or assistance to female victims of sexual or other violence. The Center for Autonomous Women's Rights in Belgrade offers a rape and spousal abuse hot line, as well as sponsors a number of self-help groups. The Center also offered help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Criminal Code does not recognize spousal

rape as a criminal offense; rape is defined as forced sexual intercourse between a man and a woman who are not married.

The country served as a source, transit, and destination point for trafficking in women for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

Women do not enjoy status equal to men, and relatively few women obtain upper level management positions in commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. Women legally are entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage is 11 percent lower than the average wage of men. Women are granted maternity leave for 1 year, with an additional 6 months available. Women are active in political and human rights organizations. Women's rights groups continue to operate with little or no official acknowledgement.

Children.—The State attempts to meet the health and educational needs of children. The educational system provides 8 years of mandatory schooling. However, economic distress has affected children adversely in both the education and health care systems.

Prior to the conflict in Kosovo, the division of Kosovo into unofficial parallel Serb and Albanian administrative systems resulted in Serb and ethnic Albanian elementary age children being taught in separate areas of divided schools, or attending classes in private shifts. Older ethnic Albanian children were attending school in private homes. The quality of education thus was uneven before the conflict started, and the tension and division of society in general was replicated to the detriment of the children (see Kosovo annex).

There is no societal pattern of abuse of children.

The country served as a source, transit, and destination point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

People with Disabilities.—Facilities for persons with disabilities are inadequate and the Government did not make any efforts during the year to address the problem. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities.—Religion and ethnicity are so closely intertwined as to be inseparable. Incidents of discrimination against, and harassment of, religious minorities continued, especially in Serbian Sandzak.

The Keston Institute reported that on September 26, a group of 13 young men attacked 2 Romani women and one Romani man, all members of a Romani Pentecostal church in Leskovac, with sticks, bats, and chains. The attack took place 2 days after three young men interrupted the church's evening services and threatened the congregation, throwing firecrackers and shouting that they would force the Roma to leave town. The church reported the incidents to the local police, who advised them to file charges against the men. As of November 24, the attackers had not been found, but no further incidents had occurred.

Societal violence against the Catholic minority in Vojvodina, largely consisting of ethnic Hungarians and Croats, was reported. In addition, Catholic churches frequented by the Croat minority were attacked, although there were few reports of this type of activity during the year.

National/Racial/Ethnic Minorities.—Ethnic Albanian leaders in the cities of Presevo, Bujanovac, and Medvedja in southeastern Serbia complained of discrimination by Serbian authorities. Very few ethnic Albanians are employed by municipal governments in the region. In part, the problem is due to the refusal of Serbian authorities to recognize the credentials of ethnic Albanians who completed their higher education in Kosovo under the post-1989 parallel system.

There were incidents of official discrimination against the Romani population and skinheads and police occasionally violently attacked Roma (see Section 1.c.). The European Roma Rights Center reported that a group of skinheads attacked two 15-year-old Romani boys in Vranje on April 29. The boys were punched and beaten with baseball bats; one boy reported two broken ribs. In Nis a group of skinheads beat a 15-year-old Rom. Two of the attackers eventually were fined \$10 (600 dinars). In May a 13-year-old Romani girl was attacked by a group of her fellow students and several skinheads with a knife. After the incident, police interrogated the girl and threatened to arrest her parents if she did not admit she was lying. In August several Romani families in Belgrade reported that skinheads repeatedly throw rocks at their houses, often breaking windows, shout racist insults, and threaten to set Romani houses on fire.

Roma have the right to vote, and there are two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac is a Rom. However, prejudice against Roma is widespread. For example, in Sabac, in western Serbia, Roma are barred from using a municipal swimming pool that is owned by the president of the local branch of the Serbian Radical Party. According to Human Rights Watch, on June 7, police leveled Roma homes in Belgrade, alleging that they were built in breach of zoning laws; police made racial insults and slapped and kicked some of the Roma who were forced out of their homes. Local authorities often ignore or condone societal intimidation of the Romani community.

In Vojvodina in November police beat and threatened Hungarian journalist Peter Aradi. Otpor reported that police dragged Aradi from a table in a pizzeria where he was dining, threw him to the floor, and placed a gun barrel in his mouth. He then was taken to the police station and beaten. Before Aradi was released, the police reportedly forced him to kneel, hold a Bible, and "say something in Serbian."

Section 6. Worker Rights

a. The Right of Association.—All workers except military and police personnel have the legal right to join or form unions. Unions are either official (government affiliated) or independent. The total labor force is approximately 2.3 million persons. The government-controlled Alliance of Independent Labor Unions (Samostalni Sindikati, or SSS) claims 1.8 million members but probably numbers closer to 1 million in reality. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which has about 170,000 members. The third largest union is the Association of Free and Independent Trade Unions (AFITU), which has about 50,000 members. Most other independent unions are sector specific, for example, the Independent Union of Bank Employees (12,000 members). Due to the poor state of the economy, over one-half of union workers are on long-term mandatory leave from their firms pending increases in production. The independent unions, while active in recruiting new members, have not yet reached the size needed to mount countrywide strikes. The independent unions also claim that the Milosevic regime prevented effective recruiting through a number of tactics, which included preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors who support independent unions.

The largely splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions. The Nezavisnost union gained new members as a result of its well-organized and tough bargaining positions during strikes of teachers and health workers in 1998 but has not led any strikes since then; it has focused instead on political action campaigns aimed at raising workers' political awareness. The official union lost credibility with some of its members because it ultimately accommodated the Milosevic regime's position on these strikes.

The International Confederation of Free Trade Unions' 2000 Annual Survey of Violations of Trade Union Rights alleges that Serbia's labor laws still favor the official trade union and heavily restrict the right to strike. The report also alleges that the independent union Nezavisnost continued to face discrimination.

The ability of unions to affiliate internationally remains constrained.

b. The Right to Organize and Bargain Collectively.—While this right is provided for under law, collective bargaining remains at a rudimentary level of development. Individual unions continue to be very narrow in their aims, unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal workers' benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. Additionally, job security fears, which stem from the high rate of unemployment, limited workers' militancy.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the country served as a source, transit, and destination point for trafficking in women and girls for the purpose of forced prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial "retail" jobs, typically

washing car windows or selling small items such as cigarettes, although this practice apparently is somewhat less widespread, since adults lacking other options for employment have taken many of these jobs. With an actual unemployment rate (registered unemployed plus redundant workers who show up at the workplace but perform only minimal work) in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur, apart from girls who are trafficked for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks, industrial, and trading companies generally observe minimum wage standards. The monthly minimum wage is approximately \$15 (900 dinars). However, this figure is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, \$50 (3,000 dinars) per month. The minimum wage is insufficient to provide a decent standard of living for a worker and family. The cost of food and utilities alone for a family of four is estimated to be \$120 (7,200 dinars) per month. According to one report, workers' salaries fell 34 percent during the year. Private enterprises use the minimum wage as a guide but tend to pay somewhat higher average wages.

Reports of sweatshops operating in the country are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In light of the competition for employment and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, and trafficking is a problem. There are laws that could be used to prosecute traffickers although the Milosevic regime showed little interest in addressing the problem. There continues to be little information available on trafficking, although Serbia is a source, transit, and destination country for women and girls trafficked to other parts of Europe for forced prostitution. There were no reports of individuals prosecuted for trafficking.

Belgrade is a transit point, and to a lesser extent, a destination point, for trafficking in women and girls. Reportedly women from Russia, Ukraine, Moldova, Bulgaria, and Romania are trafficked to and through the country. There were also reports that women were trafficked through the country to Bosnia-Herzegovina, where they either stayed and were forced to work as prostitutes or were trafficked to other countries. Women are trafficked to Italy, Greece, Germany, the Netherlands, France, and other Western European countries. Women trafficked to Italy often are sent through Montenegro (see Montenegro annex).

Women often are recruited to work abroad through advertisements for escort services, waitresses, and personal advertisements for marriage offers or lonely hearts columns, and then forced into prostitution. Federal legislation allows escort agencies to be registered and advertise; many of these agencies are involved in trafficking.

There are no statistics available for children trafficked to other countries; however, the International Helsinki Federation for Human Rights reports that children, mostly Roma, are kidnaped and used for prostitution, begging, and stealing.

There are no Government trafficking prevention programs or services for victims. A very small number of NGO's deal with trafficking issues. Awareness of human trafficking is low; however, the problem received some media attention.

KOSOVO

Kosovo continued to be administered under the civil authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution recognized the continuing sovereignty of the Federal Republic of Yugoslavia (Yugoslavia) over Kosovo but also called for "substantial autonomy and meaningful self-administration." UNMIK began to establish a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav military, police, and paramilitary forces from the province. The chief administrator of UNMIK during the year was the Special Representative of the Secretary General (SRSG), Dr. Bernard Kouchner. Within UNMIK the Organization for Security and Cooperation in Europe (OSCE) was made responsible for institution building, democratization, and human rights. To provide for greater Kosovar inclusion in civil administration and to cir-

cumvent the risk of quasigovernmental or “shadow” governmental entities, in February UNMIK established the Joint Interim Administrative Structure (JIAS). Under the direction of the SRSG and his designated representatives, international and local experts shared policy and advisory responsibility for providing social services and collecting revenues. On October 28, UNMIK conducted elections throughout Kosovo for members of municipal assemblies with wide participation by both political parties and voters other than Serbs. Serbs, citing security concerns and a lack of freedom of movement, declined to register and boycotted the elections. Although there were some logistical problems and voting irregularities, the elections were held without significant violence or obstacles. Election observers concluded that they were carried out in accordance with international democratic standards and met the criteria for credible elections. The elected municipal assemblies were sworn in and took their seats in November; the SRSG appointed members of municipal assemblies in three Serb-majority municipalities where there was no election, and these took their seats in December. UNMIK Regulation 1999/24 established that applicable law in Kosovo would include UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the code in effect before the regime of Slobodan Milosevic abolished the political autonomy of Kosovo. This created a complex and in some cases incomplete set of codes. UNMIK issued a series of interim regulations to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bound all public officials, including judges, to respect international human rights law. The law provides for an independent judiciary; however, the legacy of ethnic conflict and Yugoslav oppression was an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases involving ethnic disputes.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo (Kosovo Force, or KFOR), which included forces from all 19 NATO countries and over 20 non-NATO members, maintained internal security and defense against external threats. KFOR also assisted UNMIK's multinational civilian police corps (U.N. International Police, or CIVPOL) in its role as uniformed and criminal police. Of 4,718 regular, border, and special police positions authorized for Kosovo, contributing countries deployed about 4,000. The OSCE-run Kosovo Police Academy trained over 3,000 local police officers for the newly established Kosovo Police Service (KPS). The KPS partnered with CIVPOL in field training. CIVPOL later began to transfer basic policing functions to KPS in some areas, while continuing to provide oversight. Several hundred additional KPS recruits continued training, and the OSCE was on schedule to have over 4,000 KPS trained by the spring of 2001. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), began training to respond to civil and medical emergencies. The International Organization for Migration (IOM) coordinated several dozen humanitarian projects for the KPC, often in collaboration with nongovernmental organizations (NGO's). Some members of KFOR, CIVPOL, and the KPC occasionally committed abuses.

A long history of mismanagement by Yugoslav Federal and Serbian authorities left the economy in poor condition even before armed conflict resulted in the massive destruction of property and economic enterprises. Key industries before the conflict were mining, metallurgy, and related manufacturing enterprise. The prewar economy also had a substantial agrarian sector. Unemployment among the predominantly ethnic Albanian population was estimated at 62 percent. Unemployment rates were much higher among Serb and other minority communities, although some Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. About 70 percent of small and medium-sized private enterprises restarted activities. However, the instability of the region, coupled with the destruction of property records and a still weak legal and regulatory framework, caused private capital investment to lag. The privatization of state enterprises stalled pending the resolution of significant property issues. Domestic energy generation capacity was about 50 percent of demand, and energy import arrangements remained uncertain. Remittances from relatives abroad and foreign aid were important sources of national income. Significant criminal economic activity took place, especially in the fuel sector. International financial institutions estimated gross domestic product at less than \$400 per capita.

UNMIK generally adhered to international human rights standards in its administration of the province; however, serious problems remained, largely as a result of ongoing interethnic tensions. A few killings resulted from attacks that appeared to be politically motivated. Citizens continued to be killed by landmines planted by combatants during the 1999 conflict. Some kidnappings and disappearances contin-

ued. Approximately 3,600 persons also were missing and unaccounted for as a result of the armed conflict in 1999, including approximately 2,750 Albanians, 500 Serbs, and 300 members of other ethnic groups. The International Criminal Tribunal for the Former Yugoslavia (ICTY) exhumed 3,620 remains in 1999 and 2000, of which about 1,260 remains were still unidentified. There were some reports of the excessive use of force by KFOR and CIVPOL during arrests. Early in the year some KPC members were accused of committing incidents of intimidation and extortion. In the course of carrying out their law and order enforcement functions, KFOR and CIVPOL at times used arbitrary arrest and detention, and lengthy pretrial detention remained a problem. The judiciary was subject to bias and outside influence, particularly in interethnic cases, and did not always ensure due process. Some newspapers engaged in hate speech or printed articles providing personal details of alleged war criminals or collaborators. After some of those individuals were attacked, UNMIK issued a temporary regulation that prohibited articles that might encourage criminal activity or violence. Some observers in both the local and international media criticized this regulation as an infringement of freedom of the press. In order to prevent the potential for large, unruly gatherings, UNMIK occasionally limited freedom of assembly. There were some limits on freedom of movement. Over 150,000 Kosovar Albanians returned to the province during the year; only a few ethnic Serbs and other minorities returned. Rape, violence, and discrimination against women remained serious problems. Religious tension and violence continued. Ethnic Albanians destroyed approximately 20 Serbian Orthodox churches during the year, with a total of 100 destroyed since June 1999 in retaliation for Yugoslav troops' earlier destruction of mosques. Societal violence against ethnic Serbs, Roma, and other minorities was widespread, but decreased somewhat during the year. A total of 245 civilians were killed and 522 cases of arson were reported during the year. Most murders of minorities were rooted in ethnic retaliation; other killings more often were connected to criminal enterprise, political factionalism, and private feuds. Societal discrimination continued to target Roma, in retaliation for the group's alleged collusion with Serbs in the period before and during the NATO bombing campaign. The approximately 100,000 Serbs who remained in Kosovo live primarily in the north or in enclaves under the protection of KFOR. While a few Serbs and other minorities who left Kosovo in 1999 came back, security conditions did not permit large-scale organized returns. Worker rights are not developed fully, and child labor persists. Trafficking in women and girls to and through the province was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—KFOR forces killed several individuals during operations. UNMIK and military authorities investigated these killings, but found no circumstances in which those responsible had acted improperly. On February 15, snipers wounded two KFOR soldiers. The soldiers responded by killing an Albanian and wounding at least four persons whom they said were firing at them from the rooftops. More than 35 other Albanians were detained on suspicion of involvement in the sniping. In August KFOR troops killed two Albanian males, claiming self-defense; some reports suggested that the two Albanians were shot in the back, and KFOR relieved at least one soldier of his duties pending investigation. On December 17, in Leposavic (Leposaviq),² two Serbs were killed and one wounded after rioters protesting the arrest of a Serb man for the attempted murder of a KPS officer surrounded a U.N. police station guarded by KFOR soldiers and took seven KFOR soldiers hostage. One Serb was killed by gunfire; a KFOR commander reported that soldiers had fired warning shots that may have ricocheted and hit a protester. The other Serb died of a heart attack.

In January authorities accused a KFOR soldier, Sergeant Frank Ronghi, of raping and killing a 12-year old Albanian girl. A military tribunal subsequently convicted Ronghi and sentenced him to life in prison.

In July 1999, KFOR arrested three members of a Kosovo Serb family for shooting and killing an Albanian man and wounding a second. In July the court trying the case heard credible evidence from KFOR that KFOR snipers were responsible for the shootings when called to the scene of an altercation (see Section 1.d.).

Several killings appeared to be politically motivated. Some killings and attacks apparently were related to the October municipal elections. The majority of reported political intimidation attempts, which included drive-by shootings, kidnapping, and

² Throughout this report, dual town names are given: The Serb town name, followed by the Albanian name in parenthesis, except where towns universally are known by one name.

arson, were said to be aimed at representatives of the Democratic League of Kosovo (LDK), led by Ibrahim Rugova, although other political parties subsequently reported nonlethal attacks as well. The LDK's rival, the Democratic Party of Kosovo (PDK) led by Hashim Thaci, the former head of the KLA, often was cited as being behind the attacks, although nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. UNMIK police rarely were able to identify perpetrators. Human Rights Watch (HRW) reported that on June 15, two men wearing KLA badges killed senior LDK politician Alil Dreshaj. On August 4, the burned body of Shaban Manaj, an LDK politician and lawyer from Istok (Istog), was discovered following his disappearance 2 weeks earlier. On November 23, Xhemal Mustafa, cofounder of the LDK and President Rugova's press adviser was killed by unknown gunmen in the stairwell of his apartment building in Pristina. No arrests had been made by year's end. Attacks against LDK functionaries occurred in most other regions of the province as well.

Unknown assailants killed two former KLA officers in April and May, respectively, shooting Besim Mala, also known as "Commander Murrizi," in the streets of Pristina, and Ekrem Rexha, also known as "Drini," in Prizren. UNMIK police attributed their killings to business disputes, rather than political motives. On July 12, a supporter of Ramush Haradinaj, a politician and former senior KLA commander, was murdered. On September 20, police found the body of Skender Gashi, a KPC officer and former KLA commander, in Orahovac (Rahovec); he had disappeared 2 days earlier. Local speculation included political, ethnic, and criminal motives for these killings, while the police attributed the murders to personal disputes.

Unknown assailants killed one journalist, Shefki Popova, in September in Vucitrn (Vushtrri) (see Section 2.a.). Popova was listed as a Social Democratic Party candidate in Vucitrn (Vushtrri)'s municipal elections.

The number of killings in the province decreased from the total recorded up to June 1999, when Yugoslav armed forces and Serbian police withdrew from the province, and also from the total recorded in the second half of 1999, about 400 killings. According to available figures, there were 245 murders during the year, including 146 Albanians, 55 Serbs, 9 Bosniaks, 12 Roma, and 23 of unknown or "other" category, including 2 KFOR soldiers. U.N. police made arrests in only 2 to 3 percent of murder cases. Most murders of Serbs and other minorities were ethnically motivated (see Section 5), but the majority of murders of Albanians apparently were connected to family and economic rivalries and criminal activities.

On February 29 in Srbica (Skenderaj), a Kosovar Albanian, Faton Hajrizi, killed a KFOR soldier. Hajrizi was arrested for the killing a number of times during the year and escaped from prison. He was rearrested in December and remained in custody at year's end. A second KFOR soldier was found dead, a presumed homicide, at the end of April; no perpetrator has been identified.

Rexhep Luci, Pristina's director of urban planning, was killed in September. Kosovars and outside observers attributed the killing to Luci's role in heading up UNMIK's program to tear down illegal construction. Local commentators expressed grave concern that the killing would hinder efforts by Kosovar officials to establish civil order.

On November 22, an explosion at the Pristina residence of Stanimir Vukicevic, the Yugoslav representative in Kosovo, killed one man and injured three others. The attack apparently was intended to protest the participation of Kosovo in the December Serbian parliamentary elections.

In December 1999, an ethnic Albanian former judge was killed. He had worked in the Serbian judicial system.

The International Crisis Group reported that in November 1999, five persons were abducted and killed by persons claiming either to be members of the Provisional KPC or the Policia Ushtarake, the KLA's military police, which was outlawed by UNMIK. Their bodies were found around the KLA compound in Lukare, north of Pristina. Four were identified; three as Roma, one as an Albanian woman. All four had been accused locally of having "collaborated" with Serb forces.

Although there was credible evidence of Yugoslav agents and special forces teams in Kosovo, there were no confirmed reports of killings by Yugoslav or official Serbian forces inside the province.

Some Kosovar Serbs continued efforts begun in 1999 to expel Albanians and other ethnic groups from the northern part of Mitrovica. In February, during an increase in violence in that city, groups of Serbs, reportedly including Serbian police, attacked ethnic Albanians on several occasions, killing eight civilians. The attacks were viewed as retaliation for a grenade attack on a U.N. High Commissioner for Refugees (UNHCR) bus that killed two Serbs traveling from Mitrovica. During the month of February, over 1,500 Albanians, Muslim Slavs, and Turks fled their homes

in the north side of the city, and Serbs withdrew from southern Mitrovica, where they were a minority (see Section 5).

As a result of the 1999 armed conflict, certain rural areas of the province were filled with unexploded landmines and ordnance. Landmines and ordnance explosions killed 93 persons from June 1999 to April and injured more than 300. The U.N. Mine Action Coordination Center (MACC) in Pristina accredited 16 international demining organizations in Kosovo. Well over 1,000 persons were involved in the demining effort in the province, clearing 8,980 mines, 4,932 cluster bomb units, and 5,774 other ordnance. KFOR and MACC cleared over 16,000 houses, 1,165 schools, 1,056 miles of roads, and 124 miles of rail tracks. International organizations and NGO's undertook a widespread public education campaign on mines.

Virtually no town or settlement escaped the effects of the Milosevic regime's campaign of ethnic cleansing in 1999, with reports of dozens, sometimes hundreds, of civilians murdered in each town. Kosovo's still fragile investigative, judicial, and penal systems, in addition to ICTY, worked to ensure that perpetrators were identified and punished. Beginning in mid-1999, the ICTY began its program inside Kosovo, and carried out investigations in support of ongoing and future proceedings against presumed war criminals, including exhuming mass graves to permit the identification of victims of the war and ethnic cleansing. By year's end, the ICTY completed the exhumation of remains, begun in 1999, of some 529 graves, uncovering for identification the remains of 3,600 persons over the 2-season exhumation period. In May UNMIK issued a regulation establishing the Victim Recovery and Identification Commission (VRIC), primarily charged with identification of remains. Working with families on the basis of information they provided, details of the events, and the recovery of clothing and personal effects, the VRIC was able to positively identify victims. The remains of about 1,400 victims were unidentified at year's end.

UNMIK suspended efforts to create a local Kosovo War and Ethnic Crimes Court due to lack of funding, concern over the scope of its mandate, and possible redundancy in view of the presence of international judges.

Proceedings began in the Kosovo courts to adjudicate about 40 cases of alleged war crimes and genocide arising from the conflict, as well as murder cases dating from the period starting in June 1999. Of these, one war crimes case was decided on September 20, with the conviction in Gnjilane (Gjilan) of Kosovar Serb Milos Jokic for murder, attempted murder, and rape. He was sentenced to 20 years in prison.

b. Disappearance.—Individual disappearances and kidnappings continued. In June an angry crowd of Serbs attacked UNMIK offices in Strpce (Shterpcë) over the disappearance of a Serb shepherd. Marjan Melonasi, a journalist for Radio-Television Kosova who was half Serbian, disappeared in Pristina around September 9 (see Section 2.a.). Human rights organizations and police confirmed the kidnapping or disappearance of several young women each month. Most but not all of these victims reportedly eventually reappeared or were found, many after they were raped.

As a result of the 1999 armed conflict, and despite the efforts of the International Committee of the Red Cross (ICRC), the ICTY, and other local and international organizations, the fate of over 3,600 persons (2,750 Albanians presumed taken by Serbs, 500 Serbs presumed taken by Albanians, and 300 members of other ethnic groups) remained unknown at year's end. Withdrawing Yugoslav forces also took more than 2,000 Albanian detainees with them into Serbia; Serbian authorities released over 1,300 by year's end, reputedly after payment to Serb middlemen by detainees' families in most cases.

Both the ICTY and the VRIC, assisted by other international governmental and nongovernmental entities, continued their work to identify bodies exhumed from mass gravesites (see Section 1.a.). ICTY and other international experts did not expect to find many new mass graves. A clear gap continued between the 1,260 unidentified remains and the 3,600 persons reported to the ICRC as missing and unaccounted for at year's end. Efforts by governments, international organizations, and NGO's to determine the fate of these missing persons, including through pressure on Yugoslavia, did not lead to any results.

In August the U.N. High Commissioner for Human Rights named a Special Envoy for Persons Deprived of Liberty in Connection with the Armed Conflict in Kosovo. In September the SRSG announced the establishment of an office in Pristina for detainees and missing persons.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits torture and other cruel forms of punishment, and CIVPOL and KFOR largely respected the law in practice; however, there were sporadic reports of the use of excessive force during arrests and other abuses. Military authorities reported in September that nine members of a KFOR unit, including four officers,

were disciplined following an investigation into allegations of excessive force, beating of suspects, and sexual assault on women at checkpoints and while on patrol. KFOR used tear gas to disperse a peaceful demonstration in Mitrovica (see Section 2.b.).

Some reports suggested that KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. In response UNMIK and KFOR put into place a KPC disciplinary code and a compliance enforcement framework, which assigned responsibility for investigating and disciplining KPC compliance violations and criminal actions. At KFOR's insistence, all six KPC zone commanders were rotated in October. By the end of the year, documented instances of KPC non-compliance had decreased significantly.

International organizations reported that in the first half of 1999, Serb forces subjected ethnic Albanian women to illegal confinement, rape and other forms of torture. ICTY has ruled that the definition of war crimes includes the Serb use of rape and sexual assault against ethnic Albanians. Kidnapings and mass rapes occurred in Djakovica (Gjakova), Pec (Peja), and Drenica, using local hotels and army camps as mass rape sites, and gang rapes of women occurred in their homes or on the side of the road. Assailants killed male family members who tried to intervene and women who tried to escape. According to credible information, individual KLA soldiers and other Albanians raped Serb and Roma women in the months following Yugoslavia's withdrawal in 1999. Since then, police have registered over 95 individual rape and attempted rape complaints, but there has been no strong ethnic pattern, nor evidence to suggest organized sexual abuse of minority women. However, rape is underreported significantly due to the cultural stigma attached to victims and their families (see Section 5).

Numerous attacks on political figures, particularly members of the LDK, were reported, both before and after the October municipal elections (see Section 3). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases.

In early December, unknown assailants attempted to kill Hajvas Berisha, a former commander of the KLA and a KPS member, in Pristina. UNMIK arrested three of the alleged assailants; however, because the case involved a family blood feud, no charges were filed against the assailants because the case was settled out of court through traditional Albanian feud mediation methods.

KFOR arrested a group of Serbs in Gracanica in September in possession of a large cache of explosives and arms. The Serbs reportedly were planning terrorist acts against UNMIK and other international entities. Two were reportedly officers of a special forces unit of the Yugoslav Army (VJ).

There were some reports of attacks and intimidation of UNMIK and KFOR officials. In February, a KFOR soldier was shot by unknown assailants while escorting Serb children from school in Gnjilane (Gjilan), apparently in retribution for the killing of two Albanian males by KFOR soldiers earlier in the year. On September 12, Vjosa Dobruna, the Kosovar co-chair of the Department of Civil Society and Democratic Governance, reported that her car was broken into and moved from its parking place; nothing was missing or stolen. On December 7, Serbs beat a U.N. policeman during an inspection of suspected weapons caches in northern Mitrovica. On December 19, unknown persons attacked the UNMIK building in Zubin Potok with automatic gunfire and grenades.

Prison conditions meet prisoners' basic needs of food, sanitation, and access to medical care; however, facilities are in need of further refurbishment and repair. Some facilities are overcrowded. UNMIK established the Kosovo Correction Service (KCS), and the OSCE provided training for over 400 of a planned force of 700-plus corrections officers. The KCS, which included international corrections experts as interim administrators, operated 3 prisons in Prizren (with a capacity 100 inmates), Dubrava (with a capacity of 520), and Lipjan (Lipjan). The latter is to be restricted to women and juveniles and eventually after further renovation is to offer space for mentally disturbed prisoners and detainees after further renovation. CIVPOL and KFOR operated four additional detention centers in Pristina, Mitrovica, Pec (Peja), and Gnjilane (Gjilan). KFOR also held detainees accused of war crimes and serious ethnic offenses at Camp Bondsteel, but planned to turn over all detention responsibilities to the KCS by early 2001. In the absence of currently suitable detention facilities for mentally disturbed prisoners, police released a visibly disturbed female detainee from the Mitrovica detention center on August 22; she reportedly committed suicide 3 days later.

Male and female prisoners are separated, and there is a separate facility in Lipjan (Lipjan) for females and juveniles, but there have been cases of older youths who have been held with the general adult population.

Prisons and detention centers permitted the ICRC full access to prisoners and detainees. In the absence of a formal agreement but pursuant to OSCE's mandate for human rights monitoring under UNSCR 1244, they also offered ad hoc access to the OSCE human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Under UNMIK regulation 1999/24, issued in December 1999, which incorporated a local law in effect as of March 1989 and current practice, police may detain criminal suspects for up to 72 hours without charging them or granting them access to an attorney; however, in many cases, sources reported that CIVPOL used the 72-hour detention authority as a means of minor punishment with no intention of filing charges. The applicable rules of criminal procedure permit pretrial detention for up to 6 months, but UNMIK has decreed by regulation that this period may be extended by up to an additional 6 months in specific circumstances, in the case of crimes punishable by a sentence of over 5 years.

In some instances, the KFOR Commander (COMKFOR) intervened to continue the detention of persons ordered released by the courts but deemed an ongoing security threat. In July the prosecutor in Gnjilane (Gjilan) declined to press charges against Afrim Zeqiri, an ethnic Albanian accused of shooting three Serbs in May, including a child, and an international judge complied with the order to release him (see Section 5). Given the ethnic sensitivity of the case, UNMIK asked KFOR to hold the accused pending review by an international prosecutor. The case has since gone before another panel of ethnic Albanian judges, and was found without merit. Zeqiri has not been released. COMKFOR also held until July two ethnic Albanians accused of killing two Serbs in July 1999, despite the fact that the Pristina district court ordered their release in November 1999. Some accused persons were held for several months pending the five district courts' becoming operational in January and February. For example, in Gnjilane (Gjilan) district, 12 defendants accused of serious crimes were awaiting trial when the court began hearing cases in February; most of these had been in detention for some time, some as long as 7 months. In May 41 Serb and Roma prisoners in Mitrovica went on a hunger strike for several weeks to protest the delay in holding their trials.

Some observers argued that ethnic bias played a significant role in abuses of due process. In July 1999, authorities arrested three members of the Serb Momcilovic family accused of killing an Albanian and wounding another. The newly appointed prosecutor for Gnjilane (Gjilan) indicted the three in January; their trial took place in April, subsequently was adjourned, and did not reconvene until the end of July. Although at that point there was evidence exonerating the defendants of murder, the court ordered further gathering of evidence before convicting them on weapons charges in August and sentencing them to time served. In the meantime, the other 11 (ethnic Albanian) defendants awaiting a functioning court in Gnjilane (Gjilan) were tried in February. Observers also argued that the Momcilovics' detention was prolonged unnecessarily due to the court's refusal in April to admit a video that tended to exonerate them, and to KFOR's failure to perform a sufficiently detailed investigation into the initial incident and transmit the evidence in a timely manner.

Some 300 persons remained in pretrial detention in CIVPOL and KCS prisons and detention facilities and 57 persons remained in KFOR detention.

At the end of the year, the Yugoslav authorities continued to detain approximately 700 Kosovar Albanians in prison in Serbia, charged with alleged crimes arising from the Kosovo conflict. Federal and Serbian laws regarding conspiracy, threats to the integrity of the Government, and terrorism are vague and were abused by the Milosevic regime. Yugoslav authorities released over 1,300 detainees, allegedly through the payment of bribes in some cases. The ICRC was able to gain permission for some family members to visit detainees in Serbia under restricted conditions.

There were no reports of political detainees.

Exile is not permitted legally, and there were no reported instances of its use. However, the continued fear of ethnic Serbs and other minorities of revenge against them by Kosovar Albanians led large numbers to leave Kosovo (about 150,000 Serbs left during and after Yugoslavia's withdrawal), sometimes more or less voluntarily and sometimes under harassment by Albanians. The departure of Serbs and other minorities continued throughout the year.

e. Denial of Fair Public Trial.—Applicable law provides for an independent judiciary; however, the legacy of ethnic conflict and years of Yugoslav oppression were an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases involving ethnic disputes.

Supported by an Advisory Judicial Commission, UNMIK re-established a court system in Kosovo that included the Supreme Court, 5 district courts, 18 municipal courts, the Commercial Court, 13 offices of the Public Prosecutor, and a number of courts for minor offenses. Of those officials appointed by the UNMIK SRSG, 324 judges and 52 prosecutors began work, as well as 377 lay judges to assess the facts of the case. The judicial corps is almost exclusively Albanian; 8 of 12 Serbian appointees refused to serve. UNMIK also appointed members of other minorities, who are serving.

Approximately 15 UNMIK-appointed international judges and prosecutors work in the district courts alongside local judges in sensitive ethnic cases. UNMIK planned for at least two international judges and one international prosecutor in each of the five judicial districts. UNMIK appointed 405 judges and prosecutorial personnel and refurbished judicial facilities. Courts in all five districts began operations.

The law provides for the right of defendants to be present at their trials and to have legal representation, at public expense if necessary; however, local judicial and legal personnel by and large had not worked in the legal system since 1989, and the full exercise of defendants' rights was not ensured.

The defense bar was weak and disorganized as well as rooted in a more passive approach to defense due to years of practice under Socialist and authoritarian codes. A program was underway to improve the bar at year's end. Legal personnel were in the initial stages of learning and applying international human rights laws and conventions. Since UNMIK and the Kosovar legal community have not approved a new bar examination, recent law students and legal personnel may not practice.

Serb lawyers and judges refused to participate in the judicial system established by UNMIK, reportedly encouraged by the Milosevic regime not to accept the Kosovo system by participating in it. This practice effectively denied adequate representation and due process to Serb defendants.

When they began hearing cases in January and February, the courts faced a high backlog of criminal cases of all kinds. By June the courts had tried 695 criminal cases, the vast majority of them petty crimes and crimes against property; only 13 of them were murder cases, and most resulted in fines or prison sentences under 6 months. An update on the number of cases tried was unavailable at year's end.

There was a perception by human rights observers that in cases with Serb defendants or victims, a fair trial was unlikely due to ethnic bias. In July two Kosovar Albanians allegedly shot and injured three Serb Orthodox clerics (see Sections 2.a. and 5). Police arrested the accused, who were charged with attempted murder. When confusion and miscommunication led the victims missing a court date, the Albanian judge and prosecutor ordered the release of the defendants from pretrial detention. The court president subsequently rescheduled the hearing, and UNMIK assigned an international prosecutor to the case.

After the NATO campaign and Yugoslavia's withdrawal from Kosovo, Kosovar Albanian judges were unanimous in rejecting Yugoslav and Serbian law. On December 12, 1999, UNMIK issued Regulation 1999/24, which defined applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel were enjoined to apply the Kosovo code in effect in 1989 first, and to proceed to the Yugoslav and Serbian codes to the extent that the first was incomplete. UNMIK Regulation 1999/24 bound all public officials to respect international human rights laws and conventions; although they initially largely were unacquainted with these, international organizations and NGO's implemented programs to increase awareness and application.

Kosovar and European legal experts reviewed the compilation of applicable criminal law to ensure compliance with generally accepted international standards. Legal experts then reviewed a criminal code for Kosovo based on the regulation's guidance, but have not yet issued the new codes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Under UNMIK, authorities generally respected these rights; however, individuals occasionally accused KFOR and U.N. Police of using excessive force and improper behavior in executing weapons searches in private homes, including breaking down doors and destroying personal property.

In Mitrovica Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. Albanians in the southern part of Mitrovica continued to refuse Serbs access to their property there as well. Civilians were also responsible for the destruction, often through arson, of private property (see Section 5). There were a growing number of credible reports of violence and intimidation being used to force Serbs to sell their homes to Albanians at attractive prices.

Respect for private property rights has proved problematic. Withdrawing Yugoslav forces destroyed most existing property records and this, combined with the disruption of 10 years of Serbian authoritarianism and discrimination and the massive property destruction during the conflict, cast doubt over how current occupants of vacated properties could remain where they were living, how owners could reclaim rightfully their property, where returnees and internally displaced persons (IDP's) could live and build, and how potential investors could gain title to land before investing significant sums. UNMIK created by regulation the Housing and Property Directorate and the Housing and Property Claims Commission responsible for resolving property issues and adjudicating disputes including claims for restitution of property lost through discrimination, requests for registration of informal property transaction, and claims by refugees and IDP's who lost their property. However, the Directorate and only had offices in Pristina, although with mobile teams heard disputes elsewhere. The regulation setting up the Housing and Property Claims Commission removed court jurisdiction over private (as opposed to commercial) property disputes. As a result, most property disputes remained unresolved. There were locally administered ad hoc solutions, and unregulated construction proceeded even as solutions for those persons without accommodation still were lacking.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—UNMIK regulations provide a framework for recognition of these rights, prohibit hate speech, and regulate media conduct; however, local media and some international media organizations and attorneys criticized UNMIK regulations on speech and the press as undemocratic and an infringement on the freedom of speech and of the press.

UNMIK Regulation 1999/24 requires that public officials respect international human rights laws and conventions, including the Universal Declaration of Human Rights, which recognizes freedom of speech and of the press. Through its regulation establishing the Department of Post and Telecommunications, UNMIK asserts control over broadcasting infrastructure; the OSCE oversees the Department of Media Affairs. In February UNMIK issued Regulation 2000/4, which prohibited hate speech and speech that incites ethnic violence.

In June UNMIK issued Regulations 2000/36 and 2000/37 on the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC is responsible for publishing a broadcast code of conduct and issuing licenses, for issuing temporary codes of conduct for print media, and for imposing sanctions, up to and including closing down offending media organs, in the event of violations of UNMIK regulations or published codes of conduct.

Newspapers resumed publishing, and by year's end, there were seven daily newspapers and seven weeklies or monthlies. All newspapers published in Kosovo were printed in Albanian; journals in Serbo-Croatian were printed elsewhere and imported. The main dailies are aligned with different political parties. While flourishing, the print media often acted irresponsibly, publishing inflammatory articles that provided personal data including names and addresses of alleged war criminals or collaborators and inciting violence against political personalities. For example, the daily Dita published an article on Petar Topoljski, an UNMIK Serb employee who subsequently was murdered (see Section 5). In reaction UNMIK promulgated Regulations 2000/36 and 2000/37, which prohibited the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise.

In July Dita accused Serbian Orthodox priests of war crimes. The Orthodox Church denied that photographs published with the article depicted any known priests. Two ethnic Albanians subsequently attacked and injured a priest and two seminarians, (see Sections 1.e. and 5). The newly appointed TMC fined the newspaper \$12,200 (DM 25,000). In its decision on Dita's appeal of the fine, the Media Appeals Board ruled that since the situation in Kosovo approximated a state of emergency, UNMIK's regulation did not violate international human rights laws and that Dita's article violated the UNMIK Regulation. However, the Board decided that the TMC did not apply proper procedures in fining Dita, and overturned the penalty.

At year's end, there were over 50 radio and 9 television stations. While the television broadcasts were exclusively in Albanian, several radio stations broadcast in Serbo-Croatian for a Serbian audience, and others, notably Radio Kontakt (which also broadcast in Albanian, Turkish, and English) aimed at a broader multiethnic audience.

There were some attacks on journalists. Radio Kontakt was the target of a grenade attack on April 17. On June 20, Valentina Cukic, an editor of Serbian lan-

guage programming for Radio Kontakt, was shot and wounded in Pristina while wearing her KFOR press identification. Radio Kontakt previously had sought protection from CIVPOL, KFOR, and the OSCE in response to threats and violence against the station, which promotes multiethnic programming. In response, CIVPOL provided protection details for Radio Kontakt personnel, as well as security at the station premises. A writer for the daily Bota Sot claimed that an unknown assailant threw an explosive device into his yard in Prizren in August. In September unknown assailants shot, stabbed, and killed Shefki Popova, a newspaper reporter, outside his apartment in Vucitrn (Vushtrri). A radio journalist, Marjan Melonasi, disappeared the same weekend (see Section 1.b.). In October Dita reported that LDK sympathizers on their way to a rally near Urosevac (Ferizaj) beat a radio reporter. Anecdotal evidence suggests that the intimidation of journalists, like other public figures, is underreported due to concerns for personal safety.

The University of Pristina was in full operation beginning with the 2000–01 academic year, with new and pre-1989 staff. The university terminated and expelled six professors who cooperated with Yugoslavia by teaching after 1989, when Kosovo lost its autonomy and a shadow education system was established. UNMIK respected academic freedom.

b. Freedom of Peaceful Assembly and Association.—UNMIK generally respected freedom of assembly; however, occasionally it limited this right.

On February 11, in Mitrovica Serbs in the northern part of the city violently forced Albanians out of their homes, killing eight in the process. Approximately 100,000 Albanian Kosovars marched in protest to Mitrovica from Pristina and other towns en route. Although the march itself was peaceful, KFOR prevented any attempt by the marchers to cross the bridge over the Ibar River into north Mitrovica and used tear gas to disperse those demonstrators who would not leave the bridge area at the end of the march.

Several demonstrations protested against UNMIK and the international community for not doing enough to locate missing persons, including a May hunger strike by about 15 persons in Pristina. In September about 60 persons who had been released from detention in Serbia went on a hunger strike in Dubrava to protest the continued detention of ethnic Albanians by the Belgrade regime.

In September local civil society representatives, joined by political parties and international representatives, organized a “Day Against Violence” as one element of reconciliation initiatives discussed at an overseas conference in July on reconciliation.

In its regulations governing the definitions of and registration requirements for both political parties and NGO’s, UNMIK stated specifically that such regulations did not affect the right to association and UNMIK generally respected this right.

c. Freedom of Religion.—UNMIK respected the right to freedom of religion, and Regulation 1999/24 binds local officials to respect this right under international human rights laws and conventions.

The effects of the Milosevic regime’s oppression in Kosovo still are felt strongly. While the Milosevic regime and its local paramilitaries targeted persons and properties based largely on ethnicity, most Albanians are Muslims, and Yugoslav forces destroyed or damaged a number of mosques and other Islamic facilities prior to their withdrawal in June 1999. Given the strong association between Serbs and the Serbian Orthodox Church, ethnic Albanians attacked churches as symbols of the Serbian regime. Following Yugoslavia’s withdrawal in 1999, over 100 Serbian Orthodox churches were burned or destroyed in retaliation (see Section 5). In light of societal violence against properties owned by the Orthodox Church, UNMIK authorities took steps in the months following the conflict to ensure that members of all religious groups could worship safely, including deploying KFOR security contingents at Orthodox religious sites throughout the province. Because the security situation improved at the end of the year, KFOR began transferring responsibility for security at a very limited number of Orthodox churches to CIVPOL and the KPS.

In July Dita accused Serbian Orthodox priests of war crimes. The Orthodox Church denied that photographs published with the article depicted any known priests. Two ethnic Albanians subsequently attacked and injured a priest and two seminarians, (see Sections 1.e., 2.a., and 5).

Kosovo’s leading Orthodox cleric, Bishop Artemije, continued to reside in Gracanica, near Pristina, citing safety concerns, rather than in the diocesan seat in Prizren. Other leading Orthodox clerics also left their home parishes to reside in Gracanica.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Applicable law provides for freedom of movement; however, both the aftermath of war and practical obstacles restricted such movement in practice. Serbian and Yugoslav forces carried out a deliberate campaign of “identity cleansing”

during the war, confiscating and destroying citizen identification documents and destroying the central and municipal archives and civil registers, with the result that many Kosovars had no documentation of identity. Some persons who retained Yugoslav passports found them invalid or unrecognized by neighboring countries due to the war. UNMIK published a regulation in March that authorized the Central Civil Registry to issue travel documents to any person registered as a habitual resident of Kosovo. The complexities of registering mass numbers of persons without any personal documentation drew out the process. In the interim, the SRSG issued individual travel letters in limited cases, but only a few countries recognized these documents. In September the U. N. submitted a sample travel document to member states for approval. However, because UNMIK was unable to issue identity cards until the end of the year, new travel documents were not issued.

While precise figures are unavailable, substantial numbers of Serbs and Roma fled Kosovo following the conflict. Many displaced Serbs did not register with international agencies, but there are estimates of up to 150,000 Kosovar Serbs in Serbia, with an undetermined small additional number in Macedonia and approximately 30,000 displaced Kosovar Serbs, Roma, and other minorities in Montenegro. Numbers of displaced Roma are also difficult to estimate, although some sources report that as many as 25,000 Roma fled Kosovo in the aftermath of the conflict. Most did not return. Those who remained in Kosovo or who did return led lives restricted by the ethnic threats from some of their Albanian neighbors (see Section 5).

After Milosevic withdrew Yugoslav troops in June 1999, the UNHCR oversaw the return of some 882,000 Kosovar refugees and IDPs from surrounding regions and other countries; about 150,000 have returned since the beginning of the year. While UNMIK and the international community were able to address many of the most pressing problems of the returnees, problems remained in obtaining sufficient housing, social services for the most vulnerable, property records, and education. Based on the establishment of a civil administration by UNMIK, several countries that had offered temporary refuge to ethnic Albanians forced by Milosevic to leave Kosovo ended their programs and began forcing the refugees to return to Kosovo, which tested the capacity of the province to absorb returnees. In October UNMIK asked countries to suspend returns until March of 2001.

About 100,000 Serbs, 30,000 Roma, and 67,000 other minorities remained in Kosovo. Most of the 150,000 Serbs and about 30,000 Roma who fled when Yugoslav forces withdrew did not return, except in individual cases, due to fear of ethnic violence should they return without sufficient security safeguards and due to lack of economic opportunity, housing, and other basic services. UNMIK, the UNHCR, and the international community began a minority stabilization program to address some of these assistance needs. Although the high level of anti-Serb violence that characterized the period just after Yugoslavia's withdrawal decreased significantly, ethnically motivated violence and crime continued to be serious problems for minorities (see Section 5). Several villages that were once ethnically mixed have become almost entirely Albanian, with Serb residents moving to Serb villages elsewhere in Kosovo or leaving altogether. KFOR and UNMIK provided security to enclaves and minority settlements, and escorted minority members who left their residence areas to visit family, gather fuel, shop for food and other goods, attend school, and receive medical care. KFOR regularly escorted convoys of private vehicles, and the UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia. In February a rocket attack on a UNHCR bus killed two Serbs and wounded several more; as a result, the UNHCR suspended bus service for several weeks (see Section 5). Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians. On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war (see Section 5). Most minorities—including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma—lived alongside ethnic Albanians and reported that their security situation improved over the course of the year, although incidents of violence and harassment continued to occur and their freedom of movement is restricted in some areas of Kosovo. The Turkish community is more closely integrated with Albanians and is less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid.

In April the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Albanian leaders visited those areas where local Albanians and Roma were trying to establish more cooperative inter-ethnic relations, thus encouraging a climate conducive to the return of those who fled the province earlier. Roma still experienced difficulty in obtaining freedom of

movement. The degree of harassment by neighboring Albanians varied, with a greater degree of difficulty for the Roma living in Kosovo Polje (Fushe Kosova), Obilic (Obiliq), Podujevo (Podujeva), Lipjan (Lipjan), and Gnjilane (Gjilan) (see Section 5). However, there were areas, notably around Urosevac (Ferizaj) and Djakovica (Gjakova) where Roma, Egyptians, and Albanians reportedly cohabited without major incidents. Both Roma and Serb families were reluctant to send their children to school, citing security concerns.

In early May UNMIK established the Joint Committee on Returns with participation from KFOR, the UNHCR, and the Serb National Council to facilitate and coordinate returns of minorities to Kosovo.

In Mitrovica there were restrictions on freedom of movement due to ethnically based harassment (see Section 5).

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

UNMIK and local authorities cooperated with the UNHCR to assist returning refugees.

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

From 1989 until NATO's intervention, Kosovar Albanians expressed their frustration with the province's status within Serbia through a boycott of the political system and did not attempt to affect the Government through the electoral process. After the withdrawal of Yugoslav forces in 1999, UNMIK, the OSCE, and other international actors, including donors, began to prepare for municipal elections, with the aim of eventually organizing elections for a Kosovo-wide government. One of the most critical elements of the establishment of both a civil administration and an electoral process was the registration of Kosovo's legitimate residents, following Yugoslavia's "identity cleansing" (see Section 2.d.).

At the conclusion of the electoral registration effort by the OSCE, about 901,000 of an estimated population of over 1 million persons successfully registered. UNMIK established a Central Election Commission, which was charged with establishing electoral rules and with organizing the operational details of the elections; there were also municipal election commissions in each of the 30 municipalities where elections were held. Pursuant to a registration process established in March, 22 political parties, 1 coalition of 6 parties, 3 citizens' initiatives (grassroots organizations formed for political purposes), and 16 independent candidates registered to run for office. Serbs, citing security concerns and a lack of freedom of movement, did not participate in the registration process and boycotted the October municipal elections. Many Turks, due to a dispute with UNMIK over the use of the Turkish language in official documents and procedures also did not participate, although one Turkish political party did. Other minorities participated in registration and in the elections. Several fielded political parties and citizens' initiatives that won municipal seats in the vote or agreed to accept appointed seats after the elections.

Campaigning for the municipal elections began officially on September 13. Earlier in the summer, there was an increase in violence that appeared to be related to the election. Political parties, especially the LDK but also the PDK and other parties, reported attacks on political figures, both before and after the October municipal elections (see Sections 1.a. and 1.c.). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. For example, in June an LDK official was beaten in Urosevac (Ferizaj). On July 18 and 21, LDK officials were attacked in Lipjan (Lipjan). On August 2, Sejdi Koca, an LDK leader in Srbica (Skenderaj), was shot; during that week an LDK official also was shot in Podujevo (Podujeva). On August 18, a bomb attack damaged the office of the Party of Democratic Action, Kosovo's Bosniak party. It was not clear whether the attack was directed at the party office, the office of a Turkish political party nearby where an employee was slightly injured, or the office of the Serb Center for Peace and Tolerance. Supporters of rival political parties challenged LDK activists in Lipjan (Lipjan) several times, once disrupting a rally by hurling objects. The PDK reported that unknown arsonists burned down a neighborhood office in Pristina on September 22. A local newspaper reported that LDK supporters beat a radio journalist. In mid-November, an unknown assailant shot and badly wounded Shkelzen Hyseni, the newly elected LDK assemblyman in Pec (Peja). On November 30, LDK branch committee member Ejup Visoka was shot twice in a drive-by shooting in Podujevo (Podujeva); he was wounded in the arms and stomach. Also in November, unknown assailants attacked the wife of Elez Nikqi, Rugova's bodyguard, cutting her across the throat.

After investigating several of these incidents, on October 3 the OSCE's Election Complaints and Appeals Sub-Commission (ECAC) imposed on political parties a series of penalties. These penalties included fines of up to \$2,400 (DM 5,000) and, in one case, a candidate being stricken from the PDK list of candidates.

Despite the violence in some areas prior to election day, the elections themselves were held on October 28 without significant violence. Voter turnout was high (about 75 percent). International and domestic observers reported some irregularities and logistical flaws. In Pristina a few underage persons were observed voting. Voters' lists were incomplete and cumbersome. Late polling station openings and a lack of crowd-flow systems at many stations resulted in long lines and occasional minor crowd unrest. Election officials were able to address most problems during the course of the day. The Council of Europe observer mission concluded that the elections were carried out in accordance with international democratic standards and met the criteria for credible elections. The LDK won 58 percent of the overall vote, compared with 27 percent for the Democratic Party of Kosovo (PDK) and less than 8 percent for the Alliance for the Future of Kosovo (AAK). A number of small parties won the remaining votes. On November 27, newly elected municipal assemblies were sworn in. Members of the assemblies in three Serb-majority municipalities where elections were boycotted were selected and sworn in during December.

Yugoslav authorities organized polling sites inside Kosovo for those who wished to vote in Yugoslavia's federal elections on September 24. According to UNMIK, which did not itself support this electoral activity but which sent out several hundred "witnesses," approximately 45,000 of roughly 60,000 eligible Kosovar Serbs turned out, but only a handful of Kosovar Albanians voted. The Yugoslav elections were peaceful; however, the voting was conducted in a disorganized, illegitimate, and fraudulent manner. The Serbian opposition alleged fraud and vote tampering in the northern part of the province, including one stolen ballot box in Leposavic and opposition election observers being denied access to polling areas. On December 23, Serbian parliamentary elections took place throughout Serbia, including Kosovo. Although KFOR and CIVPOL monitored the security climate, there was no international "witnessing" effort. No security incidents were reported.

Pursuant to UNSC Resolution 1244, UNMIK established the Joint Interim Administrative Structure (JIAS) for Kosovo, intended not only to provide a joint U.N.-Kosovar administration of services and revenue collection but also to supplant self-appointed administrators and officials throughout the province. The JIAS includes the SRSB, the Kosovo Transitional Council (KTC), the IAC, and 20 administrative departments. The 36-member KTC is designed to reflect the pluralistic ethnic and political range of Kosovar society and is the highest level Kosovar advisory body. The eight-member IAC makes policy recommendations and serves as an executive board for the administrative departments and also includes minority representation. The departments, each with a Kosovar and an international co-head, provide social and administrative services, collect and manage revenues, and implement policies established by the other elements of the JIAS. The structure is mirrored on the municipal level, where municipal councils were elected on October 28.

No legal restrictions exist on women's participation in government and politics; however, they are underrepresented. According to women's groups, few women traditionally entered politics because of a lack of interest, money, education, and family support. Nonetheless, women held 7 of the 36 KTC seats, women led at least 2 political parties, and the UNMIK electoral regulation required that party candidate lists for the municipal elections include a set quota of 30 percent women. However, the "open list" ballot apparently allowed voters to vote around female candidates, resulting in only 76 women elected to office in the October municipal elections, or 8.26 percent of total municipal assembly seats. In addition UNMIK appointed two women as co-heads of departments under the JIAS.

No legal restrictions exist on participation by ethnic minorities in government and politics. The Kosovar co-head positions in JIAS departments are shared by minority groups, with two such positions reserved for Serbs and two for other minority members. A prominent Serb observer sits on the Interim Administrative Council; five Serbs hold positions and five other members of ethnic minorities hold positions on the KTC, as well as one Roman Catholic cleric. Although Kosovar Serbs boycotted the municipal elections, several ethnically based political parties registered candidates.

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

UNMIK and the OSCE continued their encouragement of the development of civil society, including domestically based NGO's. A broad range of U.N. agencies and numerous international organizations and NGO's pursued operations in the province

to assist with administration and to provide relief to all Kosovars as they faced the aftermath of war. This included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of trauma. UNMIK issued a regulation in November 1999 on NGO registration. Over 300 domestic NGO's are registered and active in the province.

Human rights monitors including those of the OSCE, as well as some associated with domestically based NGO's, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation. Monitors and observers also looked into reported abuses by members of the KPS, KPC, CIVPOL, and KFOR. The ICRC gained full access to prisons and detention centers throughout Kosovo in exercise of its humanitarian mandate (see Section 1.c.). UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring. Although UNMIK and the OSCE did not reach agreement on procedures, OSCE monitors generally were able to carry out their mandate on an ad hoc basis in most courts and gained limited access to prisons and detention centers.

In June UNMIK established the office of Human Rights Ombudsperson to ensure Kosovars' rights under international human rights laws and to investigate allegations of abuses. Marek Nowicki of Poland was appointed to the position in August, and the Ombudsperson's office opened on November 21.

UNMIK cooperated with the ICTY and ICTY investigators and field teams made numerous trips to the province to investigate alleged war crimes committed there and to gather data, particularly through the exhumation of victims, necessary to the prosecution of such crimes.

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

UNMIK's regulation on applicable law specifically prohibits discrimination on the basis of gender, race, religion, or ethnic origin.

Women.—Rape and a high level of domestic violence remained serious, persistent problems. There are no governmental agencies dedicated to coping with family violence. Applicable criminal law, as defined by UNMIK regulation, is incomplete in addressing both domestic violence and sexual crimes. Several domestic and international NGO's pursue activities to assist women, but they are constrained to some extent by a tradition of silence about domestic violence, sexual abuse, and rape. In Kosovo's traditionally male-dominated society, it is culturally acceptable for men to beat their wives; credible sources report that violence against women has increased in the post-conflict period. Few victims of spousal abuse ever file complaints with the authorities.

Rape is underreported significantly due to the cultural stigma attached to victims and their families. Tradition prevents much discussion of the topic of rape among ethnic Albanians, since the act is seen as dishonoring the entire family. The prevalence of rape by Yugoslav and Serbian forces during the conflict has heightened the profile of rape as a form of war crime, but few individual women have come forward publicly. There has been a reluctance to file charges with the ICTY, for example. U.N. Police registered over 95 rapes and rape attempts in the province during the year. However, there is credible anecdotal evidence, supported by customary practice, that rape is underreported significantly.

The province served increasingly as a transit point and destination for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women traditionally do not share status equal to men, and relatively few women obtain upper level management positions in commerce or government, although there is no legal restriction on their doing so. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their families, long have subjected women to discrimination. In some rural areas, women often are little more than serfs, without the ability to exercise a right to control property and children. Women widowed by the recent war risked losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. While legally women and men equally are entitled to inherit property, it is customary that family property passes to men only. Particularly in rural areas, when a man dies, his widow often is returned to her birth family and his family assumes his land, leaving the widow without property.

UNMIK's Office of Gender Affairs worked to coordinate gender issues throughout the programs of all UNMIK offices. It identified a network of gender focal points in all JIAS departments and in UNMIK's regional and municipal offices that were responsible for initiating and implementing gender policy in their respective areas and for facilitating consultation between UNMIK and women's organizations. UNMIK Regulation 1999/24 binds government officials to abide by the provisions of

international human rights law and conventions, but that requirement has not yet benefited women's lives in rural areas.

In population centers, the presence of UNMIK and an unprecedented number of international and nongovernmental organizations has opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE launched an aggressive campaign to recruit women for the Kosovo Police Service (they make up 17 to 20 percent of the force). Women are increasingly active in political and human rights organizations. Women led two political parties, and several professional women worked as NGO and human rights activists.

Children.—UNMIK established the JIAS Departments of Education and Science and of Health and Social Welfare, which address concerns about children's education and health. Following Kosovo's loss of autonomy in 1989, Albanian parents refused to send their children to Serb-run public schools and developed a "shadow" education system. The quality of education was uneven and the divisions inherent in society were replicated in children's schooling. In 1999 conflict and the Serb ethnic cleansing campaign disrupted the spring term of the school year. Although many schools reopened for the 1999–2000 academic year, extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages hindered the full functioning of the education system. Serb and Roma parents were reluctant to send their children to the reopened schools despite the efforts of the authorities to provide security. As the school year progressed, international organizations rebuilt and equipped schools and the numbers of students enrolled increased.

All schools opened on time for the 2000–2001 academic year. UNMIK issued a regulation on August 30 making enrollment in public school compulsory for children between the ages of 6 and 15 (with only minor exceptions). The regulation made no provision for a waiver due to ethnic concerns. At least one school, in Pones (Ponesh), enrolled Serbian in addition to Albanian children, but most minority children continued to attend separate schools. In rural areas, lack of transportation made families reluctant to send girls to school since the prospect of future employment was slim.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children. The health situation for children remained particularly poor. Humanitarian aid officials blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, primarily on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. The high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead at the Trepcia industrial complex, likely contributed to poor health conditions as well.

The province served as a destination and transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There was no societal pattern of abuse of children.

People with Disabilities.—Although the law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, inadequate facilities and the level of unemployment posed obstacles to the employment of the disabled. The law mandates access to new official buildings; however, it is not enforced in practice.

Religious Minorities.—Religion and ethnicity are intertwined so closely that it is difficult to clearly identify discriminatory acts as primarily religious in origin rather than ethnic. Kosovar Serbs, in particular, identify themselves with the Serbian Orthodox Church, which defines not only their religious but also their cultural and historical perspectives. However, the views of all ethnic groups have been influenced strongly by religion, and some instances of ethnic discrimination or tension may have religious roots.

Although UNMIK continued to take steps to ensure that members of all religious groups could worship safely, Bishop Artemije, the leading cleric of the Serbian Orthodox Church in Kosovo, remained at a monastery in Gracanica, near Pristina, rather than at his seat in Prizren (see Section 2.c.). Despite the KFOR presence, there were attacks on Orthodox churches. In April in Mitrovica a crowd of rock-throwing Albanians attacked Serbs and their KFOR escorts during a religious ceremony for Orthodox Easter. On April 28, unknown perpetrators rigged an antitank device that blew up the church in Grncar (Gerncar); since the Easter service was postponed, congregants were not harmed. After the withdrawal of Yugoslav forces in 1999, ethnic Albanians attacked Serbian Orthodox churches and burned or otherwise destroyed over 100 of them, including 20 during the year. On December 22, unknown assailants threw a hand grenade at the only functioning Serbian Orthodox church in Pristina, breaking windows and causing other damage. The daily newspaper Dita published a story in July that alleged that Orthodox priests committed

war crimes (see Section 2.a.), and assailants subsequently shot and wounded a Serbian Orthodox priest and two seminary students in a drive-by shooting.

National/Racial/Ethnic Minorities.—Although the high level of retaliatory anti-Serb violence that followed Yugoslavia's 1999 withdrawal dropped significantly, ethnically motivated violence and crime continued to affect minorities. Serbs, Roma, and other minorities were victims of murder, kidnaping, assault, and property crimes, especially arson.

On February 2, unknown assailants killed Josip Vasic, a prominent doctor and member of the Serb National Council in Gnjilane (Gjilan). Also on February 2, unknown assailants fired on a KFOR-escorted, UNHCR bus traveling to Mitrovica from the Serb village of Banja carrying 49 Serbs, and killed 2 persons. In Novo Brdo (Novoborde) district, unknown assailants stabbed the last remaining Serb in one village, a woman, in February. On February 18, a Serb man was found dead in Podujevo (Podujeva) with gunshot wounds to the mouth and eye and his identity card pinned to his chest. On March 11, the body of a Serb man was found near Gracanica Lake; he had been shot and killed. On April 3, the body of a Serb man was found, bound and shot, in Pristina. On May 16, police found the remains of Petar Topoljski, a Serbian UNMIK employee, following publication by the Pristina-based newspaper Dita of an article identifying Topoljski as a member of a Serb paramilitary unit (See Section 2.a.). On August 27, an 80-year-old Serbian farmer was shot and killed in Crkvena Vodica. On September 14, a Serb woman was shot and killed in her home in Kamenica. On October 4, the body of a 60-year-old Serb shepherd with gunshot wounds was found near Strpce (Shterpce) after he was reported missing. Assailants killed Serbs in incidents throughout the year in Gnjilane (Gjilan) district. In March and April alone, 60 Serb families there sold their property and departed for Serbia.

Serb children also were targeted. On August 18, 10 children were wounded by a grenade thrown from a passing car onto a basketball court in the Serb village of Crkvena Vodica. On August 27, a Kosovar Albanian intentionally ran over four Serbian children in two different villages, causing the death of one child and the serious injury of several others. On May 28, an ethnic Albanian male opened fire on a group of Serb men in front of a shop in Gnjilane (Gjilan), killing three persons, including a 4-year-old child (see Section 1.d.).

Serbs were also victims of beatings, grenade attacks, and arson. A total of 522 cases of arson were reported during the year.

In June local Serbs in Srbica (Skenderaj) allegedly attacked members of the Albanian Behrami family, killing two. In the village of Cubrelj (Cubrel), a group of Serbs killed two Albanians on June 12, the first anniversary of the conclusion of the NATO military campaign.

Other minorities were also victims of violence. In January unknown persons killed four members of a Bosniak family in Prizren. In April 15 Albanian men beat a 70-year-old Bosniak woman in Pec (Peja).

On April 3, unknown assailants kidnaped Metodije Halauska, an 86-year-old Czech man, from his home in Pristina, beat him, and shot him in the back of the head.

On January 12, four members of a family of Torbesh (Muslim Slavs) were shot and killed in their home by an unknown assailant in Prizren.

On May 24, an Albanian youth shot and wounded a Gorani woman in Pristina, reportedly because she did not speak Albanian. Minority communities in Prizren were subject to violent attacks, intimidation, and arson during the year.

On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war. Three members of an Ashkali family died in the Lipjan (Lipjan) area during the first week of August when a fire set off a grenade in their courtyard. It was not clear whether the grenade had been placed as a booby trap. In November in Urosevac (Ferizaj), unknown assailants murdered a 13-year-old Gorani boy and burned his body.

There were reports of the ethnically motivated murder of Roma by unidentified Albanians. Roma were targeted because they are perceived as Serb collaborators by ethnic Albanians. On March 4, unknown persons shot and killed a 50-year-old Romani woman in Gusica and then set her house on fire. On March 27, a Rom was found strangled to death in Istok (Istog). On April 19, in Pec (Peja) two unidentified men shot and killed a Romani man. In April the European Roma Rights Center reported that two Romani boys and a Romani woman were killed by unknown assailants in Pec (Peja). In August three Roma were killed and one was injured by a mortar bomb tied to their fence in Mali Alas, near Pristina.

Roma also were subject to beatings, harassment, and attacks on property. According to the European Roma Rights Center, on April 13, four armed men who rep-

resented themselves as members of the KLA, allegedly took a Romani man out of his house in Prizren, beat him, and threatened him. On May 17, an unidentified man beat a Rom in Trebovic. Numerous Roma were injured by hand grenades thrown at their houses. Unknown persons also burned Romani houses in Prizren, Gnjilane (Gjilan), Gorna Brnjica, Pec (Peja), Orahovac (Rahovec), and other cities.

The remaining Roma in Kosovo largely were settled in enclaves and encampments and were almost wholly dependent on humanitarian aid to survive. In Kosovo Polje (Fushe Kosove), Podujevo (Podujeva), Lipjan (Lipjan), and Gnjilane (Gjilan), there was some degree of harassment by neighboring Albanians, especially in the latter two towns. The UNHCR reported discrimination by Albanian hospital workers against Roma.

Civilians were responsible for the destruction, often through arson, of private property. There was a growing number of credible reports of violence and intimidation being used to force Serbs to sell their homes to Albanians at attractive prices. Of the approximately 120,000 homes damaged by Yugoslav and Serbian forces and paramilitaries from 1998 on, 50,000 houses were beyond repair and, despite the efforts of international organizations another 38,000 houses were not habitable (see Section 1.f.).

Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Serbs in the north of the province, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposavic, Zubin Potok, and Zvecan, and in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia to take care of personal business.

In Mitrovica Serb and Albanian Kosovars restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. For example, in April a group of Serbs set fire to 3 Albanian homes and damaged over 20 U.N. vehicles in north Mitrovica. Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians.

Politically, both Serbs and Roma made some progress. The Serbs in particular, through the Gracanica-based Serb National Council (SNV), participated in the JIAS organs and negotiated with the international community for increased assistance and programs in addition to more effective security.

Section 6. Worker Rights

a. The Right of Association.—Under Yugoslav law, workers had the right to join or form unions; however, in practice neither the official nor the independent unions were effective in protecting workers' rights. Applicable law, pending further agreed regulations and legislation, is that in effect in March 1989, when labor and employment law reflected socialist structures inappropriate to and unenforceable in existing conditions. In creating the JIAS Department of Labor and Employment, UNMIK included in its responsibilities policy recommendations on labor practices and the rights of workers and recognized labor as one element of an eventual tripartite commission but made no mention of a specific right of association.

After the war, labor organizations, which had focused during the 1990's on members' welfare, redirected their focus to traditional labor issues. The dominant group, the Confederation of Independent Trade Unions of Kosovo (BSKP), was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990's. Its current president is a member of the KTC.

With most Albanians unemployed during the period under Milosevic, the BSKP focused more on assisting its membership to survive than on collective bargaining. The organization is working with international entities, including the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU), to rebuild its membership and its collective bargaining ability. Other trade union organizations include the Independent Trade Union of Miners and the Union of Education, Science, and Culture of Kosova, a rival educators' union to the one

with membership in the BSKP. All three unions have expressed interest not only in participating in the drafting of labor legislation but also in the terms for privatization of state enterprises.

The ability of unions to affiliate internationally remains constrained in practice, although there are no legal impediments to their doing so.

b. The Right to Organize and Bargain Collectively.—While draft labor legislation includes the right to organize and bargain collectively, no applicable law currently specifically addresses this right. Collective bargaining is at a rudimentary level of development. The history of trade unionism was centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group. Thus, workers in various sectors were ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal benefits, etc.) on which to negotiate. Given the poor state of the economy and the high unemployment rate, wages other than those paid by international and nongovernmental organizations rarely are paid on time, and there is little possibility for negotiation by labor organizations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and is not generally known to occur; however, the province served as a destination, source and transit point for trafficking in women and girls for the purpose of forced prostitution (see section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under labor law dating from before 1989, the minimum age for employment was 16, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial “retail” jobs, typically washing car windows or selling newspapers and small items such as cigarettes. With an unemployment rate in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur; however, girls are trafficked to, from, and through the province for the purpose of forced prostitution (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—After the withdrawal of Yugoslav forces and authorities in June 1999, there was no effective minimum wage rate, as Kosovar Albanians refused to recognize the Yugoslav-Serbian legal code. The unemployment level exceeded 60 percent, and the average wage paid to those who had work was insufficient to provide a decent standard of living for a worker and family. While many international agencies and NGO’s paid wages adequate to support a worker and family, UNMIK determined that wages for any jobs that eventually would be part of the province’s own governmental structure, even if funded by the international community at present, should be set at a level estimated to be supportable by the consolidated budget. Salaries under the Kosovo Consolidated Budget are barely enough to support a worker and a family.

Reports of sweatshops operating in the province are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health standards, and focused their efforts instead on economic survival.

f. Trafficking in Persons.—Trafficking is a serious and growing problem. Throughout the year, nothing in the applicable law, as defined by UNMIK Regulation 1999/24, provided an effective legal framework under which to address trafficking. The province was mainly a destination point, but it was also a transit point for women and girls trafficked for the purpose of forced prostitution.

UNMIK police raided several brothels and nightclubs throughout the year in Pristina, Pec (Peja), and Prizren, and found more than 50 women of Ukrainian, Moldovan, Bulgarian, and Romanian origin working as prostitutes under slave-like conditions. There were also reports of trafficked women from Albania, Belarus, and African countries. Security authorities also reported that women and girls are being smuggled through Kosovo to Macedonia, Albania, and Italy. Evidence suggested that trafficking in women was an example of a coordinated effort between ethnic Serbs and Albanians, like other areas of organized crime. There were several kidnappings and disappearances of young women who subsequently were not located. Some local sources believed that these women were the victims of traffickers in some cases, although there is no clear evidence that this was the case. Pristina and Kosovo Polje (Fushe Kosova) are major centers for trafficking. In November UNMIK and KFOR arrested 7 Kosovar Serb men for kidnapping and operating houses of prostitution; 12 Moldovan women were found and brought to a local NGO.

Women are recruited to work in cleaning jobs and are abducted and forced into prostitution. While some women were aware that they would enter the sex industry, they were not aware that they effectively would be imprisoned and unable to earn money. Trafficking victims have reported that they were subject to physical violence, rape, denial of access to health care, and confiscation of their passports.

Because prostitution is punishable under provincial law, women are often afraid to report their traffickers due to fear of arrest. In Mitrovica one woman who was believed to be a trafficking victim was convicted of prostitution. However, UNMIK police have been active in investigating and intervening in incidents of trafficking.

According to the IOM, the presence of a large international community that purchases sex services has contributed to the increase in the number of brothels that are involved in trafficking.

Several international agencies and NGO's established programs to assist the victims of trafficking with material support in returning to their countries of origin or homes, if they so wished. The IOM launched an awareness campaign directed at UNMIK, KFOR, and local men who purchase the services of women who were most likely to be trafficking victims.

MONTENEGRO

Montenegro, constitutionally a constituent republic (together with Serbia) of the Federal Republic of Yugoslavia (Yugoslavia), made progress in its efforts to build a multiparty, multiethnic, parliamentary democracy; however, a deeply rooted patronage system and corruption continued to be dominant features of political life. During the year, the Government increasingly was excluded from federal functions by then Yugoslav President Slobodan Milosevic. The Government remains minimally subordinate to Yugoslavia in foreign affairs and defense matters. Units of the Yugoslav Army (VJ) are stationed in Montenegro. President Milo Djukanovic was elected in 1997 and until the end of December headed a reform coalition, which won power in 1998 parliamentary elections that international election observers judged to be generally free and fair. Events during the year effectively steered the Government further away from the federal control of Milosevic's regime in Belgrade. Milosevic's attempts to deny Montenegro its constitutional voice in federal functions, in particular by closing Supreme Defense Council meetings to Djukanovic and by Milosevic's unilateral amendments of the Yugoslav Constitution on July 6, further undercut Montenegro's already weak role and authorities in the Federation. With Djukanovic's efforts to redefine Montenegro's relations with Serbia through political discussions rebuffed, Montenegro acquired a large degree of de facto independence, establishing its own currency, central bank, customs and diplomatic service, and an embryonic army. The Government respects the constitutional provisions for an independent judiciary in practice.

The republic police, under the authority of the Ministry of the Interior, has primary responsibility for internal security. However, the Yugoslav Second Army, which has federal jurisdiction in the republic and is under federal authority, not Montenegrin government control, made repeated attempts to usurp control over the civilian police. Some members of the security forces committed human rights abuses.

The economic transition from a state-owned to a market-based system encountered delays and resistance. The industrial sector remains largely in the hands of the republic Government and is very inefficient. The economy suffered further as a result of NATO's air campaign against Serbia in 1999 and years of sanctions and isolation, although the Government reported that the economy grew during the year. Official unemployment remains significant, and rose to at least 42 percent, but a large unofficial economy provides jobs for much of the officially unemployed. Economists estimate that actual unemployment averages 22 to 23 percent. At the same time, the Government's budgetary shortfall grew as it raised the minimum wage and strove to pay pensions on time to ensure social peace. The anticipated budget deficit during the year was expected to approximate the amount of assistance provided by foreign donors. Gross domestic product (GDP) per capita (including the unofficial economy) was forecast at \$935 for the year.

The republic Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were a number of political killings, including at least one allegedly linked to Milosevic and another linked to a VJ-supported paramilitary group. Police and VJ troops abused persons, and VJ troops harassed and intimidated citizens. VJ troops and Montenegrin police were responsible for numerous arbitrary arrests and detentions. Montenegrin police reportedly infringed on citizens privacy rights. Both republic and federal authorities restricted freedom of speech and of the press in some areas. Both VJ troops and Mon-

tenegrin police restricted freedom of movement. Violence and discrimination against women are problems. Discrimination against religious and ethnic minorities continued to be a problem. There were reports of harassment and intimidation of Muslims in the Montenegrin Sandzak region by paramilitary groups linked to the VJ. Trafficking of women and girls for the purposes of forced prostitution continued to be a problem; both federal and Montenegrin authorities allegedly are involved in such trafficking.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by agents of the republic Government; however, political killings occurred. On May 31, one of President Djukanovic's closest advisers, Goran Zugic, was shot and killed in front of his home in Podgorica by unknown assailants. No one claimed responsibility. The killing widely was considered to be the result of orders from of Milosevic; however, according to some accounts, Montenegrin criminal circles may have been responsible. There was no conviction in the case by year's end.

Paramilitaries who served in Kosovo, Bosnia, and Croatia and who were subordinated to the Yugoslav Army in Montenegro were a threat to the Djukanovic Government until Milosevic's downfall. There were widespread fears that Milosevic could order these forces to destabilize Montenegro at any moment. The paramilitaries, largely members of the Seventh Military Police Battalion, in one instance, killed a Montenegrin policeman outside a Podgorica bar on the eve of the September federal elections.

In August Milenko Vujovic, a friend and business colleague of President Djukanovic's brother Aleksandar, was shot and killed in Herceg Novi. While the crime apparently was motivated by money, some accounts alleged that the killing was politically motivated.

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

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel forms of punishment; however, Montenegrin police reportedly at times abused persons. A member of the radical Yugoslav Left (JUL) party (founded by Milosevic's wife Mira Markovic) claimed that he was beaten by the Montenegrin police after being arrested for allegedly defacing public buildings in Podgorica on the eve of the September 24 federal elections. Other members of JUL complained of being detained without explanation and abused up by the police in Herceg Novi for putting up pro-Milosevic posters during the federal election campaign. In October masked assailants beat a member of a pro-Serbian political party. The police never located the assailants, and the Minister of Interior declined to appear before Parliament to discuss this or the previous incident in Podgorica. In Niksic police arrested and beat members of a local gang. After the arrests, police imposed a near blockade of the city in an effort to catch other members of the gang.

The VJ's Seventh Military Police Battalion—known for its fierce loyalty to Milosevic—intimidated citizens and created a climate of fear. VJ troops reportedly beat religious worshippers early in the year (see Section 2.c.). Members of that battalion also harassed and intimidated Muslims in the Sandzak region. In June battalion members entered Bijelo Polje (a town in northern Montenegro with a large Muslim population) in armored vehicles to "inspect" the town's center. At about the same time, members of this unit surrounded the police station in Berane (another multiethnic northern Montenegrin town) to underscore their demands for the release of a colleague who was arrested the night before in a drunken brawl. Members of this unit reportedly engaged in similar activities in October in the towns of Kolasin, Danilovgrad, and Mojkovac. In Plav, a northern town with a large ethnic Albanian population, members of the Seventh Military Police Battalion reportedly regularly engaged in live fire practice near the Albanian quarter.

In August VJ troops opened fire on a truck that failed to stop at a checkpoint near Bar. The driver managed to escape without injury.

The Yugoslav Army held major exercises in areas adjacent to the Montenegrin capital before and during the June 11 local elections and the September 24 federal elections. These maneuvers and aggressive VJ patrolling of major tourist areas during the height of the tourist season were intended to intimidate the Djukanovic regime and its supporters.

On June 15, gunmen reportedly linked to Milosevic's regime attempted to kill Vuk Draskovic, the leader of one of the principal opposition parties in Serbia, when he was vacationing at his apartment in Budva on the Montenegrin coast. Draskovic

had survived a car accident in October 1999 that many believe was staged by the Serbian Security Service. There was no conviction in the case by year's end.

Prison conditions reportedly meet prisoners' minimum needs, but problems remain.

The Government generally permits prison visits by human rights monitors, including the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention or Exile.—The law prohibits arbitrary arrest and detention; however, at times Montenegrin police arbitrarily arrested and detained persons, and the Yugoslav Army on occasion also arbitrarily detained and arrested individuals.

For example, in early February VJ forces arrested and detained two Montenegrins accused of desertion and draft evasion. In July VJ personnel arrested four Dutch, two British, and two Canadian citizens near Montenegro's borders with Serbia and Kosovo. All were charged with espionage. The British citizens claimed they were beaten by the police and nearly lynched by VJ soldiers. Following Milosevic's removal, all were released, and the charges against all eventually were dropped by the federal authorities.

The Montenegrin police harassed citizens by applying traffic laws selectively, based on the individual's political preferences. In at least one instance, police stopped a political opponent and known critic of Djukanovic, removed his license, and confiscated his vehicle for a minor traffic violation.

Forced exile is prohibited and is apparently not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and the Government generally respects this provision in practice. The judiciary provides citizens with a fair judicial process; however, a backlog of cases, a lack of resources, and corruption remain problems. Furthermore, the judges are poorly paid patronage appointees. However, the Minister of Justice promotes legal reform actively and has made some progress in reforming the Criminal Code. The court system consists of local, district, and supreme courts at the republic level. There is also a military court system under the control of federal authorities.

The Constitution provides for the right to a fair trial and, according to most observers, the judiciary makes an effort to enforce this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices; however, police reportedly used surveillance and eavesdropping against members of the pro-Milosevic opposition Socialist People's Party, who charge that the Djukanovic Government both wiretaps their telephones and opens their mail. The intelligence service of the Yugoslav Army carries out electronic surveillance of key Djukanovic government telephones. The public dissemination of Yugoslav intelligence intercepts of cellular telephone conversations of Western diplomats in May made clear that the Yugoslav security service possesses and uses this capability.

In November 1999, the Montenegrin assembly passed a law granting general amnesty to persons who evaded the draft from June 1998 to June 1999. All persons reportedly received amnesty out of an expected 14,000.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the republic Government and the federal authorities restricted this right in some areas. Media and information laws do not protect the press; to a large extent libel laws discourage a free press.

The print media is not independent. Djukanovic effectively controls the print media, with the exception of the opposition daily, Dan, as well as the State public broadcasting station, Radio/TV Montenegro. A small, moderate, and pro-Yugoslav party that belongs to Djukanovic's coalition credibly charged that Djukanovic uses the media to promote independence sentiment while not permitting his coalition partner to make the case for remaining in a democratic Yugoslavia. However, during the year, the Government continued to take steps to encourage independent radio media by allocating more frequencies to independent radio stations and reducing the fees charged to them.

Lack of professionally trained staff, low professional standards, and lack of funds all hinder the development of an independent media.

Under Milosevic the Yugoslav federal authorities failed to respect the basic principles of freedom of the press in Montenegro. In early spring, the federal authorities, in conjunction with officials of the extreme left Yugoslav Left (JUL) party, set up transmitters on Yugoslav Army communications sites in Montenegro. They began broadcasting pro-Yugoslav, anti-Montenegrin propaganda (the so-called YU-INFO TV) despite a federal law that delegates to each republic the responsibility to allo-

cate broadcast frequencies. YU-INFO TV still was broadcasting in Montenegro at the end of the year. Subsequently in August, the Milosevic regime established a studio in a Yugoslav Army facility in downtown Podgorica that used military transmitters to rebroadcast pro-Milosevic programs produced by Serbian TV (RTS). These actions were taken without consultation with the Montenegrin authorities.

In late summer, the Federal authorities also disconnected Montenegrin TV from the Serbian cable network in Vojvodina's capital city, Novi Sad.

Books expressing a wide range of political and social viewpoints are available, as are foreign periodicals and other publications from abroad. However, the supply is limited due to the economic situation and the relatively small demand.

Academic freedom generally is respected, although faculty and students at Podgorica University, who favored the Belgrade regime or the preservation of the Federation, were reluctant to discuss political matters as tensions grew between Montenegro and Serbia.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right. On the Serbian New Year in mid-January, the Government permitted a large opposition gathering to take place but had large numbers of police standing by. In February the police broke up a small opposition rally when the demonstrators appeared to be moving on the main government building. The opposition held rallies without problems during the June and September local and federal election campaigns, respectively.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution specifically recognizes the existence of the Serbian Orthodox Church, but not other faiths. The Montenegrin Orthodox Church lost its independence after the First World War, becoming part of the Serbian Orthodox Church, and was only recently re-established. The re-established Montenegrin Orthodox Church is registered with the Government of Montenegro Ministry of Interior in Cetinje, the former capital, as a nongovernmental organization (NGO). The Government of Montenegro has been careful to remain neutral in the dispute between followers of the Serbian Orthodox Church and Montenegrin Orthodox Church, but political parties have used this issue in pursuit of their own agendas. Pro-Serbian parties strongly support moves for the establishment of an official state religion, while proindependence parties have pushed for the official recognition of the Montenegrin Orthodox Church.

Tensions between the unofficial Montenegrin Orthodox Church and the Serbian Orthodox Church worsened during the year. Violence allegedly broke out between members of the Montenegrin Orthodox Church and of the Serbian Orthodox Church in late 1999 when on November 21, 1999, Father Dragan Stanisic of the Serbian Orthodox Church reportedly hit Montenegrin Orthodox Metropolitan Mihajlo in the face during a confrontation on a road near Cetinje. According to press reports, Father Stanisic's followers then attacked Mihajlo's car, although Stanisic denies that the incident ever occurred. Approximately 250 persons demonstrated to protest the incident in Cetinje, and authorities summoned riot police and reinforcements to prevent further incidents.

The rift between the churches was highlighted again in January when a Serbian Orthodox priest delayed the traditional Christmas celebration by calling on the audience to leave the hall because Montenegrin Orthodox Metropolitan Mihailo was present. Police reportedly had prevented a parallel Montenegrin Orthodox celebration from taking place in a separate location in the town on the same day. The Serbian Orthodox Church then publicly protested the Government's tolerance of the Montenegrin Orthodox Church.

The Djukanovic Government sought to defuse tensions between the churches. However, there were reports that Yugoslav paramilitaries exacerbated such tensions. For example, in Niksic early in the year, several members of the Seventh Military Police Battalion reportedly intimidated a Montenegrin Orthodox priest in his church and beat several of his parishioners. On another occasion, Serbian nationalists near the former capital city of Cetinje beat up a Montenegrin Orthodox priest on his way to a church gathering, prompting retaliation from his supporters.

The Montenegrin Orthodox Church has claimed holdings of the Serbian Orthodox Church in Montenegro. The Serbian Orthodox Church remains the dominant faith in Montenegro and has rejected the property claims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The republic Constitution provides for freedom of movement, and the

Government generally respects this right in practice; however, the establishment of numerous police checkpoints that carried out document checks restricted this right.

The Yugoslav Army restricted this right even more seriously. Army checkpoints close to the borders with Albania and Bosnia limited movement by residents. In the Herceg Novi, Niksic, and Pljevlja areas, VJ restrictions on freedom of movement in border areas generated antimilitary demonstrations and intervention by the republic's political authorities. However, these restrictions were not eased until the defeat of the Milosevic regime in Belgrade.

There was no official mechanism by which refugees or foreign nationals could establish residency. A new citizenship law was passed in 1999. The new law, while stringent in its requirements, provides a legal and equitable means for persons to acquire Montenegrin citizenship.

The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR). The UNHCR reports that an estimated 60,000 refugees and internally displaced persons live in the republic. The large influx of Albanian refugees from Kosovo largely has returned to Kosovo; however, a smaller but significant number of Serb and Roma refugees from Kosovo have replaced them. Conditions for refugees vary; those with relatives or property in the country have been able to find housing and in some cases employment. Roma refugees, on the other hand, live mostly in collective centers, with little or no access to health care or education.

In September before the Yugoslav federal elections, Serbian Minister for Refugees Bratislava Morina promised financial aid for Serbs and Roma from Kosovo in what was perceived by observers to be an attempt to influence voters in favor of Milosevic.

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

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

The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice with respect to republic institutions, but not with federal-level institutions. In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair. The republic government invited the Organization for Security and Cooperation in Europe (OSCE) to observe both the presidential elections in 1997 and the parliamentary elections in 1998, which also were judged to be free and fair. The OSCE sent observers to monitor the June 11 local elections in Herceg Novi and Podgorica, and reported that these were well conducted. In Herceg Novi, Djukanovic's coalition was defeated by the pro-Milosevic opposition party. For most of the year, the Government enjoyed the support of a multi-ethnic coalition in the republic assembly.

President Milosevic dominated Yugoslavia's political system until he lost power in the September federal elections. He sought to consolidate his power at the federal level at the expense of Montenegro, and by manipulating power within the Federation, Milosevic effectively forced Montenegro out of the Federation's institutions while leaving it open to the Federal Government's charges that its actions violated Yugoslavia's Constitution. President Djukanovic did not participate in the September 23 federal elections and called for citizens to boycott them. The Montenegrin Parliament declared the July 6 amendments to Yugoslavia's Constitution, including one that allowed Milosevic to run for another presidential term, unconstitutional, and Djukanovic used this declaration as a basis for his decision not to participate in the elections. The Government did not impede voting and some 600 polling stations were set up in private homes, Socialist People's Party (SNP) offices, Serbian firms, and VJ establishments. However, overall voter turnout was low.

Despite the Montenegrin Government's legal rights under Yugoslavia's Constitution, federal authorities under Milosevic's control continued to refuse to recognize the 20 Montenegrin members delegated to the upper chamber of the Federal Assembly by the Montenegrin Parliament. The Montenegrins in the federal body, including the Speaker of the upper house, were not changed to reflect the results of 1998 Montenegrin parliamentary elections. Moreover, in violation of past practice, Milosevic installed Momir Bulatovic as Federal Prime Minister, ignoring the Montenegrin Government's desire to have a voice in the selection of the federal Prime Minister. Milosevic's control over the federal courts was demonstrated when the Federal Constitutional Court ruled against the Montenegrin Government in 1999 in disallowing the Montenegrin authorities' attempt to select all 20 Montenegrin representatives to the Federal Assembly's Chamber of the Republics. The ruling was a reversal of a 1993 decision, which allowed Milosevic's ruling coalition in Serbia at the time to

name all 20 Serbian representatives to the upper chamber while he was the President of the Serbian republic.

There are no legal restrictions on women's participation in government and politics; however, they are underrepresented greatly in party and government offices. There are no female ministers in the Government, and there are only five deputy ministers and three Members of Parliament. However, a woman plays a key role in the presidency of Djukanovic's ruling Democratic Party of Socialists.

No legal restrictions affect the role of minorities in government and politics; however, they are underrepresented and ethnic Montenegrins and Serbs dominate the republic's political leadership. Ethnic Albanians participate in the political process, and their parties, candidates, and voters participated in the 1997 and 1998 elections. Ethnic Muslims also participate. Albanians and Muslims followed Djukanovic's call to boycott the September 24 federal elections. The area of the republic primarily inhabited by ethnic Albanians was established as a separate voting district in the 1998 parliamentary elections and, in proportion to the region's population, five representatives were elected to the Parliament from the district. Ethnic Albanian parties captured two of the seats, with the multiethnic program of the pro-Djukanovic Coalition capturing the other three seats. Several ministerial and deputy ministerial positions in the coalition government are held by ethnic Albanians and Muslims.

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

A number of domestic and international human rights groups operate without government restriction, and republic officials generally are cooperative and responsive to their views. Local NGO's include the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and S.O.S., a support group for abused women and children. In addition the Montenegrin Government's pledge to cooperate with the ICTY continues. The Chief prosecutor visited the country in August.

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

While federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religion, or social status, and prohibit discrimination against women, in reality the legal system provides little protection to such groups.

Women.—The traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities.

The country served as a transit point for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women do not enjoy status equal to men in the republic, and few women hold upper level management positions in government or commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. However, women legally are entitled to equal pay for equal work and 12 to 18 months of maternity leave. They are active in human rights and women's organizations.

Children.—The Government attempts to meet the health and educational needs of children, but insufficient and inefficient resources impeded this goal. The educational system provides 8 years of mandatory schooling. When IDP's began arriving from Kosovo in 1998, the republic government initially refused to extend this educational benefit to Kosovar Albanians. However, after having consulted with and received promises of assistance from international organizations, the Government announced late in that year that displaced children soon also would be allowed to attend school. Although ethnic Albanian children have access to instruction in their native language, the Government came under criticism for not also developing a curriculum in which ethnic Albanians could learn about their own culture and history. This situation reportedly remains unchanged. Most Roma child refugees from Kosovo do not receive any education.

There is no societal pattern of abuse of children.

The country served as a transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

People with Disabilities.—Facilities for the disabled are inadequate. The law prohibits discrimination against the disabled in employment, education, or in the provi-

sion of state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities.—Religion and ethnicity are so closely intertwined as to be inseparable.

With the exception of tensions and incidents of violence (see Section 2.c.) between the Serbian Orthodox Church and Montenegrin Orthodox Church, relations with and between religious minorities are generally peaceful. Catholic, Muslim, and Orthodox communities coexist within the same communities and often use the same municipally owned properties to conduct worship services.

Seventh-Day Adventists and members of Jehovah's Witnesses are officially registered religions in the republic. However, their followers report that their efforts to build and renovate church buildings have been impaired by persons they believe to be loyal to the local Serbian Orthodox Church.

Ethnic Minorities.—In 1999 the Government began a pilot program in ethnic Albanian communities, which devolved extensive authority, including taxation, to locally elected officials. An Albanian Democratic Union member also was appointed to the post of Minister of Minorities to ensure that equal representation and opportunities would exist for all ethnic groups. Members of the ethnic Albanian and Bosniak (ethnic Muslim) minorities are represented in the cabinet. However, societal discrimination against minorities exists. Harassment and intimidation against Muslims in the Sandzak region by Serbian nationalists and VJ troops continued (see Section 1.c.).

In the week prior to the September 24 federal elections, there were reports that several hundred Bosniaks and ethnic Albanians from Montenegro left the country for Kosovo or Bosnia. There were no direct reports of violence or intimidation, but several families reported that they left because of an increase in military conscription and an increased military presence. Most of the families were able to return home within 1 week.

There is no official discrimination against the Romani population; however, prejudice against Roma is widespread. Local authorities often ignore or condone societal intimidation of the Romani community.

Section 6. Worker Rights

a. The Right of Association.—All workers except military and police personnel have the legal right to join or form unions. Most if not all of the workforce in the official economy is organized. Both official, government-affiliated unions and independent unions exist. Because the independent labor movement largely is fragmented and access to international labor organizations is limited, there have been few tangible results in the form of improved working conditions or higher wages.

Unions may affiliate with international labor organizations.

b. The Right to Organize and Bargain Collectively.—This right is provided for under law, but collective bargaining remains at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally center on advancing the needs of a specific group of workers. Job security fears prevail, as a result of the high unemployment rate, and these fears limit the groups' militancy.

One factor impeding the collective bargaining power of the workers was the weak economy, in which high unemployment gave employers the upper hand in setting wages and work conditions, as workers competed for whatever jobs existed.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the republic served as a transit point for trafficking in women and girls for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The official minimum age for employment is 16 years, although in farming communities, it is not unusual to find younger children assisting their families. Moreover, children can be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes. The high unemployment rate ensures that there is little demand for child labor in the formal sector. Forced and bonded labor by children is prohibited by law and generally is not known to occur; however, girls are trafficked through the republic for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks, industrial, and trading companies generally observe the minimum wage standard, which is \$47 (94 DM) per month. However, this figure is comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage is approximately \$175 (350 DM) per month, with a disposable average

wage (after social contributions and payroll taxes) of approximately \$90 (180 DM) per month. This amount is insufficient to provide a decent standard of living for a worker and family. Data for 1999 (latest available) suggests that households spent almost all of their resources on basic needs, such as food, clothing, and housing.

The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons.—The law specifically forbids trafficking in persons; however, in practice trafficking is a growing problem and traffickers rarely are prosecuted. However, traffickers arrested in the spring during police raids on a brothel were prosecuted. The country is a destination and transit country for trafficked women and children. Women are trafficked from Romania, Ukraine, Moldova, China, and Russia, often through Belgrade and on to Western European countries and Kosovo. Trafficking has increased since the 1999 war in Kosovo, and Italian police weekly intercepted illegal immigrants from Montenegro. Many of these immigrants reported being victims of a trafficking scheme, some of whom were charged as high as \$1,500 (DM 3,000) to be transported. This included a large number of women and girls who were trafficked to other parts of Europe for prostitution.

Trafficked women often respond to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may be aware that they are going to work in the sex industry, they are unaware of the slavery-like conditions they may face. Many women are sold several times in different countries to nightclub owners. Their passports often are confiscated. Women have reported being beaten and raped by their traffickers.

The International Helsinki Federation reports that police and local authorities do little to stop trafficking and are often clients of nightclubs that keep trafficked women as prostitutes. Women found during police raids of bars and nightclubs during the year often were prosecuted for prostitution and deported. In some cases club owners were arrested and prosecuted for enabling prosecution; however, their sentences are generally short. The Government as a rule repatriates victims, but does not provide any other services, and there are no victim protection programs.

A small number of NGO's work on trafficking. There is at least one shelter for victims. Awareness of the problem is low.

NEAR EAST AND NORTH AFRICA

ALGERIA

President Abdelaziz Bouteflika was elected in April 1999 to a 5-year term. Bouteflika had served as Foreign Minister in a previous government. The President is the constitutional head of state, appoints and dismisses the Prime Minister, and may dissolve the legislature. According to the Constitution, the Prime Minister appoints the cabinet ministers; however, in practice the President has taken a key role in designating the members of the Cabinet. The military establishment strongly influences defense and foreign policy. Bouteflika was regarded throughout the 1999 election campaign as the candidate most favored by the dominant security establishment and the most likely winner. At the end of the campaign, the other six candidates withdrew, credibly charging massive fraud by the military, and Bouteflika was elected easily, although with a turnout as low as 30 percent. The presidential election campaign was marked by increased openness; however, international observers and political parties pointed out numerous problems with the conduct of the elections. A September 16, 1999 national referendum, which asked citizens whether they agreed with Bouteflika's peace plan (which includes an amnesty program for the extremists fighting to overthrow the Government), was free of charges of fraud, and Bouteflika's peace plan won a reported 98 percent majority, with a reported 85 percent turnout. Bouteflika is not affiliated formally with any political party, but he has the parliamentary support of a seven-party coalition. In June 1997, Algeria held its first parliamentary elections since January 1992 and elected the first multiparty parliament in the country's history. The cancellation of the 1992 elections, which the Islamic Salvation Front (FIS) was poised to win, suspended the democratization process and a transition to a pluralistic republic, and escalated fighting, which still continues, between the security forces and armed insurgent groups seeking to overthrow the Government and impose an Islamic state. The Government does not always respect the independence of the judiciary.

The Government's security apparatus is composed of the army, air force, navy, the national gendarmerie, the national police, communal guards, and local self-defense forces. All of these elements are involved in counterinsurgency and counterterrorism operations and are under the control of the Government. The security forces committed serious human rights abuses, although allegations of such abuses continued to decline.

The economy is slowly developing from a state-administered to a market-oriented system. The Government has implemented stabilization policies and structural reforms. However, privatization of state enterprises has made little progress, and there has been little progress on reform of the banking and housing construction sectors. The state-owned petroleum sector's output represented about a quarter of national income and more than 96 percent of export earnings during the year. Non-competitive and unprofitable state enterprises constitute the bulk of the nonhydrocarbon industrial sector. The agricultural sector, which produces grains, fruit, cattle, fiber, vegetables, and poultry, makes up 10 to 12 percent of the economy. Algeria is a middle-income country; annual per capita income is approximately \$1,600. Officially, about 30 percent of the working-age population is unemployed, and about 70 percent of persons under the age of 30 cannot find adequate employment.

Despite measurable improvements, particularly in addressing problems of torture and arbitrary detention, the human rights situation was generally poor and serious problems persisted, including significant government restrictions on citizens' political and association rights and failure to account for past disappearances; the massacre of civilians by armed terrorist groups also continued. There are significant limitations on citizens' right to change their government. The security forces committed extrajudicial killings, tortured, beat or otherwise abused detainees, and arbitrarily arrested and detained, or held incommunicado, individuals suspected of in-

v involvement with armed Islamist groups; however, the incidence of such abuses by security forces continued to decline. Security force involvement in disappearances from previous years remains unresolved. Security forces sometimes reach the sites of massacres too late to prevent or halt civilian casualties; however, there were no reports that security forces were complicit in massacres that took place during the year. An international nongovernmental organization (NGO) noted during the year that the country's poor prison conditions improved during the year. Prolonged pretrial detention and lengthy trial delays are problems, although the practice of detention beyond the legal limit appears to be less frequent. Although the Constitution provides for an independent judiciary, executive branch decrees restrict some of the judiciary's authority. The authorities do not always respect defendants' rights to due process. Illegal searches and infringements on citizens' privacy rights also remained problems.

There was no overt censorship of information; however, while the print media is relatively free, news media practiced self censorship. Newspapers reported frequently on terrorist violence and on surrenders under the amnesty program, about which there was a wide range of views expressed in the media. The independent press commented openly and regularly on political matters and other significant issues. In some cases, newspapers represented specific political and economic interests. Electronic media continued to express only government policy. The Government also continued to restrict freedom of speech, press, assembly, association, and movement, although to a lesser degree than in the previous year. The Government also places some restrictions on freedom of religion. During the April 1999 presidential election, the candidates who ultimately withdrew from the election credibly reported irregularities, such as government ballot-box stuffing through manipulation of military votes. During the 1997 legislative, municipal, and provincial elections, there were credible reports of irregularities, such as government harassment of opposition party observers and fraud in vote-tally procedures. Amnesty International, Human Rights Watch, Reporters Without Borders, and the International Federation of Human Rights Leagues (FIDH) visited the country during the year at the invitation of the Government. Domestic violence against women, the Family Code's limits on women's civil rights, and societal discrimination against women remained serious problems. Child abuse is a problem. Amazigh (Berber) ethnic, cultural, and linguistic rights continue to be an issue, although these concerns are represented by at least two political parties with seats in Parliament. Child labor is a problem.

Armed groups committed numerous serious abuses and killed hundreds of civilians. There was an increase in violence compared with 1999. Armed terrorists continued their widespread campaign of insurgency, targeting government officials, families of security-force members, and civilians. Many of the killings appeared to be related to opposition to the amnesty program. According to the Government, more than 5,000 insurgents have availed themselves of the amnesty program so far, and the armed groups have become smaller; however, a hard-core insurgent force remains.

Armed groups killed numerous civilians, including infants, in massacres and with small bombs. Bombs left in cars, cafes, and markets killed and maimed persons indiscriminately. Some killings also were attributed to revenge, banditry, and land grabs. Press reports estimated that approximately 2,500 civilians, terrorists, and security force members died during the year in domestic turmoil. The violence now seems to take place primarily in the countryside, as the security forces largely have forced the insurgents out of the cities. There were numerous instances in which armed groups kidnaped women, raped them, and forced them into servitude.

After his 1999 election, President Bouteflika acknowledged that a more accurate accounting of the number of persons killed during the previous 8 years placed the total at about 100,000.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The security forces committed extrajudicial killings, mostly during clashes with armed terrorist groups, although the number of such killings continued to decrease during the year. For example, in early March, the army found and killed 12 suspected terrorists 280 miles southwest of Algiers. On June 20, troops backed by gunships and artillery attacked guerrillas, killing 16 persons. Security force killings of terrorists decreased by approximately 10 percent compared to 1999. The Government maintains that security forces resort to lethal force only in the context of armed clashes with terrorists. The Government also contends that, as a matter of policy, disciplinary action is taken against soldiers

or policemen who are guilty of violating human rights, and such disciplinary action reportedly was taken during the year. Human Rights Watch and other groups claim that security forces failed to intervene in some past situations to prevent or halt massacres of civilians, although there were no claims that this occurred during the year.

One person died from the injuries he sustained in June after police rounded up and beat 200 persons who had been attending a local mosque (see Section 1.c.).

In December 1999, one person died of a heart attack the day after being beaten by police who had responded to a terrorist attack in the town of Dellys. The case received considerable print-media attention, and the government-funded National Observatory for Human Rights (ONDH) investigated the incident. After the investigation and ensuing trials, 21 members of the security forces were prosecuted and the local commanders of 2 different security services were investigated and suspended from their duties.

There were reports that progovernment militia killed one or two civilians during the year. The Government handled the killings as common murder cases.

On November 22, 1999, prominent FIS leader Abdelkader Hachani, who had spoken out in favor of peace and reconciliation, was shot and killed in Algiers. On December 13, 1999, authorities arrested a suspect, who had the murder weapon in his possession. The Government completed its investigation into the incident, but had not made public the results by year's end.

Armed groups targeted both security-force members and civilians, and such killings increased by approximately 20 percent compared with 1999. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. Armed groups killed numerous civilians, including infants, in massacres and with small bombs. Bombs left in cars, cafes, and markets killed and maimed persons indiscriminately (see Section 1.g.). Some killings also were attributed to revenge, banditry, and land grabs. The violence now seems to take place primarily in the countryside, as the security forces largely have forced the insurgents out of the cities. Increasingly the killing of civilians appeared to be a result of opposition to President Bouteflika's amnesty program and to facilitate the theft of goods needed by the armed groups. As well as the use of small bombs, terrorist tactics included creating false roadblocks outside the cities by using stolen police uniforms, weapons, and equipment. Press reports estimated that approximately 2,500 civilians, terrorists, and security force members died during the year in domestic turmoil. For example, on March 18, terrorists killed 19 persons, including 7 children, during the Eid festival. On May 4, militants killed 19 persons and injured 26 when they reportedly opened fire on a bus after the driver refused to stop at a false roadblock 45 miles south of Algiers. There was an increase in violence during the summer. More than 200 persons reportedly were killed during July alone. On July 11, militants shot and killed 11 men who were sleeping in their tents while camping in Tipaza. At least nine persons were killed on July 17 when an armed group stopped their bus and sprayed it with machine-gun fire. On July 28, 270 miles west of Algiers, militants killed eight civilians and wounded six in an attack on a nomad family, cutting the throats of six children between the ages of 6 months and 4 years. On September 20, six persons, including three children, reportedly were shot and killed during an ambush by militants. On December 16, armed intruders killed 16 students and a security guard, and injured 5 other students at a high school dormitory in the town of Medea. On December 17, terrorists opened fire on a bus near the town of Tenes, killing 14 travelers. After his 1999 election, President Bouteflika acknowledged that a more accurate accounting of the number of persons killed during the previous 8 years placed the total at about 100,000.

b. Disappearance.—There were no credible reports during the year of disappearances in which the security forces were implicated. However, there have been credible reports of disappearances occurring over a period of several years, many of which involved the security forces. In September 1998, the Ministry of Interior established an office in each district to accept cases from resident families of those reported missing. In May the Ministry of Justice reported that it had received 3,019 complaints of disappearance and had clarified 1,146 of them. However, credible sources state that the offices have not provided any useful information to the families of those who disappeared. By year's end, the Ministry of Interior had agreed to investigate 4,700 cases. The Ministry reports that it has provided information to the families in 3,000 of those cases. In 1,600 of the cases, families have requested administrative action to obtain death certificates for their missing relatives. However, there were no prosecutions of security-force personnel that stemmed from these cases. Families of the missing persons, defense attorneys, and local human rights groups insist that the Government could do more to solve the outstanding cases. The Government asserts that the majority of reported cases of disappearances

either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals.

In September Amnesty International reported that more than 4,000 persons had disappeared since 1994 after being detained by security forces. AI stated that some died in custody from torture or were executed, but that many others reportedly were alive. Local NGO sources state that a few of the persons who disappeared have been released from captivity by the security forces, but that there has been no public information about these cases, due to the fear of reprisal against those released. Human rights activists assert that a number of the persons who disappeared still are alive in the hands of the security forces, but offer no evidence to support this assertion.

Terrorist groups continued to kidnap scores of civilians. In many instances the victims disappeared and the families were unable to obtain information about their fate. Armed groups kidnaped young women and held them captive for extended periods for the purpose of rape and servitude (see Sections 1.a., 1.c., 5, 6.c., and 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Both the Constitution and legislation ban torture and other cruel, inhuman, or degrading treatment; however, according to local human rights groups and defense lawyers, the police at times resort to torture when interrogating persons suspected of being involved with, or having sympathies for, armed insurgency groups. There were no reports of torture during the year at the Algiers police facility called Chateau Neuf, as had been the case in the past.

There continued to be reports of police abuse of detainees during the year. After its October visit (see Section 4), Amnesty International stated that although there were “substantially fewer” cases of torture “in comparison to some years ago,” such cases nevertheless “continue to occur.” Many victims of torture hesitate to make public such allegations due to fear of government retaliation. Accusations of torture were made by those accused of involvement in terrorist activities. The Interior Ministry and the ONDH have stated publicly that the Government would punish those persons who violated the law and practiced torture. Government officials reported in November that between 350 and 400 security officials had been punished for “human rights abuses,” although the Government provided no details regarding the abuses that such officials committed or the punishment that they received. There is no independent mechanism available to verify the Government’s claims.

In early August, the Government announced new policies concerning the Police Judiciaire (PJ), the officers who interrogate suspects when they first are arrested to determine whether there are grounds for prosecution. Local judges now are to grade the performance of PJ officers operating in their jurisdiction in an effort to ensure that the officers comply with the law in their treatment of suspects. In addition, any suspect held in preventative detention is to undergo a medical examination at the end of the detention, whether the suspect requests it or not.

In March in the western cities of Relizane and Oran, the authorities beat and intimidated demonstrators who were attempting to draw attention to the problem of persons who had disappeared. The Government arrested 40 persons during two separate demonstrations that occurred about a week apart; however, those arrested were released after a short time (see Section 2.b.). In June following a bomb blast in Dellys, police rounded up a group of 200 persons who had been attending the local mosque. The group was taken to police headquarters and beaten. One person died from the injuries he sustained. Members of the group took legal action against the police and, as a result, the local chiefs of the police and the Gendarmerie were fired and two of the offending officers were arrested. In November police used force to disrupt a march by families of persons who had disappeared, which coincided with a visit to that city by Amnesty International (see Section 2.b.).

In December 1999, a terrorist bomb killed and injured police in the town of Dellys. Within hours security forces rounded up and detained more than 100 persons of both sexes and a variety of ages. Police officers beat many of the detainees and threw them into the crater made by the terrorist bomb. One of the mistreated persons died of a heart attack the next day. A senior regional police commander ordered the police to stop these actions. In response to complaints from the mistreated persons, the authorities suspended the local commanders of 2 different security services and prosecuted 21 members of the security forces (see Section 1.a.).

Armed terrorist groups committed numerous abuses, such as beheading, mutilating, and dismembering their victims, including infants, children, and pregnant women. These groups also used bombs that killed and injured persons (see Sections 1.a. and 1.g.). Terrorists also committed dozens of rapes of female victims, many of whom subsequently were murdered. There were also frequent reports of other young women being abducted, raped for weeks at a time by group leaders and other members, and forced into servitude (see Sections 1.a., 1.b., 5, 6.c., and 6.f.).

Prison conditions remain generally poor, with significant overcrowding. However, an international NGO stated during the year that conditions had improved considerably. A decrease in prison population reduced overcrowding somewhat. Moreover, prisoners were found generally to be in good health and benefiting from adequate food and expanded visitation rights. The provision of adequate medical treatment to prisoners still is limited, but the Government reportedly is addressing the issue.

In general the Government does not permit independent monitoring of prisons or detention centers. However, in October 1999, March and again in May, the Government allowed International Committee of the Red Cross (ICRC) to visit prisons. The ICRC in April decided no longer to seek access to military prisons because it lacked any credible evidence that these prisons held civilians. The ICRC did not visit FIS leaders in prison or under house arrest.

d. Arbitrary Arrest, Detention or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the security forces continued arbitrarily to arrest and detain citizens. Human rights activists state that this practice continued to diminish during the year. The Constitution stipulates that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. According to the 1992 antiterrorist law, the police may hold suspects in prearrest detention for up to 12 days; they also must inform suspects of the charges against them. In practice the security forces generally adhered to this 12-day limit during the year.

In March in the western cities of Relizane and Oran, the Government arrested 40 persons during two separate demonstrations occurring about a week apart; however, those arrested were released after a short time (see Section 2.b.). In November police used force to disrupt a march by families of the disappeared, and arrested five persons. Four subsequently were released; the fifth was tried and convicted of attacking a security officer (see Section 2.b.).

FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest and is allowed to receive visits only from members of his family (see Section 2.d.), although he has made numerous press statements and conducted interviews while under house arrest. Jailed oppositionist and FIS vice president Ali Benhadj, who had been held incommunicado from 1992 until 1998, now is allowed contact with members of his family, who speak to the press on his behalf.

The 1992 Antiterrorist Law suspended the requirement that the police obtain warrants in order to make an arrest. During the year, the police made limited use of this law. However, according to defense attorneys, police who execute searches without a warrant routinely fail to identify themselves as police and abuse those who ask for identification (see Section 1.f.). Police and communal guards sometimes detain persons at checkpoints (see Section 2.d.). There are reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender. According to Amnesty International, on April 4, police arrested 73-year-old El-Hadj M'lik in front of several witnesses. He had been questioned previously concerning his sons, one of whom is believed to be a member of a terrorist group. Security officials reassured the family, on two separate occasions, that M'lik would be returned to them. However, he had not been returned by year's end, and the Government provided no information regarding his whereabouts.

Prolonged pretrial detention was a problem. Persons accused of crimes sometimes did not receive expeditious trials; however, long-term detention appeared to decrease somewhat during the past year (see Section 1.e.). Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention. Three or four of the higher ranking detainees were released during the year.

Under the state of emergency, the Minister of Interior is authorized to detain suspects in special camps that are administered by the army. In 1995 the Government announced that it had closed the last camp and released the 641 prisoners there. Local human rights activists and NGO's state that no such camps now exist. They note that the Government continues to keep some former prisoners under surveillance and requires them to report periodically to police.

Forced exile is not a legal form of punishment and is not known to be practiced. However, there are numerous cases of self-imposed exile involving former FIS members or individuals who maintain that they have been accused falsely of terrorism as punishment for openly criticizing government policies.

One such case was resolved in September when Ali Bensaad, a professor at the University of Constantine, who had been in exile in Germany, returned to the country. The former exile was issued a limited (6-month) passport, which allowed him to return. Bensaad is pursuing redress in the court system for the "machinations" he claims were perpetrated against him by former high-ranking officials.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the Government does not always respect the independ-

ence of the judicial system. In November 1999, President Bouteflika named a commission to review the functioning of the judiciary and to recommend ways to improve it. In August after the commission submitted its report, the President announced a massive reorganization of the judiciary. He replaced 80 percent of the heads of the 187 lower courts and 99 percent of the presidents of the 37 higher-level courts. Most of the court heads were reassigned to new locations; however, a number were replaced outright. Whereas only a few courts previously were headed by women, 19 now have female heads.

The judiciary is composed of the civil courts, which try cases involving civilians, and the military courts, which have tried civilians for security and terrorism offenses. There is also a Constitutional Council, which reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional.

Regular criminal courts try those individuals accused of security-related offenses. Long-term detentions of suspects awaiting trial again appeared to decrease somewhat during the year.

According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities do not always respect all legal provisions regarding defendants' rights, and continue to deny due process. Some lawyers do not accept cases of individuals accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS have suffered harassment, death threats, and arrest.

There are no credible estimates of the number of political prisoners; some estimate the number to be several thousand. An unknown number of persons who could be considered political prisoners are serving prison sentences because of their Islamist sympathies and membership in the FIS. There are credible estimates that the Government released 5,000 political prisoners after Bouteflika's 1999 election.

International humanitarian organizations did not request visits with political prisoners during the year; therefore, it is unclear whether the Government would permit such organizations to visit political prisoners. In general the Government does not permit independent monitoring of prisons or detention centers; however, over the past 18 months, it has permitted the ICRC to monitor general prison conditions in civilian prisons (see Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Authorities frequently infringed on citizens' privacy rights. The Constitution provides for the inviolability of the home, but the state of emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces also entered residences without warrants. According to defense attorneys, police who execute searches without a warrant routinely fail to identify themselves as police and abuse those who ask for identification. Security forces deployed an extensive network of secret informers against both terrorist targets and political opponents. The Government monitors the telephones of, and sometimes disconnects service to, political opponents and journalists (see Sections 2.a. and 3). There are reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender (see Section 1.d.).

Armed terrorists entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food. After massacres that took place in their villages, numerous civilians fled their homes. Armed terrorist groups consistently used threats of violence to extort money from businesses and families across the country.

g. Use of Excessive Force and Violations of Humanitarian Law.—Armed groups were responsible for numerous, indiscriminate, nonselective killings. Terrorists left bombs at several markets and other public places during the year, killing and injuring dozens of persons. In rural areas, terrorists continued to plant bombs and mines, which often targeted security force personnel. For example, on September 29, a group of at least 100 armed men seized control of the roads leading into Bani Yassi, a small town 56 miles east of Algiers near Tizi Ouzou. The group then destroyed the barracks of the local communal police with an explosive device, entered the wreckage after the explosion, and killed those police officers who were not killed in the explosion. On November 4, one soldier was killed and two others were injured in a bomb blast at an electrical pylon in the mountainous region of Zaccar, about 40 miles southwest of Algiers. On December 5, three people were killed and 11 were injured in an explosion in Tiaret (200 miles west of Algiers).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech; however, the Government restricts this right in practice. A 1990 law specifies that

freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. However, the Government did not enforce these regulations strictly, and the independent press reported regularly on security matters without penalty. Reporting by government-controlled press organs frequently included deflated numbers of civilians and government forces killed, and inflated terrorist casualty counts; however, there were no credible allegations of inflated terrorist surrenders under the amnesty program during the year, as had been the case in the past. Government discrepancies were noted frequently in independent newspapers.

In March 1994, the Government issued an interministerial decree that independent newspapers could print security information only from official government bulletins carried by the government-controlled Algerian Press Service (APS). Independent newspapers openly ignored the directive, and the trend toward increased openness about security-force losses continued during the year. The Government continued to provide the press with more information than in the past about the security situation. Journalists deliberately did not report on current possible abuses by security forces to avoid difficulties with the Government, although there was significant coverage of NGO activity aimed at publicizing such abuses committed in the past. According to the Ministry of Health, it no longer forbids medical personnel from speaking to journalists, and such personnel spoke to the press during the year. The Government's definition of security information often extended beyond purely military matters to encompass broader political affairs. In 1995 FIS officials who had been freed from detention in 1994 received direct orders from the Justice Ministry to make no further public statements. This ban remains in force. In general, journalists exercised self-censorship by not publishing criticism of specific senior military officials.

For a second consecutive year, there were no reports that the Government put journalists under "judicial control." In previous years, the Government used this practice to harass journalists who wrote offending articles by requiring the journalists to check in regularly with the local police and preventing them from leaving the country. According to a Europe-based NGO that specializes in press freedom, the Government continued to refrain from harassing journalists under criminal defamation statutes during the year, as had been its practice in the past.

There were no newspapers allied with Islamist political parties in print, due to government pressure; however, legal Islamist political parties have access to the existing independent press, in which they may express their views without government interference.

The Government maintains an effective monopoly over printing companies and newsprint imports. However, at least two newspapers were in the final stages of negotiations with private firms to print newspapers and import newsprint, which would circumvent such government control. There was no abuse of the Government's power to halt newspaper publications during the year.

The Government continued to exercise pressure on the independent press through the state-owned advertising company, which was created in 1996. All state-owned companies that wish to place an advertisement in a newspaper must submit the item to the advertising company, which then decides in which newspapers to place it. In an economy in which state companies' output and government services still represent approximately two-thirds of national income, government-provided advertising constitutes a significant source of advertising revenue for the country's newspapers. Advertising companies tend to provide significant amounts of advertising to publications with a strong anti-Islamist editorial line and to withhold advertising from newspapers on political grounds, even if such newspapers have large readerships or offer cheap advertising rates.

President Bouteflika stated in November 1999 that the media ultimately should be at the service of the State. Radio and television remained under government control, with coverage biased in favor of the Government's policies and the government-supported party, the National Democratic Rally (RND). Parliamentary debates are televised live. Satellite-dish antennas are widespread, and millions of citizens have access to European and Middle Eastern broadcasting. A five-member delegation from Reporters Without Borders visited the country in June. The group was allowed to meet freely with the interlocutors of their choice and concluded that the press enjoyed increasing freedom. However, the delegation also noted a number of continued barriers to full press freedom.

Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, some continued to return during the year. There was a growing number of academic seminars and colloquiums that occurred

without governmental interference. The Government continues to interfere in seminars that were political or economic in content (see Section 2.b.). The only reported strike at a university during the year occurred in October at Bab Izzouar University, where a small number of professors went on strike to protest work conditions. After a week, the teachers returned to work (see Section 6.a.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the 1992 emergency law and government practice sharply curtail this right. Citizens and organizations must obtain permits from the appointed local governor before holding public meetings. While the Government frequently grants licenses to political parties, NGO's, and other groups to hold indoor rallies, in most instances outdoor demonstrations are not permitted.

Some unlicensed groups continue to be active, including groups dedicated to the cause of persons who have disappeared. Such groups continued to hold regular demonstrations outside government buildings. However, in March in the western cities of Relizane and Oran, the authorities beat and intimidated demonstrators attempting to draw attention to the cause of persons who disappeared. The Government arrested 40 persons during two separate demonstrations occurring about a week apart. However, those arrested were released after a short time. In November police again disrupted a march by families of persons who had disappeared. In this instance, which coincided with a visit to that city by Amnesty International, the police used force, and arrested five persons. Four subsequently were released; the fifth was tried and convicted of attacking a security officer.

The Government refused to permit, in the name of public order, a proposed march in October to protest the Israeli Government's actions against Palestinians in Israel, the West Bank, and Gaza in the fall. When a group of protesters attempted to hold a rally despite the ban, they were dispersed in a nonviolent manner.

The Constitution provides for the right of association; however, the 1992 Emergency Law and government practice severely restrict it. The Interior Ministry must approve all political parties before they may be established (see Section 3). In January the Government refused to approve the Wafa Party because of its perceived ties to the FIS. In August 40 members of Parliament petitioned the Government, demanding an explanation of the Government's refusal to recognize the Party. In November the Minister of Justice responded, stating that the Wafa Party would not be recognized because it included large numbers of members who belonged to the outlawed FIS. The Government closed the Party's offices on November 13. The Front Democratique, which is headed by former Prime Minister Sid Ahmed Ghazali, applied for registration but received no response within the time period specified by law for governmental decision on such cases (see Section 3). The Interior Ministry licenses all nongovernmental associations and regards all associations as illegal unless they have licenses. It may deny a license to, or dissolve, any group regarded as a threat to the Government's authority, or to the security or public order of the State. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups associated with it. Membership in the FIS remains illegal, although at least one former FIS leader announced publicly that he intended to form a cultural youth group.

c. Freedom of Religion.—The Constitution declares Islam to be the state religion but prohibits discrimination based on religious belief, and the Government generally respects this right in practice; however, there are some restrictions. Islam is the only legal religion, and the law limits the practice of other faiths; however, the Government follows a de facto policy of tolerance by not inquiring into the religious practices of individuals.

The law prohibits public assembly for purposes of practicing a faith other than Islam. However, there are Roman Catholic churches in the country, including a cathedral in Algiers (the seat of the Archbishop), which conduct services without government interference. In 1994 the size of the Jewish community diminished significantly, and its synagogue since has been abandoned. There are only a few smaller churches and other places of worship; non-Muslims usually congregate in private homes for religious services.

Because Islam is the state religion, the country's education system is structured to benefit Muslims. Education is free to all citizens below the age of 16, and the study of Islam is a strict requirement in the public schools, which are regulated by the Ministry of Education and the Ministry of Religious Affairs. Private primary and secondary schools are not permitted to operate.

The Government appoints preachers to mosques and gives general guidance on sermons. The Government monitors activities in mosques for possible security-related offenses, and bars their use as public meeting places outside of regular prayer hours. The Ministry of religious affairs provides some financial support to mosques and has limited control over the training of imams.

Conversions from Islam to other religions are rare. Because of safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely. The Family Code, which is based on Shari'a (Islamic law), prohibits Muslim women from marrying non-Muslims, although this regulation is not always enforced. The code does not restrict Muslim men from marrying non-Muslim women.

Non-Islamic proselytizing is illegal, and the Government restricts the importation of non-Islamic literature for widespread distribution. Personal copies of the major works of other religions, such as the Bible, may be brought into the country. Non-Islamic religious texts and music and video selections no longer are difficult to locate for purchase. The Government prohibits the dissemination of any literature that portrays violence as a legitimate precept of Islam.

Under both Shari'a and the law, children born to a Muslim father are Muslim, regardless of the mother's religion. Islam does not allow conversion to other faiths at any age. In 1994 the Armed Islamic Group (GIA) declared its intention to eliminate Jews, Christians, and polytheists from Algeria. The GIA has not yet retracted that declaration and, as a result, the mainly foreign Christian community tends to curtail its public activities.

The country's 9-year civil conflict has pitted self-proclaimed radical Muslims against the general Islamic population. Approximately 100,000 civilians, terrorists, and security forces have been killed during the past 9 years. Extremist self-proclaimed "Islamists" have issued public threats against all "infidels" in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims, including missionaries. The majority of the country's terrorist groups do not, as a rule, differentiate between religious and political killings. During the year, terrorists continued attacks against the Government and civilians (see Sections 1.a. and 1.g.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.—The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricts these rights. In the spring of 1999, the Government allowed travel abroad by representatives of organizations pursuing information on relatives who allegedly "disappeared" due to the actions of the security forces. These organizations, which were hosted by human rights NGO's, held public discussions on those who had disappeared.

The Government does not allow foreign travel by senior officials from the banned FIS. FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest (see Section 1.d.). The Government also does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; such authorization may be granted to students and to those individuals with special family circumstances. The Family Code does not permit married females under 19 years of age to travel abroad without their husband's permission, although this provision generally is not followed in practice.

Under the state of emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also restricts travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers are located, in order to enhance security in those areas.

The police and the communal guards operate checkpoints throughout the country. They routinely stop vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detain persons at these checkpoints.

Armed groups intercept citizens at roadblocks, using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. According to press reports, armed groups sometimes killed groups of civilian passengers at these roadblocks (see Section 1.a.).

The Constitution provides for the right of political asylum, and the Government occasionally grants asylum. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. For example, it cooperates with the UNHCR on programs to help refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970's. The Government also has worked with international organizations that help the Tuaregs, a nomadic people of southern Algeria and neighboring countries. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government; however, there are significant limitations to this right in practice. The strong pre-

rogatives of the executive branch, supported by the entrenched power of the military and the bureaucracy, prevent citizens from exercising this right. The withdrawal of six presidential candidates in 1999 amidst credible charges of fraud, and the election of President Bouteflika highlighted the continued dominance of the military elite in the process of selecting the country's political leadership.

President Bouteflika was elected in an April 15, 1999 presidential election that was seriously flawed by the withdrawal 1 day before of all other candidates, who charged that the military already had begun to implement plans to produce a fraudulent Bouteflika victory. Until those allegations surfaced, the campaign had been conducted fairly, with all candidates widely covered in both state-owned and private media. The conduct of the campaign—although regulated as to the use of languages other than Arabic, and as to the timing, location and duration of meetings—was free, and all candidates traveled extensively throughout the country. One potential candidate was denied the ability to run because the electoral commission determined that he could not prove that he had participated in Algeria's war of independence against France, a legal requirement for candidates for President born before July 1942. With the withdrawal of the other candidates and the absence of foreign observers, it was impossible to make an accurate determination of turnout for the election, although it apparently was as low as 30 percent; the Government claimed a 60 percent turnout.

Under the Constitution, the President has the authority to rule by decree in special circumstances. The President subsequently must submit to the Parliament for approval decrees issued while the Parliament was not in session. The President did not exercise such authority during the year. The Parliament has a popularly elected lower chamber, the National Popular Assembly (APN), and an upper chamber, the National Council, two-thirds of whose members are elected by municipal and provincial councils. The President appoints the remaining one-third of the National Council's members. Legislation must have the approval of threequarters of both the upper and lower chambers' members. Laws must originate in the lower chamber.

In June 1997, Algeria held its first elections to the APN since elections were canceled in January 1992, and elected the first multiparty parliament in the country's history. Candidates representing 39 political parties participated, along with several independent candidates. Under a system of proportional representation, the government-supported party, the National Democratic Rally, won a plurality of 154 seats out of a total of 371. In their final report, neutral observers stated that, of 1,258 (of the country's 35,000) voting stations that they assessed, 1,169 were satisfactory, 95 were problematic, and 11 were unsatisfactory. In November 1997, the provincial election commissions announced the results of their adjudication of the appeals filed by various political parties. The RND lost some seats but remained the overall victor in the Assembly elections.

In 1997 the appointed previous legislature, the National Transition Council (CNT), changed the law that regulates political parties. Under the controversial law, potential parties require official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. A party headed by one of the six presidential candidates who withdrew from the April elections registered in September 1999. Two parties failed to receive registration. In January the Government refused to approve the Wafa party because of its perceived ties to the FIS (see Section 2.b.). The Front Democratique, which is headed by former Prime Minister Sid Ahmed Ghazali, applied for registration but received no response within the time period specified by law for governmental decision on such cases. No party may use religion, Amazigh heritage, or Arab heritage as a basis of organizing for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

The more than 30 existing political parties represent a wide spectrum of viewpoints and engage in activities that range from holding rallies to printing newspapers. The Government continues to ban the FIS as a political party (see Section 2.b.). With the exception of the leading progovernment party, the RND, and the Front de Liberation National (FLN), political parties sometimes encounter difficulties when dealing with local officials, who hinder their organizational efforts. The Government monitors private telephone communications, and sometimes disconnects telephone service to political opponents for extended periods (see Section 1.f.). Opposition parties have very limited access to state-controlled television and radio, although the independent press publicizes their views.

Women are underrepresented in government and politics. The new cabinet, named in August, has no female members. Eleven of the 380 members of the lower house of Parliament are women. In September 1999, President Bouteflika appointed the

first-ever female provincial governor. A woman heads a workers' party, and all the major political parties except one had women's divisions headed by women.

The Amazighs, an ethnic minority centered in the Kabylie region, participate freely and actively in the political process. Two major opposition parties originated in the Amazigh-populated region of the country: The Socialist Forces Front and the Rally for Culture and Democracy. These two parties represent Amazigh political and cultural concerns in the Parliament and the media. The two Amazigh-based parties were required to conform with the 1997 changes to the Electoral Law that stipulate that political parties must have 25 founders from across the country.

The Tuaregs, a people of Amazigh origin, do not play an important role in politics, due to their small numbers, estimated in the tens of thousands, and their nomadic existence.

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

The most active independent human rights group is the Algerian League for the Defense of Human Rights (LADDH), an independent organization that has members throughout the country. The LADDH is not allowed access to the authorities or to prisons beyond the normal consultations allowed between a lawyer and a client. The less-active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. The LADH has members throughout the country who follow individual cases. Human rights groups report occasional harassment by government authorities in the form of obvious surveillance and cutting off of telephone service.

Unlike in previous years when such visits were banned, delegations from Amnesty International, the ICRC, Human Rights Watch, Freedom House, the FIDH, and Reporters Without Borders visited the country at the Government's invitation. Amnesty International visited in May and again in October, and, after its May visit, claimed that during the visit its delegation was "able to move around the country freely and no restrictions were imposed" on its activities. However, Amnesty International did not seek meetings with members of the FIS in prison or under house arrest. The organization stated that there had been "a significant drop in the level of violence and killings, and the reports of arbitrary arrests, prolonged incommunicado detention, torture, disappearances, and unfair trials have also diminished significantly." However, Amnesty International maintained that many serious concerns had not been addressed, including resolving past abuses such as disappearances and extrajudicial killings. Moreover, during its October visit, Amnesty International claimed that the Government was not cooperating adequately or providing the organization with quality information. The organization also claimed that the Government was staging demonstrations opposing the Amnesty International visit. In September and October, the ICRC conducted its third visit to the country to monitor general conditions in the civilian prisons. ICRC president Jakob Kellenberger commented during the visit on the constructive nature of the dialog between the ICRC and the Government. A delegation from Human Rights Watch met with government officials in May. The delegation stated that it was "allowed to travel freely and meet with officials, lawyers, nongovernmental organizations, and victims and families of victims of abuses by the Government and armed groups." Freedom House visited July 3-10, and again in November, in order to assess the possibility of establishing programs involving support for the rule of law, including women's rights, freedom of the press, and judicial reform.

The National Observatory for Human Rights was established by the Government in 1992 to report human rights violations to the authorities. It prepares an annual report with recommendations to the Government.

The Government has a national ombudsman, who receives individual complaints and presents an annual report to the President. Provincial representatives are designated to accept individual grievances and to make them known to the authorities. Most such complaints concerned bureaucratic unresponsiveness and lack of jobs and housing (see Section 5).

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

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition; however, women continue to face legal and social discrimination.

Women.—Women's rights advocates assert that spousal abuse is common, but there are no reliable statistics regarding its extent. Spousal abuse is more frequent in rural than urban areas, especially among less-educated persons. There are no specific laws against spousal rape. Rape is illegal, and in principle a spouse could

be charged under the law. However, there are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there have been no reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. However, because of societal pressures, women frequently are reluctant to endure this process. There are very few facilities offering safe haven for abused women, and many more are needed. Women's rights groups have experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There are several rape crisis centers run by women's groups, but they have few resources. In August 1998, the Government released figures indicating that the whereabouts of 319 women remain unknown, and that there were 24 reports by women of rape. Most human rights groups believe that the actual number is much higher. There is a rape crisis center that specializes in caring for women who are victims of rape by terrorists.

Some aspects of the law and many traditional social practices discriminate against women. The 1984 Family Code, which is based in large part on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. For example, a woman must obtain a father's approval to marry. Divorce is difficult for a wife to obtain except in cases of abandonment or the husband's conviction for a serious crime. Husbands generally obtain the right to the family's home in the case of divorce. Custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Only males are able to confer citizenship on their children. Muslim women are prohibited from marrying nonMuslims; Muslim men may marry non-Muslim women (see Section 2.c.).

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs in practice. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

Women suffer from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or income that they earn themselves. Females under 19 years of age may not travel abroad without their husbands' permission (see Section 2.d.). However, women may take out business loans and are the sole custodians of their dowries. In its 2000 report, the International Labor Organization (ILO) Committee of Experts noted that the Government has stated that, despite incorporating equality between men and women into the legislative and regulatory texts governing the workplace, in practice women still are confronted with discriminations in employment resulting from stereotypes that exist regarding a woman's place in society.

While social pressure against women pursuing higher education or a career exists throughout the country, it is much stronger in rural areas than in major urban areas. Women constitute only 10 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue opportunities in government, medicine, law, education, the media, and the armed forces. About 25 percent of judges are women, a percentage that has been growing in recent years. President Bouteflika's changes to the judiciary in August increased the number of courts headed by women (see Section 1.e).

Although the 1990 Labor Law bans sexual discrimination in the workplace, the leaders of women's organizations report that violations are commonplace. Labor Ministry inspectors do little to enforce the law.

There are numerous small women's rights groups. Their main goals are to foster women's economic welfare and to amend aspects of the Family Code.

During the year, extremists sometimes specifically targeted women. There were numerous incidents of women being killed and mutilated in massacres. Armed terrorist groups reportedly kidnaped young women and held them captive for extended periods for the purposes of rape and servitude (see Sections 1.a., 1.b., 1.c., 6.c., and 6.f.).

Children.—The Government is committed in principle to protecting children's human rights. It provides free education for children 6 to 15 years of age, and free medical care for all citizens—albeit in often rudimentary facilities. The Ministry of Youth and Sports has programs for children, but such programs face serious funding problems. Child abuse is a problem. Hospitals treat numerous child abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions against offenders. Legal experts maintain that

the Penal and Family Codes do not offer children sufficient protection. NGO's that specialize in care of children cite an increase in domestic violence aimed at children, which they attribute to the "culture of violence" developed during the years since 1992 and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Such NGO's have educational programs aimed at reducing the level of violence, but lack funding.

People with Disabilities.—The Government does not mandate accessibility to buildings or government services for the disabled. Public enterprises, in downsizing the work force, generally ignore a law that requires that they reserve 1 percent of their jobs for the disabled. Social security provides for payments for orthopedic equipment, and some nongovernmental organizations receive limited government financial support. The Government also attempts to finance specialized training, but this initiative remains rudimentary.

National/Racial/Ethnic Minorities.—The Amazighs are an ethnic minority centered in the Kabylie region. Amazigh nationalists have sought to maintain their own cultural and linguistic identity while the Government's Arabization program continues. The law requires that Arabic be the official language and requires, under penalty of fines, that all official government business be conducted in Arabic. The law also requires that Arabic be used for all broadcasts on national television and radios for dubbing or subtitling all non-Arabic films, for medical prescriptions (although the law is not followed in practice), and for communications equipment. As part of the national charter signed in 1996, the Government and several major political parties agreed that the Amazigh culture and language were major political components of the country's identity. In September 1999 President Bouteflika stated that the Amazigh language would never be an official language.

There are professorships in Amazigh culture at the University of Tizi Ouzou. The government-owned national television station broadcasts a brief nightly news program in the Amazigh language. Amazighs hold influential positions in government, the army, business, and journalism.

The Tuaregs, a people of Amazigh origin, live an isolated, nomadic existence and are relatively few in number.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to establish trade unions of their choice. About two-thirds of the labor force belong to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities, which dates from the era of a single political party. The UGTA encompasses national syndicates that are specialized by sector. There are also some autonomous unions, such as syndicates for Air Algeria pilots (SPLA), airport technicians (SNTMA), and teachers (CNES).

Workers are required to obtain government approval to establish a union. The 1990 law on labor unions requires the Labor Ministry to approve a union application within 30 days. The Autonomous Syndicates Confederation (CSA) has attempted since early 1996 to organize the autonomous syndicates, but without success. The application that the CSA filed with the Labor Ministry still was pending at year's end, although the CSA continues to function without official status. The law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engage in illegal activities. The labor union organized by the banned FIS, the Islamic Syndicate of Workers (SIT), was dissolved in 1992 because it had no license.

Under the state of emergency, the Government is empowered to require workers in both the public and private sectors to stay at their jobs in the event of an unauthorized or illegal strike. According to the 1990 Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation, mediation, or arbitration. The law states that arbitration decisions are binding on both parties. If no agreement is reached in arbitration, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

In February the Agricultural Services Department went on strike for increased salaries. On March 28 and 29, The National Customs Union went on strike to demand the implementation of a previously negotiated agreement on salaries. On April 3, the air traffic controllers (Syndicat National des Personnels de la Circulation Aérienne) went on strike as a part of extended salary negotiations. In May steelworkers went on strike for assurances of job security. In that same month, the National Teacher's Union (Union National des Personnels de l'Education et de la Formation—UNPEF) went on strike for increased salaries and better housing. There also were various taxi strikes throughout the country during the year. The workers received varying numbers of concessions to their demands as a result of the strikes.

In October a small number of professors at Bab Izzouar University went on strike to protest work conditions (see Section 2.a.).

Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA has contacts with French unions.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining for all unions, and the Government permits this right in practice. The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace.

The Government has established an export processing zone in Jijel.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is incompatible with the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including by children; however, while the Government generally enforces the ban effectively, armed terrorist groups reportedly kidnap young women and hold them captive for weeks at a time, during which group members rape them and force them into servitude (see Sections 1.a., 1.b., 1.c., 5, and 6.f.).

In its 2000 report, the ILO's Committee of Experts noted that the law that requires persons who have completed a course of higher education or training to perform a period of service of between 2 and 4 years in order to obtain employment or work in an occupation, is not compatible with relevant ILO conventions dealing with forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Inspectors from the Ministry of labor enforce the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They do not enforce the law effectively in the agricultural or private sectors. Economic necessity compels many children to resort to informal employment, such as street vending. The Government prohibits forced and bonded labor by children and generally enforces this prohibition (see Section 6.c.).

e. Acceptable Conditions of Work.—The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The Government fixes by decree a monthly minimum wage for all sectors; however, this is not sufficient to provide a decent standard of living for a worker and family. The minimum wage is approximately \$105 (8,000 dinars) per month. Ministry of Labor inspectors are responsible for ensuring compliance with the minimum wage regulation; however, their enforcement is inconsistent.

The standard workweek is 40 hours. There are well-developed occupation and health regulations codified in a 1991 decree, but government inspectors do not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally is based on very detailed contracts, workers rarely are subjected to conditions in the workplace that they were not informed of beforehand. If workers are subjected to such conditions, they first may attempt to renegotiate the employment contract and, that failing, resort to the courts.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons. Armed terrorist groups frequently kidnaped young women and held them captive for weeks at a time, during which group members raped them and forced them into servitude (see Sections 1.a., 1.b., 1.c., 5, and 6.c.). There is a rape crisis center in Algiers that specializes in caring for women who are victims of rape by terrorists.

BAHRAIN

Bahrain is a hereditary emirate with few democratic institutions and no political parties. The Al-Khalifa extended family has ruled Bahrain since the late 18th century and dominates all facets of its society and government. The Constitution confirms the Amir as hereditary ruler. The Amir, Shaikh Hamad Bin Isa Al-Khalifa, governs the country with the assistance of his uncle as Prime Minister, his son as Crown Prince, and an appointed cabinet of ministers. In 1975 the Government suspended some provisions of the 1973 Constitution, including those articles relating to the National Assembly, which was disbanded and never reinstituted. Citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting over two-thirds of the indigenous population. However, Sunnis predominate politically and economically because the ruling family is Sunni and is supported by the armed forces, the security services, and powerful Sunni and Shi'a merchant families. The

political situation generally was calm during the year; there were a few incidents of low-level political unrest, but there has not been significant unrest since 1996. There are few judicial checks on the actions of the Amir and his Government, and the courts are subject to government pressure.

The Ministry of Interior is responsible for public security. It controls the public security force (police) and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats. It did not play a role in internal security during the year. Security forces committed serious human rights abuses.

Bahrain has a mixed economy with government domination of many basic industries, including the important oil and aluminum sectors. Possessing limited oil and gas reserves, the Government is working to diversify its economic base, concentrating on light manufacturing and the services sectors, particularly banking, financial services, and consulting. The Government has used its modest oil revenues to build a highly advanced transportation and telecommunications infrastructure. Economic growth is highly dependent on global oil prices, but the economy remains stable. The Government encouraged private national and international investment and moved to privatize some of its state-run industries. The country is a regional financial and business center. Tourism, particularly via the causeway linking Bahrain to Saudi Arabia, is also a significant source of income. Citizens enjoy a high standard of living.

The Government generally respected its citizens' human rights in some areas and improved in other areas; however, its record was poor in some areas, particularly workers' rights. The Government denies citizens the right to change their government; however, the political situation continued to improve due to the decrease in political and civil unrest compared to last year, and an effort by the Amir to develop relations with the Shi'a community. Security forces continued to torture, beat, and otherwise abuse prisoners. Impunity remains a problem; there were no known instances of any security forces personnel being punished for human rights abuses committed either during the year or in any previous year. The Government continued to use arbitrary arrest and detention, incommunicado and prolonged detention, and involuntary exile; however, in 1999 upon assuming power, one of the Amir's first official acts was to pardon or release over 400 prisoners, detainees, and exiles. During the year, the Amir pardoned a combined total of approximately 500 prisoners and detainees, some of whom had been detained for political reasons. The judiciary remains subject to government pressure, and there are limits on the right to a fair public trial, especially in the Security Court. The Government continued to infringe on citizens' privacy rights. The Government imposed some restrictions on freedom of speech and of the press and restricted freedom of assembly and association. The Government also imposes some limits on freedom of religion and movement. Violence against women and discrimination based on sex, religion, and ethnicity remain problems. The Government restricts worker rights, and there were instances of forced labor.

In December 1999, the Amir stated that all citizens are "equal before the law" and allowed Shi'a to apply for jobs in the BDF and the Ministry of the Interior for the first time in 4 years. These policies continued during the year.

RESPECT FOR HUMAN RIGHTS

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

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

There were no investigations or prosecutions of any security force personnel for alleged extrajudicial killings committed in previous years.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by law; however there are credible reports that prisoners often are beaten, both on the soles of their feet and about the face and head, burned with cigarettes, deprived of sleep for long periods of time, and in some cases subjected to electrical shocks. The Government has difficulty in rebutting allegations of torture and of other cruel, inhuman, or degrading practices because it permits incommunicado detention and detention without trial. There were no known instances of officials being punished for human rights abuses committed either during the year or in any previous year, and there is an appearance of impunity.

Opposition and human rights groups allege that the security forces sometimes threaten female detainees with rape and inflict other forms of sexual abuse and har-

assment on them while they are in custody. Such allegations are difficult to confirm or deny. Young prisoners are housed separately until the age of 15.

Credible observers say that the prisons generally meet minimum international standards. Local defense attorneys report that their clients continued to receive improved care and treatment. In addition the release of hundreds of detainees from jail, perhaps as many as 1,200 in 1999 and 2000 (see Section 1.d.), and the reduced number of arrests during the year, eased overcrowding. At the Government's invitation, the International Committee of the Red Cross (ICRC) continued the series of visits to prisons that it started in late 1996.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are serious problems. The Constitution states that “no person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place . . . except in accordance with the provisions of the law and under the supervision of the judicial authorities.” However, in practice, in matters regarding arrest, detention, or exile, the 1974 State Security Act takes precedence. Under the State Security Act, persons may be detained for up to 3 years without trial for engaging in activities or making statements regarded as a threat to the broadly defined concepts of national harmony and security, and the Government continued to arrest and detain citizens arbitrarily. The scope of the State Security Act extends to any case involving arson, explosions, or attacks on persons at their place of employment or because of the nature of their work. Detainees have the right to appeal such detentions after a period of 3 months and, if the appeal is denied, every 16 months thereafter from the date of the original detention.

Government security forces used the State Security Act during the year to detain persons deemed to be engaging in antigovernment activities, including persons who attempted to exercise their rights of free speech, assembly, and association, or other rights. Activities that also may lead to detention, questioning, warning, or arrest by the security forces include: Membership in illegal organizations or those deemed subversive; painting antigovernment slogans on walls; joining antigovernment demonstrations; possessing or circulating antigovernment writings; preaching sermons considered by the Government to have an antigovernment political tone; and harboring or associating with persons who committed such acts. However, there was greater tolerance of activities such as public demonstrations during the year, and the number of persons detained was less than in 1999.

In addition to overseeing the security service and police, the Ministry of Interior also controls the Office of the Public Prosecutor, whose officers initially determine whether sufficient evidence exists to continue to hold a prisoner in investigative detention. The Ministry is responsible for all aspects of prison administration. In the early stages of detention, prisoners and their attorneys have no recourse to any authority outside the Ministry of Interior. The authorities rarely permit visits to inmates who are incarcerated for security-related offenses and such prisoners may be held incommunicado for months, or sometimes years. However, prisoners detained for criminal offenses generally may receive visits from family members, usually once a month.

At the beginning of the year, security forces were estimated to be holding over 800 persons in detention for security-related offenses. During the year, some were arrested, released, and then arrested again. At year's end, the total number of persons detained was reduced; however, as many as 750 persons still remained in detention. During the year, the Government pardoned as many as 300 persons detained in connection with antigovernment activities. One of the Amir's first official acts was to pardon or release over 400 detainees, prisoners, and exiles. In January and April, the Amir pardoned an additional 223 prisoners and detainees, some of whom had been detained for political reasons.

Several Shi'a clerics were arrested in 1996 for signing a 1994 petition to the Amir calling for the restoration of the National Assembly. Four of the clerics, Abdul Wahab Hussain, Hassan Mushaimaa, Hassan Sultan, and Haji Hassan Jarallah, remain in jail. The most prominent member of the group, Abdul Amir Al-Jamri, was pardoned in 1999, although he is still subject to government restrictions (see Section 2.c.). On March 22, the Government rearrested Abdul Wahab Hussain only hours after a judge ordered his release (see Section 2.c.).

Abdul Jahil Abdula Khadim, a shop owner, remained in detention at year's end. He was detained in 1998 after a young man who worked in his store died from police mistreatment.

While the authorities reserve the right to use exile and the revocation of citizenship to punish individuals convicted or suspected of antigovernment activity, there were no reports of exile orders issued during the year. In the past, the Government has revoked the citizenship of persons that it considered to be security threats. The Government considers such persons to have forfeited their nationality under the

Citizenship Act of 1963 because they accepted foreign citizenship or passports, or engaged in antigovernment activities abroad. Bahraini emigre groups and their local contacts have challenged this practice, arguing that the Government's revocation of citizenship without due process violates the Constitution. The Amir pardoned 12 exiles during the year. According to the emigre groups, as many as 450 citizens continue to live in exile. This total includes both those prohibited from returning to Bahrain and their family members who live abroad with them voluntarily.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the courts are subject to government pressure regarding verdicts, sentencing, and appeals.

The civil and criminal legal system consists of a complex mix of courts, based on diverse legal sources, including Sunni and Shi'a Shari'a (Islamic law), tribal law, and other civil codes and regulations. The 1974 State Security Act created a separate, closed security court system, which has jurisdiction in cases of alleged antigovernment activity.

The Bahrain Defense Force maintains a separate court system for military personnel accused of offenses under the Military Code of Justice. Military courts do not review cases involving civilian, criminal, or security offenses.

Defense attorneys are appointed by the Ministry of Justice and Islamic Affairs. Some attorneys and family members involved in politically sensitive criminal cases complain that the Government interferes with court proceedings to influence the outcome or to prevent judgments from being carried out. There are also occasional allegations of corruption in the judicial system.

In past cases, the Amir, the Prime Minister, and other senior government officials have lost civil cases brought against them by private citizens; however, the court-ordered judgments are not always implemented expeditiously. Members of the ruling Al-Khalifa family are well represented in the judiciary and generally do not recuse themselves from cases involving the interests of the Government.

A person who is arrested may be tried in an ordinary criminal court or, if recommended by the prosecution, in the Security Court. Ordinary civil or criminal trial procedures provide for an open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Criminal court proceedings generally do not appear to discriminate against women, children, or minority groups. However, there is credible evidence that persons accused of antigovernment crimes and tried in the criminal courts were denied fair trials. Those accused were not permitted to speak with an attorney until their appearance before the judge at the preliminary hearing. Trials in the criminal courts for antigovernment activities are held in secret.

Security cases are tried in secret by judges on the Supreme Court of Appeals, sitting as the Security Court. Family members usually are not permitted in the court until the final verdict is rendered. Procedures in the Security Court do not provide for even the most basic safeguards. The Security Court is exempt from adhering to the procedural protections of the Penal Code. Defendants may be represented by counsel, but they seldom see their attorneys before the actual day of arraignment. Convictions may be based solely on confessions, including confessions that may have been elicited under torture, and police evidence or testimony that may be introduced in secret. The defense may not review the evidence against the defendant prior to trial proceedings. Defense lawyers complain that they rarely are given sufficient time to find witnesses. There is no right to judicial review of the legality of arrests. There is no judicial appeal of a Security Court verdict, but the defendant may request clemency from the Amir. The Security Court tried one individual, Abdul Wahab Hussain, during the year (see Sections 1.d. and 2.c.).

The number of political prisoners is difficult to determine because the Government does not release data on security cases; however, the total is believed to be less than 100. Such cases are not tried in open court, and visits to prisoners convicted of security offenses are restricted strictly. The Government denies that there are any political prisoners and claims that all inmates incarcerated for committing security offenses were convicted properly of subversive acts such as espionage, espousing or committing violence, or belonging to terrorist organizations.

In accordance with tradition, the Government releases and grants amnesty to some prisoners, including individuals imprisoned for political activities, on major holidays. The Government reported that the Amir pardoned over 288 prisoners and detainees during the year, although it was uncertain how many such persons were political prisoners rather than common criminals (see Section 1.d.). The prisoners were expected to be released in small groups over the course of several months.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—During the year the Government infringed on citizens' right to privacy, using illegal searches and arbitrary arrests as tactics to control political unrest, although reports

of such violations of citizens' rights to privacy continued to decline. Under the State Security Law, the Ministry of Interior is empowered to authorize entry into private premises without specific judicial intervention. Telephone calls and personal correspondence are subject to monitoring. Police informer networks are extensive and sophisticated.

There were reports that security forces entered private homes without warrants and took into custody residents who were suspected of either participating in, or having information regarding, antigovernment activities. While conducting these raids, security forces confiscated, damaged, or destroyed personal property for which owners were not compensated by the Government. Security forces also set up checkpoints at the entrances to villages, requiring vehicle searches and proof of identity from anyone seeking to enter or exit. Whenever possible the Government jams, either in whole or in part, foreign broadcasts that carry antigovernment programming or commentary (see Section 2.a.). A government-controlled proxy prohibits user access to Internet sites considered to be antigovernment or anti-Islamic (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right “to express and propagate” opinions; however, citizens in practice are not free to express their public opposition to the Government in speech or writing. Press criticism of ruling family personalities and of government policy regarding certain sensitive subjects—such as sectarian unrest and the dispute with Qatar over the Hawar islands—is strictly prohibited. However, when the Amir assumed power in 1999, the Government allowed the press somewhat greater latitude. The Amir stated in his December 1999 National Day speech that the press and public have a duty to question the Government about developments in the country, and he repeated that sentiment on several occasions during the year in press interviews and in a meeting with the Bahrain Journalists Association (BJA) Board. Columnists and reporters wrote about several sensitive issues, criticizing the services offered by the Ministries of Interior and Defense and discussing the state budget, subjects that were off-limits in the past. However, later in the year, when some journalists tried to expand the scope of their criticisms to include political reform and reactivation of the Constitution, they were warned by the authorities to either support the government position or avoid the issues altogether.

Local press coverage and commentary on international issues is open, and discussion of local economic and commercial issues also is relatively unrestricted. Many individuals express critical opinions openly on domestic political and social issues in private settings but do not do so to leading government officials or in public forums.

The Information Ministry exercises extensive control over all local media. Newspapers are owned privately, but they routinely exercise self-censorship of stories on sensitive topics, and defer to Information Ministry demands. In some cases, editors of privately owned newspapers also hold government positions. The Government does not condone unfavorable coverage of its domestic policies by the international media and occasionally has revoked the press credentials of offending journalists. Because the Ministry controls foreign journalists' residence permits, unfavorable coverage in some cases has led to deportation. However, there were no reports that the Government revoked press credentials during the year. The Government generally afforded foreign journalists access to the country and did not limit their contacts.

In late September, the newly formed BJA elected its first board of directors. Some journalists view the lack of competition for the chairmanship of the board, and the preponderance of government employees accepted as BJA members, as a signal that it will not be a truly independent organization.

The State owns and operates all radio and television stations. Radio and television broadcasts in Arabic and Farsi from neighboring countries and Egypt may be received without interference. However, international news services, including the Associated Press, United Press International, and Agence France Presse, sometimes complain about press restrictions. The Cable News Network is available on a 24-hour basis by subscription, and the British Broadcasting Corporation World News Service is carried on a local channel 24 hours a day free of charge. However, the Government generally jams, wholly or partially, foreign broadcasts that carry antigovernment programming or commentary (see Section 1.f.).

Most senior government officials, ruling family members, and major hotels, as well as affluent private citizens, use satellite dishes to receive international broadcasts. Prior government approval to access satellite dishes and for the importation or installation of dishes is no longer required (see Section 3). Bahrain Television's

satellite subscription service does not offer access to the Qatar-based Al-Jazira channel, which otherwise broadcasts widely throughout the Middle East and North Africa. Government officials believe Al-Jazira's news and talk shows are biased against the country.

Access to the Internet is provided through the National Telephone Company (BATELCO). A government-controlled proxy prohibits user access to sites considered to be antigovernment or anti-Islamic. The software used is unreliable and often inhibits access to uncontroversial sites as well. E-mail access to information is unimpeded, although it may be subject to monitoring (see Section 1.f.).

Although there are no formal regulations limiting academic freedom, in practice academics try to avoid contentious political issues. University hiring and admissions policies appear to favor Sunnis and others who are assumed to support the Government rather than focusing on professional experience and academic qualifications. However, there continued to be some improvement in the hiring of qualified individuals in a nondiscriminatory manner during the year, and a few Shi'a professors, including women, were hired.

b. Freedom of Peaceful Assembly and Association.—Despite the Constitution's provision for the right of free assembly, the Government prohibits all public political demonstrations and meetings and controls religious gatherings that may take on political overtones. Permits are required for most other public gatherings, and permission is not granted routinely. Unauthorized public gatherings of more than five persons are prohibited by law. The Government monitors any gatherings that might take on a political tone and frequently disperses such meetings. During the year, the Government authorized two demonstrations, one in Manama on October 6 and one at the University on October 7, to protest Israeli government actions against Palestinians in Israel, the West Bank, and Gaza in the fall. Demonstrations were held on October 13 without government approval.

The Constitution provides for the right of free association; however, the Government restricts this right. The Government prohibits political parties and organizations. Some professional societies and social and sports clubs traditionally have served as forums for discreet political discussion, but they are restricted by law from engaging in political activity. Only the Bahraini Bar Association is exempt from the regulations that require that the charters of all associations include a commitment to refrain from political activity. The Bar Association successfully had argued that a lawyer's professional duties may require certain political actions, such as interpreting legislation or participating in a politically sensitive trial. In January 1998, after the Bar Association sponsored a lecture in which prodemocracy speakers publicly attacked the Government, the Government told current board members that they would not be allowed to stand for reelection. Although the decision has not been reversed, the Bar Association continues to operate without hindrance. Other organized discussions and meetings by the Bar Association no longer are discouraged actively.

c. Freedom of Religion.—The Constitution states that Islam is the official religion and also provides for freedom of religion; however, the Government does not tolerate political dissent, including from religious groups or leaders. The Government subjects both Sunni and Shi'a Muslims to control and monitoring. Members of other religions who practice their faith privately do so without interference from the Government. The Government funds, monitors, and closely controls all official religious institutions. These include Shi'a and Sunni mosques, Shi'a Ma'tams (ceremonial centers), Shi'a and Sunni Waqfs (charitable foundations), and the religious courts, which represent both the Ja'afari (Shi'a) and Maliki (Sunni) schools of Islamic jurisprudence. While the Government rarely interferes with what it considers legitimate religious observations, it actively suppresses any activity deemed overtly political in nature. In the past, the Government occasionally has closed mosques and Ma'tams for allowing political demonstrations to take place on or near their premises and has detained religious leaders for delivering political sermons or for allowing such sermons to be delivered in their mosques. The Government also may appropriate or withhold funding in order to reward or punish particular individuals or places of worship. There were no reported closures of Ma'tams or mosques during the year.

The High Council for Islamic Affairs is charged with the review and approval of all clerical appointments within both the Sunni and Shi'a communities, and it maintains program oversight for all citizens studying religion abroad. Public religious events, most notably the large annual commemorative marches by Shi'a, are permitted but are monitored closely by the police. There are no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and holy sites in Iran, Iraq, and Syria. However, stateless residents who do not possess Bahraini passports often have difficulties arranging travel to religious sites abroad. The Government

monitors travel to Iran and scrutinizes carefully those who choose to pursue religious study there.

Proselytizing by non-Muslims is discouraged, anti-Islamic writings are prohibited, and conversions from Islam to other religions, while not illegal, are not tolerated well by society. However, Bibles and other Christian publications are displayed and sold openly in local bookstores that also sell Islamic and other religious literature. Some small groups worship in their homes. Notable dignitaries from virtually every religion and denomination visit the country and frequently meet with the Government and civic leaders. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions are readily available.

In early July 1999, the Amir pardoned prominent Shi'a cleric Abdul Amir Al-Jamri, who had been in prison since 1996. Since his release, the Government has monitored Al-Jamri's movements. It also has denied him the right to issue marital status certificates, a lucrative source of income for many clerics. Several other clerics associated with Al-Jamri remain in jail. On March 22, the Government rearrested Shi'a cleric leader Abdul Wahab Hussain only hours after a judge released him following more than 4 years in detention without charge. The authorities neither brought charges against Hussain nor provided an explanation for his rearrest. Hussain remained incarcerated in a Manama jail at year's end (see Section 1.d.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government imposes some limits on these rights. Citizens are free to move within the country and change their place of residence or work. However, passports may be denied on political grounds. Approximately 3 percent of the indigenous population, the bidoon, mostly stateless Shi'a of Persian-origin, do not have passports and are unable to obtain them readily, although they may be given travel documents as Bahraini residents (see Section 5). The Government occasionally grants citizenship to Sunni residents, most of whom are from the Arabian Peninsula and Egypt.

Citizens living abroad who are suspected of political or criminal offenses may face arrest and trial upon return to the country. Under the 1963 Citizenship Law, the Government may reject applications to obtain or renew passports for reasonable cause, but the applicant has the right to appeal such decisions before the High Civil Court. The Government also has issued temporary passports, valid for one trip a year, to individuals whose travel it wishes to control or whose claim to citizenship is questionable. A noncitizen resident, including a bidoon of Iranian origin, also may obtain a laissez-passer (travel document), usually valid for 2 years and renewable at Bahraini embassies overseas. The holder of a laissez-passer also requires a visa to reenter the country.

Although the Government cooperates with the U.N. High Commissioner for Refugees, it has not formulated a formal policy regarding refugees, asylees, or first asylum. The Government usually does not accept refugees due to the country's small size and limited resources. However, in practice refugees who arrive are not repatriated to countries from which they have fled. Many Iranian emigres who fled Iran after the Iranian revolution have been granted permission to remain in the country, but they have not been granted citizenship.

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

Citizens do not have the right to change their government or their political system peacefully, and the Government controls political activity. Since the dissolution of the National Assembly in 1975, there have been no formal democratic political institutions. The Prime Minister makes all appointments to the Cabinet. The relevant ministries fill all other government positions. About one-third of the cabinet ministers are Shi'a Muslim, although they do not hold security-related offices. The Government continues to view most substantive reform as a threat to stability and has taken only halting steps to expand political participation. The ordinary citizen may attempt to influence government decisions through submission of personal written petitions and informal contact with senior officials, including appeals to the Amir, the Prime Minister, and other officials at their regularly scheduled public audiences, called majlis.

In 1992 the Amir established by decree a Consultative Council (Majlis Al-Shura). Its 40 members are divided mainly between Sunni and Shi'a (20 Sunni and 18 Shi'a) who are appointed by the Amir. Majlis members are selected to represent major constituent groups, including representatives from the business, labor, professional, and religious communities. There are no members of the ruling Al-Khalifa family or religious extremists in the Majlis. In addition to legislation submitted for its review by the Cabinet, the Majlis may initiate debate independently on nonpolitical issues.

The Majlis also may summon cabinet ministers to answer questions; however, its recommendations are not binding on the Government. The Majlis held its eighth session from October 1999 to May, and began a new session on October 3.

During the year, the Majlis debated a number of contentious social and economic issues, including unemployment, privatization, child care, and education reform, and drafted proposals on these and other subjects for government consideration. In 1999 a Majlis Human Rights Committee was formed. The Committee's deliberations and its first report, which was presented to the Amir in a well-publicized event, have been closely held. According to the Speaker of the Majlis, the Government responded favorably to all of the Majlis's recommendations by incorporating them into legislation or by taking other appropriate actions.

Women are greatly underrepresented in government and politics; however, there are now four women in the Majlis, whereas there had been none before. There still are no women at the ministerial levels of Government. The majority of women who choose to work in government do so in a support capacity, and only a few have attained senior positions within their respective ministries or agencies.

In September the Amir appointed the first Christian and Jewish members to the Consultative Council; an ethnic Iranian Bahraini also was appointed.

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

There are no local human rights organizations. Because of the restrictions on freedom of association and expression, any independent, domestically based investigation or public criticism of the Government's human rights policies faces major obstacles. Several political opposition groups in exile report on the human rights situation. Such groups include the Damascus-based Committee for the Defense of Human Rights in Bahrain, the London-based Bahrain Freedom Movement, the Beirut-based Islamic Front for the Liberation of Bahrain, and the Copenhagen-based Bahrain Human Rights Organization. These groups are composed of small numbers of emigres living in self-imposed exile and reportedly receive funding from sources hostile to the Government.

The Government maintains that it is not opposed to visits by bona fide human rights organizations. In recent years, the Government has allowed increased access by international human rights organizations. In June 1999, the Government received a delegation from Amnesty International, which issued a brief statement that noted that it was invited by the Government but was not allowed to meet with all persons to whom it requested access. Middle East Watch and Human Rights Watch representatives also visited the country in 1999. In 1996 the Government invited the ICRC to undertake visits to the country's prisons. The ICRC continued to visit the country's prisons throughout the year (see Section 1.c.).

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

The Constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. However, in practice these rights are protected unevenly, depending on the individual's social status, ethnicity, or sex.

Women.—Violence against women occurs, but incidents usually are kept within the family. In general there is little public attention to, or discussion of, the problem. During the year, a few articles appeared in the local press discussing violence against women and the need for laws to defend women who are abused. No government policies explicitly address violence against women. Women's groups and health care professionals state that spouse abuse is common, particularly in poorer communities. There are very few known instances of women seeking legal redress for violence. Anecdotal evidence suggests that the courts are not receptive to such cases.

It is not uncommon for foreign women working as domestic workers to be beaten or sexually abused (see Sections 6.c. and 6.e.). Numerous cases have been reported to local embassies and the police. However, most victims are too intimidated to sue their employers. Courts reportedly have allowed victims who do appear to sue for damages, return home, or both.

Shari'a governs the legal rights of women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the individual's faith, or by the court in which various contracts, including marriage, have been made.

While both Shi'a and Sunni women have the right to initiate a divorce, religious courts may refuse the request. Although local religious courts may grant a divorce to Shi'a women in routine cases, occasionally Shi'a women seeking divorce under unusual circumstances must travel abroad to seek a higher ranking opinion than that available in the country. Women of either branch may own and inherit property and

may represent themselves in all public and legal matters. In the absence of a direct male heir, Shi'a women may inherit all property. In contrast, Sunni women—in the absence of a direct male heir—inherit only a portion as governed by Shari'a; the balance is divided among brothers, uncles, and male cousins of the deceased.

In divorce cases, the courts routinely grant Shi'a and Sunni women custody of daughters under the age of 9 and sons under age 7, although custody usually reverts to the father once the children reach those ages. In all circumstances except mental incapacitation, the father, regardless of custody decisions, retains the right to make certain legal decisions for his children, such as guardianship of any property belonging to the child, until the child reaches legal age. A noncitizen woman automatically loses custody of her children if she divorces their citizen father.

Women may obtain passports and leave the country without the permission of the male head of the household. Women are free to work outside the home, to drive cars without escorts, and to wear the clothing of their choice. Women increasingly have taken jobs previously reserved for men. The Labor Law does not discriminate against women; however, in practice, there is discrimination in the workplace, including inequality of wages and denial of opportunity for advancement. Women constitute about 20 percent of the work force. The Government has encouraged the hiring of women, enacted special laws to promote female entry into the work force, and is a leading employer of women. The Labor Law does not recognize the concept of equal pay for equal work, and women frequently are paid less than men. Generally women work outside the home during the years between secondary school or university and marriage. Some women complain that admissions policies at the National University are aimed at increasing the number of male students at the expense of qualified female applicants, especially Shi'a women. Nevertheless, women make up the majority of students at the country's universities.

There are women's organizations that seek to improve the status of women under both civil and Islamic law. Some women have expressed the view that, despite their participation in the work force, women's rights are not advancing significantly and that much of the lack of progress is due to the influence of Islamic religious traditionalists. However, other women desire a return to more traditional values and support calls for a return to traditional Islamic patterns of social behavior.

Children.—The Government has stated often its commitment to the protection of children's rights and welfare within the social and religious framework of this traditional society. It generally honors this commitment through enforcement of its civil and criminal laws and extensive social welfare network. Public education for citizen children below the age of 15 is free; it is not available for the children of foreign workers. While the Constitution provides for compulsory education at the primary levels (usually 12 or 13 years of age), authorities do not enforce attendance. Limited medical services for infants and preadolescents are provided free of charge.

The social status of children is shaped by tradition and religion to a greater extent than by civil law. Child abuse is rare, as is public discussion of it; the preference of the authorities always has been to leave such matters within the purview of the family or religious groups. The authorities actively enforce the laws against prostitution, including child prostitution, procuring, and pimping. Violators are dealt with harshly and can be imprisoned, or, if a noncitizen, deported. In the past, the authorities reportedly returned children arrested for prostitution and other non-political crimes to their families rather than prosecute them, especially for first offenses. There were no reports of child prostitution during the year. Some legal experts have called on the Government to establish a separate juvenile court. However, other citizens insist that the protection of children is a religious, not a secular, function and oppose greater government involvement. Independent and quasi-governmental organizations such as the Bahraini Society for the Protection of Children and the Mother and Child Welfare Society play an active part in protecting children by providing counseling, legal assistance, advice, and, in some cases, shelter and financial support to distressed children and families.

In 1998 there were numerous arrests and detentions of juveniles in connection with the political unrest. These children generally were released without charges within several days of their arrests. However, those juveniles charged with security offenses received the same treatment as adult prisoners, that is, incommunicado detention and trial before a State Security Court. There were very few reports of arrests and detentions of juveniles during the year, and apparently those who were arrested were released.

People with Disabilities.—The law protects the rights of the disabled and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect disabled persons. The regional (Persian Gulf) Center for the Treatment of the Blind is headquartered in the country, and a similar Center for the Education of Deaf Children was established in 1994. Society tends to view the

disabled as special cases in need of protection rather than as fully functioning members of society. Nonetheless, the Government is required by law to provide vocational training for disabled persons who wish to work and maintains a list of certified, trained disabled persons. The Labor Law of 1976 also requires that any employer of over 100 persons must engage at least 2 percent of its employees from the Government's list of disabled workers; however, the Government does not monitor compliance. The Ministry of Labor and Social Affairs works actively to place the disabled in public sector jobs, such as in the public telephone exchanges. The Government's housing regulations require that access be provided to disabled persons. Greater emphasis has been given in recent years to public building design that incorporates access for the disabled; however, the law does not mandate access to buildings for persons with disabilities.

Religious Minorities.—Although there are notable exceptions, the Sunni Muslim minority enjoys a favored status. Sunnis receive preference for employment in sensitive government positions and in the managerial ranks of the civil service. While the defense and internal security forces are predominantly Sunni, Shi'a citizens now are allowed to hold posts in these forces; however, they do not hold significant positions. In the private sector, Shi'a citizens tend to be employed in lower paid, less skilled jobs.

Educational, social, and municipal services in most Shi'a neighborhoods, particularly in rural villages, are inferior to those found in Sunni urban communities. In an effort to remedy societal discrimination, the Government has built numerous subsidized housing complexes that are open to all citizens on the basis of financial need. In order to ease both the housing shortage and strains on the national budget, in 1997 the Government revised its policy in order to permit lending institutions to finance mortgages on apartment units.

After demonstrations in support of Palestinians on October 13 (see Section 2.b.), several youths and men reportedly boarded a bus carrying Catholic parishioners and took Bibles from the parishioners throwing some of the Bibles out of bus windows.

National/Racial/Ethnic Minorities.—A group of approximately 9,000 to 15,000 persons, mostly Shi'a of Persian-origin but including some Christians, are stateless. Many are second- or third-generation residents whose ancestors emigrated from Iran. Although they no longer claim Iranian citizenship, most have not been granted Bahraini citizenship. Without citizenship, bidoon legally are unable to buy land, start a business, or obtain government loans, although in practice many do. The law does not address the citizenship rights of persons who were not registered with the authorities prior to 1959, which creates a legal problem for such persons and their descendants, and results in economic and other hardships. The Government maintains that many of those who claim to be bidoon actually are citizens of Iran or other Gulf states who have chosen voluntarily not to renew their foreign passports. Bidoon and citizens who speak Farsi rather than Arabic as their first language also face significant social and economic obstacles, including difficulty finding employment. There were unconfirmed reports that over 200 bidoon families received citizenship during the year.

Section 6. Worker Rights

a. The Right of Association.—The partially suspended 1973 Constitution recognizes the right of workers to organize; however, independent trade unions do not exist. The Constitution provides for "freedom to form associations and trade unions on national bases and for lawful objectives and by peaceful means," in accordance with the law, and states that "no person shall be compelled to join or remain in any association or union."

Labor regulations permit the formation of elected workers' committees in larger companies. Worker representation is based on a system of Joint Labor-Management Committees (JLC's) that are established by ministerial decree. One JLC was established in November, bringing the total to 20.

The JLC's are composed of equal numbers of appointed management representatives and worker representatives who are elected from and by company employees in elections organized by management. Each committee is chaired alternately by a management and worker representative. The selection of worker representatives appears to be fair. Under the law, the Ministry of Interior may exclude worker candidates with criminal records or those deemed a threat to national security, but the Government has not taken such action in recent years.

The elected worker representatives of the JLC's select the 11 members of the General Committee of Bahrain workers (GCBW), which was established by law in 1983, and which oversees and coordinates the work of the JLC's. The GCBW also hears complaints from Bahraini and foreign workers and assists them in bringing their complaints to the attention of the Ministry of Labor or the courts. In 1998 elections

were held for 3-year terms for representatives to the GCBW. Workers from a variety of occupations were elected to the body, including Sunni and Shi'a Muslims, foreign workers, and one woman. The elections, which were by secret ballot, appeared to be free and fair.

Although the Government and company management are not represented on the GCBW, the Ministry of Labor closely monitors the body's activities and a Ministry representative attends and supervises GCBW general meetings. It approves the GCBW's rules and the distribution of the GCBW's funds. Some senior JLC and GCBW officials have been harassed. The JLC-GCBW system represents nearly 70 percent of the country's indigenous industrial workers. Both the Government and labor representatives readily admit that nonindustrial workers and foreign workers clearly are underrepresented in the system. The Ministry of Labor and Social Affairs supports the formation of JLC's in all public and private sector companies that employ more than 200 workers, and a JLC was established in the textile sector in 1999.

Although foreign workers constitute 67 percent of the work force, they are underrepresented in the GCBW. Foreign workers participate in the JLC elections, and five foreign workers currently serve on JLC's. However, none sits on the board of the GCBW. It is a long-term goal of both the Government and the GCBW to replace foreign workers with citizens throughout all sectors of the economy and to create new jobs for citizens seeking employment.

The Labor Law is silent on the right to strike, and there were no strikes during the year. Actions perceived to be detrimental to the "existing relationship" between employers and employees or to the economic health of the State are forbidden by the 1974 Security Act. There were no recent examples of major strikes, but walkouts and other job actions have been known to occur in the past without governmental intervention and with positive results for the workers.

Internationally affiliated trade unions do not exist. The GCBW represents workers in the Arab Labor Organization, but does not belong to any international trade union organizations.

b. The Right to Organize and Bargain Collectively.—As in the case of strikes, the Labor Law neither grants nor denies workers the right to organize and bargain collectively outside the JLC system. While the JLC's are empowered to discuss labor disputes, organize workers' services, and discuss wages, working conditions, and productivity, workers have no independent, recognized vehicle for representing their interests on these or other labor-related issues. Minimum wage rates for public sector employees are established by Council of Ministers' decrees. Private businesses generally follow the Government's lead in establishing their wage rates.

There are two export processing zones. Labor law and practice are the same in these zones as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is prohibited by law; however, in practice the labor laws apply for the most part only to citizens, and abuses occur, particularly in the cases of domestic workers and those working illegally. The law also prohibits forced and bonded child labor, and the Government enforces this prohibition effectively.

Foreign workers, who make up at least 67 percent of the workforce, in many cases arrive in the country under the sponsorship of an employer and then switch jobs while continuing to pay a fee to their original sponsor. This practice makes it difficult to monitor and control the employment conditions of domestic and other workers; the Government took no substantive action during the year to stop the practice.

Labor Law amendments passed in 1993 stiffened the penalties for job switching to include jail sentences of up to 6 months for the sponsor of every illegally sponsored worker; however, sponsors have not received jail sentences. In such cases, the workers involved usually are deported as illegal immigrants after the case is concluded. During the summer and fall of 1998, the Government conducted an amnesty program under which undocumented foreign workers were permitted either to legalize their status or leave the country without penalty. On October 1, the Government again gave illegal immigrants 3 months (until December 31) to legalize their status or leave the country.

The sponsorship system leads to additional abuses. There are numerous credible reports that employers withhold salaries from their foreign workers for months, even years, at a time, and may refuse to grant them the necessary permission to leave the country. The Government and the courts generally work to rectify abuses brought to their attention, but they otherwise focus little attention on the problem, and the fear of deportation or employer retaliation prevents many foreign workers from making complaints to the authorities (see Section 6.e.).

Labor Laws do not apply to domestic servants. There are numerous credible reports that domestic servants, especially women, are forced to work 12- or 16-hour

days, given little time off, and subjected to malnutrition, and verbal and physical abuse, including sexual molestation and rape. Between 30 to 40 percent of the suicide cases handled by the Government's psychiatric hospitals are foreign maids (see Section 6.e.).

Foreign women employed as hotel and restaurant staff typically are locked in a communal house when not working and driven to work in a van. Many are involved in prostitution and reportedly trade sexual favors with hotel managers in exchange for time off from work (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 14 years of age. Juveniles between the ages of 14 and 16 may not be employed in hazardous conditions or at night and may not work more than 6 hours per day or on a piecework basis. Child labor laws are enforced effectively by Ministry of Labor inspectors in the industrial sector; child labor outside that sector is monitored less effectively, but it is not believed to be significant outside family-operated businesses, and even in that sector it is not widespread. Some children work in the market areas as car washers and porters. While the Constitution calls for compulsory education at the primary levels, authorities do not enforce attendance (see Section 5). The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—Minimum wage scales, set by government decree, exist for public sector employees and generally provide a decent standard of living for a worker and family. The minimum wage for the public sector is \$278.25 (105 dinars) a month. Wages in the private sector are determined on a contract basis. For foreign workers, employers consider benefits such as annual trips home, housing, and education bonuses as part of the salary.

The Labor Law, enforced by the Ministry of Labor and Social Affairs, mandates acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week) and occupational safety and health.

The Ministry enforces the law with periodic inspections and routine fines for violators. The press often performs an ombudsman function on labor problems, reporting job disputes and the results of labor cases brought before the courts. Once a worker has lodged a complaint, the Ministry of Labor and Social Affairs opens an investigation and often takes remedial action. The Fourth High Court has jurisdiction over cases involving alleged violations of the Labor Law. Complaints brought before the Ministry of Labor and Social Affairs that cannot be settled through arbitration by law must be referred to the Court within 15 days. In practice most employers prefer to settle such disputes through arbitration, particularly since the court and labor law generally are considered to favor the employee.

The Labor Law specifically favors citizens over foreign workers and Arab foreigners over other foreign workers in hiring and firing. Because employers include housing and other allowances in their salary scales, foreign workers legally can be paid lower regular wages than their citizen counterparts, although they sometimes receive the same or a greater total compensation package because of home leave and holiday allowances. Western foreign workers and citizen workers are paid comparable wages, with total compensation packages often significantly greater for the former. Women are entitled to 60 days of paid maternity leave and nursing periods during the day. However, women generally are paid less than men.

In 1993 the Government strengthened the Labor Law by decree of the Amir, announcing that significant fines and jail sentences would be imposed upon private sector employers who fail to pay wages required by law. This law applies equally to employers of citizens and foreign workers and was intended to reduce abuses against foreign workers, who sometimes are denied the required salaries (see Section 6.c.). The law provides equal protection to citizen and foreign workers, but all foreign workers still require sponsorship by citizens or locally based institutions and companies. According to representatives of several embassies with large numbers of workers in the country, the Government generally is responsive to embassy requests to investigate foreign worker complaints about unpaid wages and mistreatment. However, foreign workers, particularly those from developing countries, often are unwilling to report abuses for fear of losing residence rights and having to return to their native countries. Sponsors are able to cancel the residence permit of any person under their sponsorship and thereby block them for a year from obtaining entry or residence visas from another sponsor, although the sponsor may be subject to sanctions for wrongful dismissal. Foreign women who work as domestic workers often are beaten or sexually abused (see Section 5). Between 30 to 40 percent of suicide cases handled by the Government's psychiatric hospitals are foreign maids (see Section 6.c.).

Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, many foreign workers become in essence indentured workers, and are unable to change employment or leave the country without their sponsors' consent (see Section 6.c.).

Prostitution is pervasive among foreign women, especially among hotel and restaurant staff. Such women typically are locked in a communal house when not working and driven to work in a van. Many female hotel employees reportedly trade sexual favors with hotel managers in exchange for time off from work (see Section 6.c.).

EGYPT

According to its Constitution, Egypt is a social democracy in which Islam is the state religion. The National Democratic Party (NDP), which has governed since its establishment in 1978, has used its entrenched position to dominate national politics and maintains an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. President Hosni Mubarak was reelected unopposed to a fourth 6-year term in a national referendum in September 1999. The Cabinet and the country's 26 governors are appointed by the President and may be dismissed by him at his discretion. The judiciary is independent; however, there is no appellate process for verdicts issued by the military or State Security Emergency courts.

There are several security services in the Ministry of Interior, two of which are involved primarily in combating terrorism: The State Security Investigations Sector (SSIS), which conducts investigations and interrogates detainees, and the Central Security Force (CSF), which enforces curfews and bans on public demonstrations, and conducts paramilitary operations against terrorists. The President is the commander in chief of the military; the military is a primary stabilizing factor within society but generally does not involve itself in internal issues. The security forces committed numerous serious human rights abuses; however, the use of force in the campaign against suspected terrorists appeared more limited than in previous years.

Egypt is in transition from a Government-controlled economy to a free market system. The Government continued its privatization program, although some key sectors of the economy (such as banking, oil/gas, insurance, and textiles) still are dominated by State-owned enterprises. Agriculture remains the largest employer and is almost entirely in private hands. The tourism sector generates the largest amount of foreign currency. Petroleum exports, Suez Canal revenues, and remittances from approximately 2 million citizens working abroad are the other principal sources of foreign currency. These income sources are vulnerable to external shocks. Over the past decade, the Government has enacted significant economic reforms, which have reduced the budget deficit, stabilized the exchange rate, reduced inflation and interest rates significantly, and built up substantial reserves. However, low international oil prices, the 1997 Luxor terrorist attack, and the effects of the South-east Asia economic crisis all negatively affected foreign exchange earnings in from 1997 through 1999, causing the trade and current account balance deficits to widen and negatively affecting the exchange rate. After initially attempting to stabilize the exchange rate by drawing down reserves, increasing interest rates, rationing foreign exchange, and implementing restrictive trade measures, the Government allowed the exchange rate to depreciate slowly in the second half of 2000. Continued progress in economic development depends primarily upon implementation of a wide range of structural reforms, the pace of which has slowed significantly over the past 1 to 2 years. The per capita gross domestic product (GDP) is about \$1,400 per year. Official statistics place 34.4 percent of wage earners in the agricultural sector, and knowledgeable observers estimate that perhaps 3 to 5 percent of those engage in subsistence farming. The annual population increase is 1.9 percent.

The Government generally respected the human rights of its citizens in some areas, and its record improved somewhat over the previous year, primarily due to a decrease in terrorist activity by Islamic extremists; however, the Government's record was poor with respect to freedom of expression and its treatment of detainees, among other areas. The dominant role of the President and the entrenched NDP control the political scene to such an extent that citizens do not have a meaningful ability to change their Government. In parliamentary elections that were held between October 18 and November 15, the NDP won 172 seats, independent can-

didates won 255 seats, and opposition parties won 17 seats. However, many of the independents elected were former members of the NDP who rejoined the party after being elected, leaving the People's Assembly balance at 388 NDP members, 37 independents, and 17 opposition party members out of 444 elected members, with two seats unresolved at year's end. Due to courtordered supervision by the judiciary of the voting and vote-counting, the process was fairer and more transparent than past parliamentary elections; however, there were significant problems, including the arrests of thousands of members of the Muslim Brotherhood in the months before the elections.

The Emergency Law, which has been in effect since 1981 and was renewed for another 3 years in June, continues to restrict many basic rights. The security forces continued to arrest and detain suspected members of terrorist groups. In combating terrorism, the security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and occasionally engage in mass arrests. In actions unrelated to the antiterrorist campaign, local police killed, tortured, and otherwise abused both criminal suspects and other persons. The Government took disciplinary action against police officers accused of abusing detainees, including prosecution of several offenders, but it did not pursue most cases or seek adequate punishments. The investigation that the Public Prosecutor reopened and expanded in 1999 regarding police brutality and torture during a 1998 police investigation of a double murder in the largely Coptic village of Al-Kush in Sohag governorate, continued without resolution throughout the year.

Prison conditions remain poor. The Ministry of Interior released more than 1,300 political detainees and prisoners, bringing the total number of detainees released since 1998 to more than 7,000. The use of military courts to try civilians continued to infringe on a defendant's right to a fair trial before an independent judiciary. During the year, the Government did not refer any new cases involving civilians to the military courts; however, the military court issued its verdict on November 19 in a trial involving 20 leaders of the Muslim Brotherhood, who were referred to the court in October 1999 on charges of illegal political activity. Three of the defendants were sentenced to 5 years in prison, 12 were sentenced to 3 years, and five were acquitted. Most observers believe that the Government was seeking to undermine Muslim Brotherhood participation in the elections to professional syndicates and the People's Assembly.

The Government used the Emergency Law to infringe on citizens' privacy rights. Although citizens generally express themselves freely, the Government partially restricts freedom of the press. The Government significantly restricts freedom of assembly and association. The Government places restrictions on freedom of religion. Despite difficulties due to an inadequate legal framework and periodic Government harassment, a number of local human rights groups are active. Although the Government does not recognize them legally, it allows these groups to operate openly.

Domestic violence against women is a problem. Although the Government enforces the 1996 decree banning the practice of female genital mutilation (FGM), many families persist in subjecting their daughters to the traditional practice. Women and Christians face discrimination based on tradition and some aspects of the law. Adult literacy rates are 63 percent for males and 34 percent for females. There were no reports of terrorist attacks against Christians during the year, but in incidents unrelated to terrorism 1 Christian was killed and 10 were wounded by Muslim extremists. New year's violence in Sohag governorate resulted in the deaths of 21 Christians and 1 Muslim. Child labor remains widespread, despite Government efforts to eradicate it. Exposure of workers to hazardous working conditions and other abuses of the law by employers continue, and the Government does not enforce the labor laws effectively. The Government limits workers' rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, police committed extrajudicial killings, and such killings also may have occurred in certain antiterrorist operations.

Human rights organizations and the press reported on the death in custody of the following eight persons during the year, all of whom allegedly were tortured while being detained by police under suspicion of criminal activity: Sami Hosni Ahmed, Ahmed Hassan Ahmed, Mohamed Tawfik Hassan Sayyed, Sayyed Kenawi Selim, Abdel Hamid Ramadan Abdel Hamid Zahran, Ahmed Mohamed Eissa, Haytham Mohamed Abdel Aziz, and Mohamed Islam Nasr Eddine (see Section 1.c.). In addition, several cases of death under police torture from previous years remain unresolved.

Mohammed Mahmoud Hamouda died in prison during the year, reportedly due to diabetes and cardiac problems, during the Government's investigation of a case in which 16 persons were accused of heresy against Islam (see Sections 1.e. and 2.c.).

The London-based Islamic Observation Center announced on December 22 that 37-year-old Mohammed Saad Osman Ahmad died in Tora prison in early December due to untreated leukemia. Ahmad allegedly had completed a 5-year prison sentence in 1998 but was not released.

On June 6, the Banha Criminal Court (Daqahliyya governorate) sentenced police Captain Abdel Nasser Zeidan of the Shubra AlKheima investigations department to a 1-year suspended sentence for killing a suspected thief. The officer reportedly raided the home of 19-year-old Mosaad Ahmed Youssef in March without an arrest or search warrant and shot him three times in the back and head. On August 10, the Mansoura criminal court acquitted a police major and four other policemen in the April 9, 1998 death under torture of Waheed Al-Sayyid Ahmad Abdallah (see Section 1.c.).

As part of ongoing antiterrorist campaigns, on October 19, security forces killed two members of the "Islamic Group of Egypt" (IG) in Aswan, including Alaa Abdel Razek Atiyya, who reportedly was in charge of IG armed operations in Qena, Sohag, and Luxor. There were no reports of killings of relatives of suspected extremists by security forces in apparent vendettas.

A trade dispute between a Christian clothing merchant and a Muslim customer on December 31, 1999, escalated into violent exchanges between Muslims and Christians in Sohag governorate, resulting in the deaths of 21 Christians and 1 Muslim. One trial concluded in September and another was ongoing at year's end (see Section 5).

On June 22, a State Security Emergency court sentenced four members of a terrorist group from the upper (southern) Egyptian city of Dairout who were accused of murder and attempted murder of policemen and Christians in the early 1990's to 5 years' imprisonment at hard labor (see Sections 1.e. and 5.).

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

In November the Human Rights Center for the Assistance of Prisoners reported on a total of 26 unresolved disappearances, including 3 previously unreported cases of persons who disappeared in 1996 and 1997. The Center learned that three persons previously reported missing are in prison, and that two disappearances did not involve police. The Egyptian Organization for Human Rights (EOHR) continues to investigate 30 previously reported disappearances. EOHR has provided these names to the U.N. Committee on Disappearances, but the Government reportedly has denied any involvement in these cases.

On February 8, the Court of Cassation accepted an appeal by the Minister of Interior of a 1999 court decision ordering him to pay Bahaa Al-Amary, the wife of former Libyan Foreign Minister Mansur Kikhiya, \$27,000 (100,000 Egyptian pounds). Kikhiya's family sued the Government following reports that he had been kidnaped from Cairo by Libyan agents, taken to Libya, and executed there in 1994. The court awarded the sum as compensation for the Ministry of Interior's inability to protect a foreign dignitary on Egyptian soil. The Court of Cassation ordered that the case be retried due to a technicality. The lower court had not tried the case by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained; however, torture and abuse of detainees by police, security personnel, and prison guards is common.

Under the Penal Code, torture of a defendant or giving orders to torture are felonies punishable by hard labor or 3 to 10 years' imprisonment. If the defendant dies under torture, the crime is one of intentional murder punishable by a life sentence at hard labor. Arrest without due cause, threatening death, or using physical torture is punishable by temporary hard labor. Abuse of power to inflict cruelty against persons is punishable by imprisonment of no more than 1 year or a fine of no more than \$33 (125 Egyptian pounds). In addition, victims may bring a criminal or civil action for compensation against the responsible Government agency. There is no statute of limitation in such cases.

Despite these legal safeguards, there were numerous credible reports that security forces tortured and mistreated citizens. Reports of torture and mistreatment at police stations remain frequent. While the Government has investigated torture complaints in criminal cases and punished some offending officers, the punishments do not conform to the seriousness of the offense.

While the law requires security authorities to keep written records of detained citizens, human rights groups report that such records often are not available, not found, or that the police deny any knowledge of the detainee when inquiries are made about specific cases, effectively blocking the investigation of torture complaints.

Human rights groups believe that the SSIS continues to employ torture. Torture takes place in SSIS offices, including its headquarters in Cairo, and at Central Security Force camps. Torture victims usually are taken to an SSIS office, where they are handcuffed, blindfolded, and questioned about their associations, religious beliefs, and political views. Torture is used to extract information, coerce the victims to end their antigovernment activities, and deter others from similar activities.

In January the EOHR released a report documenting in detail 13 cases of torture that occurred in police stations during the latter half of 1999, 2 of which ended in death. Methods of torture employed by the police, as reported by victims, included: Being stripped and blindfolded; suspended from a ceiling or doorframe with feet just touching the floor; beaten with fists, metal rods, or other objects; doused with hot or cold water; flogged on the back; burned with cigarettes; and subjected to electrical shocks. Some victims, including female detainees or family members of detainees, report that they have been forced to strip and threatened with rape.

Human rights organizations and the press reported on the death in custody of eight persons, reportedly under police torture, during the year (see Section 1.a.). All were being held on suspicion of criminal activity. The Human Rights Center for the Assistance of Prisoners reported the death under torture of Ahmed Mohamed Eissa on February 10 in New Valley Prison. Upon receiving a report of the death, the Public Prosecutor investigated the case and took testimony from inmates. The Public Prosecutor referred the Deputy Chief of Wadi Natroun Prison, a prison officer, and two policemen to the criminal court on charges of beating an inmate to death and forging a prison report stating that the death was from natural causes. The Shebeen El-Kom criminal court is reviewing the case, but no date for a court hearing had been set by year's end.

The EOHR is investigating the following deaths in custody after receiving complaints from family members of the deceased, who believe they died under torture: Sami Hosni Ahmed, who died on February 9 at the Boulaq police station in Cairo, just hours after his arrest; Ahmed Hassan Ahmed, who died on March 2 at the Shubra Al-Kheima police station in Qalyubia, 4 days after his arrest; 17-year-old Mohamed Tawfik Hassan Sayyed, who died on March 5 in the Gamaliyya district of Cairo; Sayyed Kenawi Selim, who died on March 7 in the Imbaba district in Cairo, 10 days after his arrest on suspicion of theft; Abdel Hamid Ramadan Abdel Hamid Zahran, who died on March 11 at the Qalyub police station in Qalyubia, shortly after returning from interrogation in the Qalyub Security Directorate. An autopsy report in the Zahran case reportedly cited respiratory and cardiac failure as the cause of death and noted a blood clot in the brain, broken ribs, and bruises in the kidney area.

In addition, the press reported the following deaths in custody, which reportedly were due to police torture or mistreatment: Haytham Mohamed Abdel Aziz, who reportedly died in Alexandria prison under suspicious circumstances (according to the press, a forensic postmortem showed several obvious bruises, as well as tuberculosis) and Mohamed Islam Nasr Eddine, a 49-year old Pakistani sentenced to life at hard labor for drug possession, who reportedly died in Qanatir prison from severe failure of the circulatory system. The latter incident was under police investigation at year's end.

Regarding judicial action on previous cases of death under torture, on August 10, the Mansoura criminal court acquitted a police major and four other policemen in the April 9, 1998 death under torture of Waheed Al-Sayyid Ahmad Abdallah. According to a human rights organization, the accused police major paid Abdallah's family to change their testimony, which led to the acquittal. On November 16, the Aswan Criminal Court ruled on case in which Mohei Eddin Ahmed Mohamed, who was suspected of theft at a construction site, was tortured for 3 days in a police station, which led to his death in March 1999. A fellow worker who reportedly tried to intervene on the suspect's behalf, Haroun Ahmed Hamdallah, also was tortured and left paralyzed. The court dismissed an Aswan police officer from the force and sentenced him to 7 years in prison, and dismissed an assistant officer and sentenced him to 3 years in prison. The Government took no action during the year on several outstanding cases of death under torture, including the case of Gamel Mohammed Abdallah Mustafa (in 1998), the case of a businessman in the province of Qalyubia (1997), and the case of Mohammed Badr Al-Din Gomah (1996). The Government also took no action regarding the appeal of 1-year sentence given to a policeman

convicted of engaging in torture in 1994. No further government action appears likely in these cases.

At year's end, the public prosecution continued to interview residents of the village of Al-Kush regarding a 1998 murder investigation, during which, according to local observers, dozens of suspects reportedly were tortured and mistreated. The public prosecution reopened and expanded the case in August 1999, 5 months after it had decided that medical evidence did not support allegations of police torture (see sections 2.c and 5.).

Prison conditions remain poor. Government authorities reported the renovation or construction of 14 prisons during the past 6 years. Nonetheless, human rights groups report that overcrowding and unhealthy conditions continue. Cells are poorly ventilated, food is inadequate in quantity and nutritional value, drinking water often is polluted, and medical services are insufficient. Such conditions contribute to the spread of disease and epidemics. The use of torture and mistreatment in prisons continues to be common. In August 1999, the Public Prosecutor ordered his subordinates to visit prisons under their jurisdiction randomly at least once a month. He also instructed them to inspect prison records and to investigate complaints raised by prisoners. Inspections began after the announcement and continued during the year. Results of the inspections were unavailable.

Relatives and lawyers often are unable to obtain access to prisons for visits. In January the Ministry of Interior opened to visits the Fayyoun prison, which had been closed since 1997. Prisons in Abu Zaabal and Tora remain closed to visits. During the year the Human Rights Center for the Assistance of Prisoners obtained 66 rulings by the Higher Administrative court to open the prisons for visits to individual prisoners; 30 other cases are pending before the courts. Human rights groups report that despite the rulings, visits continue to be refused at several prisons. At other prisons, restrictions have been placed on visits to prisoners who are incarcerated for political or terrorist crimes, limiting the number of visits allowed each prisoner and the total number of visitors allowed in the prison at any one time.

In September the Ministry of Interior ordered that prisoners who have served their sentences be released directly rather than transferred to State Security Directorates for processing, which in the past resulted in delayed releases for some prisoners. The Human Rights Center for the Assistance of Prisoners reported that the policy had not been put into effect by year's end for political prisoners, who still were being transferred to State Security for processing after serving their sentences.

In principle human rights monitors are permitted to visit prisoners in their capacity as legal counsel; however, in practice they often face considerable bureaucratic obstacles that prevent them from meeting with prisoners. The International Committee of the Red Cross (ICRC) does not have access to prisons.

d. Arbitrary Arrest, Detention, or Exile.—As part of the Government's antiterrorist campaign, security forces conducted mass arrests and detained hundreds of individuals without charge. Police also at times arbitrarily arrested and detained persons. Under the provisions of the Emergency Law, which has been in effect since 1981, the police may obtain an arrest warrant from the Ministry of Interior upon showing that an individual poses a danger to security and public order. This procedure nullifies the constitutional requirement of showing that an individual likely has committed a specific crime to obtain a warrant from a judge or prosecutor.

The Emergency Law allows authorities to detain an individual without charge. After 30 days, a detainee has the right to demand a court hearing to challenge the legality of the detention order and may resubmit his motion for a hearing at 1-month intervals thereafter. There is no maximum limit to the length of detention if the judge continues to uphold the legality of the detention order, or if the detainee fails to exercise his right to a hearing.

In addition to the Emergency Law, the Penal Code also gives the State broad detention powers. Under the Penal Code, prosecutors must bring charges within 48 hours or release the suspect. However, they may detain a suspect for a maximum of 6 months, pending investigation. Arrests under the Penal Code occur openly and with warrants issued by a district prosecutor or judge. There is a system of bail. The Penal Code contains several provisions to combat extremist violence. These provisions broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

During the year, security forces arrested large numbers of persons allegedly associated with the Muslim Brotherhood, which the Government has declared an illegal organization. Attorneys for those arrested say that during the year approximately 5,000 persons were arrested; a domestic human rights organization documented 694 arrests. Most of those arrested had been released by year's end. Public prosecution officials claim that none of the 5,000 was detained administratively and that those still in detention are being held pending investigation of specific charges. On No-

vember 19, a military court issued its verdict in a trial involving 20 leaders of the Muslim Brotherhood referred to the court in October 1999 on charges of illegal political activity. Three were sentenced to 5 years in prison, 12 were sentenced to 3 years, and 5 were acquitted. Most observers believe that the Government was seeking to undermine Muslim Brotherhood participation in the elections to the People's Assembly and professional syndicates (see Sections 1.e., 2.b., and 3).

Police also detained students participating in demonstrations several times during the year. Approximately 75 students were arrested in May when protests at Al-Azhar University against the novel "A Banquet for Seaweed" turned violent (see Section 2.a.). In October at Cairo University and Ayn Shams University, police arrested approximately 40 students protesting Israeli actions against Palestinians in Israel, the West Bank, and Gaza in the fall. According to human rights organizations, all those arrested in the two incidents had been released by year's end, some on bail pending investigation of charges.

In contrast to previous years, there were no confirmed reports during the year that converts to Christianity were subjected to harassment by the security services. Hassan Mohamed Ismail Mohamed, one of four converts previously prevented from traveling, was able to travel abroad in August (see Section 2.c.).

Human rights groups reported that hundreds, perhaps thousands, of persons detained under the Emergency Law have been incarcerated for several years without charge. The courts have ordered the release of several of these detainees, but prison officials reportedly have ignored the orders. The Ministry of Interior frequently reissues detention orders to return detainees to prison. During the year more than 1,300 political detainees and prisoners were released, bringing the total number of detainees released in the past 3 years to more than 7,000. Following the releases, revised prison population estimates by local human rights organizations indicate that there are approximately 15,000-16,000 political detainees; it is not clear how many among them are charged and awaiting trial, convicted and serving sentences, or detained without charge.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary is independent; however, cases involving national security or terrorism may be handled by military or State Security Emergency courts, in which constitutional protections may not be observed. In addition, judicial orders sometimes are ignored by the authorities. The Constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. The President appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges and chaired by the president of the Court of Cassation. The Council regulates judicial promotions and transfers. In the last few years, the Government has added lectures on human rights and other social issues to its training courses for prosecutors and judges.

In the civilian court system there are criminal courts, civil courts, administrative courts, and a Supreme Constitutional Court. There are three levels of regular criminal courts: Primary courts, appeals courts, and the Court of Cassation, which represents the final stage of criminal appeal.

The judicial system is based on the Napoleonic tradition; hence, there are no juries. Misdemeanors that are punishable by imprisonment are heard at the first level by one judge and at the second level by three judges. Felonies that are punishable by imprisonment or execution are heard in criminal court by three judges. Criminal courts also have a State Security division to hear cases considered affecting state security; in these courts the defendant may appeal on procedural grounds only. The Court of Cassation hears appeals of criminal court rulings. Civil courts hear civil cases and administrative courts hear cases contesting government actions or procedures; both systems have upper-level courts to hear appeals. The Supreme Constitutional Court hears challenges to the constitutionality of laws or verdicts in any of the courts.

A lawyer is appointed at the court's expense if the defendant does not have one. Appointed lawyers are drawn from a roster that is chosen by the Bar Association; however, expenses are incurred by the State. Any denial of this right is grounds for appeal of the ruling. However, detainees in certain high security prisons alleged that they were denied access to counsel or that such access was delayed until trial, thus denying counsel the time to prepare an adequate defense. A woman's testimony is equal to that of a man's in court. There is no legal prohibition against a woman serving as a judge, although in practice no women serve as judges (see Section 5).

Defense lawyers generally agree that the regular judiciary respects the rights of the accused and exercises its independence. In the past, criminal court judges have dismissed cases in which confessions were obtained by coercion. However, while the judiciary generally is credited with conducting fair trials, under the Emergency

Law, cases involving terrorism and national security may be tried in military or State Security Emergency courts, in which the accused do not receive all the constitutional protections of the civilian judicial system.

In 1992 following a rise in extremist violence, the Government began trying cases of persons accused of terrorism and membership in terrorist groups before military tribunals. In 1993 the Supreme Constitutional Court ruled that the President may invoke the Emergency Law to refer any crime to a military court. This use of military and State Security Emergency courts under the Emergency Law since 1993 has deprived hundreds of civilian defendants of their constitutional right to be tried by a civilian judge.

The Government defends the use of military courts as necessary in terrorism cases, maintaining that trials in the civilian courts are protracted and that civilian judges and their families are vulnerable to terrorist threats. Some civilian judges have confirmed that they fear of trying high visibility terrorism cases because of possible reprisal. The Government claims that civilian defendants receive fair trials in the military courts and enjoy the same rights as defendants in civilian courts.

However, the military courts do not ensure civilian defendants due process before an independent tribunal. While military judges are lawyers, they are also military officers appointed by the Minister of Defense and subject to military discipline. They are neither as independent nor as qualified as civilian judges in applying the civilian Penal Code. There is no appellate process for verdicts issued by military courts; instead, verdicts are subject to a review by other military judges and confirmation by the President, who in practice usually delegates the review function to a senior military officer. Defense attorneys have complained that they have not been given sufficient time to prepare defenses and that judges tend to rush cases involving a large number of defendants.

During the year, the Government did not refer any civilians to the military courts. However, on February 24, the Government executed two members of the "Jihad Group in Egypt" who had been sentenced by military courts to death in absentia in 1994 and 1997. On November 19, a military court issued its verdict in a case that the Government referred to it in October 1999 involving 20 professional leaders of the Muslim Brotherhood charged with belonging to an illegal group. Fifteen of the defendants were given sentences ranging from 3 to 5 years, and 5 were acquitted. The arrests and trial before the military courts coincided with preparations for elections to the boards of professional syndicates and to the People's Assembly; verdicts and sentencing took place after delays, and after the Assembly elections were over (see Sections 1.d., 2.b., and 3).

The State Security Emergency courts share jurisdiction with military courts over crimes affecting national security. The President appoints judges to these courts from the civilian judiciary upon the recommendation of the Minister of Justice and, if he chooses to appoint military judges, the Minister of Defense. Sentences are subject to confirmation by the President but may not be appealed. The President may alter or annul a decision of a State Security Emergency court, including a decision to release a defendant.

During the year, State Security Emergency courts issued verdicts in five cases. On April 13, a State Security Emergency Court, trying the case of 14 defendants alleged to be members of the Islamic Group, sentenced 1 defendant to death, 1 to life in prison, and the other 12 to sentences ranging from between 3 and 10 years. On June 5, a State Security Emergency Court upheld an earlier ruling issued in absentia against Muhammad Mustafa Hassan, who allegedly was a member of the "Returnees from Afghanistan" group. Hassan was sentenced to 10 years at hard labor. On June 22, a State Security Emergency court sentenced four members of a terrorist group from the upper (southern) city of Dairout who were accused of murder and attempted murder of policemen and Christians in the early 1990's to 5 years in prison. On September 5, a State Security Emergency Court passed a verdict in the case of 16 defendants led by Manal Wahid Mana'a who were accused of heresy against Islam (see Section 2.c.). The court sentenced Mana'a to 5 years' hard labor, three other defendants to 3 years' hard labor, seven defendants to 1 year hard labor, two defendants to 6 months in prison, and two defendants to a fine of \$375 (1000 Egyptian pounds). One of the defendants died in prison, reportedly from ill health during the investigation. On September 15, a State Security Emergency Court ruled in the case of 10 defendants, 4 of them women, accused of propagating extremist ideas in Giza and Alexandria from 1990 to 1999. The court sentenced two of the defendants to 15 years' hard labor, one to 3 years' hard labor, two to 3 years in prison, and five (including the four women) to 1 year in prison.

On November 18, the State Security division of the South Cairo criminal court (in which the defendant may appeal on procedural grounds only) began hearing the

government's case against Saad Eddin Ibrahim, Director of the Ibn Khaldoun Center for Development Studies (see Sections 2.a. and 4).

According to local human rights organizations, there are approximately 15,000-16,000 political detainees. It is not clear how many among them are charged and awaiting trial, convicted and serving sentences, or detained without charge (see Section 1.d.).

International humanitarian organizations do not have access to political prisoners (see Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the sanctity and secrecy of homes, correspondence, telephone calls, and other means of communication; however, the Emergency Law abridges the constitutional provisions regarding the right to privacy, and the Government used the Emergency Law to infringe on these rights. Police must obtain warrants before undertaking searches and wiretaps. Courts have dismissed cases in which warrants were issued without sufficient cause. Police officers who conduct searches without proper warrants are subject to criminal penalties, although penalties seldom are imposed. The Emergency Law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently place political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screen their correspondence (especially international mail), search them and their homes, and confiscate personal property.

The Ministry of Interior has the authority to stop specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order; it exercises this authority sporadically (also see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government partially restricts these rights. Citizens openly speak their views on a wide range of political and social issues, including vigorous criticism of Government officials and policies, but generally avoid certain topics, such as direct criticism of the President.

Dr. Saad Eddin Ibrahim, director of the Ibn Khaldoun Center for Development Studies, was put on trial November 18 in a case that most observers believe will have broad implications for freedom of expression. Local observers believe that Ibrahim was prosecuted because of public remarks that he made regarding high-ranking officials that exceeded unwritten limits regarding freedom of expression. Ibrahim was charged with violating the Penal Code by disseminating abroad false information about Egypt, bribing public officials in order to obtain media coverage of Ibn Khaldoun Center activities, misappropriating funds obtained from the European Union (EU), and falsifying documents in order to obtain funds. He also was charged with violating a 1992 military decree prohibiting any citizen or domestic organization from accepting foreign funds without Government permission (his organization accepted \$246,226 (261,000 Euros) from the EU). Twenty-seven employees of the Center also were charged with aiding and abetting Ibrahim in the alleged activities. The Government arrested Ibrahim and closed the Ibn Khaldoun Center on June 30. Ibrahim and the other defendants were released on bail on August 10, and Ibrahim was charged formally on September 26. At the November 18 opening session of Ibrahim's trial before a Higher State Security Court, the three-judge panel granted a defense request for continuance and postponed the next hearing until mid-January 2001.

Observers remain concerned about several aspects of the ongoing trial, especially regarding questions of due process: First, Ibrahim and many of the other defendants were not served formally with their indictments or court papers prior to the trial; second, Ibrahim's request for discovery of the documents that were confiscated from the Ibn Khaldoun Center, which his lawyers claimed were necessary to prepare his defense, had not been granted by the judicial authorities by year's end; and third, Ibrahim is being tried in a State Security Court, from which defendants may appeal once only on procedural grounds, but may not appeal the verdict itself (see Section 1.e.).

In May the Public Prosecutor dropped the Government's case against EOHR secretary general Hafez Abu Se'da. Abu Se'da and EOHR attorney Mustafa Zidane had been charged in December 1998 with violating two articles of the Penal Code (dissemination of false information or inflammatory propaganda that harms public security or public interests and accepting foreign funds with the intent to harm national interests). The charges were dropped in February, and Abu Se'da instead was charged with violating a 1992 military decree prohibiting any Egyptian individual or organization from accepting foreign funds without Government permission, before the case ultimately was dropped altogether in May. The charges against Zidane also

were dropped. The charges were based on an EOHR report that was critical of police conduct during a 1998 murder investigation in Sohag. The State Security Prosecutor alleged that the EOHR had accepted \$25,000 from the British Embassy in Cairo to publish the critical report. In fact, the money was provided by the British Embassy to support a women's legal aid project begun in 1995 (see Sections 2.b. and 4).

The Government owns stock in the three largest daily newspapers, and the President appoints their editors in chief. Although these newspapers generally follow the government line, they sometimes criticize government policies. The Government also holds a monopoly on the printing and distribution of newspapers, including those of the opposition parties. The Government used its monopolistic control of newsprint to limit the output of opposition publications.

Opposition political parties publish their own newspapers but receive a subsidy from the Government and, in some cases, subsidies from foreign interests as well. Most newspapers are weeklies, with the exception of the dailies *Al-Wafd* and *Al-Ahram*, both of which have small circulations. Opposition newspapers frequently publish criticism of the Government. They also give greater prominence to human rights abuses than do state-run newspapers. All party newspapers are required by law to reflect the platform of their party. The Government suspended publication of the semiweekly newspaper *Al-Shaab* in May following a decision by the Political Parties Committee to withdraw recognition from the Islamist-oriented Socialist Labor Party (see Section 3).

The Constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There are numerous restrictions on legal entities that seek to establish their own newspapers, including a limit of 10 percent ownership by any individual. In January 1998, the People's Assembly approved a law that requires newspapers managed by joint stock companies to obtain the approval of the Prime Minister prior to publishing. Given government restrictions, a joint stock company is the only feasible incorporation option for publishers.

The Government permitted the establishment of one new publication during the year and allowed two others to resume publication. The Ministry of Culture began publishing a new weekly newspaper, *Al-Qahira*, using the existing license of another publication. In May the Court of Ethics ruled that it did not have the jurisdiction to review a government appeal of a January 1999 Supreme Constitutional Court ruling on a 1981 decree that abolished a monthly publication called *Al-Mawqif Al-Arabi*, thus allowing publication of the monthly to resume after nearly 20 years. In August the Higher Administrative Court overturned a 1999 government decision to revoke the license of the newspaper *Sawt Al-Umma* for alleged violations by the publisher of joint stock company regulations. The newspaper later resumed publication.

Several other publications failed to obtain licenses or lost related court cases, thereby losing the right to publish. In June the Higher Administrative Court overturned a lower court decision that would have allowed the newspaper *Al-Karama* to be published, after the publisher contested the Prime Minister's refusal to act on his request for approval of a joint stock company formed to publish the paper. In June the Higher Administrative Court upheld a lower court decision to stop publication of the Liberal Party publication *Akhbar Al-Beheira*, based on an article in the Political Parties Law providing that no party with fewer than 10 members in parliament may publish a newspaper.

Because of the difficulties in obtaining a license in Egypt, several publishers of newspapers and magazines developed for the country's market have obtained a foreign license. Most of these publications are printed in the free trade zone. Newspapers and magazines published under a foreign license may be distributed with government permission. However, the Department of Censorship in the Ministry of Information has the authority also to censor or halt distribution of publications printed in the free trade zone under a foreign license. In April the Ministry confiscated one issue of the foreign-licensed newspaper *Al-Tadamun*, reportedly due to an article it contained that supported Iraq. The English-language weekly newspaper the *Middle East Times* reported no government censorship of its articles during the year. The newspaper closed its offices and moved to Cyprus in October for financial reasons. The Center for Human Rights and Legal Assistance in 1999 organized a legal challenge to the constitutionality of the Information Ministry's censorship of offshore publications. The Supreme Constitutional Court began hearing the case in December, but had not issued a decision by year's end.

The Penal Code, Press Law, and Publications Law govern press issues. The Penal Code stipulates fines or imprisonment for criticism of the President, members of the Government, and foreign heads of state. The Supreme Constitutional Court agreed in 1998 to review the constitutionality of those articles of the Penal Code that specify imprisonment as a penalty for journalists convicted of libel. The case was sched-

uled to begin in January 2001. The Press and Publication Laws ostensibly provide protection against malicious and unsubstantiated reporting. Financial penalties for violations were increased substantially in 1996 when relevant provisions of the Penal Code were revised, but the judicial process remains long and costly, creating a bar to realistic legal recourse for those wrongly defamed. In recent years, opposition party newspapers have within limits published articles critical of the President and foreign heads of state without being charged or harassed. The Government continues to charge journalists with libel. In October 1999, the Public Prosecutor charged editor Mohamed Hassan Al-Banna and journalist Fouad Fawaz of the weekly newspaper Al-Khamis with insulting Libyan leader Mu'ammar Al-Qadhafi. The case reportedly was settled out of court during the year.

In 1996 the People's Assembly approved a revised Press Law following criticism of a more restrictive revision that had been approved in 1995. The People's Assembly also revised certain articles in the Penal Code pertaining to libel and slander. In addition in 1997 the Supreme Constitutional Court declared unconstitutional Article 195 of the Penal Code under which an editor in chief could have been considered criminally responsible for libel contained in any portion of the newspaper. The Court ruled that the correct standard of responsibility should be "negligence." The courts subsequently applied this lesser standard.

Courts tried several prominent cases of slander during the year. In April the Court of Cassation upheld a 1999 criminal court conviction of four journalists from the opposition daily newspaper Al-Shaab of libeling Youssef Wally, the Deputy Prime Minister and Minister of Agriculture. Editor in chief Magdy Hussein and reporter Salah Bedewi were sentenced to 2 years in prison, and each was fined about \$5,300 (20,000 Egyptian pounds). Cartoonist Essam Hanafi received the same fine and a 1-year sentence. A fourth Al-Shaab journalist, Adel Hussein, was convicted of libel and fined the same amount. In a separate case in May, five journalists from Al-Shaab (Magdy Hussein, Essam Hanafi, Talaat Rumeih, Adel Hussein, and Amer Soliman) were given sentences ranging from fines of about \$2000 (7,500 Egyptian pounds) to 6 months in prison for slandering businessman Hussein Sabour. Hussein, Bedewi, and Hanafi all were released by year's end. In April the Court of Misdemeanors sentenced five journalists from the newspaper Al-Ahram (Salah Qabadaya, Hossam Soliman Moussa, Mohamed Abdel Fahim Aboul Nour, Hisham Mohamed Mustafa, and Nabil Sadek Rizkallah) to 6 months in prison at hard labor and fines of about \$2000 (7,500 Egyptian pounds) each for slander against Egypt Air President Fahim ElRayyan. During the year the courts also acquitted six journalists of slander and dismissed one case. Journalist Ashraf Ayoub's 1-year sentence for libel in 1999 was dropped during the year, after the newspaper that he worked for, Al-Ahali, published a retraction and the businessman who had charged Ayoub withdrew his complaint.

On occasion, and based on authority granted to him by law, the Public Prosecutor may issue a temporary ban on the publication of news pertaining to cases involving national security in order to protect the confidentiality of the cases. The length of the ban is based on the length of time required for the prosecution to prepare its case. In contrast to 1999, the Public Prosecutor did not ban any news items during the year.

The law provides penalties for individuals who disclose information about the State during emergencies, including war and natural disasters. The penalties include fines up to \$1,700 (6,000 Egyptian pounds) and prison sentences up to 3 years. There were no reports in which the law was applied in practice during the year.

In 1998 the People's Assembly approved a law that prohibits current or former members of the police from publishing work-related information without prior permission from the Interior Minister.

Various ministries legally are authorized to ban or confiscate books and other works of art upon obtaining a court order. The Islamic Research Center at Al-Azhar University has legal authority to censor, but not to confiscate, all publications dealing with the Koran and Islamic scriptural texts. In recent years the Center has passed judgment on the suitability of nonreligious books and artistic productions. In 1995 an administrative court ruled that the sole authority to prohibit publication or distribution of books and other works of art is vested in the Ministry of Culture. This decision invalidated a 1994 advisory opinion by a judiciary council that had expanded Al-Azhar's censorship authority to include visual and audio artistic works. The same year, President Mubarak stated that the Government would not allow confiscation of books from the market without a court order, a position supported by the then-Mufti of the Republic, who is now the Grand Imam of Al-Azhar.

The Islamic Research Center at Al-Azhar University ruled during 1999 in favor of distribution of the book "My Father Adam: The Story of the Creation Between Legend and Reality," written by Abdel Sabour Shahine. An Islamist lawyer sued the

Sheikh of Al-Azhar and several other senior Islamic figures in an effort to block publication of the book; a court rejected the suit on February 28. The plaintiff's appeal of the decision was pending at year's end.

The Islamic Research Center also issued a statement on May 17 denouncing the novel "A Banquet for Seaweed," by Syrian author Haidar Haidar, for insulting religious values. The novel, originally published in 1983, was reissued by the Ministry of Culture as part of a series on Arabic literature. Al-Shaab newspaper (of the pro-Islamist Socialist Labor Party) declared the book blasphemous for ridiculing Islam, and initiated a campaign against the book and against the Minister of Culture for reprinting it. Student demonstrations against the book at Al-Azhar University on May 8 turned violent, leading to the arrest of 75 students (see Sections 1.d. and 3). The Minister of Culture initially defended his decision and later relented and agreed to recall the book, but by then copies reportedly had sold out.

There were no court-ordered confiscations of books during the year. During the year, one author was tried and convicted for his writings. A State Security misdemeanor court sentenced author Salaheddine Mohsen to a 6-month suspended sentence in July for "insulting heavenly religions" in his book "The Shivering Light." At the time of his arrest, police confiscated approximately 100 copies of Mohsen's books, which he had published himself. On December 23, Mohsen was arrested at Cairo airport for attempting to leave the country. Upon the appeal of the State Security Prosecutor, who claimed that the sentence was too lenient, the Government ordered that Mohsen be retried. The retrial was pending at year's end. An appeal to the Court of Cassation by author Ala'a Hamed still was pending at year's end. Hamed previously was convicted in 1998 for the alleged pornographic content of his book "The Bed."

The Ministry of Interior regularly confiscates leaflets and other works by Muslim fundamentalists and other critics of the State. During the year, hundreds of suspected members of the illegal Muslim Brotherhood were arrested (see Sections 1.d. and 3). In many cases the press reported that police confiscated written materials such as leaflets during the arrests. On November 19, 15 persons were convicted of offenses related to membership in the Muslim Brotherhood, including possession of leaflets and other written materials related to the organization, and were given sentences ranging from 3 to 5 years in prison.

The Ministry of Interior also has the authority, which it exercises sporadically, to stop specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order (also see Section 1.f.). The Ministry of Defense may ban works about sensitive security issues. The Council of Ministers may order the banning of works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace.

The Ministry of Information owns and operates all domestic television and radio stations. The Government refuses to license private broadcast stations or to privatize the State's broadcast media. In addition to public television, the Government also offers several pay-for-view television channels. Government control and censorship of the broadcast media is significant.

Plays and films must pass Ministry of Culture censorship tests as scripts and as final productions. However, many plays and films that are highly critical of the Government and its policies are not censored. The Ministry of Culture also censors foreign films that are to be shown in theaters, but it is more lenient when the same films are released in videocassette format. Government censors ensure that foreign films made in Egypt portray the country in a favorable light. Censors review scripts before filming, are present during filming, and have the right to review the film before it is sent out of the country.

An appeals court had not yet reviewed the case against the film "Birds of Darkness" by year's end. The plaintiffs charge that it is insulting to lawyers. Two related cases against the movie were dropped in 1997.

Moderate Muslims and secularist writers still are subject to legal action by Islamic extremists. Cairo University professor Nasr Abu Zeid and his wife continue to live abroad following the 1996 Court of Cassation ruling that affirmed lower court judgments that Abu Zeid is an apostate because of his controversial interpretation of Koranic teachings. In August the Supreme Constitutional Court rejected Abu Zeid's contestation of the constitutionality of the 1996 ruling.

The Government does not restrict directly academic freedom at universities. However, some university professors claim that the Government tightened its control over universities in 1994 through a law authorizing university presidents to appoint the deans of the various faculties. Under the previous law, faculty deans were elected by their peers. The Government has justified the measure as a means to combat Islamist influence on campus. The Government also occasionally bans books for use on campuses.

b. Freedom of Peaceful Assembly and Association.—The Government significantly restricts freedom of assembly. Under a 1923 law, citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. The Interior Ministry selectively obstructs meetings scheduled to be held on private property and university campuses (also see Section 4). In January security officials prohibited the Group for Democratic Development from conducting a planned seminar on Islamic groups. In October the Government permitted the Cairo Institute for Human Rights Studies to hold a conference on the subject of human rights in the Arab world, which the Government had prohibited in 1999.

The Government significantly restricts freedom of association. In June the Supreme Constitutional Court overturned on procedural grounds Law 153 pertaining to the formation, function, and funding of non-governmental organizations (NGO's) and private foundations, which had been passed by the People's Assembly in June 1999. The previous law governing NGO's, Law 32, was reinstated until a new law could be passed, which had not happened by year's end. Law 153 and the subsequent implementing regulations were controversial, and had drawn mixed reactions from local and international NGO's and activists, some of whom charged that the law and regulations placed unduly burdensome restrictions on NGO's. While many NGO's were registered under Law 153, its overturn and the reinstatement of Law 32 left a number of NGO's that had not yet registered under either Law 153 or Law 32 in an unsettled status regarding registration. (Those that succeeded in registering under Law 153 still were considered registered after the law was overturned.) Three human rights organizations were registered as NGO's during the year: The Center for Human Rights Legal Assistance, the Center for Human Rights Studies and Information, and the Arab Organization for Human Rights. The Arab Organization for Human Rights had sought licensing since 1985. Several other human rights organizations that applied for registration, including the Egyptian Organization for Human Rights, the Human Rights Center for the Assistance of Prisoners, and the Cairo Institute for Human Rights Studies, were not registered by year's end. The EOHR sued to force the Ministry of Insurance and Social Affairs to register the organization, because the Ministry had not replied to EOHR's application within limits mandated under both Law 32 and Law 153. There was no decision on the case by year's end. In September the security services barred Mamdouh Nakhla, a Coptic Orthodox lawyer and human rights activist, from membership on the board of the Youssef El-Rami Charity Society, for "security reasons." Nakhla filed a lawsuit against the Ministers of Interior and Social affairs; no court date had been set by year's end.

Under 1993 legislation governing professional syndicates, at least 50 percent of the general membership of an association must elect the governing board. Failing a quorum, a second election must be held in which at least 30 percent of the membership votes for the board. If such a quorum is unattainable, the judiciary may appoint a caretaker board until new elections can be set. The law was adopted to prevent wellorganized minorities, specifically Islamists, from capturing or retaining the leadership of professional syndicates. Members of these syndicates have reported that Islamists have used irregular electoral techniques such as physically blocking polling places and limiting or changing the location of polling sites.

On June 28, the Government postponed nationwide elections for the Lawyers' Syndicate that had been scheduled for July 1 on the grounds that syndicate offices were inadequate to allow voting by the syndicate's more than 85,000 members. Local observers believe the elections were postponed to prevent victories by Islamists and other oppositionists, as had occurred in previous syndicate elections. In October 1999, the Court of Cassation upheld an earlier court decision to lift the Government sequestration of the Syndicate and to allow elections. Several Administrative Court rulings during the year supported the Syndicate's right to hold elections in its offices, but the elections had not taken place by year's end.

c. Freedom of Religion.—The Constitution provides for freedom of belief and the practice of religious rites; however, the Government places restrictions on this right. Most Egyptians are Sunni Muslims. There is a small number of Shi'a Muslims. Approximately 10 percent of the population, or 6 million of 64 million, are Christians, the majority of whom belong to the Coptic Orthodox Church. There are other small Christian denominations, as well as a Jewish community that numbers approximately 200 persons.

Under the Constitution, Islam is the official state religion and primary source of legislation. Accordingly, religious practices that conflict with Shari'a (Islamic law) are prohibited. However, in Egypt the practice of Christianity or Judaism does not conflict with Shari'a and, for the most part, members of the non-Muslim minority worship without harassment and maintain links with coreligionists abroad.

All mosques must be licensed, and the Government is engaged in an effort to control them legally. The Government appoints and pays the salaries of the imams who lead prayers in mosques, proposes themes for them, and monitors their sermons. In December the Minister of Awqaf announced that the Government now controls 52,000 mosques and 11,000 mosques located in private buildings. (There are over 70,000 mosques in the country.) In an effort to combat extremists, the Government has announced its intention to bring all unauthorized mosques under its control by 2002.

Neither the Constitution nor the Civil and Penal Codes prohibit proselytizing or conversion. However, during the past 2 decades, several dozen Christians who were accused of proselytizing or who had converted from Islam to Christianity have been harassed by police or arrested on charges of violating Article 98(F) of the Penal Code, which prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife. No such incidents occurred during the year; however, in June Aziz Tawfik, a Christian who allegedly was engaged in proselytizing activities, was detained briefly by State Security forces. He reportedly was mistreated during his detention. He was released the same day and reportedly has not been harassed since.

There are no restrictions on the conversion of non-Muslims to Islam. However, in cases involving conversion from Islam to Christianity, authorities have charged several converts with violating laws prohibiting the falsification of documents. In such instances, converts, who fear government harassment if they officially register the change from Islam to Christianity, have altered their identification cards and other official documents themselves to reflect their new religious affiliation. There were no reports of such arrests or harassment during the year.

In 1997 human rights activist Mamdouh Naklah filed suit seeking removal of the religious affiliation category from government identification cards. Naklah challenged the constitutionality of a 1994 decree by the Minister of Interior governing the issuance of new identification cards. The court referred the case to the State Commissioner's Office, which in May issued an opinion noting that the legal challenge had not been filed within 60 days of the decree's issuance, as required by law. However, the advisory opinions of the State Commissioner's Office are not binding. The court now is expected to try the case, although no date has been set.

An 1856 Ottoman decree still in force requires non-Muslims to obtain what is now a presidential decree to build a place of worship. In addition, Interior Ministry regulations issued in 1934 specify a set of 10 conditions that the Government must consider prior to issuance of a presidential decree permitting construction of a church. These conditions include the location of the proposed site, the religious composition of the surrounding community, and the proximity of other churches. The Ottoman decree also requires the President to approve permits for the repair of church facilities.

In response to strong criticism of the Ottoman decree, President Mubarak took several steps to facilitate church repairs. In December 1999, President Mubarak issued a decree making the repair of all places of worship subject to a 1976 civil construction code. The decree is significant symbolically because it places churches and mosques on equal footing before the law. The practical impact of the decree has been to facilitate significantly church repairs. During the year, the Government issued 29 permits for church-related construction, including 4 permits for the construction of new churches, 19 permits for churches previously constructed without authorization, and 6 permits for the demolition and reconstruction of existing churches. In addition, the Government reported that local authorities issued more than 350 permits for church-related repair during the year.

However, the approval process for church construction is timeconsuming and insufficiently responsive to the wishes of the Christian community. Although President Mubarak reportedly has approved all requests for permits presented to him, Christians maintain that the Interior Ministry delays—in some instances indefinitely—submission to the President of their requests. They also maintain that security forces have blocked them from utilizing permits that have been issued. For example, a permit issued in 1993 to repair structural damage to a 110-year-old church in a village next to Luxor remains unenforced due to “security reasons.” During the summer, newspapers published a May 22 letter from the secretary general of Assiyut governorate to the head of the Assiyut counsel directing that all church repair requests be screened by security before approved.

In January 1996, human rights activist Mamdouh Naklah filed suit challenging the constitutionality of the Ottoman decree. In December 1998, an administrative court referred Naklah's case to the State Commissioner's Office. In September the Office issued an opinion that the decree is unconstitutional, but that Naklah had

no standing to file the suit. The opinion is not biding; the court had not ruled on the case by year's end.

The Minister of Awqaf, Hamdy Zaqqouq, who is responsible for administering religious trusts, established in 1996 a committee to address a dispute with the Coptic Orthodox Church that originated in 1952. At that time, the Government seized approximately 1,500 acres of land from the Church and transferred title to the Ministry of Awqaf. Based on the committee's recommendations, more than 800 acres have been returned to the Church. The committee continues to review claims to the remaining disputed property.

The Constitution requires schools to offer religious instruction. Public and private schools provide religious instruction according to the faith of the student.

The Government occasionally prosecutes members of religious groups whose practices deviate from mainstream Islamic beliefs and whose activities are believed to jeopardize communal harmony. For example, on November 11, 1999, the State Security Prosecutor arrested 50 persons in Cairo suspected of heresy against Islam. On November 15, 1999, 30 of the detainees were released and the remaining 20 were charged with degrading Islam, inciting strife, and meeting illegally. The lead defendant, a woman named Manal Wahid Mana'a, was accused of attempting to establish a new Islamic offshoot. On September 5, a State Security Emergency Court in Boulaq sentenced 16 of the defendants, including Mana'a to 5 years' hard labor, 3 other defendants to 3 years' hard labor, 7 to 1 year of hard labor, 2 to 6 months in prison, and 2 to a fine of \$375 (1000 Egyptian pounds). One of the defendants died in prison, reportedly from ill health, during the investigation (see Sections 1.e. and 1.a.).

On September 15, a State Security Emergency Court handed down a ruling in the case of 10 defendants, 4 of whom were women, accused of propagating extremist ideas in Giza and Alexandria from 1990 to 1999. The court sentenced two defendants to 15 years' hard labor, one to 3 years' hard labor, two to 3 years in prison, and five (including the four women) to 1 year in prison (see Section 1.e.).

In August 1999, the public prosecutor reopened and expanded an investigation of police torture of mostly Christian detainees that took place during the police investigation in August and September 1998 of the murder of Samir Aweda Hakim and Karam Tamer Aarsal in the largely Coptic village of Al-Kush in Sohag governorate. By October approximately 300 of 1,000 residents involved in the incident had been reinterviewed. It remains unclear whether religion was a factor in the actions of the police officers. Some human rights groups outside Egypt believe that religion was a factor in the Al-Kush murder investigation, but most human rights and Christian activists in Egypt do not. Police abuse of detainees is a widespread practice that occurs regardless of a detainee's religious beliefs (see Section 1.c.).

On June 5, a criminal court in Sohag city convicted Shayboub William Aarsal of the murder of Hakim and Aarsal. The court sentenced Shayboub to 15 years in prison at hard labor. An appeal was pending at year's end. The Christian community of Al-Kush believes that Shayboub, a Christian resident of Al-Kush, was accused and convicted of the crime because of his religion. The public prosecution in Sohag has taken no action on charges of witness tampering in Shayboub's trial that were raised in 1998 against Bishop Wisa and Arch-Priest Antonious.

On July 16, the Dar Al-Salaam court sentenced a Christian, Suryal Gayed Ishak, to 3 years' hard labor for "insulting Islam" during a public dispute. Ishak's attorney appealed the conviction, claiming that Ishak was accused falsely of instigating the new year's violence in Al-Kush (see Section 5). The appeal was scheduled to be heard in January 2001.

Some Christians allege that the Government is lax in protecting Christian lives and property against extremists (see Section 5).

In September the Maadi Community Church, an independent interdenominational Protestant church, obtained recognition from the Government, which allows the Church to buy property and hold services.

In 1960 President Gamal Abdel Nasser issued a decree (Law 263 for 1960) banning Baha'i institutions and community activities. All Baha'i community properties, including Baha'i centers, libraries, and cemeteries, were confiscated. This ban has not been rescinded.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens and foreigners are free to travel within the country except in certain military areas. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel; married women require the same permission from their husbands. Citizens who leave the country have the right to return.

The Constitution provides for the grant of asylum and/or refugee status in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. There were no reports of the forced return of persons to a country where they feared persecution. Egypt grants first asylum for humanitarian reasons or in the event of internal turmoil in neighboring countries. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). Asylum seekers generally are screened by UNHCR representatives, who issue a refugee identification card if the Ministries of Interior and Foreign Affairs approve. While recognized refugees are permitted to reside in Egypt legally, they may not acquire citizenship except in rare cases. During the year, approximately 6,400 recognized refugees resided in the country, including more than 2,500 Somalis and 2,400 Sudanese. Although there is no pattern of abuse of refugees, during random security sweeps, the Government temporarily detained some refugees who were not carrying proper identification. Following intervention by the UNHCR, the refugees were released.

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

The ruling National Democratic Party (NDP) dominates the 454-seat People's Assembly, the Shura Council, local governments, the mass media, labor, and the large public sector, and controls the licensing of new political parties, newspapers, and private organizations to such an extent that, as a practical matter, citizens do not have a meaningful ability to change their government.

In September 1999 President Hosni Mubarak was elected unopposed to a fourth six-year term in a national referendum. According to official results he received 94 percent of the vote. The referendum followed the constitutionally mandated nomination by the People's Assembly. Under the Constitution, the electorate is not presented with a choice among competing presidential candidates.

During the year, Egypt held elections for the People's Assembly. Due to court-ordered supervision by the judiciary of the voting and counting, the process was significantly cleaner and more transparent than previous elections; however, there were a number of problems. The elections were held in stages between October 18 and November 15 in order to allow for supervision by a member of the judiciary at each polling place. Out of a total of 444 elected seats, the ruling NDP won 172 seats, independent candidates won 255 seats, and opposition parties won 17 seats. Elections for two seats in Alexandria still had not been held by year's end due to a court-imposed delay because of procedural irregularities. Many of the independents elected were former members of the NDP who rejoined the party after being elected, thus leaving the People's Assembly actual balance at 388 NDP members, 37 independents (17 of them affiliated with the outlawed Muslim Brotherhood), and 17 opposition party members. Seven of those elected were women and three were Christians. President Mubarak also appointed 10 members to the Assembly, of whom 4 were women and 4 Christians.

Despite the overall improvement in the electoral process, there still were problems affecting the elections' fairness, particularly in the period leading up to elections and outside some polling stations on election days. During the months preceding the elections, the Government arrested thousands of members of the Muslim Brotherhood on charges of belonging to an illegal organization. Most observers believe that the Government was seeking to undermine the Muslim Brotherhood's participation in the People's Assembly and professional syndicate elections through intimidation. In addition previous convictions on such charges legally precluded many potential candidates from running.

Violence among supporters of various candidates marred the elections at some polling places and resulted in the deaths of 9 persons. At a few locations, the security presence was so heavy as to inhibit voters' access to the polls. There were also reports of voter harassment by security forces in jurisdictions in which the Muslim Brotherhood was expected to do well. The EOHR conducted a small-scale monitoring effort, but there was no systematic, large-scale independent monitoring of the elections.

The People's Assembly debates Government proposals, and members exercise their authority to call cabinet ministers to explain policy. The executive initiates almost all legislation. Nevertheless, the Assembly maintains the authority to challenge or restrain the executive in the areas of economic and social policy, although it may not modify the budget except with the Government's approval. The Assembly exercises limited influence in the areas of security and foreign policy, and retains little oversight of the Interior Ministry's use of Emergency Law powers. Many executive branch initiatives and policies are carried out by regulation through ministerial decree without legislative oversight. The military budget is prepared by the executive and not debated publicly. Roll-call votes in the Assembly are rare. Votes

generally are reported in aggregate terms of yeas and nays, and thus constituents have no independent method of checking a member's voting record.

The Shura Council, the upper chamber of Parliament, has 264 members. Two-thirds of the members are elected popularly and the President appoints one-third. One half of the Shura seats are up for reelection or reappointment every 3 years. In 1998 the NDP won all 88 seats up for election. One Coptic Christian, from Alexandria, won a seat. The President made 47 appointments (including an additional three over the 44 open seats to replace deceased members). Those appointed included nine women, eight Coptic Christians, and two members of opposition parties.

There are 13 recognized opposition parties. The law empowers the Government to bring felony charges against those who form a party without a license. New parties must be approved by the Political Parties Committee, a semiofficial body that includes a substantial majority of members from the ruling NDP and some members from among the independent and opposition parties. Decisions of the Parties Committee may be appealed to the civil courts. If a court overturns a denial, the party is not registered automatically. Both the Committee and the People's Assembly sometimes ignore court decisions. During the year the Committee approved one party (the Nasserist "National Accord" party) and rejected the applications of two others. These rejected parties filed an appeal of the Committee's decision. Six other appeals were pending before the Administrative Court at year's end.

The Political Parties Committee also may withdraw recognition from existing political parties. On May 20, the Committee withdrew recognition from the Socialist Labor Party and suspended publication of the party newspaper *Al-Shaab*. The Committee justified its decision by citing the emergence of several splinter factions within the party. Members of the Socialist Labor Party charged that the emergence of such factions was a Government-backed conspiracy to punish the party and newspaper for having instigated student demonstrations that turned violent at Al-Azhar University in early May (see Section 2.a.).

The Muslim Brotherhood remains an illegal organization and may not be recognized as a political party under current laws, which prohibit political parties based on religion. Muslim Brothers are known publicly and openly speak their views, although they do not explicitly identify themselves as members of the organization. They remain subject to government pressure (see Section 1.d.). Seventeen independent candidates backed by the Muslim Brotherhood were elected to the People's Assembly in the fall parliamentary elections.

Women and minorities are underrepresented in Government and politics. The Constitution reserves 10 Assembly seats for presidential appointees, and during the year President Mubarak included four Christians and four women among his appointees. In addition to the appointments, seven women and three Copts were elected in the fall. The ruling NDP nominated three Coptic candidates in the parliamentary elections. Two women and 2 Copts serve among the 32 ministers in the Cabinet.

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

Human rights organizations continue to face difficulties registering as legal organizations. In June the Supreme Constitutional Court overturned on procedural grounds Law 153 pertaining to the formation, function, and funding of non-governmental organizations (NGO's) and private foundations, which had been passed by the People's Assembly in June 1999. The previous law governing NGO's, Law 32, was reinstated until a new law could be passed, which had not happened by year's end. Law 153 and the subsequent implementing regulations, were considered controversial, and had drawn mixed reactions from local NGO's and international activists, some of whom charged that the law and regulations placed unduly burdensome restrictions on NGO operations.

While many NGO's were registered under Law 153, its overturn and the reinstatement of Law 32 left a number of NGO's that had not yet registered under either Law 153 or Law 32 in an unsettled status regarding registration (see Section 2.b.). Three human rights organizations were registered as NGO's during the year: The Center for Human Rights Legal Assistance, the Center for Human Rights Studies and Information, and the Arab Organization for Human Rights. Several other human rights organizations that applied for registration, including the Egyptian Organization for Human Rights, the Human Rights Center for the Assistance of Prisoners, and the Cairo Institute for Human Rights Studies, were not registered by year's end (see Section 2.b.).

Despite years of nonrecognition, the EOHR and other groups sometimes obtain the cooperation of Government officials. The Government allows EOHR field workers to visit prisons in their capacity as legal counsel, to call on some Government

officials, and to receive funding from foreign human rights organizations. However, many local and international human rights activists have concluded that government restrictions on NGO activities, including limits on organizations' ability to accept funding, have inhibited significantly reporting on human rights abuses.

In May the Public Prosecutor dropped the Government's case against EOHR secretary-general Hafez Abu Se'da. Abu Se'da and EOHR attorney Mustafa Zidane had been charged in December 1998 with dissemination of false information or inflammatory propaganda that harms public security or public interests and with accepting foreign funds with the intent to harm national interests. The charges against Abu Se'da were dropped in February, and he was instead charged with violating a 1992 military decree prohibiting any Egyptian individual or organization from accepting foreign funds without Government permission, before the case ultimately was dropped altogether in May. The charges against Zidane also was dropped. The charges were based on an EOHR report that was critical of police conduct during a 1998 murder investigation in Sohag (See sections 2.a. and 2.c.).

The case of Saad Eddin Ibrahim, director of the Ibn Khaldoun Center for Development Studies, who was put on trial beginning on November 18 for charges that included disseminating abroad false information about the country and accepting foreign funds without government permission, also had a chilling effect on the work of human rights organizations, which exist largely on foreign funding (see Sections 1.e. and 2.a.)

In October the Government permitted the Cairo Institute for Human Rights to hold a conference on the subject of human rights in the Arab world, which the Government had prohibited in 1999. In January security officials prohibited the Group for Democratic Development from conducting planned seminar on Islamic groups.

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

The Constitution provides for equality of the sexes and equal treatment of non-Muslims; however, aspects of the law and many traditional practices discriminate against women and Christians.

Women.—Domestic violence against women is a significant problem and is reflected in press accounts of specific incidents. According to a national study conducted in 1995 as part of a comprehensive demographic and health survey, one of every three women who have ever been married has been beaten at least once during marriage. Among those who have been beaten, less than half have ever sought help. Smaller, independent studies confirm that wife beating is common. In general, neighbors and extended family members intervene to limit incidents of domestic violence. Due to the value attached to privacy in the country's traditional society, abuse within the family rarely is discussed publicly. Spousal abuse is grounds for a divorce, but the law requires the plaintiff to produce eyewitnesses, a difficult condition to meet. Several NGO's offer counseling, legal aid, and other services to women who are victims of domestic violence. These activists believe that in general the police and the judiciary consider the "integrity of the family" more important than the well being of the woman. The Ministry of Insurance and Social Affairs operates more than 150 family counseling bureaus nationwide, which provide legal and medical services.

The Government prosecutes rapists, and punishment for rape ranges from 3 years in prison to life imprisonment at hard labor. If a rapist is convicted of abducting his victim, he is subject to execution; however, there were no reports of the execution of rapists. In 1999 the Government abolished an article of the Penal Code that permitted a rapist to be absolved of criminal charges if he married his victim. However, marital rape is not illegal. Although reliable statistics regarding rape are not available, activists believe that it is not uncommon, despite strong social disapproval. When "honor killings" (a man murdering a female for her perceived lack of chastity) occur, perpetrators generally receive lighter punishments than those convicted in other cases of murder. There are no reliable statistics regarding the extent of honor killings.

Prostitution and sex tourism are illegal, but known to occur.

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminate against women. By law, unmarried women under the age of 21 must have permission from their fathers to obtain passports and to travel; married women of any age require the same permission from their husbands (see Section 2.d.). Only males may confer citizenship. In rare cases, this means that children who are born to Egyptian mothers and stateless fathers are themselves stateless. A woman's testimony is equal to that of a man's in the courts. There is no legal prohibition against a woman serving as a judge, although in practice no women serve as judges. The Court of Cassation postponed to January 2001 the cases

of two attorneys, Fatma Lashin and Amany Talaat, who are challenging the Government's refusal to appoint them as Public Prosecutors. (To become a judge, one must first serve as a Public Prosecutor.)

Laws affecting marriage and personal status generally correspond to an individual's religion. In January the Parliament passed a new Personal Status Law that made it easier for a Muslim woman to obtain a divorce without her husband's consent, provided that she is willing to forego alimony and the return of her dowry. (The Coptic Orthodox Church does not permit divorce.) However, an earlier provision of the draft law that would have made it easier for a woman to travel without her husband's consent, was rejected.

Under Islamic law, non-Muslim males must convert to Islam to marry Muslim women, but non-Muslim women need not convert to marry Muslim men. Muslim female heirs receive half the amount of a male heir's inheritance, while Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, this assistance is not always provided.

Women have employment opportunities in government, medicine, law, academia, the arts, and business. Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to Government figures, women constitute 17 percent of private business owners and occupy 25 percent of the managerial positions in the four major national banks. Social pressure against women pursuing a career is strong, and women's rights advocates say that Islamist influence inhibits further gains. Women's rights advocates also point to other discriminatory traditional or cultural attitudes and practices, such as female genital mutilation and the traditional male relative's role in enforcing chastity and chaste sexual conduct.

A number of active women's rights groups work in diverse areas, including reforming family law, educating women on their legal rights, promoting literacy, and combating FGM.

Children.—The Government remains committed to the protection of children's welfare and attempts to do so within the limits of its budgetary resources. Many of the resources for children's welfare are provided by international donors, especially in the field of child immunization. Child labor is widespread, despite the Government's commitment to eradicate it (see Section 6.d.). UNICEF has reported on the practice of poor rural families making arrangements for a daughter to be employed as a domestic servant in the home of wealthy citizens (see Sections 6.c.).

The Government provides public education, which is compulsory for the first 9 academic years (typically until the age of 15). The Government treats boys and girls equally at all levels of education.

The Government enacted a Child Law in 1996. The law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set rules protective of working children (see Section 6.d.). Other provisions include: A requirement that employers set up or contract with a child care center if they employ more than 100 women; the right of rehabilitation for disabled children; a prohibition on sentencing defendants between the ages of 16 and 18 to capital punishment, hard labor for life, or temporary hard labor; and a prohibition on placing defendants under the age of 15 in preventive custody (although the prosecution may order that they be lodged in an "observation house" and be summoned upon request).

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is common despite the Government's commitment to eradicating the practice and NGO efforts to combat it. Traditional and family pressures remain strong; a study conducted during the year estimates the percentage of women who have ever been married who have undergone FGM at 97 percent. The survey showed that attitudes may be changing slowly; over a 5-year period, the incidence of FGM among the daughters (from ages 11 to 19) of women surveyed fell from 83 to 78 percent. FGM generally is performed on girls between the ages of 7 and 12, with equal prevalence among Muslims and Christians.

In 1997 the Court of Cassation upheld the legality of a 1996 decree banning FGM that was issued by the Minister of Health and Population Planning. In addition to attempting to enforce the decree, the Government supports a range of efforts to educate the public. A discussion of FGM and its dangers has been added to the curriculum of the school system. The Government broadcasts television programs criticizing the practice. Government ministers speak out against the practice, and senior religious leaders also support efforts to stop it. The Sheikh of Al-Azhar, the most senior Islamic figure in the country, and the leader of the Coptic Orthodox community, Pope Shenouda, have stated repeatedly that FGM is not required by religious

doctrine. However, illiteracy impedes some women from distinguishing between the deep-rooted tradition of FGM and religious practices. Moreover, many citizens believe that FGM is an important part of maintaining female chastity, which is a part of religious tradition, and the practice is supported by some Muslim religious authorities and Islamist political activists. A number of NGO's actively work to educate the public about the health hazards of the practice.

People with Disabilities.—There are no laws specifically prohibiting discrimination against the disabled, but the Government makes serious efforts to address their rights. It works closely with U.N. agencies and other international aid donors to design job-training programs for the disabled. The Government also seeks to increase the public's awareness of the capabilities of the disabled in television programming, the print media, and in educational material in public schools. There are approximately 5.7 million disabled persons, of whom 1.5 million are disabled severely.

By law, all businesses must designate 5 percent of their jobs for the disabled, who are exempt from normal literacy requirements. Although there is no legislation mandating access to public accommodations and transportation, the disabled may ride Government-owned mass transit buses free of charge, are given priority in obtaining telephones, and receive reductions on customs duties for private vehicles. A number of NGO's are active in efforts to train and assist the disabled.

Religious Minorities.—The Constitution provides for equal public rights and duties without discrimination due to religion or creed. For the most part, the Government upholds these constitutional protections. However, discrimination against Christians exists. There are no Christians serving as governors, university presidents, and deans. There are few Christians in the upper ranks of the security services and armed forces. Although there was improvement in a few areas such as coverage of Christian subjects in the mass media, discriminatory government practices include: Suspected statistical underrepresentation of the size of the Christian population; bias against Christianity and Coptic history in the educational curricula; failure to admit Christians into public university training programs for Arabic language teachers (because the curriculum involves study of the Koran); discrimination against Christians in the public sector; and discrimination against Christians in staff appointments to public universities.

The approximately 6 million Coptic Christians have been the objects of occasional violent assaults by the Islamic Group and other terrorists. Some Christians have alleged that the Government is lax in protecting Christian lives and property (see Section 2.c.). However, there were no reports of terrorist attacks against Christians during the year. In incidents unrelated to terrorism, 1 Christian was killed and 10 were wounded in four assaults linked to Muslim extremists. Madgy Ayyad Mas'oud was killed on July 26 in a village in Giza by unidentified gunmen, reportedly because he built a church (with official approval) to which extremists objected. Two men were arrested on July 31 and charged with premeditated murder in connection with the case; the trial had not begun by year's end. On December 11, Father Hezkiyal Ghebriyal, a 75-year-old Coptic Orthodox priest, was stabbed and seriously wounded in the village of Bardis, near Sohag. Police arrested the suspected attacker, who remained in prison at year's end, pending an ongoing investigation. Several other Christians were wounded in sectarian disputes in other provinces.

On April 15, the Tanta Criminal Court sentenced to 3 years in prison the assailant who stabbed a Christian priest in Mahalla in August 1999. On June 22, a State Security Emergency court sentenced to 5 years' imprisonment with hard labor four members of a terrorist group from the upper (southern) Egyptian city of Dairout who were accused of murder and attempted murder of policemen and Christians in the early 1990's. As of the end of the year, the Court of Cassation had not yet set a date to hear an appeal by the Public Prosecutor seeking a heavier sentence in the case of Ahmad and Ibrahim Nasir, who were sentenced to 7 years in prison for the September 1999 murder of a monk in Assiut.

A trade dispute between a Christian clothing merchant and a Muslim customer on December 31, 1999, in the village of Al-Kush in Sohag governorate, escalated into violent exchanges between Muslims and Christians in the area, resulting in the deaths of 21 Christians and 1 Muslim on January 2, 2000. The violence also resulted in the injury of 39 persons in Al-Kush and 5 persons in the neighboring municipality of Dar Al-Salaam. Approximately 200 businesses and homes in the area were damaged. Following the incident, President Mubarak sent the Minister of Local Administration to Al-Kush as his emissary. The Minister of Housing and the Public Prosecutor also visited Al-Kush to investigate. The Government subsequently provided \$800 (3000 Egyptian pounds) to each of the families of those who were killed, and \$130 (500 Egyptian pounds) to each person who was injured. The Government relocated and rebuilt 65 kiosks damaged in the riots; the placement of the kiosks had been a subject of longstanding dispute between Christian and Muslim

merchants. The Christian community estimates that Christian residents and merchants lost \$962,000 (3,609,400 Egyptian pounds) worth of merchandise and personal property during the looting. The Ministry of Social Affairs thus far has disbursed \$14,000 (52,900 Egyptian pounds) in compensation. The Coptic Orthodox Church has provided \$175,000 (655,450 Egyptian pounds) in compensation. Several individuals and organizations have provided donations to the Christian community in Al-Kush.

Coptic Orthodox Pope Shenouda stated publicly that negligence on the part of the police and local leaders led to an increase in the number of victims and an escalation of the violence. Although rumors reportedly played a significant role in exacerbating the violence, no incitement charges were brought. The Government did not investigate police conduct; however, the director of State Security for Sohag governorate, Sa'id Abu AlMa'aly, was removed from his position in March.

On March 11, the Public Prosecutor announced the indictment of 135 persons for involvement in the sectarian violence in Al-Kush and Dar Al-Salaam, on charges ranging from unlawful assembly to murder. Charges initially raised against a local priest were dropped. On September 5, the Sohag criminal court handed down the verdicts in the cases of 39 persons charged with crimes (including arson and theft but not murder) committed in Dar AlSalaam. Among 21 persons convicted, 4 were sentenced to 10 years in prison, 4 to 2 years, 12 to 1 year, and 1 to 6 months; the remaining 19 defendants were acquitted. On June 4, the Sohag criminal court began hearing the case of 96 defendants charged with crimes (including murder) committed in Al-Kush. Observers criticized the decision by the trial judge on December 7 to release on personal recognizance for the Ramadan and Christmas holidays 89 defendants (51 Muslims and 38 Christians), who faced charges from inciting violence to murder. The trial was ongoing at year's end.

There were reports of forced conversions of Coptic girls to Islam. Reports of such cases are disputed and often include inflammatory allegations and categorical denials of kidnapping and rape. Observers, including human rights groups, find it extremely difficult to determine whether compulsion was used, as most cases involve a Coptic girl who converts to Islam when she marries a Muslim boy. According to the Government, in such cases the girl must meet with her family, with her priest, and with the head of her church before she is allowed to convert. However, there are credible reports of Government harassment of Christian families that attempt to regain custody of their daughters, and of the failure of the authorities to uphold the law (which states that a marriage of a girl under the age of 16 is prohibited, and between the ages of 16 and 21 is illegal, without the approval and presence of her guardian) in cases of marriage between an underage Christian girl and a Muslim boy.

There is no legal requirement for a Christian girl or woman to convert to Islam in order to marry a Muslim. However, if a Christian woman marries a Muslim man the Coptic Orthodox Church excommunicates her. Ignorance of the law and societal pressure, including the centrality of marriage to a woman's identity, often affect her decision. Family conflict and financial pressure also are cited as factors. In addition conversion is a means of circumventing the legal prohibition on marriage between the ages of 16 and 21 without the approval and presence of a girl's guardian. Most Christian families would object to a daughter's wish to marry a Muslim. If a Christian girl converts to Islam, her family loses guardianship, which transfers to a Muslim custodian, who is likely to grant approval. The law is silent on the matter of the acceptable age of conversion.

Anti-Semitism is found in both the Government press and in the press of the opposition parties. The Government has criticized anti-Semitism and advised journalists and cartoonists to avoid anti-Semitism. There have been no violent anti-Semitic incidents in recent years directed at the tiny Jewish community.

Section 6. Worker Rights

a. The Right of Association.—Workers may join trade unions but are not required to do so. A union local, or workers' committee, may be formed if 50 employees express a desire to organize. Most union members, about 27 per cent of the labor force, are employed by stateowned enterprises. The law stipulates that "high administrative" officials in Government and the public sector may not join unions.

There are 23 trade unions, all required to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. The International Labor Organization's Committee of Experts repeatedly has emphasized that a law that requires all trade unions to belong to a single federation infringes on freedom of association. The Government has shown no sign that it intends to accept the establishment of more than one federation. The ETUF leadership asserts that it actively promotes worker interests and that there is no need for another federation.

ETUF officials have close relations with the NDP, and some are members of the People's Assembly or the Shura Council. They speak vigorously on behalf of worker concerns, but public confrontations between the ETUF and the Government are rare. Disputes more often are resolved by consensus in private.

The labor laws do not provide adequately for the rights to strike and to engage in collective bargaining. Strikers may face prison sentences of up to 2 years. Although the right to strike is not provided, strikes occur. The Government considers strikes a form of public disturbance and therefore illegal. According to a press report in March, the Minister of Military Production referred five striking workers from a Helwan arms factory to military prosecution.

There were 17 strikes during the year. Strikes mainly were over issues of wage cuts, dismissals, and anticipated privatization. Most of the strikes took place in Alexandria, Cairo, and the Delta (northern Egypt), the country's industrial centers. Most of the strikes occurred in public sector companies and lasted for 1 day. Most strikes involved hundreds of workers, and in one instance more than a thousand workers were involved. Bonuses and incentives tied to the previous year's production typically are disbursed in January, and failure to disburse the bonuses often leads to a strike. ETUF or government officials successfully mediated most of the strikes.

Some unions within the ETUF are affiliated with international trade union organizations. Others are in the process of becoming affiliated.

b. The Right to Organize and Bargain Collectively.—Under the law, unions may negotiate work contracts with public sector enterprises if the latter agree to such negotiations, but unions otherwise lack collective bargaining power in the state sector. The International Labor Organization (ILO) for years has claimed that the Labor Code undermines the principle of voluntary bargaining by providing that any clause of a collective agreement that is liable to impair the economic interest of the country is null and void. Under current circumstances, collective bargaining does not exist in any meaningful sense because the Government sets wages, benefits, and job classifications by law.

Firms in the private sector generally do not adhere to such Government-mandated standards. Although they are required to observe some Government practices, such as the minimum wage, social security insurance, and official holidays, firms often do not adhere to Government practice in nonbinding matters, including award of the annual Labor Day bonus. There are no legal obstacles to establishing private sector unions, although such unions are not common.

Labor law and practice are the same in Egypt's six export processing zones (EPZ's) as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor; however, the Criminal Code authorizes sentences of hard labor for some crimes. Although the law does not prohibit specifically forced and bonded labor by children, such practices are not known to occur (see Section 6.d.). Domestic and foreign workers generally are not subject to coerced or bonded labor, although UNICEF has reported on the practice of poor rural families making arrangements for a daughter to be employed as a domestic servant in the home of wealthy citizens (see Sections 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the 1996 Child Law (see Section 5), the minimum age for employment is 14 in non-agricultural work. The Labor Law of 1996 and associated ministerial decrees greatly limit the type and conditions of work that children below the age of 18 may perform legally. Provincial governors, with the approval of the Minister of Education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling. Preemployment training for children under the age of 12 is prohibited. It is prohibited for children to work for more than 6 hours a day. One or more breaks totaling at least 1 hour must be included. Children may not work overtime, during their weekly day off, between 8 p.m. and 7 a.m., or for more than 4 hours continuously. Education is compulsory, free, and universal for the first 9 academic years (typically until the age of 15).

The Government takes seriously the problem of child labor, and took steps to improve the situation. For example, Prime Minister Atef Ebeid and First Lady Suzanne Mubarak are involved personally with the problems of working children through their leadership positions on the National Council for Children and Motherhood. The Government worked closely during the year with international organizations—in particular UNICEF and the International Labor Organization (ILO)—as well as international and domestic NGO's and labor unions to implement programs designed to address child labor and its root causes. However, in general the Government does not devote adequate resources to implement its child labor policies. Statistical information on the number of working children is difficult to obtain and

often out of date. A comprehensive study prepared by the Government's statistical agency in 1988 indicated that 1,309,000 children between the ages of 6 and 14 were employed. In November 1999, the Minister of Social Affairs reportedly stated that 1 million children participate in agricultural labor, and NGO's estimate that up to 1.5 million children work. Government studies also indicate that the concentration of working children is higher in rural than urban areas. Nearly 78 percent of working children are in the agricultural sector. However, children also work as domestic servants, as apprentices in auto repair and craft shops, in heavier industries such as construction, in brickmaking and textiles, and as workers in tanneries and carpet-making factories. While local trade unions report that the Ministry of Labor adequately enforces the labor laws in state-owned enterprises, enforcement in the private sector, especially in the informal sector, is lax. Many of these children are abused, overworked, and exposed to potentially hazardous conditions by their employers, and the restrictions in the Child Law have not improved conditions due to lax enforcement on the part of the Government. There were only two reported cases during the year in which the Government enforced child labor laws. In September Ministry of Interior officials raided 16 electrical workshops in various Cairo neighborhoods and found 30 children between the ages of 6 and 12 working there. In another case, authorities found 4 children working in a Cairo restaurant that serves alcoholic beverages. Both cases were referred to the Prosecutor General's office. According to Article 74 of the Child Law of 1996, establishment owners are subject to fines of \$27 to \$133 (100 to 500 Egyptian pounds) for each illegal child worker; in the case of repeat offenders the fines are doubled. Investigations into the cases were ongoing at year's end.

Although the law does not prohibit specifically forced and bonded labor by children, UNICEF has reported on the practice of poor rural families making arrangements for a daughter to be employed as a domestic servant in the home of wealthy citizens (see Sections 6.c.).

e. Acceptable Conditions of Work.—For Government and public sector employees, the minimum wage is approximately \$34 (about 128 Egyptian pounds) a month for a 6day, 36-hour workweek, as compared to the same wages for a 42hour workweek in 1999. The minimum wage, which is set by the Government and applied nationwide, is enforced effectively by the Ministry of Administrative Development. The minimum wage does not provide for a decent standard of living for a worker and family; however, base pay commonly is supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay. The minimum wage also is binding legally on the private sector, and larger private companies generally observe the requirement and pay bonuses as well. Smaller firms do not always pay the minimum wage or bonuses.

The Ministry of Labor sets worker health and safety standards, which also apply in the export processing zones; however, enforcement and inspections are uneven.

The law prohibits employers from maintaining hazardous working conditions, and workers have the right to remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, the law prohibits prostitution and sex tourism. There were no reports that persons were trafficked to, from, within, or through the country.

IRAN

The Islamic Republic of Iran was established in 1979 after a populist revolution toppled the Pahlavi monarchy. The Constitution ratified after the revolution by popular referendum established a theocratic republic and declared as its purpose the establishment of institutions and a society based on Islamic principles and norms. The Government is dominated by Shi'a Muslim clergy. The Head of State, Ayatollah Ali Khamenei, is the Supreme Leader of the Islamic Revolution and has direct control of the armed forces, internal security forces, and the judiciary. Mohammad Khatami was elected to a 4-year term as President in a popular vote in February 1997. A popularly elected 290-seat unicameral Islamic Consultative Assembly, or Majles, develops and passes legislation. All legislation passed by the Majles is reviewed for adherence to Islamic and constitutional principles by a Council of Guardians, which consists of six clerical members, who are appointed by the Supreme Leader, and six lay jurists, who are appointed by the head of the judiciary and approved by the Majles. The Constitution provides the Council of Guardians with the power to screen and disqualify candidates for elective offices based on an ill-defined

set of requirements, including the candidates' ideological beliefs. The judiciary is subject to government and religious influence.

Several agencies share responsibility for internal security, including the Ministry of Intelligence and Security, the Ministry of Interior, and the Revolutionary Guards, a military force that was established after the revolution. Paramilitary volunteer forces known as Basijis, and gangs of thugs, known as the Ansar-e Hezbollah (Helpers of the Party of God), who often are aligned with specific members of the leadership, act as vigilantes, and are released into the streets to intimidate and threaten physically demonstrators, journalists, and individuals suspected of counter-revolutionary activities. Both regular and paramilitary security forces committed numerous, serious human rights abuses.

Iran has a mixed economy that is heavily dependent on export earnings from the country's extensive petroleum reserves. The Constitution mandates that all large-scale industry, including petroleum, minerals, banking, foreign exchange, insurance, power generation, communications, aviation, and road and rail transport, be owned publicly and administered by the state. Large charitable foundations called bonyads, most with strong connections to the Government, control the extensive properties and businesses expropriated from the Pahlavi family and individuals associated with the monarchy. The bonyads exercise considerable influence in the economy, but do not account publicly for revenue and pay no taxes. Basic foodstuffs and energy costs are subsidized heavily by the Government. Oil exports account for nearly 80 percent of foreign exchange earnings. Private property is respected. Although economic performance improved somewhat during the year due to the worldwide increase in oil prices, performance is affected adversely by government mismanagement and corruption. Unemployment was estimated to be at least 25 percent, and inflation was an estimated 25 percent.

The Government's human rights record remained poor; although efforts within society to make the Government accountable for its human rights policies continued, serious problems remain. The Government restricts citizens' right to change their government. Systematic abuses include extrajudicial killings and summary executions; disappearances; widespread use of torture and other degrading treatment, reportedly including rape; harsh prison conditions; arbitrary arrest and detention; and prolonged and incommunicado detention. Judicial proceedings were instituted against some government officials for misconduct. However, perpetrators often committed such abuses with impunity. A group of 20 police officials was brought to trial in March for their actions in an attack on a Tehran University student dormitory in July 1999. All but two were cleared, including the senior official involved. In December 18 former officials of the Intelligence Ministry were tried before a military court for the killings of four dissidents in 1998. The proceedings were closed and the results of the trial were not made public by year's end.

The judiciary suffers from government and religious influence, and does not ensure that citizens receive due process or fair trials. The Government uses the judiciary to stifle dissent and obstruct progress on human rights. The Government infringes on citizens' privacy rights, and restricts freedom of speech, press, assembly, and association. The Government closed nearly all reform-oriented publications during the year and brought charges against prominent political figures and members of the clergy for expressing ideas viewed as contrary to the ruling orthodoxy. However, the Ministry of Culture and Islamic Guidance continued to issue licenses for the establishment of newspapers and magazines, some of which challenged government policies. The Government restricts freedom of religion. Religious minorities, particularly Baha'is, continued to suffer repression by conservative elements of the judiciary and security establishment. In July 10 Iranian Jews were tried and convicted on charges of illegal contacts with Israel, and sentenced to between 2 and 13 years in prison. Three others were acquitted. The trial procedures were unfair, and violated numerous internationally recognized standards of due process. The selection of candidates for elections effectively is controlled by the Government. Intense political struggle continued during the year between a broad popular movement that favored greater liberalization in government policies, particularly in the area of human rights, and certain hard-line elements in the government and society, which view such reforms as a threat to the survival of the Islamic republic. In many cases, this struggle is played out within the Government itself, with reformists and hardliners squaring off in divisive internal debates. Reformers and moderates won a landslide victory in the February Majles election, and now constitute a majority of that body; however, the Council of Guardians and other elements within the Government blocked much of the early reform legislation passed by the Majles.

The Government restricts the work of human rights groups and continues to deny entry to the country to the U.N. Special Representative for Human Rights in Iran. Violence against women occurs, and women face legal and societal discrimination.

The Government discriminates against religious and ethnic minorities and restricts important workers' rights, including freedom of association and the right to organize and bargain collectively. Child labor persists. Vigilante groups, with strong ties to certain members of the Government, enforce their interpretation of appropriate social behavior through intimidation and violence.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The Government has been responsible for numerous extrajudicial killings. Human rights groups reported that security forces killed at least 20 persons while violently suppressing demonstrations by Kurds that occurred in the wake of the February 1999 arrest of Kurdish Workers Party (PKK) leader Abdullah Ocalan in Turkey (see Sections 1.c., 2.b., and 5). Human Rights Watch reported at least four student deaths in July 1999, when government-sanctioned agitators attacked a student dormitory during protests in Tehran (see Sections 1.c. and 2.b.).

Citizens continued to be tried and sentenced to death in the absence of sufficient procedural safeguards. In 1992 the domestic press stopped reporting most executions; however, executions continue in substantial numbers, according to U.N. and other reporting. The U.N. Special Representative cited an estimated 130 executions from January through July, most of which were reported in the media. The Government has not cooperated in providing the Special Representative with a precise number of executions carried out in Iran. Exiles and human rights monitors allege that many of those executed for criminal offenses, such as narcotics trafficking, actually are political dissidents. Supporters of outlawed political organizations, such as the Mujahedin-e Khalq organization, are believed to make up a large number of those executed each year. A November 1995 law criminalized dissent and applied the death penalty to offenses such as "attempts against the security of the State, outrage against high-ranking Iranian officials, and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic." U.N. representatives, including the U.N. Special Representative on Human Rights in Iran, and independent human rights organizations, continue to note the absence of procedural safeguards in criminal trials. Harsh punishments are carried out, including stoning and flogging (see Section 1.c.). However, cases of stoning apparently are declining, and the U.N. Special Representative reports no cases over the past year in which such a sentence was carried out. The law also allows for the relatives of murder victims to take part in the execution of the killer.

The Government's investigation into the murder of several prominent Iranian dissidents and intellectuals in late 1998 continued throughout the year. The case involved the murders, over a 2-month period from October to December 1998, of prominent political activists Darioush and Parvaneh Forouhar and writers Mohammad Mokhtari and Mohammad Pouandeh. Political activist Pirouz Davani disappeared in the same time period and never has been found (see Section 1.b.). In February after several senior figures of the leadership blamed the disappearances and murders on "foreign hands," it was revealed that active-duty agents of the Ministry of Intelligence had carried out the killings. Minister of Intelligence Qorban Ali Dori-Najafabadi and several of his senior deputies resigned their posts following these revelations.

Supervision for the case was placed in the hands of the Military Prosecutor's office. In June 1999, the Prosecutor's Office released an initial report on the investigation, identifying a cell within the Ministry of Intelligence led by four "main agents" as responsible for the murders. The leader among the agents reportedly was a former Deputy Minister of Intelligence, Saeed Emami, who, the Government stated, had committed suicide in prison by drinking a toxic hair removal solution several days prior to release of the Government's June report. The report also indicated that 23 persons had been arrested in connection with the murders and that a further 33 were summoned for interrogation. In the early part of the year, the Government announced that 18 men would stand trial in connection with the killings. The trial began in late December in a military court. The proceedings were closed. However, news reports indicated that 15 defendants pled guilty during the opening stages of the trial. The identity of the defendants is still unknown, but former Minister of Intelligence Dori-Najafabadi has not been charged. Results of the trial had not been announced by year's end (see Section 1.e.).

Frustration over the slow pace of the murder investigation and doubt about the government's willingness to follow the case to its conclusion were frequent topics of criticism of the Government throughout the year, particularly by those advocating greater adherence to the rule of law. Reform-oriented journalists and prominent cul-

tural figures declared publicly their demands for a full accounting in the case and speculated that responsibility for ordering the murders lay at the highest level of the Government. Several citizens, including prominent investigative journalist Akbar Ganji, were arrested in connection with statements they have made about the case (see Sections 1.c. and 1.e.). In December, just before Ganji's case went to trial, the Military Court arrested a lawyer for the family of one of the victims for violating a public ban on comments regarding the case.

One organization in 1999 reported eight deaths of evangelical Christians at the hands of the authorities in the past 10 years (see Section 2.c.). In 1999 an investigative reporter alleged that officials within the Intelligence Ministry were responsible for the murders of three prominent evangelical ministers in 1994, a crime for which three female members of the Mujahedin-e Khalq organization had been convicted (see Section 2.c.).

Numerous Sunni clerics have been murdered in recent years, some allegedly by government agents (see Section 2.c.).

The Government announced in September 1998 that it would take no action to threaten the life of British author Salman Rushdie, or anyone associated with his work, "The Satanic Verses," despite the issuance of a fatwa against Rushdie's life in 1989. The announcement came during discussions with the United Kingdom regarding the restoration of full diplomatic relations. Several revolutionary foundations and a number of Majles deputies within Iran repudiated the Government's pledge and emphasized the "irrevocability" of the fatwa, or religious ruling, by Ayatollah Khomeini in 1989, calling for Rushdie's murder. The 15 Khordad Foundation raised the bounty it earlier had established for the murder of Rushdie.

The Istanbul Court of Appeal upheld in 1998 the conviction of an Iranian national for complicity in the 1996 murders of Zahra Rajabi and Ali Moradi, both of whom were associated with the National Council of Resistance (NCR), an exile group that has claimed responsibility for several terrorist attacks within Iran. The U.N. Special Representative reported in 1998 that Italian security authorities continued their investigation into the 1993 killing in Rome of Mohammad Hossein Naghdi, the NCR's representative in Italy.

b. Disappearance.—No reliable information is available on the number of disappearances. In the period immediately following arrest, many detainees are held incommunicado and denied access to lawyers and family members.

Pirouz Davani, a political activist who disappeared in late 1998 along with several other prominent intellectuals and dissidents who later were found murdered, remains unaccounted for and is believed to have been killed for his political beliefs and activism (see Section 1.a.).

A Christian group reported that between 15 and 23 Iranian Christians disappeared between November 1997 and November 1998 (see Section 2.c.). Those who disappeared reportedly were Muslim converts to Christianity whose baptisms had been discovered by the authorities. The group that reported the figure believes that most or all of those who disappeared were killed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids the use of torture; however, there are numerous, credible reports that security forces and prison personnel continue to torture detainees and prisoners. Some prison facilities, including Tehran's Evin prison, are notorious for the cruel and prolonged acts of torture inflicted upon political opponents of the Government. Common methods include suspension for long periods in contorted positions, burning with cigarettes, sleep deprivation, and, most frequently, severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also have reported beatings about the ears, inducing partial or complete deafness, and punching in the eyes, leading to partial or complete blindness. Stoning and flogging are prescribed expressly by the Islamic Penal Code as appropriate punishment for adultery (see Section 1.a.).

In November investigative journalist Akbar Ganji went on trial for statements he allegedly made during an April conference in Berlin on Iranian politics (see Sections 2.a. and 1.e.). He was arrested in April upon his return to Iran and held over the next 6 months for long periods in solitary confinement. Ganji told the court that he was beaten and tortured in prison. Ganji previously had written articles implicating former President Rafsanjani in a series of murders of dissidents and intellectuals apparently carried out by security forces.

In March a gunman shot and severely wounded newspaper editor Saeed Hajarian, a senior political advisor to President Khatami. The methods used raised widespread suspicions that the security forces were involved in the attack. The gunman later was arrested and sentenced along with four other defendants to 15-year prison sentences.

On July 8, 1999, the Government and individuals acting with the consent of the authorities, used excessive force in attacking a dormitory during student protests in Tehran, including reportedly throwing students from windows. Approximately 300 students were injured in the incident. The U.N. Special Representative has noted numerous credible reports that students arrested following the demonstration were tortured in prison (see Sections 1.a., 1.d., and 2.b.).

In May 1999, Brigadier General Gholam-reza Naqdi, a senior Tehran police official, and several associates, who were accused of using torture to coerce confessions during the 1998 trial of former mayor of Tehran Gholam Hossein Kharbaschi, went on trial. It reportedly was the first prosecution of a government official for torture since the 1979 revolution. The charges were based on the accusations of numerous Tehran municipality officials and district mayors that authorities had used torture to coerce admissions of guilt and statements that implicated the former mayor. The trial of Naqdi was conducted in closed session before a military court. Naqdi was cleared of most charges and resumed his duties with the Tehran police force.

In August 1999, President Khatami was quoted in public remarks as criticizing the use of torture. He defended the rights of prisoners as a legitimate concern based on "Islam and human conscience."

Prison conditions are harsh. Some prisoners are held in solitary confinement or denied adequate food or medical care in order to force confessions. Female prisoners reportedly have been raped or otherwise tortured while in detention. Prison guards reportedly intimidate family members of detainees and torture detainees in the presence of family members. The U.N. Special Representative reported receiving numerous reports of prisoner overcrowding and unrest. He cited a reported figure of only 8.2 square feet (2.5 square) of space available for each prisoner.

The Government does not permit visits to imprisoned dissidents by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, these practices remain common. There is reportedly no legal time limit for incommunicado detention, nor any judicial means to determine the legality of detention. Suspects may be held for questioning in jails or in local Revolutionary Guard offices. Although reliable statistics are not available, international observers believe that between scores and hundreds of citizens are detained for their political beliefs.

The security forces often do not inform family members of a prisoner's welfare and location. Prisoners also may be denied visits by family members and legal counsel. In addition, families of executed prisoners do not always receive notification of the prisoners' deaths. Those who do receive such information reportedly have been forced on occasion to pay the Government to retrieve the body of their relative.

Mohammed Chehrangi, an advocate for the cultural rights of Azeris, was arrested in December 1999. Azeri groups claim that Chehrangi was arrested to prevent his registration as a candidate in the February Majles elections (see Sections 3 and 5).

In February and March 1999, 13 Jews were arrested by security forces in the cities of Isfahan and Shiraz. Among the group were several prominent rabbis, teachers of Hebrew, and their students, one a 16-year-old boy. They were held for 14 months or more without formal charges until their trial began in May. The delay in clarification of charges appeared to violate Article 32 of the Constitution, which states in part that in cases of arrest "charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours so that the preliminaries to the trial can be completed as swiftly as possible." Ten of the 13 eventually were convicted of charges relating to illegal contacts with Israel. Governments around the world criticized the detentions and trial as unfair and in violation of due process (see Sections 1.e. and 2.c.).

As many as 1,500 students were detained in the wake of student protests on July 8, 1999, and subsequent riots. Many of them remained in prison throughout the year (see Sections 1.a., 1.c., and 2.b.).

Numerous publishers, editors and journalists either were detained, jailed, fined, or prohibited from publishing their writings during the year (see Section 2.a.). The Government appeared to follow a policy of intimidation toward members of the media that it considers to pose a threat to the current system of Islamic government.

Adherents of the Baha'i Faith continue to face arbitrary arrest and detention. The Government appears to adhere to a practice of keeping a small number of Baha'is in detention at any given time. According to the U.N. Special Representative and Baha'i groups, at least 10 Baha'is are in prisons, including 2 who were convicted of either apostasy or "actions against God" and sentenced to death. In March 1999, the four remaining detainees from the 1998 raid on the Baha'i Institute of Higher

Learning were convicted and sentenced to prison terms ranging from 3 to 10 years (see Section 2.c.).

The Government enforced house arrest and other measures to restrict the movements and ability to communicate of several senior religious leaders whose views on political and governance issues are at variance with the ruling orthodoxy. Several of these figures dispute the legitimacy and position of the current Supreme Leader, Ayatollah Ali Khamenei. The clerics include Ayatollah Seyyed Hassan Tabataei-Qomi, who has been under house arrest in Mashad for more than 15 years; Ayatollah Mohammad Shirazi, who remains under house arrest in Qom; and Ayatollah Ya'asub al-Din Rastgari, who has been under house arrest in Qom since late 1996. Ayatollah Hossein Ali Montazeri, the former designated successor of the late Spiritual Leader, Ayatollah Khomeini, and an outspoken critic of the current Supreme Leader, remains under house arrest and heightened police surveillance (see Section 2.a.). The followers of these and other dissident clerics, many of them junior clerics and students, reportedly have been detained in recent years and tortured by government authorities.

Throughout the year, Iran and Iraq exchanged prisoners of war (POW's) and the remains of deceased fighters from the 1980-88 Iran-Iraq war, adding to the large number of Iraqi POW's returned by Iran in 1998. However, a final settlement of this issue between the two governments was not achieved, despite such predictions by Iranian government officials in late 1998. A June 1998 press report described joint Iran-Iraq search operations to identify the remains of those missing in action.

The Government does not use forced exile, but many dissidents and ethnic and religious minorities leave the country due to a perception of threat from the Government.

e. Denial of Fair Public Trial.—The court system is not independent and is subject to government and religious influence. It serves as the principal vehicle of the State to restrict freedom and reform in the society.

There are several different court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic Revolutionary Courts. The latter were established in 1979 to try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics crimes, economic crimes (including hoarding and overpricing), and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes committed in connection with military or security duties by members of the army, police, and the Revolutionary Guards. A press court hears complaints against publishers, editors, and writers in the media. The Supreme Court has limited authority to review cases.

The judicial system has been designed to conform, where possible, to an Islamic canon based on the Koran, Sunna, and other Islamic sources. Article 157 provides that the head of the judiciary shall be a cleric chosen by the Supreme Leader. Ayatollah Mohammad Yazdi resigned as the head of the judiciary in August 1999, and was replaced by Ayatollah Mahmoud Hashemi Shahroudi. The head of the Supreme Court and Prosecutor General also must be clerics.

Many aspects of the prerevolutionary judicial system survive in the civil and criminal courts. For example, defendants have the right to a public trial, may choose their own lawyer, and have the right of appeal. Trials are adjudicated by panels of judges. There is no jury system in the civil and criminal courts. If a situation is not addressed by statutes enacted after the 1979 revolution, the Government advises judges to give precedence to their own knowledge and interpretation of Islamic law, rather than rely on statutes enacted during the Pahlavi monarchy.

Trials in the Revolutionary Courts, in which crimes against national security and other principal offenses are heard, are notorious for their disregard of international standards of fairness. Revolutionary Court judges act as both prosecutor and judge in the same case, and judges are chosen in part based on their ideological commitment to the system. Pretrial detention often is prolonged and defendants lack access to attorneys. Indictments often lack clarity and include undefined offenses such as "antirevolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants do not have the right to confront their accusers. Secret or summary trials of 5 minutes duration occur. Others are show trials that are intended merely to highlight a coerced public confession. In 1992 the Lawyers Committee for Human Rights concluded that "the chronic abuses associated with the Islamic Revolutionary Courts are so numerous and so entrenched as to be beyond reform." The Government has undertaken no major reform of the Revolutionary Court system since that report.

In October a former member of a vigilante group, Amir Farshad Ibrahim, was sentenced to 2 years' imprisonment for defamation after he stated in a videotape that Ansar-e Hezbollah vigilantes had received payments from senior clerics and

conservative political figures to organize and carry out attacks on their political opponents. Two prominent lawyers active in civil liberties cases, Shirin Ebadi and Mohsen Rahimi, were given suspended sentences and prohibited from practicing law for 5 years for their role in distributing the tape.

In November a Revolutionary Court began the trials of 16 writers, intellectuals, and political figures who took part in an April conference in Berlin on the implications of the February Majles elections (see Section 3). The 16 defendants, who were arrested in Iran after the conference and charged with taking part in antigovernment and anti-Islamic activities, included investigative journalist Akbar Ganji, newspaper editor Mohammed Reza Jalaipour, Member of Parliament Jamileh Kadivar, women's rights activists Mehrangiz Kar and Shahla Lahji, opposition politician Ezzatollah Sahabi, student leader Ali Afshari, and others, including a translator for the German Embassy in Tehran. The trial was ongoing at year's end.

In late December, a military court began the trials of 18 persons in connection with the killings of several prominent dissidents and intellectuals in late 1998. The results of the trial had not been announced by year's end (see Section 1.a.).

The legitimacy of the Special Clerical Court (SCC) system continued to be a subject of wide debate throughout the year. The clerical courts, which were established in 1987 to investigate offenses and crimes committed by clerics, and which are overseen directly by the Supreme Leader, are not provided for in the Constitution, and operate outside the domain of the judiciary. In particular, critics alleged that the clerical courts were used to prosecute certain clerics for expressing controversial ideas and for participating in activities outside the area of religion, including journalism.

During the latter part of the year, a Special Clerical Court began the trial of Hojatolislam Hassan Yousefi Eshkevari, a cleric who participated in the Berlin conference, on charges of apostasy and "corruption on earth," which potentially carry the death penalty. Eshkevari has called for more liberal interpretations of Islamic law in certain areas. In November 1999, former Interior Minister and Vice President Abdollah Nouri was sentenced by a branch of the SCC to a 5-year prison term for allegedly publishing "anti-Islamic articles, insulting government officials, promoting friendly relations with the United States," and providing illegal publicity to dissident cleric Ayatollah Hossein Ali Montazeri in the pages of *Khordad*, a newspaper that was established by Nouri in late 1998 and closed at the time of his arrest. Nouri used the public trial to attack the legitimacy of the SCC (see Section 2.a.).

In April 1999, a branch of the SCC convicted Hojatolislam Mohsen Kadivar, a Shi'a cleric and popular seminary lecturer, to 18 months in prison for "dissemination of lies and confusing public opinion" in a series of broadcast interviews and newspaper articles. Kadivar advocated political reform and greater intellectual freedom and criticized the misuse of religion to maintain power. In an interview published in a newspaper, Kadivar criticized certain government officials for turning criticism against them into alleged crimes against the State. He also observed that such leaders "mistake themselves with Islam, with national interests, or with the interests of the system, and in this way believe that they should be immune from criticism." He also allegedly criticized former Supreme Leader Ayatollah Khomeini and demonstrated support for dissident cleric Ayatollah Montazeri. Kadivar's trial was not open to the public.

In July 1999, the SCC banned the daily newspaper *Salaam* and indicted its publisher, Mohammad Mousavi Khoeniha, on charges of "violating Islamic principles," "endangering national security," and "disturbing public opinion." Khoeniha, a cleric, later was sentenced to a 5-year jail term. The charges involved the publication by *Salaam* of documents related to the unsolved murders of dissident intellectuals in late 1998, which indicated a possible connection to senior officials in the plotting of the murders. The closure of the newspaper led to peaceful protests by students at Tehran University that later grew into widespread rioting after aggressive countermeasures were taken by security forces (see Section 2.b.).

It is difficult for many women to obtain legal redress. A woman's testimony in court is worth only half that of a man's, making it difficult for a woman to prove a case against a male defendant.

The Government frequently charges members of religious minorities with crimes such as "confronting the regime" and apostasy, and conducts trials in these cases in the same manner as is reserved for threats to national security. Ayatollah Mohammad Yazdi, who resigned as head of the judiciary in August, stated in 1996 that Baha'i Faith was an espionage organization. Trials against Baha'is have reflected this view (see Section 2.c.). The trial of 13 Iranian Jews on charges related to espionage for Israel was marked throughout by a lack of due process. The defendants were held for over 1 year without being charged formally or given access to lawyers. The trial was closed, and the defendants were not allowed to choose their own law-

yers. Following the trial, defense lawyers told news reporters that they were threatened by judiciary officials and pressured to admit their clients' guilt (see Sections 1.d. and 2.c.).

In December 1999, authorities rearrested former Deputy Prime Minister and longtime political dissident Abbas Amir-Entezam after an interview with him was published in an Iranian newspaper. Amir-Entezam has spent much of the past 20 years in and out of prison since being arrested on charges of collaboration with the United States following the seizure of the U.S. embassy in Tehran by revolutionary militants in 1979. In his original trial, Amir-Entezam was denied defense counsel and access to the allegedly incriminating evidence that was gathered from the overtaken U.S. Embassy and used against him. Since then he has appealed for a fair and public trial, which has been denied him. He has been a frequent victim of torture in prison; he suffered a ruptured eardrum due to repeated beatings, and kidney failure resulting from denial of access to toilet facilities, and an untreated prostate condition. He reports having been taken on numerous occasions before a firing squad, told to prepare for death, only to be allowed to live. Amir-Entezam remained in prison at year's end (see Section 1.c.).

Independent legal scholar and member of the Islamic clergy Hojatoleslam Sayyid Mohsen Saidzadeh, who was convicted by the SCC in 1998 for his outspoken criticism of the treatment of women under the law, was released from prison in early 1999; however, the Government banned him from performing any clerical duties for 5 years. Human Rights groups outside Iran noted reports that Saidzadeh's 1998 sentence also included a prohibition on publishing. He has ceased authoring a monthly column on legal issues, many focusing on the rights of women, since the time of his detention.

In December Judiciary Chief Mahmoud Hashemi Shahroudi announced an initiative to reform the Iranian judicial system. He said that the country is "still a long way off from having a reformed and developed judicial organization." He also announced that 40 judges, clerks, and "middle-men" had been arrested on corruption charges.

No estimates are available on the number of political prisoners. However, the Government often arrests, convicts, and sentences persons on questionable criminal charges, including drug trafficking, when their actual "offenses" are political.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution states that "reputation, life, property, (and) dwelling(s)" are protected from trespass except as "provided by law;" however, the Government infringes on these rights. Security forces monitor the social activities of citizens, enter homes and offices, monitor telephone conversations, and open mail without court authorization.

Organizations such as the Ansar-e Hezbollah, an organization of hardline vigilantes who seek to enforce their vision of appropriate revolutionary comportment upon the society, harass, beat, and intimidate those who demonstrate publicly for reform or who do not observe dress codes or other modes of correct revolutionary conduct. This includes women whose clothing does not cover the hair and all of the body except the hands and face, or those who wear makeup or nail polish. Ansar-e Hezbollah gangs also have been used to destroy newspaper offices and printing presses, intimidate dissident clerics, and disrupt peaceful gatherings (see Sections 2.a. and 2.b.). Ansar-e Hezbollah cells are organized throughout the country and linked to individual members of the country's leadership.

Vigilante violence includes attacking young persons considered too "un-Islamic" in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts or other forms of popular entertainment. Authorities occasionally enter homes to remove television satellite dishes, or to disrupt private gatherings in which unmarried men and women socialize, or where alcohol, mixed dancing, or other forbidden activities are offered or take place. Enforcement appears to be arbitrary, varying widely with the political climate and the individuals involved. Authorities reportedly are vulnerable to bribes in some of these circumstances.

In 1998 security forces conducted a nationwide raid of more than 500 homes and offices owned or occupied by Baha'is suspected of having connections to the Baha'i Institute of Higher Learning (see Section 2.c.). During the raids, instructional materials, office equipment, and other items of personal property were confiscated. The effort apparently was designed to disrupt the operation of the Institute, which serves as the only alternative source of higher education for most Baha'is, who are denied entry to the state-controlled university system.

Prison guards intimidated family members of detainees (see Section 1.c.). Opposition figures living abroad reported harassment of their relatives in the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, except when published ideas are “contrary to Islamic principles, or are detrimental to public rights;” however, the Government restricts freedom of speech and of the press in practice. After the election of President Khatami, the independent press, especially newspapers and magazines, played an increasingly important role in providing a forum for an intense debate regarding reform in the society. However, basic legal safeguards for freedom of expression are lacking, and the independent press has been subjected to arbitrary enforcement measures by elements of the Government, notably the judiciary, which see in such debates a threat to their own hold on power.

Newspapers and magazines represent a wide variety of political and social perspectives, some allied with particular figures within the Government. Many subjects of discussion are tolerated, including criticism of certain government policies. However, the 1995 Press Law prohibits the publishing of a broad and ill-defined category of subjects, including material “insulting Islam and its sanctities” or “promoting subjects that might damage the foundation of the Islamic Republic.” Generally prohibited topics include fault-finding comment on the personality and achievements of the late Leader of the Revolution, Ayatollah Khomeini; direct criticism of the current Supreme Leader; assailing the principle of *velayat-e faqih*, or rule by a supreme religious leader; questioning the tenets of certain Islamic legal principles; sensitive or classified material affecting national security; promotion of the views of certain dissident clerics, including Grand Ayatollah Ali Montazeri; and advocating rights or autonomy for ethnic minorities.

Oversight of the press is carried out in accordance with a press law that was enacted in 1995. The law established the Press Supervisory Board, which is composed of the Minister of Islamic Culture and Guidance, a Supreme Court judge, a Member of Parliament, and a university professor who is appointed by the Minister of Islamic Culture and Guidance. The Board is responsible for issuing press licenses and for examining complaints filed against publications or individual journalists, editors, and publishers. In certain cases, the Press Supervisory Board may refer complaints to the courts for further action, including closure. The Press Court hears such complaints. Its hearings are conducted in public and feature the presence of a jury that is composed of clerics, government officials, and editors of government-controlled newspapers. The jury is empowered to recommend to the presiding judge the guilt or innocence of defendants and the severity of any penalty to be imposed, although these recommendations are not binding legally. In at least two cases in 1999 (against the newspapers *Jame-eh Salem* and *Adineh*), recommendations made by Press Court juries for relatively lenient penalties were disregarded by the presiding judge in favor of harsher measures, including closure. Perhaps because the judgments of the Press Courts have not been viewed as sufficiently strict by some government officials, alleged violations of the Press Law increasingly were referred to the Revolutionary and Special Clerical Courts, in which defendants enjoy fewer legal safeguards (see Section 1.e.).

In March the outgoing Parliament passed amendments to the Press Law that gave the Press Court increased procedural and jurisdictional power. The amendments allowed prosecution of individual journalists, in addition to their editors and publishers, for a broad range of ill-defined political offenses. The new Parliament (which was seated in May), introduced a bill in August to reverse the restrictive amendments. However, Supreme Leader Khamenei intervened with a letter to the Speaker demanding that the bill be dropped from consideration. Semiofficial vigilante groups appeared outside the Parliament, creating an atmosphere of intimidation. Despite some strongly worded objections from members, the bill was withdrawn.

Public officials frequently levy complaints against journalists, editors, publishers, and even rival publications. The practice of complaining about the writings of journalists crosses ideological lines. Offending writers are subject to lawsuits and fines. Suspension from journalistic activities and imprisonment are common punishments for guilty verdicts for offenses ranging from “fabrication” to “propaganda against the State” to “insulting the leadership of the Islamic Republic.” Police raid newspaper offices, and Ansar-e Hezbollah mobs attack the offices of liberal publications and bookstores without interference from the police or prosecution by the courts.

The country’s record on freedom of expression worsened during the year. It remained a central issue in the struggle between hardliners and political reformers. The Government continued its policy of issuing licenses for new publications, some of which engaged in open criticism of certain government policies. However, the Government issued such licenses at a greatly reduced rate during the year. Beginning in late April, the Press Court closed virtually all remaining newspapers associ-

ated with the reform-oriented press. Over the course of a few days, the 14 most prominent reform newspapers were ordered closed, without hearings. By year's end, more than 30 independent newspapers and journals were closed. A few mildly proreform newspapers continue to publish; however, these have been restricted as well. "Hamshahri," a daily newspaper published by the Tehran municipality, was ordered to restrict its circulation to the Tehran city limits. Others continue to publish, but only with heavy self-censorship.

Dozens of individual editors and journalists were charged and tried by the Press Court, and several prominent journalists were jailed for long periods without trial. Others have been sentenced to prison terms or exorbitant fines. Among those imprisoned were Mashallah Shamsolvaezin, the editor of a number of now-banned newspapers; Latif Safari, Shamsolvaezin's publisher; and independent journalists, such as Akbar Ganji, Ahmed Zeidabadi, Massoud Behnoud, Ebrahim Nabavi, and Ezzatollah Sahabi. In November Ganji went on trial for statements that he made at a conference in Berlin on Iranian politics (see Sections 1.c. and 1.e.).

The Government monitors carefully the statements and views of Iran's senior religious leaders to prevent disruptive dissent within the clerical ranks. In November 1997, Ayatollah Hossein Ali Montazeri, a cleric formerly designated as the successor to Iran's late Spiritual Leader Ayatollah Khomeini, called into question the authority of the current Supreme Leader, Ali Khamenei, criticizing his increasing intervention in government policy. The comments sparked attacks by Ansar-e Hezbollah mobs on Montazeri's residence and a Koranic school in Qom run by Montazeri. The promotion of Montazeri's views were among the charges brought against clerics Mohsen Kadivar and Abdollah Nouri at hearings of the Special Clerical Court in 1999 (see Sections 1.e.).

The press reported throughout the year that several persons were jailed for expressing support for Grand Ayatollah Montazeri. In October it was reported that Akbar Tajik-Saeeki, identified as the prayer leader at a Tehran mosque, was jailed by the Special Court for the Clergy for signing a petition that protested the continued detention of Grand Ayatollah Montazeri. Support for Montazeri was also one of the charges included in the wide-ranging indictment of former Interior Minister Abdollah Nouri (see Sections 1.e.). In December one of Montazeri's sons was arrested for distributing his father's writings.

The 134 signatories of the 1994 Declaration of Iranian Writers, which declared a collective intent to work for the removal of barriers to freedom of thought and expression, remain at risk. In July 1999, the Association of International Writers, known by its acronym PEN, released a statement noting that authorities had never solved the murders of signatories Ahmad Mirallai, Ghafar Hosseini, Ahmad Modhtari, Mohammad Jafar Pouyandeh, Ebrahim Zalzadeh, and Darioush and Parvaneh Forouhar, nor the disappearance in late 1998 of Pirouz Davani. PEN had reported in October 1998 that Declaration signatories Mohammad Pouyandeh, Mohammad Mokhtari, Houshang Golshiri, Kazem Kardevani, and Mansour Koushan were questioned by a Revolutionary Court in connection with their attempts to convene a meeting of the Iran Writer's Association. Mokhtari and Pouyandeh subsequently were murdered, while signatory Mansour Koushan reportedly fled to Norway.

The Government directly controls and maintains a monopoly over all television and radio broadcasting facilities; programming reflects the Government's political and socio-religious ideology. Because newspapers and other print media have a limited circulation outside large cities, radio and television serve as the principal news source for many citizens. Satellite dishes that receive foreign television broadcasts are forbidden; however, many citizens, particularly the wealthy, own them. In May 1999, the Minister of Islamic Culture and Guidance stated in public remarks that the Government might support an easing of the satellite ban. However, Supreme Leader Khamenei, who makes the ultimate determination on issues that involve radio and television broadcasting, quickly criticized any potential change as amounting to "surrender" to Western culture, effectively ending any further debate of the idea.

The Ministry of Islamic Culture and Guidance is charged with screening books prior to publication to ensure that they do not contain offensive material. However, some books and pamphlets critical of the Government are published without reprisal. The Ministry inspects foreign printed materials prior to their release on the market.

Legal scholar Hojatolislam Sayyid Mohsen Saidzadeh, who was convicted by the SCC in 1998 for his outspoken criticism of the treatment of women under the law, was released from prison early in 1999; however, the Government banned him from performing any clerical duties for 5 years and prohibited him from publishing (see Section 1.e.).

The Government effectively censors Iranian-made films, since it is the main source of funding for domestic film producers. Those producers must submit scripts and film proposals to government officials in advance of funding approval. However, such government restrictions appear to have eased since the election of President Khatami.

President Khatami announced in September 1998 that the Government would take no action to threaten the life of British author Salman Rushdie, or anyone associated with his work "The Satanic Verses." However, his remarks were repudiated by other parties, including the 15 Khordad Foundation, which claims to have financed a bounty for the murder of Rushdie (see Section 1.a.).

Academic censorship persists. In his 1996 interim report, the U.N. Special Representative noted the existence of a campaign to bring about the "Islamization of the universities," which appeared to be a movement to purge persons alleged to "fight against the sanctities of the Islamic system." Government informers who monitor classroom material reportedly are common on university campuses. Admission to universities is politicized; all applicants must pass "character tests" in which officials screen out applicants critical of the Government's ideology. To obtain tenure, professors must cooperate with government authorities over a period of years. Ansar-e Hezbollah thugs disrupt lectures and appearances by academics whose views do not conform with their own. In October 1999, a newspaper announced that a post-graduate philosophy course taught by Professor Abdolkarim Soroush at Tehran University was canceled due to threats to set fire to the classroom by unidentified persons.

b. Freedom of Peaceful Assembly and Association.—The Constitution permits assemblies and marches "provided they do not violate the principles of Islam"; however, in practice the Government restricts freedom of assembly and closely monitors gatherings to ensure that they do not constitute uncontrolled antigovernment protest. Such gatherings include public entertainment and lectures, student gatherings, labor protests, funeral processions, and Friday prayer gatherings. A significant factor for groups in deciding whether to hold a public gathering is whether it would be opposed by the semiofficial Ansar-e Hezbollah, which uses violence and intimidation to disperse such assemblies.

In August two leading reform intellectuals, Mohsen Kadivar and Abdul Karim Soroush, were prevented by semiofficial club- and knife-wielding vigilantes from addressing a student convention in Khorramabad. Subsequent clashes between students and vigilantes resulted in the death of a police officer and injuries. The authorities arrested 150 persons.

On July 8, 1999, students at Tehran University who were protesting proposed legislation by the Majles that would limit press freedoms and the Government's closure of a prominent reformoriented newspaper, were attacked by elements of the security forces and Ansar-e Hezbollah thugs. Police forces reportedly looked on and allowed repeated attacks against the students and their dormitory. Human Rights Watch reported that, according to witnesses, at least 4 students were killed in the assault on the dormitory, 300 were wounded, and 400 were detained. The demonstrations continued to grow in subsequent days to include many nonstudents. Looting, vandalism, and large-scale rioting began and spread to cities outside Tehran. Student groups attempted to distance their organizations from these later acts, which they blamed on government-sanctioned agitators. The Government intervened to stop the rioting and announced a July 14 counter-demonstration of regime loyalists and off-duty government workers, many of whom were bussed in from other cities for the demonstration.

In September 1999, the head of the Tehran Revolutionary Court, Hojatoleslam Gholamhossein Rahbarpour, was quoted as saying that 1,500 students were arrested during the riots, 500 were released immediately after questioning, 800 were released later, and formal investigations were undertaken against the remaining 200. He also announced that four student leaders were sentenced to death by a Revolutionary Court for their role in the demonstrations. The death sentences reportedly were commuted to prison terms during the year. The Special Representative's report stated that about two-thirds of the students who initially were arrested subsequently were released, but noted that there has been no formal accounting of all the persons arrested in connection with the July 1999 demonstrations.

The Government arrested the leaders of the Iran Nations Party in the aftermath of the July 1999 demonstrations. The party is a secular nationalist movement that predates the revolution and is viewed as a threat by certain elements of the Government. The party was accused of inciting rioters and of encouraging disparaging slogans against "sacred values." Agents of the intelligence service in late 1998 killed the former head of the Iran Nations Party, Darioush Forouhar, along with his wife (see Section 1.a.).

In the aftermath of these events, the Government took action against members of the security forces for their violent assault on the student dormitory, and against student leaders, demonstrators, and political activists, whom it blamed for inciting illegal behavior. In August 1999, the commander of the security forces, General Hedayat Lotfian, was summoned before the Parliament to explain the role of his officers in the dormitory raid. He reportedly announced that 98 officers were arrested for their actions. In February 20 police officers and officials were tried on charges of misconduct in connection with the demonstrations. The court found that misconduct had occurred, and ordered compensation for 34 injured students. However, the court released all but two of the accused officers.

The Government forcefully suppressed demonstrations by Kurds in the wake of the February 1999 arrest of PKK leader Abudullah Ocalan in Turkey. Security forces reportedly killed 20 persons and made several hundred arrests (see Sections 1.a. and 5).

The Government limits freedom of association. The Constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and recognized religious minorities, provided that such groups do not violate the principles of "freedom, sovereignty, and national unity," or question Islam as the basis of the Islamic Republic. President Khatami repeatedly has declared as a major goal the development of civil society. A newspaper reported in June 1999 that the Article Ten Commission, a government body responsible for reviewing applications for the establishment of political parties, guilds, societies, and nongovernmental organizations (NGO's), released figures indicating that as of April, "85 political, 115 specialized, and 26 religious minority organizations and associations" were active in the country.

c. Freedom of Religion.—The Government restricts freedom of religion. The Constitution declares that the "official religion of Iran is Islam and the sect followed is that of Ja'fari (Twelver) Shi'ism," and that this principle is "eternally immutable." It also states that "other Islamic denominations are to be accorded full respect," and recognizes Zoroastrians, Christians, and Jews (Iran's pre-Islamic religions) as the only "protected religious minorities." Religions not specifically protected under the Constitution do not enjoy freedom of religion. This situation most directly affects the nearly 350,000 followers of the Baha'i Faith, who effectively enjoy no legal rights.

The central feature of the country's Islamic republican system is rule by a "religious jurisconsult." Its senior leadership, including the Supreme Leader of the Revolution, the President, the head of the Judiciary, and the Speaker of the Islamic Consultative Assembly (Parliament), is composed principally of Shi'a clergymen.

Religious activity is monitored closely by the Ministry of Intelligence and Security (MOIS). Adherents of recognized religious minorities are not required to register individually with the Government, although their community, religious, and cultural organizations, as well as schools and public events are monitored closely. Baha'is are not recognized by the Government as a legitimate religious group; rather, they are considered an outlawed political organization. Registration of Baha'i adherents is a police function. Evangelical Christian groups are pressured by government authorities to compile and hand over membership lists for their congregations. Evangelicals have resisted this demand. Non-Muslim owners of grocery shops are required to indicate their religious affiliation on the front of their shops.

The population is approximately 99 percent Muslim, of which 89 percent are Shi'a and 10 percent are Sunni (mostly Turkomans, Arabs, Baluchs, and Kurds living in the southwest, southeast, and northwest). Baha'i, Christian, Zoroastrian, and Jewish communities compose less than 1 percent of the population. Sufi brotherhoods are popular, but there are no reliable figures available to judge their true size.

Members of religious minorities are allowed to vote, but they may not run for President. All religious minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing (see Section 5).

The Government allows recognized religious minorities to conduct religious education of their adherents. This includes separate and privately funded Zoroastrian, Jewish, and Christian schools. These schools are supervised by the Ministry of Education, which imposes certain curriculum requirements. With few exceptions, the directors of these private schools must be Muslim. Attendance at these schools is not mandatory for recognized religious minorities. All textbooks used in course work must be approved for use by the Ministry of Education, including religious texts. Religious texts in non-Persian languages require approval by the authorities for use. This requirement imposes sometimes significant translation expenses on minority communities. Recognized religious minorities may provide religious instruction in non-Persian languages, but often come under pressure from the authorities when conducting such instruction in Persian. In particular, evangelical Christian and

Jewish communities have suffered harassment and arrest by authorities for the printing of materials or delivery of sermons in Persian.

Recognized religious minorities are allowed by the Government to establish community centers and certain cultural, social, sports, or charitable associations that they finance themselves. This does not apply to the Baha'i community which, since 1983, has been denied the right to assemble officially or to maintain administrative institutions. Because the Baha'i Faith has no clergy, the denial of the right to form such institutions and elect officers has threatened its existence in the country.

University applicants are required to pass an examination in Islamic theology. Although public-school students receive instruction in Islam, this requirement limits the access of most religious minorities to higher education. Applicants for public sector employment similarly are screened for their knowledge of Islam.

Religious minorities suffer discrimination in the legal system, receiving lower awards in injury and death lawsuits, and incurring heavier punishments than Muslims. Muslim men are free to marry non-Muslim women, but the opposite does not apply. Marriages between Muslim women and non-Muslim men are not recognized.

The Government is highly suspicious of any proselytizing of Muslims by non-Muslims and can be harsh in its response, in particular against Baha'is and evangelical Christians. The Government regards the Baha'i community, whose faith originally derives from a strand of Islam, as a "misguided" or "wayward" sect. The Government has fueled anti-Baha'i and anti-Jewish sentiment in the country for political purposes.

The Government does not ensure the right of citizens to change or recant their religious faith. Apostasy, specifically conversion from Islam, may be punishable by death.

Although Sunni Muslims are accorded full respect under the terms of the Constitution, some Sunni groups claim discrimination on the part of the Government. In particular, Sunnis cite the lack of a Sunni mosque in Tehran and claim that authorities refuse to authorize construction of a Sunni place of worship in the capital. Sunnis also have accused the state broadcasting company of airing programming insulting to Sunnis. Numerous Sunni clerics have been killed in recent years, some allegedly by agents of the Government. For example, Human Rights Watch reported in 1998 the killing of Sunni prayer leader Molavi Imam Bakhsh Narouie in the province of Sistan va-Baluchistan in the southeast. This led to protests from the local community, which believed that government authorities were involved in the killing.

Majdhub Alishahi, an adherent of the Sufi tradition, reportedly was executed on charges of adultery and homosexuality after a coerced confession in 1996. Sufi organizations outside the country remain concerned about repression by the authorities of Sufi religious practices.

The largest non-Muslim minority is the Baha'i Faith, estimated at nearly 350,000 adherents throughout the country. The Baha'i Faith originated in Iran during the 1840's as a reformist movement within Shi'a Islam. Initially it attracted a wide following among Shi'a clergy. The political and religious authorities of that time joined to suppress the movement, and since then the hostility of the Shi'a clergy to the Baha'i Faith has remained intense. Baha'is are considered apostates because of their claim to a valid religious revelation subsequent to that of the Prophet Mohammed. The Baha'i Faith is defined by the Government as a political "sect" historically linked to the Pahlavi monarchy and, therefore, as counterrevolutionary. Historically at risk, Baha'is often have suffered increased levels of mistreatment during times of political unrest.

Baha'is may not teach or practice their faith or maintain links with coreligionists abroad. The fact that the Baha'i world headquarters is situated in what is now the state of Israel (established by the founder of the Baha'i Faith in the 19th century in what was then Ottoman-controlled Palestine) exposes Baha'is to government charges of "espionage on behalf of Zionism," in particular when Baha'is are caught communicating with or remitting monetary contributions to the Baha'i Faith headquarters.

Broad restrictions on Baha'is appear to be geared to destroying them as a community. They repeatedly have been offered relief from abuse in exchange for recanting their faith. Baha'i cemeteries, holy places, historical sites, administrative centers, and other assets were seized shortly after the 1979 revolution. None of these properties have been returned and many have been destroyed. Baha'is are not allowed to bury and honor their dead in keeping with their religious tradition. In October 1998, three Baha'is were arrested in Damavand, a city north of Tehran, on the grounds that they had buried their dead without government authorization.

In the past, Baha'i marriages were not recognized by the Government, leaving Baha'i women open to charges of prostitution. As a result, children of Baha'i mar-

riages were not recognized as legitimate and, therefore, were denied inheritance rights. However, in April the Government announced the elimination of the requirement that citizens indicate religious affiliation at the time of registration of marriage. This may allow Bahai's to register their marriages officially, and thereby mitigate some of the legal obstacles that they face.

Manuchehr Khulusi was arrested in June 1999 while visiting fellow Baha'is in the town of Birjand, and was imprisoned until his release in May. During his imprisonment, Khulusi was interrogated, beaten, held in solitary confinement, and denied access to his lawyer. The charges brought against him still are unknown, but they were believed to be related to his faith. The Islamic Revolutionary Court in Mashhad held a 2-day trial in September 1999 and then sentenced him to death in February. Despite Khulusi's release, it is unclear if the conviction and death sentence against him still stand.

Ruhollah Rowhani, a Baha'i, was executed in July 1998 after having served 9 months in solitary confinement on a charge of apostasy, which arose from his allegedly having converted a Muslim woman to the Baha'i Faith. The woman claimed that her mother was a Baha'i and she herself had been raised a Baha'i. Rowhani was not accorded a public trial, and no sentence was announced prior to his execution.

Two other Baha'is, Sirus Zabihi-Moghaddam and Hadayat Kashefi-Najafabadi, were tried alongside Rowhani and later sentenced to death by a revolutionary court in Mashhad for practicing their faith. The sentences were reduced during the year to jail terms of 7 and 5 years, respectively.

Baha'i group meetings and religious education, which often take place in private homes and offices, are curtailed severely. Public and private universities continue to deny admittance to Baha'i students, a particularly demoralizing blow to a community that traditionally has placed a high value on education. Denial of access to higher education appears aimed at the eventual impoverishment of the Baha'i community.

The property rights of Baha'is generally are disregarded. Since 1979 large numbers of private and business properties belonging to Baha'is have been confiscated. In 1999 three Baha'i homes in Yazd and one in Arbakan were confiscated because their owners were members of the Baha'i community. In September and October 1998, government officers plundered more than 500 Baha'i homes throughout the country and seized personal household effects, such as furniture and appliances. Seizure of personal property, in addition to the denial of access to education and employment, is eroding the economic base of the Baha'i community.

In 1999 authorities in Khurasan intensified their efforts to intimidate and undermine Baha'i education. Two teachers in Mashhad were arrested and sentenced to 3 years' imprisonment. Their students were given suspended sentences, to be reinstated if the students again participated in religious education classes. Three more Baha'is were arrested in Buynurd in northern Khurasan for participating in religious education gatherings. After 6 days in prison, they were released with suspended sentences of 5 years. The use of suspended sentences appears to be a new government tactic to discourage Baha'is from taking part in monthly religious gatherings.

In September 1998, authorities began a nationwide operation to disrupt the activities of the Baha'i Institute of Higher Learning. Also known as the "Open University," the Institute was established by the Baha'i community shortly after the revolution to offer opportunities in higher education to Baha'i students who had been denied access to the country's high schools and universities. The Institute employed Baha'i faculty and professors, many of whom had been dismissed from teaching positions by the Government as a result of their faith, and conducted classes in homes or offices owned or rented by Baha'is. During the operation, which took place in at least 14 different cities, 36 faculty members were arrested, and a variety of personal property, including books, papers, and furniture, either were destroyed or confiscated. Government interrogators sought to force the detained faculty members to sign statements acknowledging that the Open University now was defunct and pledging not to collaborate with it in the future. Baha'is outside the country report that none of the 36 detainees would sign the document. All but 4 of the 36 persons detained during the September 1998 raid on the Baha'i Institute had been released by November 1998.

In March 1999, Dr. Sina Hakiman, Farzad Khajeh Sharifabadi, Habibullah Ferdosian Najafabadi, and Ziaullah Mirzapanah, the four remaining detainees from the September 1998 raid, were convicted under Article 498 of the Penal Code and sentenced to prison terms ranging from 3 to 10 years. In the court verdict, the four were accused of having establishing a "secret organization" engaged in "attracting youth, teaching against Islam, and teaching against the regime of the Islamic Re-

public." According to Baha'i groups outside Iran, the four taught general science and Persian literature courses. In July 1999, Mirzapanah, who had been sentenced to 3 years in prison, became ill and was hospitalized. Prison authorities allowed him to return home upon his recovery on the understanding that they could find him whenever necessary. The other three were released in December 1999.

The Government appears to adhere to a practice of keeping a small number of Baha'is in arbitrary detention, some at risk of execution, at any given time. There were at least 10 Baha'is reported to be under arrest for practicing their faith at year's end, 2 under sentence of death.

Baha'is regularly are denied compensation for injury or criminal victimization. Government authorities claim that only Muslim plaintiffs are eligible for compensation in these circumstances. In practice, Baha'is continue to be denied most forms of government employment (see Section 5).

In 1993 the U.N. Special Representative reported the existence of a government policy directive on the Baha'is. According to the directive, the Supreme Revolutionary Council instructed government agencies to block the progress and development of the Baha'i community, expel Baha'i students from universities, cut Baha'i links with groups outside Iran, restrict employment of Baha'is, and deny Baha'is "positions of influence," including those in education. The Government claims that the directive is a forgery. However, it appears to be an accurate reflection of current government practice.

In his 1996 report to the U.N. Commission on Human Rights, the U.N. Special Rapporteur on the Question of Religious Intolerance recommended "that the ban on the Baha'i organization should be lifted to enable it to organize itself freely through its administrative institutions, which are vital in the absence of a clergy, so that it can engage fully in its religious activities." In response to the Special Rapporteur's concerns with regard to the lack of official recognition of the Baha'i Faith, government officials stated that Baha'is "are not a religious minority, but a political organization that was associated with the Shah's regime, is against the Iranian Revolution, and engage in espionage activities." The Government asserted to the Special Rapporteur that, as individuals, all Baha'is were entitled to their beliefs and protected under other articles of the Constitution as citizens.

The Christian community is estimated at approximately 117,000, according to government figures. Of these the majority are ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also are active, although non-ethnically-based groups report a greater degree of restrictions on their activities.

The authorities have become particularly vigilant in recent years in curbing what is perceived as increasing proselytizing activities by evangelical Christians, whose services are conducted in Persian. Conversion of a Muslim to a non-Muslim religion can be considered apostasy. Government officials have reacted to this perceived activity by closing evangelical churches and arresting converts. Members of evangelical congregations are required to carry membership cards, photocopies of which must be provided to the authorities. Worshipers are subject to identity checks by authorities posted outside congregation centers. Meetings for evangelical services have been restricted by the authorities to Sundays, and church officials have been ordered to inform the Ministry of Information and Islamic Guidance before admitting new members to their congregations.

As conversion by a Muslim to a non-Muslim religion may be considered apostasy under traditional Shari'a (Islamic law) practices enforced in the country, non-Muslims may not proselytize Muslims without putting their own lives at risk. Evangelical church leaders are subject to pressure from authorities to sign pledges committing them not to evangelize Muslims or to allow Muslims to attend church services.

One organization reported in 1999 the deaths of 8 evangelical Christians at the hands of authorities in the past 11 years, and between 15 and 23 disappearances between November 1997 and November 1998.

Oppression of evangelical Christians continued during the year. Christian groups reported instances of government harassment of churchgoers in Tehran, in particular against worshipers at the Assembly of God congregation in the capital. Cited instances of harassment included conspicuous monitoring outside Christian premises by Revolutionary Guards to discourage Muslims or converts from entering church premises and demands for presentation of identity papers of worshipers inside. Iranian Christians International (ICI) detailed the cases of Alireza and Mahboobeh Mahmoudian, converts to Christianity and lay leaders of the Saint Simon the Zealot Osgofi Church in Shiraz, who were forced to leave the country permanently in June 1998 after continued harassment by the authorities. The ICI reported that Alireza Mahmoudian had lost his job because of his conversion and had

been beaten repeatedly by Basiji and Ansar-e Hezbollah thugs on the orders of government officials from the Ministry of Islamic Guidance. His wife, Mahboobeh, also had been the subject of intimidation, principally through frequent and aggressive interrogation by government officials.

Estimates of the size of the Iranian Jewish community vary from 25,000 to 30,000. These figures represent a substantial reduction from the estimated 75,000 to 80,000 Jews who resided in the country prior to the 1979 revolution.

While Jews are a recognized religious minority, allegations of official discrimination are frequent. The Government's anti-Israel policies, coupled with a perception among radicalized Muslim elements in Iran that Jewish citizens support Zionism and the State of Israel, create a threatening atmosphere for the small Jewish community. Jewish leaders reportedly are reluctant to draw attention to official mistreatment of their community due to fear of government reprisal.

Some outside Jewish groups cite an increase in anti-Semitic propaganda in the official and semiofficial media as adding to the pressure felt by the Jewish community. One example cited is the periodic publication of the anti-Semitic and fictitious Protocols of the Elders of Zion, both by the Government and by periodicals associated with hard-line elements of the Government. In 1986 the Iranian Embassy in London was reported to have published and distributed the Protocols in English. The Protocols also were published in serial form in the country in 1994 and again in January 1999. On the latter occasion they were published in Sobh, a conservative monthly publication reportedly aligned with the security services.

There appears to be little restriction or interference with religious practice or education; however, Jews were eased out of most government positions after 1979. Jews are permitted to obtain passports and to travel outside the country; however, with the exception of certain business travelers, they are required by the authorities to obtain government clearance (and pay additional fees) before each trip abroad. The Government appears concerned about the emigration of Jews and permission generally is not granted for all members of a Jewish family to travel outside the country at the same time (see Section 2.d.).

In February and March 1999, 13 Jews were arrested in the cities of Shiraz and Isfahan. Among the group were several prominent rabbis, teachers of Hebrew, and their students. The charges centered on alleged acts of espionage on behalf of Israel, an offense punishable by death. The 13 were jailed for over 1 year, largely in solitary confinement, without official charges or access to lawyers. In April the defendants were appointed lawyers, and a closed trial commenced in a revolutionary court in Shiraz. Human rights groups and governments around the world criticized the lack of due process in the proceedings. The Special Representative characterized them as "in no way fair." On July 1, 10 of the 13, along with 2 Muslim defendants, were convicted on charges of illegal contact with Israel, conspiracy to form an illegal organization, and recruiting agents. They received prison sentences ranging from 4 to 13 years. Three were acquitted. Their lawyers filed an appeal and on September 21 an appeals court overturned the convictions for forming an illegal organization and recruiting agents, but upheld the convictions for illegal contacts with Israel. Their sentences were reduced to between 2 and 9 years' imprisonment.

Jewish groups outside Iran noted that the March 1999 arrest of the 13 Jewish individuals coincided with an increase in anti-Semitic propaganda in newspapers and journals associated with hardline elements of the Government. Since the beginning of the trial, Jewish businesses in Tehran and Shiraz have been targets of vandalism and boycotts, and Jews reportedly suffered personal harassment and intimidation.

Human Rights Watch reported the death in May 1998 of Jewish businessman Ruhollah Kakhodah-Zadeh, who was hanged in prison without a public charge or legal proceeding. Reports indicate that Kakhodah-Zadeh may have been killed for assisting Jews to emigrate. As an accountant, Kakhoda-Zadeh had provided power-of-attorney services for Jews departing the country.

The Government restricts the movement of several senior religious leaders, some of whom have been under house arrest for years (see Sections 1.d. and 2.d.), and often charges members of religious minorities with crimes such as drug offenses, "confronting the regime," and apostasy (see Section 1.e.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government places some restrictions on these rights. Citizens may travel to any part of the country, although there have been restrictions on travel to Kurdish areas during times of occasional heavy fighting. Roadblocks and security checks are common on routes between major cities. Citizens may change their place of residence without obtaining official permission. The Government requires exit permits (a validation stamp placed in the traveler's passport) for draft-age males and citizens who are politically suspect. Some citizens, particularly those whose skills are in short supply and who were educated at government expense, must post

bonds to obtain exit permits. The Government restricts the movement of certain religious minorities and of several religious leaders (see Sections 1.d. and 2.c.).

Citizens returning from abroad sometimes are subject to search and extensive questioning by government authorities for evidence of antigovernment activities abroad. Cassette tapes, printed material, personal correspondence, and photographs are subject to confiscation.

The Government permits Jews to travel abroad, but often denies them the multiple-exit permits normally issued to other citizens. The Government normally does not permit all members of a Jewish family to travel abroad at the same time. Baha'is often experience difficulty in obtaining passports. Women must obtain the permission of their husband, father, or other living male relative in order to obtain a passport. Married women must receive written permission from their husbands before embarking on a trip outside the country.

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Although the Government generally provides first asylum, the Government increased pressure on some refugees to return to their home countries, particularly as the economy has worsened.

The country hosts a large refugee population, mostly Afghans who fled during the Soviet occupation. The Government and the UNHCR estimate that there are approximately 1.4 million Afghan refugees in the country. Most subsist on itinerant labor, often moving from place to place within the country. Between April and December, the government and the UNHCR operated a joint program intended to facilitate the repatriation of Afghans who did not have a well-founded fear of persecution. Approximately 133,000 Afghans returned voluntarily with UNHCR assistance, and another 50,000 returned with help from the Government. There were reports in late 1998 and early 1999 of a surge in the numbers of Afghans forcibly repatriated to their country by government officials and military personnel. Reasons cited were a worsening economic situation and anger over the murders in August 1998 of nine Iranian diplomats and journalists stationed at the Iranian Consulate in the Afghan city of Mazar-e Sharif. There also were reports during this period of civilian mob attacks against groups of Afghan refugees, which resulted in numerous deaths.

The UNHCR estimates that there were about 386,000 Iraqi Kurdish and Arab refugees in the country at year's end. Many of these Iraqi refugees originally were expelled by Iraq at the beginning of the Iran-Iraq war because of their suspected Iranian origin. In numerous instances, both the Iraqi and Iranian Governments dispute their citizenship, rendering many of them, in effect, stateless. Other Iraqi refugees arrived following Iraq's invasion of Kuwait in 1990.

Although the Government claims to host more than 30,000 refugees of other nationalities, including Tajiks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis and Pakistanis, it has provided no information about them or allowed the UNHCR or other organizations access to them.

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

The right of citizens to change their government is restricted. The Supreme Leader, the recognized Head of State, is selected for a life term by the Assembly of Experts. The Supreme Leader may also be removed by the Assembly of Experts. The Assembly itself is restricted to clerics, who serve an 8-year term and are chosen by popular vote from a list approved by the Government. There is no separation of state and religion, and clerics dominate the Government. The Government represses any attempts to separate state and religion, or to alter the State's existing theocratic foundation. The selection of candidates for elections effectively is controlled by the Government.

The Constitution provides for a Council of Guardians composed of six Islamic clergymen and six lay members who review all laws for consistency with Islamic law and the Constitution. The Council also screens political candidates for ideological, political, and religious suitability. It accepts only candidates who support a theocratic state; clerics who disagree with government policies also have been disqualified.

Regularly scheduled elections are held for the President, members of the Majles, and the Assembly of Experts. Mohammad Khatami, a former Minister of Culture and Islamic Guidance who was impeached in 1992 by the Majles for "liberalism" and "negligence," was elected President in May 1997. The Interior Ministry estimated that over 90 percent of the eligible population voted in that election. During the campaign, there was considerable government intervention and censorship. For

example, the Council of Guardians reviewed 238 candidates, including a woman, but allowed only 4 individuals to run. Three were clerics; all were men. Khatami won nearly 70 percent of the vote, with his greatest support coming from the middle class, youth, minorities, and women. The election results were not disputed, and the Government did not appear to have engaged in fraud.

Elections were held in the fall of 1998 for the 86-member Assembly of Experts. The Council of Guardians disqualified numerous candidates, which led to criticism from many observers that the Government improperly predetermined the election results.

In February 1999, elections for nationwide local councils were held for the first time since the 1979 revolution. Government figures indicated that roughly 280,000 candidates competed for 130,000 council seats across the nation. Women were elected to seats in numerous districts. The Councils do not appear to have been granted the autonomy or authority that would make them effective or meaningful local institutions; doing so could be viewed as a threat to the control of the central Government.

Iran held elections for its 290 seat Majles in February. Of over 6,000 candidates, 576 were disqualified before the elections by the Council of Guardians, which represented a substantial decrease from the 44 percent who were disqualified before the 1996 elections. Most of those disqualified were outspoken advocates of political reform, including some of the most prominent supporters of President Khatami. In addition, an Azeri activist was arrested in December 1999, reportedly to prevent him from registering to run in the elections (see Sections 1.d. and 5). However, candidates with a wide range of views were permitted to run. The elections resulted in a landslide victory for moderate and reform candidates, who now constitute a large majority in the Majles. Vigorous parliamentary debates take place on various issues. However, the Supreme Leader and other conservatives within the Government used constitutional provisions to block much of the early reform legislation passed by the Majles.

Women are underrepresented in government. They hold 9 of 290 Majles seats. There are no female cabinet members. In 1997 President Khatami appointed the first female vice president (for environmental protection) since the 1979 Islamic Revolution, Masoumeh Ebtekar, following his inauguration. Minister of Islamic Culture and Guidance Ataollah Mohajerani appointed a second woman to a senior post, Azam Nouri, when he chose her in 1997 as his Deputy Minister for Legal and Parliamentary Affairs. President Khatami appointed a woman to serve as Presidential Adviser for Women's Affairs.

Christians, Jews, and Zoroastrians elect deputies to specially reserved Majles seats. However, the UN Special Representative noted in his September report frequent assertions that religious minorities are, by law and practice, barred from being elected to a representative body (except to the seats in the Majles reserved for minorities), and from holding senior government or military positions. Religious minorities are allowed to vote, but they may not run for president.

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

The Government continued to restrict the work of local human rights groups. The Government denies the universality of human rights and has stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

Various professional groups representing writers, journalists, photographers, and others attempt to monitor government restrictions in their field and harassment and intimidation against individual members of their professions. However, their ability to meet, organize, and effect change is curtailed severely by the Government.

International human rights NGO's such as Human Rights Watch and Amnesty International are not permitted to establish offices in or conduct regular investigative visits to the country. Human Rights Watch and members of a European judicial monitoring NGO were permitted to send representatives to Shiraz for the trial of 13 Iranian Jews on espionage charges (see Section 2.c.). However, they were not permitted to monitor the trial proceedings.

The ICRC and the UNHCR both operate in the country. However, the Government did not allow the U.N. Special Representative for Human Rights in Iran to visit the country during the year. The Special Representative last was allowed entry into the country to gather information for his yearly report in 1996. However, the Special Representative corresponded with government officials during the year, and received several replies to his correspondence.

The Islamic Human Rights Commission (IHRC) was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the Government established a human rights committee in the Majles. Most ob-

servers believe that these bodies lack independence. The U.N. Special Representative published statistics provided by the IHRC indicating that in the period from March 1998 to March 1999, 1,051 files were opened on the basis of complaints received by the organization. Of those the highest number of complaints were related to the judiciary. Of a total of about 3,000 currently active files, approximately 1,000 were related to women and women's issues.

In April 1999, Mohammad Zia'i Far, secretary of the IHRC, stated in a press interview that illegal detention centers continue to exist in Iran. The press also reported that the IHRC sought permission from the Special Court for the Clergy to visit imprisoned cleric Mohsen Kadivar in Evin Prison in March 1999 (see Section 1.e.). The request reportedly was never answered. Kadivar was released during the summer. In 1998 Ziaei-Far reportedly complained about the use by police of "special detention centers" to conduct coercive interrogations of detainees (see Section 1.c.) and acknowledged widespread human rights violations.

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

In general the Government does not discriminate on the basis of race, disability, language, or social status. The Government does discriminate on the basis of religion and sex.

Women.—Although reported cases of spousal abuse and violence against women occur, the statistics on such reports are not available publicly. Abuse in the family is considered a private matter and seldom is discussed publicly. In May 1999, the President's Advisor on Women's Affairs was quoted in the press as stating that "one cannot claim that violence against women does not take place in Iran." The Special Representative noted in his September report that media reporting on the situation of women has diminished, in part due to the closure of the reformoriented press (see Section 2.a.).

Women have access to primary and advanced education; however, social and legal constraints limit their professional opportunities. In September the Majles approved a controversial bill to allow single women to travel abroad for graduate education. The legislation was under consideration by the Council of Guardians at year's end. Women are represented in many fields of the work force, and the Government has not prevented women from entering many traditionally male-dominated fields, including medicine, dentistry, journalism and agriculture. However, many women choose not to work outside the home. A 1985 law enacted by the Government instituted 3 months of paid maternity leave, and 2 half-hour periods per day for nursing mothers to feed their babies. Pension benefits for women were established under the same law, which also decreed that companies hiring women should provide day-care facilities for young children of female employees.

The State enforces gender segregation in most public spaces, and prohibits women mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances. Women are prohibited from attending male sporting events, although this restriction does not appear to be enforced universally. While the enforcement of a conservative Islamic dress codes has varied with the political climate since the death of Ayatollah Khomeini in 1989, what women wear in public is not entirely a matter of personal choice. Women are subject to harassment by the authorities if their dress or behavior is considered inappropriate, and may be sentenced to flogging or imprisonment for such violations. The law prohibits the publication of pictures of uncovered women in the print media, including pictures of foreign women. There are penalties for failure to observe Islamic dress codes at work (see Section 6.a.).

Discrimination against women is reinforced by law through provisions of the Islamic Civil and Penal Codes, in particular those sections dealing with family and property law. Shortly after the 1979 revolution, the Government repealed the Family Protection Law, a hallmark bill that was adopted in 1967, which gave women increased rights in the home and workplace, and replaced it with a legal system based largely on Shari'a practices. In 1998 the Majles passed legislation that mandated segregation of the sexes in the provision of medical care. The bill provided for women to be treated only by female physicians and men by male physicians and raised questions about the quality of care that women could receive under such a regime, considering the current imbalance between the number of trained and licensed male and female physicians and specialists.

In October the Parliament passed a bill to raise the legal age of marriage for women from 9 to 15. However, the Council of Guardians in November rejected the bill as contrary to Islamic law, although even under the current law, marriage at the minimum age is rare. All women, no matter the age, must have the permission

of their father or a living male relative in order to marry. The law allows for the practice of *Siqeh*, or temporary marriage, a Shi'a custom in which a woman or a girl may become the wife of a married or single Muslim male after a simple and brief religious ceremony. The *Siqeh* marriage can last for a night or as little as 30 minutes. The bond is not recorded on identification documents, and, according to Islamic law, men may have as many *Siqeh* wives as they wish. Such wives are not granted rights associated with traditional marriage.

The Penal Code includes provisions that mandate the stoning of women and men convicted of adultery (see Sections 1.a and 1.c.). Under legislation passed in 1983, women have the right to divorce, and regulations promulgated in 1984 substantially broadened the grounds on which a woman may seek a divorce. However, a husband is not required to cite a reason for divorcing his wife. In 1986 the Government issued a 12-point "contract" to serve as a model for marriage and divorce, which limits the privileges accorded to men by custom and traditional interpretations of Islamic law. The model contract also recognized a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony rights. Women who remarry are forced to give up to the child's father custody of children from earlier marriages. In 1998 the Majles passed a law that granted custody of minor children to the mother in certain divorce cases in which the father is proven unfit to care for the child (the measure was enacted because of the complaints of mothers who had lost custody of their children to former husbands with drug addictions and criminal records). Muslim women may not marry non-Muslim men. The testimony of a woman is worth only half that of a man in court (see Section 1.e.). A married woman must obtain the written consent of her husband before traveling outside the country (see Section 2.d.).

Children.—Most children have access to education through the 12th grade (it is compulsory to age 11), and to some form of health care. There is no known pattern of child abuse.

People with Disabilities.—There is no available information regarding whether the Government has legislated or otherwise mandated accessibility for the disabled. However, the Cable News Network reported in 1996 on the harsh conditions in an institution for retarded children who had been abandoned by their parents. Film clips showed children tied or chained to their beds, in filthy conditions, and without appropriate care. It is not known to what extent this represents the typical treatment of the disabled.

Religious Minorities.—Members of all religious minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing. Applicants for publicsector employment are screened for their adherence to Islam. The law stipulates penalties for government workers who do not observe "Islam's principles and rules." Article 144 of the Constitution states that "the Army of the Islamic Republic of Iran must be an Islamic army," which is "committed to an Islamic ideology," and must "recruit into its service individuals who have faith in the objectives of the Islamic Revolution and are devoted to the cause of achieving its goals." Apostasy, or conversion from Islam to another religion, is punishable by death.

The Christian, Jewish, Zoroastrian, and Baha'i minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and public accommodations (see Section 2.d.). For example, members of religious minorities generally are barred from becoming school principals. Muslims who convert to Christianity also suffer discrimination. Apostasy, or conversion from Islam to another religion, may be punishable by death.

University applicants are required to pass an examination in Islamic theology. Although public-school students receive instruction in Islam, this requirement limits the access of most religious minorities to higher education.

Religious minorities suffer discrimination in the legal system, receiving lower awards in injury and death lawsuits and incurring heavier punishments than Muslims.

Jewish groups outside Iran noted that the arrest of 13 Jewish individuals in February and March 1999, as well as their subsequent trial during the year, coincided with an increase in anti-Semitic propaganda in newspapers and journals associated with hard-line elements of the Government (see Section 2.c.). They also note that the Shirazi Jewish community, one of the oldest remaining Jewish communities outside Israel, had been under close surveillance by government authorities prior to the arrests and had been warned by the authorities against certain activities, such as the publication in Persian of scriptures and guidelines for the treatment of kosher foods.

In 1993 the U.N. Special Representative reported the existence of a government policy directive to block the progress of Baha'is (see Section 2.c.).

Properties belonging to the Baha'i community as a whole, such as places of worship and graveyards, were confiscated by the Government in the years after the 1979 revolution and, in some cases, defiled. Baha'is are prevented from enrolling in universities. However, other Government restrictions have eased; Baha'is currently may obtain ration booklets and send their children to public elementary and secondary schools. Thousands of Baha'is who were dismissed from government jobs in the early 1980's receive no unemployment benefits and have been required to repay the Government for salaries or pensions received from the first day of employment. Those unable to do so face prison sentences (see Sections 1.d. and 2.c.).

National/Racial/Ethnic Minorities.—The Kurds seek greater autonomy from the central Government and continue to suffer from government discrimination. The Kurds' status as Sunni Muslims is an aggravating factor in their relations with the Shi'a-dominated government. These tensions predate the revolution. Kurds often are suspected by government authorities of harboring separatist or foreign sympathies. These suspicions have led to sporadic outbreaks of fighting between government forces and Kurdish groups. Human Rights Watch reported in September 1997 that in the wake of the Gulf War and the creation of an autonomous Kurdish zone in northern Iraq, Iranian authorities increased their military presence in Kurdish areas of Iran, which often led to human rights abuses against Kurds. Abuses included destruction of villages, forced migrations, and widespread mining of Kurdish property. In 1994 government agents killed Dr. Abdul Rahman Gassemlou, a representative of the Kurdish Democratic Party of Iran in Vienna.

In the wake of the February 1999 arrest of Kurdish Workers Party leader Abdullah Ocalan in Turkey, Iranian Kurds demonstrated in numerous cities in Iranian Kurdistan. In several instances, security forces suppressed the demonstrations by force. Human rights groups reported at least 20 deaths and several hundred arrests during the violence (see Sections 1.a. and 2.b.).

Azeris are well integrated into the Government and society, but complain of ethnic and linguistic discrimination. The Government traditionally has viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Mohammed Chehrangi, an advocate for the cultural rights of Azeris, was arrested in December 1999. Azeri groups maintain that the arrest was made to prevent his registration as a candidate for the February parliamentary elections (see Sections 1.d. and 3).

Section 6. Worker Rights

a. The Right of Association.—The Labor Code grants workers the right to establish unions; however, the Government does not allow independent unions to exist. A national organization known as the Worker's House, founded in 1982, is the sole authorized national labor organization. It serves primarily as a conduit for the Government to exert control over workers. The leadership of the Worker's House coordinates activities with Islamic labor councils, which are made up of representatives of the workers and one representative of management in industrial, agricultural, and service organizations of more than 35 employees. These councils also function as instruments of government control, although they frequently have been able to block layoffs and dismissals.

In 1991 the Government published a new Labor Code that allowed employers and employees to establish guilds. The guilds issue vocational licenses and help members find jobs.

The Government does not tolerate any strike deemed to be at odds with its economic and labor policies. In 1993 the Parliament passed a law that prohibits strikes by government workers. It also prohibits government workers from having contacts with foreigners and stipulates penalties for failure to observe Islamic dress codes and principles at work. Nevertheless, strikes occur, and apparently in increasing numbers as the economy has worsened. A European-based labor organization that follows Iranian labor issues reported 181 protests and strikes by workers in the period from March 1998 to March 1999. These reportedly included strikes and protests by oil, textile, electrical manufacturing, and metal workers, and by the unemployed.

Newspapers in 1999 reported an "unauthorized rally" by thousands of workers over the Government's labor policies and the poor economy. Instances of late or partial pay for government workers reportedly are common.

There are no known affiliations with international labor organizations.

b. The Right to Organize and Bargain Collectively.—Workers do not have the right to organize independently and negotiate collective bargaining agreements. No information is available on mechanisms used to set wages. It is not known whether labor legislation and practice in the export processing zones differ from the law and practice in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The Penal Code provides that the Government may require any person who does not have work to take suitable employment; however, this does not appear to be enforced regularly. This provision has been criticized frequently by the International Labor Organization (ILO) as contravening ILO Convention 29 on forced labor. There is no information available on the Government's policy on forced and bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law prohibits employment of minors under 15 years of age and places special restrictions on the employment of minors under age 18. Education is compulsory until age 11. The law permits children to work in agriculture, domestic service, and some small businesses. By law women and minors may not be employed in hard labor or, in general, night work. Information on the extent to which these regulations are enforced is not available. There is no information available on the Government's policy on forced and bonded labor by children (see Section 6.c.). A 1985 law provides for 3 months of paid maternity leave, and 2 half-hour periods per day for nursing mothers to feed their babies.

e. Acceptable Conditions of Work.—The Labor Code empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region. It is not known if the minimum wages are adjusted annually or enforced. The Labor Code stipulates that the minimum wage should be sufficient to meet the living expenses of a family and should take inflation into account. Under current poor economic conditions, many middle-class citizens must work two or even three jobs to support their families. The daily minimum wage was raised in March 1997 to \$2.80 (8,500 rials). This wage apparently is not sufficient to provide a decent standard of living for a worker and family. Information on the percentage of the working population covered by minimum wage legislation is not available.

The Labor Code establishes a 6-day workweek of 48 hours maximum, with 1 weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the Labor Code, a Supreme Safety Council, chaired by the Labor Minister or his representative, is responsible for promoting workplace safety and health. The Council reportedly has issued 28 safety directives, and oversees the activities of 3,000 safety committees established in enterprises employing more than 10 persons. Labor organizations outside the country allege that hazardous work environments are common in Iran, and result in thousands of worker deaths per year. It is not known how well the Ministry's inspectors enforce regulations. It is not known whether workers may remove themselves from hazardous situations without risking the loss of employment.

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

IRAQ

Political power in Iraq¹ lies exclusively in a repressive oneparty apparatus dominated by Saddam Hussein and members of his extended family. The provisional Constitution of 1968 stipulates that the Arab Ba'th Socialist Party governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who is also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'th Party, wields decisive power. Saddam Hussein and his regime continued to refer to an October 1995 nondemocratic "referendum" on his presidency, in which he received 99.96 percent of the vote. This "referendum" included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a dissenting vote. Ethnically and linguistically the Iraqi population includes Arabs, Kurds, Turkomans, Assyrians, Yazidis, and Armenians. The religious mix is likewise varied and consists of Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), Jews (most of whom have emigrated), and a small number of Mandaeans. Civil uprisings have occurred in recent years, especially in the north and the south. The Government has reacted with extreme repression against those who oppose or even question it. The judiciary is not independent, and the President may override any court decision.

¹The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

The Government's security apparatus includes militias attached to the President, the Ba'th Party, and the Interior Ministry. The security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. Security forces committed widespread, serious, and systematic human rights abuses.

The Government owns all major industries and controls most of the highly centralized economy, which is based largely on oil production. The economy was damaged by the Iran-Iraq and Gulf Wars, and Iraq has been under U.N. sanctions since its 1990 invasion of Kuwait. Sanctions ban all exports, except oil sales, under U.N. Security Council Resolution 986 and subsequent resolutions (the "oil-for-food" program). Under the program, Iraq also is permitted, under U.N. control, to import food, medicine, supplies for water, sanitation, electricity, agricultural, and educational projects, and spare parts for the oil sector.

The Government's human rights record remained extremely poor. Citizens do not have the right to change their government. The Government continued to execute summarily perceived political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a continuing effort to reduce prison populations. The Government continued to be responsible for disappearances and to kill and torture persons suspected of—or related to persons suspected of—economic crimes, military desertion, and a variety of other activities. Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions are extremely poor. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. The judiciary is not independent. The Government continued to infringe on citizens' privacy rights.

The Government restricts severely freedom of speech, press, assembly, association, religion, and movement. The U.N. Commission on Human Rights and the U.N. General Assembly passed resolutions in April and November respectively criticizing the Government's suppression of these freedoms. Human rights abuses remain difficult to document because of the Government's efforts to conceal the facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to grant visits to human rights monitors, and its continued restrictions designed to prevent dissent. Denied entry to Iraq, the Special Rapporteur bases his reports on the Government's human rights abuses on interviews with recent emigres from Iraq, interviews with opposition groups and others that have contacts inside Iraq, and on published reports. Violence and discrimination against women occur. The Government has enacted laws affording a variety of protections to women; however, it is difficult to determine the practical effects of such protections. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts severely trade union rights. Child labor persists, and there were instances of forced labor.

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have controlled most areas in the three northern provinces of Erbil, Duhok, and Sulaymaniah since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 Kurdish uprising. The KDP and the PUK fought one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The ceasefire has held; however, reunification measures have not been implemented. The KDP, PUK, and opposition groups committed human rights abuses. The PUK held municipal elections in February, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The Government committed numerous political and other extrajudicial killings. The Government has a long record of executing perceived opponents. The U.N. Special Rapporteur, the international media, and other groups all have reported a heightened number of summary executions in Iraq since 1997, assertions that are supported in detail by several sources in Iraq. The Special Rapporteur has stated that "the country is run through extrajudicial measures." The list of offenses requiring a mandatory death penalty has grown substantially in recent years and now includes anything that could be characterized as "sabotaging the national economy," including forgery, as well as smuggling cars, spare parts, material, heavy equipment, and machinery. The Spe-

cial Rapporteur also noted that membership in certain political parties is punishable by death, that there is a pervasive fear of death for any act or expression of dissent, and that there are recurrent reports of the use of the death penalty for such offenses as “insulting” the President or the Ba’th Party. “The mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty,” the Special Rapporteur stated. Government killings occurred with total impunity and without due process.

The regime periodically executed large numbers of political detainees en masse. During the year, the Special Rapporteur continued to receive reports referring to a “prison cleansing” execution campaign taking place in Abu Ghurayb, Radwanayah, and other prisons. Opposition groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Iraqi Communist Party (ICP), the Iraqi National Congress (INC), and others with a network inside the country provided detailed accounts of summary executions, including the names of hundreds of persons killed.

On three occasions in January and February, prison officials reportedly executed 91 prisoners at Abu Ghurayb; some of the prisoners were accused of theft, some were accused of trafficking in drugs, and some reportedly were affiliated with a political opposition group. According to opposition groups, prison officials reportedly executed 58 prisoners who were held in solitary confinement at Abu Ghurayb; 14 were charged with political crimes and 44 were charged with common crimes. According to the U.N. Special Rapporteur, Human Rights Watch (HRW), and the Center for Human Rights of the Iraqi Communist Party (ICP), the Government executed nearly 200 prisoners at Abu Ghurayb prison between October and December 1999. The prisoners were detained originally for their opposition activities against the Government.

The Government’s motive for such high numbers of summary executions—estimated at over 3,000 since 1997—may be linked to reported intimidation of the population and reduction of prison populations. As in previous years, there were numerous credible reports that the regime continued to execute persons thought to be involved in plotting against Saddam Hussein or the Ba’th Party. These executions included high-ranking civilian, military, and tribal leaders. For example, according to various opposition groups, government officials reportedly executed Republican Guard Brigadier General Abd al-Karim al-Dulaymi and between 25 and 38 other Republican Guard officers on suspicion of disloyalty during the year. According to Human Rights Watch, the Government executed four Special Security Forces officers, including staff Colonel Kadhim Jawad Ali and Ali Muhammad Salman. On December 28, 1999, the Government executed Captain Husayn Hashim Muhsin on suspicion of disclosing military information. On December 29, 1999, the Government executed by firing squad five members of the Republican Guard allegedly for participating in antigovernment activities.

Government agents targeted for killing family members of defectors. For example, government agents reportedly killed Safiyah Hassan who allegedly criticized publicly the Government for killing her husband and two sons, Hussein and Saddam Kamal. Her husband and sons had been senior government officials; however, the brothers defected to Jordan in 1996. The Government offered the men immunity if they returned to the country; however, upon their return government agents killed them and their father.

On June 3, the Government reportedly killed Jordanian citizen Dawud Sulayman al-Dalu and did not disclose information about the charges against him. According to the Iraqi National Party, government officials killed seven employees of the Central Computer Department in Baghdad because they allegedly purchased computer equipment from the UAE; the Government reportedly believed that the equipment would be used to send information abroad.

In October security forces reportedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities (see Section 5). Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International (AI), the victim’s heads were displayed in front of their homes for several days. Thirty of the victims’ names reportedly were published, including three doctors and one medical assistant.

During the year, a former officer from the Mukhabarat reported that he participated in a 1998 mass murder at Abu Ghurayb prison following a Revolutionary Command Council directive to “clean out” the country’s prisons.

In 1998 and 1999, the Government killed a number of leading Shi’a clerics, prompting the former Special Rapporteur in 1999 to express his concern to the Government that the killings might be part of a systematic attack by government officials on the independent leadership of the Shi’a Muslim community. The Government had not responded to the Special Rapporteur’s letter by year’s end.

Observers attributed the August 1999 death of Iraq's chief architect Husam Bahnam Khuduri to poisoning. Although not widely used in recent years, the use of slow-acting poisons such as thallium (a radioactive substance that can be dissolved in drinking water) was a preferred method of political killings in the late 1980's and early 1990's. Khuduri reportedly had extensive knowledge about the construction of Saddam Hussein's palaces, tunnels, and bunkers. While the official obituary did not state a cause of death, acquaintances reported that Khuduri showed signs of being under the effect of a slow-acting poison several days before he died. Several weeks before Khuduri died, he was interviewed for a satirical documentary about the regime by French filmmaker Joel Solar; according to Solar, Khuduri appeared healthy during the interviews.

Reports of deaths due to poor prison conditions continued (see Section 1.c.). Many persons who were displaced forcibly still live in tent camps under harsh conditions, which also results in many deaths (see Sections 2.d. and 5).

The Government reportedly does not investigate political or extrajudicial killings, and no investigations were made into the hundreds of killings committed by security forces in 1999, or in killings from previous years.

As in previous years, the regime continued to deny the widespread killings of Kurds in the north of the country during the "Anfal" Campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and HRW have concluded that the Government's policies against the Kurds raise issues of crimes against humanity and violations of the 1948 Genocide Convention.

Political killings and terrorist actions continued in the Kurdcontrolled north of the country. For example, unknown persons killed the leader of the Democratic Nationalist Union of Kurdistan, Sirbit Mahmud. In July unknown assailants killed parliamentary deputy Osman Hassan. In July PUK forces killed 4 members of the Iraqi Communist Workers Party and KDP forces killed several members of the Turkoman Front.

In June 1999, the Assyrian International News Agency (AINA) reported that the partially decomposed body of Helena Aloun Sawa, an Assyrian woman who had been missing for a month, was discovered. AINA concluded that the murder "resembles a well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in the north. However, the KDP reported that there did not appear to be a "political or racial" motive. In June 1999, the KDP appointed a commission to further investigate the killing. No results of the investigation were reported by year's end.

b. Disappearance.—The Special Rapporteur continued to receive reports of widespread disappearances. The whereabouts of journalist and Baghdad professor, Hashem Hasan, who was arrested as he attempted to leave the country in September 1999, remained unknown at year's end (see Section 2.c.). The status of six members of the Assyrian community of Baghdad, arrested in October 1996, is unknown. Hundreds still are missing in the aftermath of the brief Iraqi military occupation of Erbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported "prison-cleansing" campaign (see Section 1.a.). Thirty-three members of the Yazidi community of Mosul, who were arrested in July 1996, still are unaccounted for. Sources inside the country reported the existence of special prison wards that hold individuals whose whereabouts, status, and fate is not disclosed (see Section 1.c.).

The Government continued to ignore the more than 16,000 cases conveyed to it in 1994 and 1995 by the United Nations, as well as requests from the Governments of Kuwait and Saudi Arabia on the whereabouts of those missing from Iraq's 1990–91 occupation of Kuwait, and from Iran on the whereabouts of prisoners of war that Iraq captured in the 1980–88 Iran-Iraq war. The majority of the 16,496 cases known to the Special Rapporteur are persons of Kurdish origin who disappeared during the 1988 Anfal Campaign. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. HRW estimates the total at between 70,000 and 150,000, and AI at more than 100,000. The second largest group of cases known to the Special Rapporteur consists of Shi'a Muslims who were reported to have disappeared in the late 1970's and early 1980's as their families were expelled to Iran due to their alleged Persian ancestry.

In 1997 and 1999, AI documented the repeated failure by the Government to respond to requests for information about persons who have disappeared. The report detailed unresolved cases dating from the early 1980's through the mid-1990's, particularly the disappearances of Aziz Al-Sayyid Jassem, Sayyid Muhammad Sadeq Muhammad Ridha Al-Qazwini, Mazin Abd Al-Munim AlSamarra'i, the six Al-Hashimi brothers, the four Al-Sheibani brothers, and numerous persons of Iranian descent or of the Shi'a branch of Islam. The report concludes that few of these victims became targets of the regime for any crime; rather, they were arrested and

held as hostages in order to force a relative, who may have escaped abroad, to surrender. Others were arrested due to their family's link to a political opponent or simply because of their ethnic origin (see Section 1.d.).

The Special Rapporteur and several human rights groups continued to request that the Government provide information about the 1991 arrest of the late Grand Ayatollah Abdul Qasim Al-Khoei and 108 of his associates. The Ayatollah died while under house arrest in Al-Najaf. Other individuals who were arrested with him have not been accounted for, and the Government refuses to respond to queries regarding their status. Similarly AI identified a number of Ayatollah Sadeq Al-Sadr's aides who were arrested in the weeks prior to his killing in February 1999 (see Sections 1.a., 1.d., and 1.g.). Their whereabouts remain unknown. In its November 1999 report, AI identified eight aides of Al-Sadr who disappeared.

The Government failed to return, or account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Government officials, including military leaders known to have been among the last to see the persons who disappeared during the occupation, have refused to respond to the hundreds of outstanding inquiries about the missing. Of 609 cases of missing Kuwaiti citizens under review by the Tripartite Commission on Gulf War Missing, only 3 have been resolved. The Government denies having any knowledge of the others and claims that any relevant records were lost in the aftermath of the Gulf War. In a December report to the U.N. Security Council, the U.N. Secretary General criticized the Government's refusal to cooperate with the United Nations on the issue of the missing Kuwaiti citizens. Iran reports that 5,000 Iranian prisoners from the IranIraq War are unaccounted for by Iraq.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the Government continued to hold thousands of other Iraqis in incommunicado detention (see Sections 1.c., 1.d., and 1.e.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, the security services routinely and systematically tortured detainees. According to former prisoners, torture techniques included branding, electric shocks administered to the genitals and other areas, beating, pulling out of fingernails, burning with hot irons and blowtorches, suspension from rotating ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water, extended solitary confinement in dark and extremely small compartments, and threats to rape or otherwise harm family members and relatives. Evidence of such torture often was apparent when security forces returned the mutilated bodies of torture victims to their families. There are persistent reports that the families are made to pay for the cost of executions. Iraqi refugees who arrive in Europe often reported instances of torture to receiving governments, and displayed scars and mutilations to substantiate their claims. AI noted that Iraqi authorities have failed to investigate these reports.

During the year, the Special Rapporteur continued to receive reports that arrested persons routinely are subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. For some years, the Special Rapporteur has expressed concern about cruel and unusual punishments prescribed by the law, including amputations and brandings. During the year, authorities reportedly introduced tongue amputation as a punishment for persons who criticize Saddam Hussein or his family. In September government authorities reportedly amputated the tongue of a person who allegedly criticized Saddam Hussein. Following the amputation, authorities reportedly drove him around in an open truck and broadcast his alleged crime and punishment.

Human rights organizations, and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly assault sexually both regime officials and opposition members in order to blackmail them into compliance. Former Mukhabarat member Khalid Al-Janabi reported that a Mukhabarat unit, the Technical Operations Directorate, uses rape and sexual assault in a systematic and institutionalized manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure their future cooperation (see Section 1.f.).

The security forces allegedly raped women who were captured during the Anfal Campaign and during the occupation of Kuwait. The Government never has acknowledged these reports, conducted any investigation, nor taken action against those who committed the rapes.

There were reports that Uday Hussein ordered security forces to torture members of the country's national soccer team during the year. For example, three soccer players who lost an October game in the Asian Cup quarter finals reportedly were whipped and detained for three days. A former Iraqi international soccer player

stated in August 1999 that he and his teammates were tortured on Uday Hussein's orders for not winning matches. These claims lend credence to previous similar reports.

KDP forces reportedly entered Assyrian villages on different occasions and beat villagers (see Section 2.d.). Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years (see Section 5).

Prison conditions are extremely poor. There reportedly are numerous official, semiofficial, and private prisons throughout the country. Overcrowding is a serious problem. In May 1998, Labor and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview that "the prisons are filled to five times their capacity and the situation is serious." Sabah was dismissed from his post after the interview, and the government-owned daily newspaper Babel reiterated the Government's long-standing claim that it holds virtually no prisoners. It is unclear to what extent the mass executions committed pursuant to the "prison cleansing" campaign have reduced overcrowding (see Section 1.a.).

Certain prisons are infamous for routine mistreatment of prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwanayah, and other prisons reportedly have torture chambers. There are numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly is the site of torture and a number of disappearances. The Al-Radwanayah detention center is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.). This prison was the principal detention center for persons arrested following the civil uprisings of 1991.

During the year, the Special Rapporteur reported receiving information about two detention facilities in which prisoners are locked in metal boxes the size of coffins that reportedly are opened for only 30 minutes each day. There also were reports that in Sijn al-Tarbout prison and Quortiyya prison, prisoners are fed only liquids. A multistory underground detention and torture center reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Center for Human Rights of the Iraqi Communist Party stated that the complex includes torture and execution chambers. A section reportedly is reserved for prisoners in a "frozen" state—that is, those whose status, fate, or whereabouts are not disclosed.

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980's during the IranIraq war, reportedly are being held incommunicado at the Abu Ghurayb prison. According to a report received by the Special Rapporteur in 1998, such persons have been detained without charge for close to 2 decades in extremely harsh conditions. The report states that many of the detainees were used as subjects in the country's outlawed experimental chemical and biological weapons programs.

Reports of deaths due to poor conditions in prisons and detention facilities also continued during the year. The Iraqi Communist Party reported that 13 prisoners died at Makaseb detention center in December 1999 and January as a result of torture and poor prison conditions. The 13 prisoners reportedly were among the Shi'a detained in the aftermath of the protests following the February 1999 assassination of Sheik Al-Sadr (see Section 1.g.). In August the ICP reported that three political prisoners died from illnesses contracted in Abu Ghurayb prison. The prisoners reportedly were denied medical treatment.

The Government does not permit visits by human rights monitors.

Iraqi Kurdish regional officials reported that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular and consistent improvement in conditions were observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintain private, undeclared prisons, and both groups reportedly deny access to ICRC officials.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the Legal Code explicitly prohibit arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the November 1999, AI report entitled, "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in recent years because of suspected opposition activities or because they are related to persons sought by the authorities. Those arrested often are taken away by plainclothes security agents who offer no explanation and produce no warrant to the person or family members (see Section 1.f.). The authorities deny detainees legal representation and visits by family members. In most cases, family members do not know the whereabouts of detainees and do not make inquiries due to fear of reprisal. Many persons are taken away in front of family

members who hear nothing further until days, months, or years later, when they are told to pick up the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (see Section 1.f.).

In April security forces reportedly arrested a number of Republican Guard and Special Security Forces personnel following what the Government claimed was a coup attempt.

Mass arbitrary arrests and detentions often occur in areas where antigovernment leaflets have been distributed. Other arrests have no apparent basis. For example, in July 1999, Ahlam Khadom Rammahi, a housewife who left Iraq in 1982, traveled from London using her British passport to visit her mother. Police arrested Rammahi on August 5, 1999. No reason was stated for the arrest, and government officials did not inform her family of her whereabouts. AI reported that Rammahi was released on September 1999 as a result of international pressure. She subsequently was able to rejoin her family in the United Kingdom.

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remain in detention.

The Government reportedly targets the Shi'a Muslim community for arbitrary arrest and other abuses. Security forces arrested hundreds of persons in al-Najaf, Karbala, and the Shi'a section of Baghdad following an anonymous distribution of antigovernment leaflets. In the weeks preceding the February 1999 killing of Ayatollah Sadeq Al-Sadr and two of his sons, many of Al-Sadr's aides were arrested, and their whereabouts still were unknown at year's end (see Sections 1.a. and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following the killing (see Section 1.g.).

Although no statistics are available, observers estimate the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

The Government announced in June 1999 a general amnesty for Iraqis who had left the country illegally or were exiled officially for a specified period of time but failed to return after the period of exile expired (see Section 2.d.). No citizens are known to have returned to the country based upon this amnesty. An estimated 1 to 2 million self-exiled citizens reportedly remain fearful of returning to the country.

The PUK and the KDP reportedly hold approximately 500 political detainees in the north of the country. The KDP and PUK reached agreement for the mutual release of political prisoners in 1999. In March the KDP released 10 PUK prisoners and the PUK released 5 KDP prisoners (see Section 1.g.).

e. Denial of Fair Public Trial.—The judiciary is not independent, and there is no check on the President's power to override any court decision. In 1999 the Special Rapporteur and international human rights groups observed that the repressive nature of the political and legal systems precludes application of the rule of law. Numerous laws lend themselves to continued repression, and the Government uses extrajudicial methods to extract confessions or coerce cooperation with the regime.

There are two parallel judicial systems: The regular courts, which try common criminal offenses, and the special security courts, which generally try national security cases but also may try criminal cases. In addition to the Court of Appeal, there is the Court of Cassation, which is the highest court.

Special security courts have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often hold defendants incommunicado and do not permit contact with lawyers. The courts admit confessions extracted by torture, which often serve as the basis for conviction. Many cases appear to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or personal predilection. There are no Shari'a (Islamic law) courts; however, regular courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts theoretically provide for many protections. However, the regime often assigns to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at government expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honor crimes," a vio-

lent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct (see Section 5). A 1992 decree grants immunity from prosecution to members of the Ba'th Party and security forces who kill anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree has been applied to prevent trials or punishment of government officials. The PUK declared during the year that "honor crime" immunity would not apply in the area under its control.

It is difficult to estimate the number of political prisoners, because the Government rarely acknowledges arrests or imprisonments, and families are afraid to talk about arrests. Many of the tens of thousands of persons who disappeared or were killed in recent years originally were held as political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Government frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offenses so broadly that authorities effectively are exempt from the legal requirement to obtain search warrants, and searches without warrants are commonplace. The regime routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The Government periodically jammed news broadcasts from outside the country, including those of opposition groups. The security services and the Ba'th Party maintain pervasive networks of informers to deter dissident activity and instill fear in the public.

In November 1999, the Government expelled more than 4,000 families that had sought refuge in Baghdad after the 1991 Gulf War.

In 1999 and previous years, the regime periodically sealed off entire districts in Kirkuk and conducted day-long, house-to-house searches, evidently as part of its "Arabization" campaign to harass and expel ethnic Kurds and Turkomans from the region (see Sections 2.d. and 5). Government officials also take hostage members of minority groups to intimidate their families into leaving their home regions (see Sections 1.d., 2.d., and 5).

The authorities continued systematically to hold family members and close associates responsible for the alleged actions of others (see Sections 1.a., 1.b., 1.d., and 1.g.). For example, former General Najib Al-Salahi, who fled to Jordan in 1995, reported that some of his relatives had been arrested and harassed since he left the country and criticized publicly the Government. In June General Al-Salahi reportedly received a videotape of security forces raping a female family member. He subsequently received a telephone call from an intelligence agent who stated that another female relative was being held and warned him to stop speaking out against the Government. The Special Rapporteur reported that security forces killed the mother of a prominent opposition leader.

In the past, the authorities demolished the houses and detained and executed family members of Shi'a who protested government actions (see Section 1.g.).

The Special Rapporteur noted that guilt by association is facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, relatives who do not report deserters may lose their ration cards for purchasing government-controlled food supplies, be evicted from their residences, or face the arrest of other family members. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 1999 that authorities denied food ration cards to families that failed to send their young sons to the "Lion Cubs of Saddam" compulsory weapons-training camps (see Section 5). Conscripts are required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted.

The Special Security Office reportedly continued efforts to intimidate the relatives of opposition members. Relatives of citizens outside the country who were suspected of sympathizing with the opposition were forced to call the suspected opposition members to warn them against participating in opposition conferences or activities during the year.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Following the February 1999 killing of Ayatollah Mohammad Sadeq Al-Sadr and his sons (see Section 1.a.), there were widespread reports of military assaults on protesters in areas of Baghdad heavily populated by Shi'a, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra, in which hundreds of persons were killed. While a funeral for Al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Government security forces used excessive force in breaking up these illegal gatherings, killing hundreds of persons. For example, in the Shi'a district of Al-Thawra in Baghdad, a crowd of tens of thousands was attacked by government security forces using automatic weapons and armored vehicles. The attack resulted in the deaths of approximately

25 mourners (although estimates range up to 400) including, according to one report, the imam of the Al-Thawra mosque. According to Shi'a sources, martial law was declared throughout the region in reaction to the Al-Sadr killing.

Authorities continued to target alleged supporters of Al-Sadr during the year. In February security officials reportedly executed 30 religious school students who had been arrested after Al-Sadr's killing. In March numerous Shi'a who fled the country in 1999 and earlier in the year, told HRW that security forces interrogated, detained, and tortured them. In May six other students who were arrested following the killing were sentenced to death. It was unknown whether the death sentences had been carried out by year's end.

As a reprisal for the disturbances following Al-Sadr's killing, the Government expelled approximately 4,000 Shi'a families from Baghdad and sent them to the south and west in 1999 and during the year.

The Government continued to "Arabize" certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Sections 2.d. and 5).

Landmines in the north, mostly planted by the Government before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq War; however, the army failed to clear them before it abandoned the area. The mines appear to have been planted haphazardly in civilian areas. Landmines also are a problem along the Iraq-Iran border throughout the central and southern areas in the country. There is no information on civilian casualties or the Government's efforts, if any, to clear old mine fields in areas under the central Government's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples' Aid, over 3,000 persons have been killed by landmines in the three northern governorates since the 1991 uprising. The Special Rapporteur repeatedly has reminded the Government of its obligation under the Landmines Protocol to protect civilians from the effects of mines. Various non-governmental organizations (NGO's) continued efforts to remove landmines from the area and increase awareness of the mine problem among local residents.

In December 1998, the Government declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave the country. In April 1999, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed at close range by an unknown assailant. The KDP arrested a person who claimed to have killed the U.N. worker on behalf of Saddam Hussein's Fedayeen.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the regime, including deliberate killing, torture, rape, pillage, and hostage-taking as directly related to the Gulf War. HRW and other organizations have worked with various governments to bring a genocide case at the International Court of Justice against the Government for its conduct of the Anfal campaign against the Kurds in 1988.

No hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. The KDP and the PUK agreed in September 1998 to unify their administrations; however, little progress was made toward implementing the agreement. In October 1999, senior officials from the two parties agreed on a series of measures, including prisoner exchanges, the return of internally displaced persons (IDP's) to their homes, and arrangements for freedom of movement between their respective areas. Most of the measures were not implemented; however, the PUK and KDP conducted a small prisoner exchange in March (see Section 1.d.). In April the ICRC reported that IDP's on both sides still were living in tents or in open, unheated buildings (see Section 2.d.).

Armed hostilities and resulting deaths were reported between the KDP and the Iraqi Turkoman Front (ITF), the PUK and the IWCP, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. There were a number of bomb attacks on civilian targets during the year in both the KDP- and PUK-controlled areas, which killed at least 12 persons.

KDP forces attacked the Erbil headquarters of the ITF in July, killing at least two persons and injuring several others. Tension between the KDP and the ITF had been building for months as the KDP leadership expressed frustration that the ITF failed to accept the KDP as the local authority. The ITF complained that the KDP interfered in its internal affairs.

In July the PUK reportedly ordered all opposition groups to move their offices out of Sulaymaniah's city center following a number of bombings; the IWCP reportedly refused to move. PUK security forces subsequently killed at least six IWCP members and arrested several others at an IWCP office in Sulaymaniah. PUK forces also killed several IWCP members who were inside a car. In connection with this dis-

pute, the PUK closed the IWCPaffiliated Independent Women's Organization and the Women's Protection Center in July and detained temporarily 12 women who had been staying at an abused women's shelter within the Center.

There were repeated military incursions by Turkish security forces into northern Iraq during the year. In late 1999, the Turkish airforce targeted PKK positions in both KDP and PUK controlled areas. In April, May, and August, Turkish troops again were deployed to the region. In one incident, Turkish troops killed 38 Kurdish civilians. In July the PUK attempted to push the PKK out of its territory and fighting ensued. Both the PKK and the PUK suffered a number of casualties. In December hundreds of Turkish troops were deployed to the region, threatening to intervene on the PUK's behalf. Subsequently, the PUK and the PKK declared a cease-fire.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press “in compliance with the revolutionary, national, and progressive trend;” however, in practice the Government does not permit freedom of speech or of the press, and does not tolerate political dissent in areas under its control. In November the U.N. General Assembly criticized the Government’s “suppression of freedom of thought, expression, information, association, and assembly.” The Special Rapporteur stated in October 1999 that citizens lived “in a climate of fear” in which whatever they said or did, particularly in the area of politics, involved “the risk of arrest and interrogation by the police or military intelligence.” He noted that “the mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty.”

The Government and the Ba’th Party own all print and broadcast media, and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed, either domestically or abroad. A 1999 Freedom House report rated Iraqi press freedom at 98 out of a possible 100 points, with 0 being the most free and 100 being the most controlled. Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high government officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba’th Party.

According to the Special Rapporteur, journalists are under continuous pressure to join the Ba’th party and must follow the mandates of the Iraqi Union of Journalists, headed by Uday Hussein. According to Iraqi sources, in 1999 Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough (see Section 6.a.). In September 1999, journalist and Baghdad University professor Hashem Hasan was arrested after declining an appointment as editor of one of Uday Hussein’s publications. The Paris-based Reporters Sans Frontières (RSF) sent a letter of appeal to Uday Hussein; however, Hassan’s fate and whereabouts remain unknown (see Section 1.b.).

The Ministry of Culture and Information periodically holds meetings at which they issue general guidelines for the press. Foreign journalists must work from offices located within the ministry building and are accompanied everywhere they go by ministry officers, who reportedly restrict their movements and make it impossible for them to interact freely with citizens. Many Western news services are represented in Baghdad by bureaucrats who are based in the Ministry of Culture and Information.

The Government regularly jams foreign news broadcasts (see Section 1.f.). Satellite dishes, modems, and fax machines are banned although some restrictions reportedly were lifted in 1999. Security forces reportedly raided homes of persons suspected of using satellite dishes during the year. In October the Ministry of Foreign Affairs notified all diplomatic missions and international organizations that they would need to obtain government approval before bringing “any technical apparatus” into the country. During the year, the Government opened five Internet cafes where persons are permitted to view websites provided by the Ministry of Culture and Information.

Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with proregime propaganda to Kurdish regions; however, Kurds routinely remove propaganda items from such textbooks.

The Government does not respect academic freedom and exercises strict control over academic publications. University staff are hired and fired depending on their support for the Government.

In the north, many independent newspapers have appeared over the past 8 years, as have opposition radio and television broadcasts. The absence of central authority permits significant freedom of expression, including criticism of the regional Kurdish authorities; however, most journalists are influenced or controlled by various political organizations. Satellite services and related equipment for telephone, fax, Internet, and television services are available. Although the rival Kurdish parties in the north, the PUK and KDP, state that full press freedom is allowed in areas under their respective control, in practice neither effectively permits distribution of the opposing group's newspapers and other literature.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. Except in Kurdish-controlled northern areas, citizens legally may not assemble other than to express support for the regime. The Government regularly orchestrates crowds to demonstrate support for the regime and its policies through financial incentives for those who participate and threats of violence against those who do not. Widespread military and paramilitary attacks on persons who violated restrictions on peaceful assembly were reported throughout the year (see Section 1.g.).

The Constitution provides for freedom of association; however, the Government restricts this right in practice. The Government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The political magazine *Alef-Be*, which is published by the Ministry of Culture and Information, reported in December 1999 that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted the conditions necessary to establish political parties, which include the requirement that a political group must have at least 150 members over the age of 25. A 1999 law also stipulates that new parties must “take pride” in the 1958 and 1968 revolutions, which created the republic and brought the Ba’th party to power. Several parties are outlawed specifically, and membership in them is a capital offense (see Section 3). A 1974 law prescribes the death penalty for anyone “infiltrating” the Ba’th Party.

In contrast, in the Kurdish-controlled north, numerous political parties and social and cultural organizations exist.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. Islam is the official state religion.

The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, approves the building and repair of all places of worship, and approves the publication of all religious literature.

Over 95 percent of the population are Muslim. The (predominantly Arab) Shi’a Muslims constitute a 60 to 65 percent majority, while Sunni Muslims make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 13 to 16 percent are Sunni Arabs, and the rest are Sunni Turkomans). The remaining approximately 5 percent consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenian Orthodox), Yazidis, and a small number of Jews and Mandaeans.

The Government does not recognize political organizations that have been formed by Shi’a Muslims or Assyrian Christians. These groups continued to attract support despite their illegal status. There are religious qualifications for government office; candidates for the National Assembly, for example, “must believe in God” (see Section 3).

Although Shi’a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Sunni Arabs are at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi’a and Sunni Arabs are not distinct ethnically. Shi’a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba’th Party, and Shi’a formed the core of the army in the 1980–88 Iran–Iraq War.

The Government has for decades conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi’a Muslim population. Despite nominal legal protection of religious equality, the regime has repressed severely the Shi’a clergy and those who follow the Shi’a faith. Forces from the Mukhabarat, General Security (Amn Al-Amm), the Military Bureau, Saddam’s Commandos (Fedayeen Saddam), and the Ba’th Party have killed senior Shi’a clerics, desecrated Shi’a mosques and holy sites (particularly in the aftermath of the 1991 civil uprising), arrested tens of thousands of Shi’a, interfered with Shi’a religious education, and prevented Shi’a adherents

from performing their religious rites. Security agents reportedly are stationed at all the major Shi'a mosques and shrines and search, harass, and arbitrarily arrest worshippers.

The following government restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a Muslims; restrictions on the loaning of books by Shi'a mosque libraries; a ban on the broadcast of Shi'a programs on government-controlled radio or television; a ban on the publication of Shi'a books, including prayer books and guides; a ban on funeral processions other than those organized by the Government; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi'a holy days. Shi'a groups report that they captured documents from the security services during the 1991 uprising, which listed thousands of forbidden Shi'a religious writings. Security forces reportedly still were encamped in the shrine to Imam Ali at Al-Najaf, one of Shi'a Islam's holiest sites, and at the former Shi'a theological school in Al-Najaf; security forces have been there since 1991.

In June 1999, several Shi'a opposition groups reported that the Government instituted a new program in the predominantly Shi'a districts of Baghdad that used food ration cards to restrict where individuals could pray. The ration cards, part of the U.N. oil-for-food program, reportedly are checked when the bearer enters a mosque and are printed with a notice of severe penalties for those who attempt to pray at an unauthorized location. Shi'a sources outside the country who reported this policy believe that it is aimed not only at preventing unauthorized religious gatherings of Shi'a, but at stopping Shi'a adherents from attending Friday prayers in Sunni mosques, to which many pious Shi'a have turned since the closure of their own mosques.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the past several years, particularly in the internationally renowned Shi'a academic center of Najaf. This followed years of government manipulation of the Najaf theological schools. AI reported that the Government deported systematically tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970's and early 1980's, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially, were prime targets for deportation. In the 1980's, during the IranIraq war, it was reported widely that the Government expelled and denied visas to thousands of foreign scholars who wished to study at Najaf. After the 1991 popular uprising, the Government relaxed some restrictions on Shi'a attending the schools, perhaps believing that this would reduce popular anger over the arrests and executions of religious leaders. However, the revival of the schools appears greatly to have exceeded the Government's expectations, and led to an increased government crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon government-provided material that attacked fundamentalist trends. A campaign of arrests in Mosul against fundamentalist trends was reported in September 1999.

Authorities continued to target alleged supporters of Al-Sadr during the year (see Sections 1.a. and 1.g.). Two months prior to the anniversary of Al-Sadr's killing, security forces were deployed around shrines, mosques, and other religious institutions, and mosques were closed except during prayer time. In February security officials reportedly executed 30 religious school students who had been arrested after Al-Sadr's killing. In May six other students who were arrested following Al-Sadr's killing were sentenced to death. It was unknown whether the death sentences had been carried out by year's end. As a reprisal for the disturbances following Al-Sadr's killing, the Government expelled approximately 4,000 Shi'a families from Baghdad and sent them to the south and west in 1999 and during the year.

The Government consistently politicizes and interferes with religious pilgrimages, both of Muslim citizens who wish to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims who travel to holy sites in the country (see Section 2.d.).

Approval procedures established by the U.N. Sanctions Committee require advance notification to regional air controllers and coalition military aircraft for flights undertaken for religious and humanitarian purposes that originate from and return to the country. In 1998 the U.N. Sanctions Committee offered to disburse vouchers for travel and expenses to pilgrims making the Hajj; however, the Government rejected this offer. In 1999 the Sanctions Committee offered to disburse funds to cover Hajjrelated expenses via a neutral third party. The Government again rejected the opportunity. In both years, the Government insisted that these funds would be accepted only if they were paid in cash to the central bank. As a result, in both 1998 and 1999, no Iraqi pilgrims were able to take advantage of the available funds. Ac-

According to press reports, only 4,000 Iraqi pilgrims made the Hajj in 1999, despite the availability of 22,000 spaces.

In 1999 the Government flew several airplanes full of elderly Hajj pilgrims unannounced to Saudi Arabia.

Twice each year—on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar—Shi'a pilgrims from throughout the country and around the world travel to the Iraqi city of Karbala to commemorate the death there centuries ago of the Imam Hussein. The Government for several decades has interfered with these "Ashura" commemorations by preventing processions on foot into the city. In 1998 and 1999, violent incidents were reported between Iraqi pilgrims on one side and Ba'th party members and security forces enforcing the ban on the other. In May the Government prohibited persons from making the pilgrimage to Karbala. Security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (see Section 1.g.).

The Government also has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

The Special Rapporteur and others reported that the Government has engaged in various abuses against the country's 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights (see Section 2.d.). Most Assyrians live in the northern governorates, and the Government often has accused them of collaborating with Iraqi Kurds. In the north, Kurdish groups often refer to Assyrians as Kurdish Christians. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly tortured and executed many Assyrians. Both major Kurdish political parties have indicated that the Government occasionally targets Assyrians, as well as ethnic Kurds and Turkomans, in expulsions from Kirkuk in order to attempt to Arabize the city (see Section 2.d.).

The Government imposes some repressive measures on Yazidis (see Section 5). For example, 33 members of the Yazidi community of Mosul, arrested in July 1996, still are unaccounted for (see Section 1.b.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts movement within the country of citizens and foreigners. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest. Police checkpoints are common on major roads and highways.

The Government requires citizens to obtain specific government authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens are required to post collateral, which is refundable only upon their return. There are restrictions on the amount of currency that may be taken out of the country. Women are not permitted to travel outside the country alone; male relatives must escort them (see Section 5). Prior to December 1999, every student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December 1999, authorities banned all travel for students (including those in grade school), cancelled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses.

In what appeared to be an effort to lure citizens living abroad back to the country, government radio announced in June 1999 an amnesty for teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all citizens who either had left the country illegally or who had failed to return after the period of exile had expired (see Section 1.d.). The decree stated that "charges of illegal departure, forging official documents towards this purpose, and disrupting public duties that were pressed before the issuance of this decree shall be dropped effective immediately." In October 1999, Justice Minister Shabib Al-Maliki announced that authorities may seize assets belonging to Iraqis living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor Iraqis inside the country who received money from relatives living abroad.

A November 1999 law placed additional penalties on citizens who attempt to leave the country illegally. Under the law, a prison term of up to 10 years and "confiscation of movable and immovable property" is to be imposed on anyone who attempts to leave illegally. Similar penalties face anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors. In January the director of the Real Estate Registration Department stated that pursuant to the decree, the Government confiscated the property of a number of persons.

The Government restricts foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security

authorities interrogate all media employees, journalists, and writers upon their return from foreign travel. In December 1999, Captain Ammar Yasir Mahyush and retired Major Jasim Muhsin Ala reportedly were executed for their attempt to flee the country in February 1999.

The Government consistently politicizes and interferes with religious pilgrimages, both of Muslim citizens who wish to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims to holy sites in Iraq (see Section 2.c.).

Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) are required to apply for naturalization as citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance include, but are not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The Government prevents many citizens who also hold citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality.

The U.N. Secretary General estimates that there are more than half a million IDPs remaining in the three northern provinces (Erbil, Dohuk, and Sulaymaniah), most of whom fled government-controlled areas in early 1991 during the uprising that followed the Gulf War. As reported by the Special Rapporteur, the Government continued its "Arabization" policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkomans, and Assyrians living in Kirkuk, Khanaqin, Sinjar, Makhmour, Tuz, Khoramatu, and other districts. Most observers view the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area. For example, Kurdish grade school teachers and low-ranking civil servants are reassigned systematically outside of Kirkuk province, which has been renamed Al-Ta'mim ("Nationalization"). The Revolutionary Command Council has mandated that new housing and employment be created for Arab residents who have been resettled in Kirkuk, while new construction or renovation of Kurd-owned property reportedly is prohibited. Non-Arabs are not permitted to sell their homes, except to Arabs, nor register or inherit property. In contrast, in September the Ta'mim Voice newspaper reported that a significant sum of money would be made available to Arab citizens of Kirkuk to fund construction.

As part of the Arabization process, the Government continued to deport Kurdish and Turkoman families. Regional Kurdish authorities report that between January and June, 155 families (a total of 875 individuals) were expelled to the Kurdish-controlled north. The authorities estimate that since 1991, more than 94,000 persons have been displaced. Persons may avoid expulsion if they relinquish their Kurdish, Turkoman, or Assyrian identity and register as Arabs. Persons who refuse to relinquish their identity may have their assets expropriated and their ration cards withdrawn prior to being deported.

According to numerous deportees in the north, the Government generally uses a systematic procedure to evict and deport non-Arab citizens. Frequently, a security force official demands that a family change its ethnicity from Kurdish or Turkoman to Arab. Subsequently, security officials frequently arrest the head of household and tell the other family members that the person will be imprisoned until they agree to settle elsewhere in the country. Such families frequently choose to move to the north; family members must sign a form that states that the departure is voluntary and they are not allowed to take any property or their food ration cards issued under the U.N. oil-for-food program. The Government frequently transfers the family's house to an Arab Ba'th Party member.

Those expelled are not permitted to return. The Special Rapporteur reported in 1999 that citizens who provide employment, food or shelter to returning or newly arriving Kurds are subject to arrest. In order to encourage departure and prevent displaced persons from returning, the Government reportedly has placed landmines in the area around Kirkuk, and has declared it a military and security zone. Roads into the area are fortified with military checkpoints. The Government denies that it expels non-Arab families.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remain abroad. Apart from those suspected of sympathizing with Iran, most fled after the Government's suppression of the civil uprising of 1991; others are Kurds who fled during the Anfal Campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, have repatriated themselves to areas in the north, outside government control.

The Government does not provide first asylum or respect the rights of refugees. Approximately 12,000 Turkish Kurds who have fled civil strife in southeastern Turkey remain in northern areas controlled by the central Government. The

UNHCR is treating such displaced persons as refugees until it reaches an official determination of their status.

The KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons that each had expelled as a result of intra-Kurdish fighting in the three northern provinces; however, little effort to implement the agreement took place during the year. In April the ICRC observed that the displaced persons in the north still were living in tents or in open, unheated public buildings (see Section 1.g.).

In August 1999, the KDP reportedly imposed a blockade on eight Assyrian villages near Aqra. ICRC monitors reportedly intervened on the villages' behalf, and the blockade subsequently was lifted. However, KDP forces reportedly reentered one of the villages a couple of days later, rounded up the villagers, and publicly beat two of them. AINA reported that a similar raid occurred in another village. The KDP denied that the blockade or village raids occurred.

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

Citizens do not have the right to change their government. The President wields power over all instruments of government. Almost all important officials either are members of Saddam Hussein's family or are family allies from his home town of Tikrit. Although the Government has taken steps to increase the perception of democracy, the political process still is controlled firmly by the State. The 1995 so-called referendum on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voters feared possible reprisal if they cast a dissenting vote. A total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for parliamentary candidates; by law the candidates for the National Assembly must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." Elections for the National Assembly were held in March; 220 of the 250 parliamentary seats were contested and the 30 remaining seats were filled by presidential appointees. Out of the 250 seats, 165 seats reportedly were won by members of the Ba'th Party, 55 by independents, and 30 were appointed by Saddam Hussein to represent the northern provinces. According to the Special Rapporteur, the Ba'th Party allegedly instructed a number of its members to run as nominally independent candidates.

Full political participation at the national level is restricted to members of the Arab Ba'th Socialist Party, who are estimated to constitute about 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council (RCC). The council is headed by President Saddam Hussein. However, the RCC exercises both executive and legislative authority. The RCC dominates the National Assembly, which is completely subordinate to it and the executive branch.

Opposition political organizations are illegal and severely suppressed. Membership in certain political parties is punishable by death. In October security forces reportedly executed eight persons on charges of forming an opposition organization (see Sections 1.a. and 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'th Party. However, in practice the law is used to prohibit parties that do not support the President and the Government. New parties must be based in Baghdad and are prohibited from having any ethnic or religious character. In 1999 various media published articles claiming that Saddam Hussein instructed officials in October 1999 to consider the formation of new political parties, a state council, and a new constitution. However, a Ministry of Culture and Information magazine later reported that the only two groups that attempted to form a party were refused for having an insufficient number of members.

The Government does not recognize the various political groupings and parties that have been formed by Shi'a Muslims, Kurds, Assyrians, Turkomans, or other communities. These political groups continued to attract support despite their illegal status.

Women and minorities are underrepresented in government and politics. The law provides for the election of women and minorities to the National Assembly; however, they have only token representation.

In the north of the country, all central government functions have been performed by local administrators, mainly Kurds, since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising.

A regional parliament and local government administrators were elected in 1992. This parliament last met in May 1995. The two major Kurdish parties in de facto control of northern Iraq, the KDP and the PUK, battled one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The ceasefire has held; however, reunification measures were not implemented. The PUK held municipal elections in February, which were the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

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

The Government does not permit the establishment of independent human rights organizations. Citizens have established several human rights groups abroad and in northern areas not under government control. Monitors from most foreign and international human rights groups are not allowed in the country. However, the Government allows several international humanitarian and aid organizations to operate in the country.

The Government harassed and intimidated relief workers and U.N. personnel throughout the country, maintained a threat to arrest or kill relief workers in the north, and staged protests against U.N. offices in the capital (see Sections 1.g. and 2.a.).

As in previous years, the Government did not allow the U.N. Special Rapporteur to visit Iraq, nor did it respond to his requests for information.

In April and again in November, the U.N. Commission on Human Rights and the U.N. General Assembly criticized the "systematic, widespread, and extremely grave violations of human rights" by the Government, which resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

For the eighth consecutive year, the Commission called on the U.N. Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." The U.N. Subcommission on Prevention of Discrimination and Protection of Minorities made a similar request. The Government continued to ignore these calls.

The Special Rapporteur nonetheless was able to gather more evidence, in part due to interviews with current and past government officials that illustrated the systemic nature of human rights violations. He dispatched members of his staff to Kuwait, Jordan, and other locations to interview victims of government human rights abuses.

The Government operates an official human rights group that routinely denies allegations of abuses.

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

The Constitution and the legal system provide for some rights for women, children, and minorities; however, in practice the Government systematically violates these rights.

Women.—Domestic violence against women occurs but little is known about its extent. Such abuse customarily is addressed within the tightly knit family structure. There is no public discussion of the subject, and no statistics are published. Spousal violence constitutes grounds for divorce and criminal charges; however, suits brought on these charges reportedly are rare. Under a 1990 law, men who kill female family members for "immoral deeds" may receive immunity from prosecution for such honor crimes (see Section 1.e.).

In October security forces reportedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities (see Section 1.a.).

In April the PUK abolished in the Kurdish-controlled territories provisions of the Iraqi Penal Code that legitimized honor crimes.

The Special Rapporteur has noted that there is an unusually high percentage of women in the Kurdish areas, reportedly as a result of the disappearances of tens of thousands of Kurdish men during the Anfal Campaign. The Special Rapporteur reported that the widows, daughters, and mothers of the Anfal Campaign victims are dependent economically on their relatives or villages because they may not inherit the property or assets of their missing family members.

Evidence concerning the Anfal Campaign indicates that the Government killed many women and children, including infants, by firing squads and in chemical attacks.

The Government states that it is committed to equality for women, who make up about 20 percent of the work force. It has enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine the extent to which these protections are afforded in practice. Women are not allowed to travel outside the country alone (see Section 2.d.).

There are several women's organizations in the PUK-controlled regions in the north.

Children.—The Government claims that it has enacted laws to make education for girls compulsory. No information is available on whether the Government has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence indicating the Government's continued disregard for the rights and welfare of children. The evidence allegedly includes government officials taking children from minority groups hostage in order to intimidate their families to leave cities and regions where the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

The Government's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food and medicine that could have been made available to the general public were stockpiled in warehouses rather than ordered, or diverted for the personal use of some officials. The executive director of the U.N. office in charge of the oil-for-food program confirmed the insufficient placement of orders in a January letter to the Government, in which he expressed concern about the low rate of submission of applications in the health, education, water, sanitation, and oil sectors. He also stated that of the \$570 million worth of medicines and medical supplies that had arrived in Iraq through the oil-for-food program in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies.

The Government's management of the oil-for-food program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the Government modify its implementation procedures to address the needs of this vulnerable group. In 1999 UNICEF issued the results of the first surveys of child and maternal mortality in Iraq that have been conducted since 1991. The surveys were conducted between February and May 1999, in cooperation with the Government in the southern and central regions, and in cooperation with the local Kurdish authorities in the north. The surveys revealed that in the south and center parts of the country, home to 85 percent of the population, children under 5 years old are dying at more than twice the rate that they were a decade ago. In contrast mortality rates for children under 5 years old in the Kurdish-controlled north dropped in the period from 1994 to 1999. The Special Rapporteur criticized the Government for "letting innocent people suffer while [it] maneuvered to get sanctions lifted." Had the Government not waited 5 years to adopt the oil-for-food program in 1996, he stated in October 1999, "millions of innocent people would have avoided serious and prolonged suffering."

For the seventh year, the Government held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children between 10 and 15 years of age. Camps for these "Saddam Cubs" operated throughout the country. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of training that lasted for as long as 14 hours each day. Sources in the Iraqi opposition report that the army found it difficult to recruit enough children to fill all of the vacancies in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the grueling course. The Supreme Council for the Islamic Revolution in Iraq reported in October 1999 that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps (see Section 1.f.). Similarly, authorities reportedly withheld school examination results to students unless they registered in the Fedayeen Saddam organization.

People with Disabilities.—No information is available on the Government's policy towards the disabled.

Religious Minorities.—The country's cultural, religious, and linguistic diversity is not reflected in its political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the Government since independence in 1932. Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups

in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse (see Section 2.c.).

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years.

Although few Jews remain in the country, government officials frequently make anti-Semitic statements. For example, during the year, a Ba'th Party official stated that the "lowly Jews ... are descendants of monkeys and pigs and worshippers of the infidel tyrant."

National/Racial/Ethnic Minorities.—Non-Arabs are denied equal access to employment, education, and physical security. Non-Arabs are not permitted to sell their homes except to Arabs, nor to register or inherit property. The Government continued to relocate forcibly the non-Arab population, including Kurds, Turkomans, and Assyrians living in Kirkuk, Sinjar, and other districts (see Sections 1.f. and 2.d.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back over 2,000 years. Although these groups do not define themselves as Arabs, the Government, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime (see Section 2.c.).

The Government does not permit education in languages other than Arabic and Kurdish. Public instruction in Syriac, which was announced under a 1972 decree, never has been implemented. Thus, in areas under government control, Assyrian and Chaldean children are not permitted to attend classes in Syriac. In areas of the north under Kurdish control, classes in Syriac have been permitted since the 1991 uprising against the Government. By October 1998, the first groups of students were ready to begin secondary school in Syriac in the north; however, some Assyrian sources reported that regional Kurdish authorities refused to allow the classes to begin. Details of this practice (for example, the number of students prepared to start secondary courses in Syriac and the towns where they were located) were not available, and Kurdish regional authorities denied that they engaged in such a practice. In November 1999, the Kurdistan Observer reported that the central Government had warned the administration in the Kurdish region against allowing Turkoman, Assyrian, or Yazidi minority schools.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years. Assyrians continue to fear attacks by the Kurdistan Workers Party (KWP), a Turkish-based terrorist organization that operates against indigenous Kurds in northern Iraq. The Christians reported feeling caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies.

Many Assyrian groups reported a series of bombings in Erbil in 1998 and 1999. Although the bombings have not been linked to any particular faction or group, Assyrians believe that they are part of a terror campaign designed to intimidate them into leaving the north. The Assyrian Democratic Movement, the Assyrian Patriotic Party, and other groups have criticized the investigation into these incidents conducted by the Kurdistan Regional Government. There were no reported arrests by year's end.

In June 1999, the Assyrian National News Agency reported a "well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in the north (see Section 1.a.).

The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the Government, without any historical basis, has defined the Yazidis as Arabs. There is evidence that the Government has compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured government documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988–89 Anfal campaign to "pursue and attack" Muslim Kurds. The Government imposes the same repressive measures on Yazidis as on other groups (see Section 2.c.).

Citizens considered by the Government to be of Iranian origin must carry special identification and often are precluded from desirable employment. Over the years, the Government has deported hundreds of thousands of citizens of Iranian origin.

Section 6. Worker Rights

a. The Right of Association.—Trade unions independent of government control do not exist. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a government-dominated trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'ath Party, which uses it to promote party principles and policies among union members.

Workers in private and mixed enterprises, but not public employees or workers in state enterprises, have the right to join local union committees. The committees are affiliated with individual trade unions, which in turn belong to the IGFTU.

In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the regime sufficiently (see Section 2.a.). Also in 1999, Uday Hussein reportedly jailed at least four leaders of the Iraqi National Students Union for failing to carry out his orders to take action against students known for their criticism of the situation in the country.

The 1987 Labor Law restricts the right to strike. No strike has been reported over the past 2 decades. According to the International Confederation of Free Trade Unions, severe restrictions on the right to strike include penal sanctions.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The right to bargain collectively is not recognized. Salaries for public sector workers (the majority of employed persons) are set by the Government. Wages in the much smaller private sector are set by employers or negotiated individually with workers. Government workers frequently are shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, a failure that has been criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Compulsory labor theoretically is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises accused of breaches of labor “discipline,” including resigning from a job. According to the ILO, foreign workers in Iraq have been prevented from terminating their employment to return to their native countries because of government-imposed penal sanctions on persons who do so. There is no information available on forced and bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The employment of children under age 14 is prohibited, except in small-scale family enterprises. Children reportedly are encouraged increasingly to work in order to support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the Government enrolls children as young as 10 years of age in a paramilitary training program (see Section 5). There is no information available on forced and bonded labor by children (see Section 6.c.).

e. Acceptable Conditions of Work.—There was no information available on minimum wages.

Theoretically, most workers in urban areas work a 6-day, 48-hour workweek. Hours for government employees are set by the head of each ministry. Working hours for agricultural workers vary according to individual employer-employee agreements. Occupational safety programs are in effect in state-run enterprises. Inspectors theoretically inspect private establishments, but enforcement varies widely. There is no information on workers' ability to remove themselves from work situations that endanger their health or safety, or on those who complain about such conditions.

f. Trafficking in Persons.—There was no information available on whether trafficking in persons is prohibited by law, or whether persons were trafficked to, from, within, or through the country.

ISRAEL AND THE OCCUPIED TERRITORIES

Israel¹ is a parliamentary democracy with a multiparty system and free elections. There is no Constitution; a series of “basic laws” provide for fundamental rights. The legislature, or Knesset, has the power to dissolve the Government and limit the

¹The human rights situation in the occupied territories is discussed in the annex appended to this report.

authority of the executive branch. Labor and One Israel party leader Ehud Barak was elected Prime Minister in May 1999 and took office in July 1999 at the head of a broad centrist coalition Government. On December 9, following the breakdown of his coalition, Barak resigned as Prime Minister; prime ministerial elections were scheduled to be held on February 6, 2001. The judiciary is independent.

Since its founding in 1948, Israel has been in a state of war with most of its Arab neighbors. It concluded a peace treaty with Egypt in 1979 and with Jordan in 1994, and a series of agreements with the Palestinians beginning in 1993. As a result of the 1967 war, Israel occupied the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. The international community does not recognize Israel's sovereignty over any part of the occupied territories. Throughout its existence, Israel has experienced numerous terrorist attacks.

An historic process of reconciliation between Israel and the Palestinians began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Israeli-Palestinian Declaration of Principles (DOP). In September 1995, Israel and the Palestine Liberation Organization (PLO) signed the Interim Agreement on the West Bank and the Gaza Strip. In January 1997, the parties concluded the Hebron Protocol and in October 1998, Israel and the PLO signed the Wye River Memorandum. In September 1999, the Israeli Government and the PLO signed the Sharm el-Sheikh Memorandum. The parties held intensive working-level talks between March and June and met at Camp David in July; however, the Government and the PLO did not reach an agreement. Internal security is the responsibility of the Israel Security Agency (the ISA—formerly the General Security Service, or GSS, and also known as Shin Bet, or Shabak), which is under the authority of the Prime Minister's office. The police are under the authority of the Minister of Internal Security. The Israel Defense Forces (IDF) are under the authority of a civilian Minister of Defense. The IDF includes a significant portion of the adult population on active duty or reserve status and plays a role in maintaining internal security. The Foreign Affairs and Defense Committee in the Knesset reviews the activities of the IDF and the ISA. Some members of the security forces committed serious human rights abuses.

Israel has an advanced industrial economy, and citizens enjoy a relatively high standard of living, with a per capita income of over \$17,000. Unemployment remained at about 9 percent during the year, but was substantially higher in the country's peripheral regions and among lower-skilled workers. The country's economic growth has been accompanied by an increase in income inequality. The long-standing gap in levels of income within the Jewish population and between Jewish and Arab citizens continues. The 14 towns with the highest unemployment rate in the country all are populated by Arab citizens. A heavy reliance on foreign workers, principally from Asia and Eastern Europe, is a source of social problems. Such workers generally are employed in agriculture and the construction industry and constitute about 6 percent of the labor force. Since the implementation of an economic stabilization plan in 1985, the country has moved gradually to reduce state intervention in the economy through privatization of several state-owned companies and through deregulation. State-owned companies continue to dominate such fields as electricity generation and transmission, oil refining, shipping, and international air travel. However, individuals generally are free to invest in private interests and to own property. The Government owns and manages 77 percent of the country's land area, and as a matter of policy it does not sell land. The Jewish National Fund (JNF), an organization established in 1897 for the purchase and management of land for the Jewish people, owns 8 percent of the country's land area, including a considerable amount transferred directly from the Government, and manages another 8 percent on behalf of the Government. Foreigners and citizens of all religions are allowed freely to purchase or lease the 7 percent of land not controlled by the Government or the JNF. In March the High Court of Justice ruled that the Government's use of the JNF to develop public land was discriminatory, since the JNF's statute prohibits the sale or lease of land to non-Jews.

The Government generally respects the human rights of its citizens; however, its record worsened late in the year regarding its treatment of non-Jewish citizens. Historically, Israel's main human rights problems have arisen from its policies and practices in the occupied territories and from its fight against terrorism. However, in October police used excessive force to disperse demonstrations in the north of the country that coincided with the outbreak of violence in the occupied territories, killing 13 Arab citizens and injuring over 300 (see Sections 1.a., 1.c., and 1.g. of the annex for a discussion of casualties in the occupied territories). There also are credible reports that police failed to protect Arab lives and property in several incidents in which Jewish citizens attacked the homes of Arab citizens. A landmark decision by the High Court of Justice in September 1999 prohibited the use of a variety of

abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Since the September 1999 ruling, domestic and international NGO's have been unable to substantiate sporadic allegations that security forces tortured detainees. There were numerous credible allegations that police beat persons in detention. Detention and prison conditions, particularly for Palestinian security detainees held in Israel do not provide inmates with sufficient living space, food, and access to medical care. Following the IDF withdrawal from its self-declared "security zone" in southern Lebanon in May and the concurrent collapse of the South Lebanon Army (SLA), all of the prisoners from the Al-Khiam prison in southern Lebanon, where Lebanese guards routinely committed abuses, were released. The Government continued to detain without charge Palestinians, some of them for lengthy periods; the number of such detainees increased following the outbreak of violence in September. In April an Israeli High Court ruling declared illegal the holding of Lebanese detainees as "bargaining chips" in Israeli prisons. Subsequently, authorities released 13 Lebanese prisoners, all of whom had been held without charge, or had already completed their terms. At year's end, there were approximately 20 Lebanese prisoners in custody, two of whom—Sheikh al-Karim Obeid and Mustafa Dirani—were held without charge. Legislation that would enable Obeid and Dirani to be held as "members of enemy forces not entitled to prisoner-of-war status" passed a first reading during the year. Following the outbreak of violence in September, the Government detained without charge hundreds of persons in Israel, the West Bank, and Gaza, and imposed severe restrictions on the movement of persons and some restrictions on the movement of goods between Israel and the West Bank and Gaza and between cities in the West Bank and Gaza—i.e., closure, which has been in effect to varying extents since 1993 (see Section 2.d. of the annex).

The Government continued to fund shelters and crisis centers; however, violence and discrimination against women persists. Discrimination against the disabled persists. The Government made little headway in reducing institutionalized legal and societal discrimination against Israel's Christian, Muslim, and Druze citizens, who constitute just over 20 percent of the population, but do not share fully the rights provided to, and obligations imposed on, the country's Jewish citizens. Prior to October, the Government did not take tangible steps to improve the situation of the country's non-Jewish citizens, which was one of the main factors that contributed to large Israeli Arab demonstrations in October. The demonstrations and clashes between the police and Israeli Arabs brought renewed attention to the different treatment accorded to the Jewish and Arab sectors of the country. In October the Government approved a \$975 million economic assistance plan for Arab citizens to be phased in over 4 years; however, some human rights groups criticized the plan as inadequate. The Knesset did not approve the plan by year's end. Trafficking in women for the purpose of forced prostitution is a continuing problem. In June the Government passed a law that prohibits the trafficking of persons for the purpose of prostitution.

In early October, there were many instances of societal violence between Arab and Jewish citizens, which coincided with violent events in the country.

RESPECT FOR HUMAN RIGHTS

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

a. Political and other Extrajudicial Killing.—There were no reports of political killings during the year.

In October police used excessive force to disperse demonstrations in the north of the country that coincided with the outbreak of violence in the occupied territories (see Sections 1.a., 1.c., and 2.b. of the annex), killing 13 Arab citizens and injuring 300 with a combination of live ammunition and rubber-coated steel bullets (see Sections 1.c. and 2.b.). Demonstrators did not have firearms; however, some demonstrators reportedly threw rocks and firebombs. International and domestic human rights groups assert that police used rubber-coated metal bullets and live ammunition against demonstrators who posed no imminent danger of death or serious injury to security forces or others.

On September 28, opposition leader Ariel Sharon visited the Temple Mount (Haram al-Sharif) in Jerusalem. On September 29, Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons and injuring about 200 (see Sections 1.a. and 1.c. of the annex). In response to this violence, Palestinians held demonstrations throughout the occupied territories and Israel. On October 1, Israeli Arab leaders called a gen-

eral strike, which received widespread support from Arab citizens, thousands of whom demonstrated throughout the country. On October 1, police used live ammunition and rubber-coated metal bullets to disperse demonstrations in Um-al-Fahem, killing two persons and injuring hundreds of others. On October 2, police killed six persons and injured numerous others during demonstrations in Jat, Nazareth, Arrabe, and Sakhnin. Police also used live ammunition and rubber bullets to disperse demonstrations in other towns and villages in the north of the country, injuring hundreds of demonstrators. On October 3, police killed three persons during demonstrations in Nazareth and Kfar Manda.

In October and November, coinciding with violence in Israel and the occupied territories, there were numerous violent incidents along the Israel-Lebanese border. On October 7, IDF personnel reportedly killed 2 persons and injured 25 during demonstrations along the border. On October 9, the IDF reportedly fired live ammunition on a group of about 500 Palestinian demonstrators who were throwing rocks and Molotov cocktails, and trying to cross the border into Israel; IDF personnel reportedly killed 1 person and injured 10.

On October 21, Prime Minister Barak proposed establishing a commission of examination to study the violence that occurred in early October. However, Israeli Arab leaders rejected Barak's offer and demanded that the Government establish a legal commission of inquiry, which would operate independently of the Government, have subpoena power, and automatically bestow immunity on anyone who testified before it. On November 8, in response to pressure from both Arab and Jewish citizens, Barak announced the establishment of the Legal Commission of Inquiry, which reportedly is to have considerable ability to collect information. The Commission is headed by a High Court justice, and its members include an Arab judge from a Nazareth court, and a professor from Tel Aviv University. In December the Legal Commission of Inquiry began its investigation; however, it did not reach any conclusions by year's end.

There also are credible reports that police failed to protect Arab lives and property in several incidents in which Jewish citizens attacked Arab citizens. On October 7, a group of about 200 Israeli Jews attacked Arab homes in Nazareth Illit (Upper Nazareth), including the home of an Arab Member of the Knesset. On October 8, a group of about 1,000 Israeli Jews attacked Arab homes in Nazareth. The attackers allegedly targeted Arab citizens due to their anger over the Hizballah kidnapping of three IDF soldiers and the attack on Joseph's Tomb in the West Bank in early October (see Sections 1.b. and 2.c. of the annex). Many of the Arabs exited their homes and attempted to defend themselves and their property (see Section 5). Police reportedly arrived at the scene late, did not take action beyond inserting themselves between the two groups, and fired live ammunition, rubber bullets, and tear gas at the Arab citizens. Two Israeli Arabs were killed and approximately 50 others were injured in these incidents. International and domestic human rights groups reported that the police were responsible for the deaths and injuries; however, some residents of Nazareth reported that some members of the Jewish crowd had firearms. Large crowds of Jews also attacked Arab homes, businesses, and two mosques in other areas of the country (see Sections 1.c. and 5). Arab protesters also attacked Jewish-owned businesses and at least one synagogue (see Sections 1.c. and 5).

During the year, 22 Israelis died and 244 were injured in terrorist attacks carried out by Palestinian groups or individuals in Israel and the occupied territories (also see Sections 1.a. and 1.c. of the annex). For example, on November 1, a car bomb in Jerusalem killed two Israelis and injured eleven others, including four children. Palestinian Islamic Jihad claimed responsibility for the attack. On November 22, a car bomb in Hadera killed three Israelis and injured 61. Palestinian Islamic Jihad also claimed responsibility for this attack.

b. Disappearance.—On October 10, Hizballah guerrillas kidnaped three IDF soldiers. At year's end, the soldiers were believed to be held in Lebanon.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Laws and administrative regulations prohibit the physical abuse of detainees; however, security forces sometimes abused Palestinians suspected of security offenses. A landmark decision by the High Court of Justice in September 1999 prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions ("Shabbeh"), sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Since the September 1999 ruling, domestic and international NGO's have been unable to substantiate sporadic allegations that security forces tortured detainees.

Prior to the High Court's 1999 decision, laws and administrative regulations prohibiting the physical abuse of detainees were not enforced in security cases. The head of the ISA was empowered by government regulation to authorize security officers to use "moderate physical and psychological pressure" (which included violent

shaking) while interrogating detainees. These practices often led to excesses. In November 1999, the Attorney General issued revised guidelines that denied blanket immunity from prosecution for interrogators; however, it remains theoretically possible that the State could decline to prosecute interrogators who used prohibited methods in cases of extreme urgency.

In October police used live ammunition and rubber-coated metal bullets to disperse demonstrators in the north of the country, killing 13 Arab citizens and injuring over 300 (see Sections 1.a. and 2.b.). Demonstrators reportedly did not have firearms; however, in some cases they reportedly threw rocks and firebombs. On October 1, police beat severely a woman who screamed at a police officer during a demonstration. The incident was videotaped and broadcast on domestic and international television.

There were numerous credible allegations from human rights groups that police beat persons in detention; reports of such beatings increased in October following demonstrations and the numerous subsequent police arrests of suspected or actual participants in the demonstrations (see Section 1.d.). For example, on October 26, police arrested an Arab citizen, Amneh Aqayleh, on suspicion of participating in demonstrations in Nazareth. Police brought Aqayleh to the Kishon detention center for interrogation where they reportedly beat him. Police also reportedly arrested and beat some Jewish demonstrators. For example, according to Amnesty International police arrested and beat Yoav Bar following a demonstration in Wadi Nisnas, breaking his hand, two of his ribs, and two of his teeth. According to Amnesty International, police also reportedly arrested and beat youths following demonstrations in the north of the country (see Section 1.d.).

According to local and international human rights NGO's, in some cases police reportedly delayed ambulances and medical personnel from entering Arab villages to treat persons who were injured during the clashes (see Section 2.d.). According to police officials, the streets often were too crowded and volatile for the ambulances to enter the villages safely. According to some observers, local leaders broadcast requests over mosque loudspeakers that demonstrators return home in order to clear the way for ambulances.

In early October, police failed to protect Arab lives and property when a group of approximately 1,000 Jewish citizens attacked Arab Israeli homes in Nazareth. Police fired live ammunition, rubber bullets, and tear gas at Arab citizens. Two persons were killed and 50 persons were injured (see Sections 1.a. and 5).

During the year, 244 Israelis were injured in terrorist attacks carried out by Palestinian groups or individuals in Israel and the occupied territories (see Sections 1.a. and 1.c. of the annex).

Conditions vary in incarceration facilities in Israel and the occupied territories, which are administered by the Israeli Prison Service (IPS), the IDF, or the national police. IPS prisons, which generally house Israeli citizens convicted of common crimes, usually provide inmates with sufficient living space, food, and access to medical care. In general, IPS inmates are not subject to physical abuse by guards, and prisoners receive basic necessities. Inmates receive mail, have television sets in their cells, and receive regular visits. Prisoners receive wages for prison work and benefits for good behavior. Many IPS prisons have drug treatment, educational, and recreational programs. The IPS established a national police unit to investigate allegations of offenses committed by guards, including complaints about the use of force against inmates.

Since the closure in 1995 of the main IDF detention camps in the occupied territories, all security detainees (i.e., those detained and held without charge by security forces) from the occupied territories who are held for more than a few days are transferred to facilities within Israel. During the year, security detainees usually were held in the IDF's Megiddo prison, in IPS facilities, and in special sections of police detention facilities. Prisoners incarcerated for security reasons are subject to a different regimen, even in IPS facilities. They often are denied privileges given to prisoners convicted on criminal charges such as furloughs and some family visits. According to the Government, security detainees may receive financial assistance from the Palestinian Authority (PA), food from their families, and medical supplies from the ICRC and other aid organizations. Security detainees include some minors. Detention facilities administered by the IDF are limited to male Palestinian detainees and are guarded by armed soldiers. The total number of Palestinian prisoners held by Israel, approximately 1,354 at the beginning of the year, reached 1,832 by year's end. The number of administrative detainees (held without charge or trial) was between 10 and 15 at year's end, including one Israeli Arab (see Section 1.d.). Under the terms of the Sharm el-Sheikh Memorandum, the Government released a total of 350 Palestinian security prisoners in 1999 (in addition to the 250 prisoners released in late 1998 pursuant to the Wye River Accords). On May 1, Palestinian

prisoners throughout the country began a hunger strike to protest prison conditions and their continued incarceration. Following negotiations with government and PA officials, the prisoners agreed to suspend the hunger strike on May 31. The Government agreed to remove prisoners from solitary confinement and to allow family members to visit inmates, and the prisoners agreed to refrain from planning terrorist attacks from prison.

Conditions at the Russian Compound, which is run by police and houses a combination of security and common prisoners and detainees in Jerusalem, were criticized in 1997 as "not fit to serve as lock-up" by High Court of Justice President Aharon Barak. Conditions in other IDF facilities have improved in some respects. For example, inmates are given more time for exercise outside their cells. Nevertheless, recreational facilities remain minimal, and there are strict limitations on family visits to detainees. Visits were prevented for long periods of time during closures.

Conditions at some national police detention facilities are poor. Such facilities are intended to hold criminal detainees prior to trial but often become *de facto* prisons. Those held include some security detainees and some persons who have been convicted and sentenced. Inmates in the national police detention facilities often are not accorded the same rights as prisoners in the IPS system. Moreover, conditions are worse in the separate facilities for security detainees maintained both in police facilities and in IPS prisons.

In 1996 the Government began a reform program for the country's detention facilities. To date, there have been some improvements, including the opening of a model detention center near Netanya; however, problems, including dilapidation and overcrowding persist. The 1997 Arrest and Detention law provided for the right to live in conditions that would not harm the health or dignity of the detainee, access to adequate health care, the right to a bed for each detainee, and access to exercise and fresh air on a daily basis. The Government has made significant strides towards implementing this legislation, though problems remain.

Children's rights groups have expressed particular concern over the separate sections of holding facilities set aside for the detention of children. Overcrowding, poor physical conditions, lack of social workers, and denial of visits by parents are among the key problems. In addition to some Israeli minors held in criminal cases, there are juveniles among Palestinian detainees. Children's rights activists had recommended the construction of a separate detention facility for children, and after a prolonged legal battle, separate prison facilities were built for Arab and Jewish children.

All incarceration facilities are monitored regularly by various branches of the Government, by members of the Knesset, by the International Committee of the Red Cross (ICRC), and by human rights groups (see Section 1.d. of the annex).

In September 1999, the Government acknowledged that it trained, debriefed, and paid the salaries of the Lebanese administrators and staff of the Al-Khiam prison in southern Lebanon, where prisoners allegedly were tortured routinely. Following the IDF withdrawal from its self-declared "security zone" and the concurrent collapse of the SLA, all of the prisoners in Al-Khiam were released.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest of citizens, and the Government generally observes this prohibition. Defendants are considered innocent until proven guilty and have the right to writs of habeas corpus and other procedural safeguards. However, a 1979 law permits administrative, or preventive, detention (i.e., without charge or trial), which is used on occasion in security cases. In such cases, the Minister of Defense may issue a detention order for a maximum of 1 year, though such orders may be extended. Within 24 hours of issuance, detainees must appear before a district judge who may confirm, shorten, or overturn the order. If the order is confirmed, an automatic review takes place after 3 months. Detention orders were confirmed in all cases during the year. Detainees have the right to be represented by counsel and to appeal detention orders to the High Court of Justice; however, the security forces may delay notification of counsel with the consent of a judge. According to human rights groups and legal experts, there were cases in which a judge denied the Government's request to delay notification of counsel. At detention hearings, the security forces may withhold evidence from defense lawyers on security grounds. The Government also may seek to renew administrative detention orders. However, the security services must "show cause" for continued detention, and, in some instances, individuals were released because the standard could not be met.

In felony cases and in ordinary security cases, a district court judge may postpone for 48 hours the notification of arrest to the detainee's attorney. The postponement may be extended to 7 days by the Minister of Defense on national security grounds or by the police inspector general to conduct an investigation. Moreover, a judge may postpone notification for up to 15 days in national security cases.

The 1997 Arrest and Detention Law more narrowly defined the grounds for pre-trial detention in criminal and security cases and reduced to 24 hours the length of time a person may be held without charge; however, this law does not extend to administrative detention cases. Human rights groups allege abuse of detention orders in cases in which they assert that the accused did not pose a clear danger to society. Children's rights activists have recommended separate legislation to define when and how a child may be arrested and how long children may be detained. According to media reports and children's rights groups, during and following the violence in the north, police sometimes beat youths while arresting them (see Sections 1.c.).

Most of the protections afforded to Israelis are not extended to Palestinian detainees, who fall under the jurisdiction of military law even if they are detained in Israel. With IDF redeployment in the West Bank, detention centers there were closed in 1995. As a result, all Palestinian detainees held for longer than 1 or 2 days are incarcerated in Israel (see Section 1.d. of the annex).

Police arrested hundreds of persons mainly in the north of the country in connection with the demonstrations and disturbances that began in September; approximately two-thirds of the persons arrested were Arab citizens and about one-third were Jewish citizens. According to domestic and international human rights organizations, police continued to arrest Arab citizens whom they suspected of participating in the disturbances over a month after the demonstrations ended. On October 26, the Northern Police Commander announced to the press that his office compiled a list of hundreds of persons who participated in the demonstrations and that the police intended to arrest many of them. According to human rights organizations, police lacked any evidence against a significant number of Israeli Arabs that they arrested. There also were credible reports that police tricked some Israeli Arabs into confessing that they threw stones during demonstrations. Many of the persons arrested, including some minors, also reportedly were held without bail until the end of criminal proceedings against them. Several detainees brought appeals to the High Court of Justice; however, the Court upheld this practice on the grounds that calm had not yet returned to the country. According to Amnesty International, at least 10 Arab citizens detained in connection with the disturbances in October were denied access to counsel for up to 1 week.

In December for the first time since 1994, the Government placed an Israeli Arab, Jhasan Athamnah, in administrative detention where he was being held on secret evidence at year's end.

At year's end, the Government held 1,832 Palestinians in custody. Those held were a mixture of common prisoners, administrative detainees, and security detainees. The Government continues to deny the ICRC access to one Lebanese citizen, Mustafa Dirani (held without charge since 1994). The Government granted the ICRC access to Sheikh Obeid (held without charge since 1989) for the first time in December 1999, and allowed the ICRC four additional visits during the year. However, following the October kidnaping of IDF soldiers by Hizballah guerrillas (see Section 1.b.), the Government suspended ICRC access to Sheikh Obeid. In May 1998, the High Court of Justice ruled that the Government was entitled to continue holding them for use in a possible exchange of hostages to obtain the return of an Israeli who still may be held by hostile forces. The High Court's ruling stressed that national security needs took precedence over the detainees' individual rights under Israeli and international law. However, in April the High Court declared illegal the detention of individuals to be used as "bargaining chips;" the Government subsequently released 13 Lebanese prisoners. However, Obeid, Dirani, and approximately 18 other Lebanese prisoners remained in custody at year's end; the former are administrative detainees, and the latter have been charged and convicted of crimes. The Government claims that Obeid and Dirani are security threats and attempted to pass legislation that would allow the continued detention without charge of "members of enemy forces not entitled to prisoner-of-war status." The bill had passed a first reading by year's end. Two legal advisors to the Knesset criticized the bill, claiming that it contravened domestic and international laws.

Six Iraqis, held since they attempted to enter the country illegally from Jordan, were deported to Holland, Sweden, and Finland, where they obtained refugee status.

The law prohibits forced exile of citizens, and the Government respects this prohibition in practice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision. However, in the past the judiciary routinely acquiesced to the Government's position in security cases. The September 1999 landmark High Court of Justice decision barring the use of torture (see Section 1.c.) marked a major change in this practice, as did the April ruling prohibiting the

holding of detainees for use as “bargaining chips.” The judiciary generally provides citizens with a fair and efficient judicial process.

The judicial system is composed of civil, military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is both a court of first instance (in cases involving government action) and an appellate court (when it sits as the Supreme Court). Each of the cited courts, including the High Court of Justice, have appellate courts or jurisdictions.

The law provides for the right to a hearing with representation by counsel, and authorities observe this right in practice. A regional and national system of public defenders operated by the Ministry of Justice was inaugurated in 1996 and now employs about 700 attorneys through 5 regional offices. Under the system, economically disadvantaged persons who face sentences of 5 years or longer, and all persons who are accused of crimes with sentences of 10 years or longer receive mandatory legal representation. Judges also have discretionary power to appoint an attorney in all cases. Since the system was implemented, representation has increased to about 70 percent. All non-security trials are public except those in which the interests of the parties are deemed best served by privacy. Cases involving national security may be tried in either military or civil courts and may be partly or wholly closed to the public. The prosecution must justify closing the proceedings to the public in such cases, and the Attorney General determines the venue. Adult defendants have the right to be represented by counsel even in closed proceedings but may be denied access to some evidence on security grounds. Under the law, convictions may not be based on any evidence denied to the defense. In addition, convictions may not be based solely on a confession by the accused, although in practice security prisoners have been sentenced on the basis of the coerced confessions of both themselves and others.

According to human rights organizations, the legal system often imposes far stiffer punishments on Christian, Muslim, and Druze citizens than on Jewish citizens. For example, human rights advocates claim that Israeli Arabs are more likely to be convicted of murder (which carries a mandatory life sentence) than Jewish Israelis. The courts reportedly also are more likely to detain Arab-Israelis until the conclusion of proceedings. The Government notes that the judicial system is independent and disputes the charge that the court system systematically discriminates against non-Jewish citizens. According to press reports, following the demonstrations that took place in September and October, 66 percent of those arrested were Arab Israelis, and 84 percent of those detained until the conclusion of proceedings as of late October were Arab Israelis (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Privacy of the individual and the home generally are protected by law; however, the Government uses laws that provide that authorities may interfere with mail and monitor telephone conversations in certain circumstances. In criminal cases, the law permits wiretapping under court order; in security cases, the order must be issued by the Ministry of Defense. Under emergency regulations, authorities may open and destroy mail on security grounds.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—In May Israeli forces withdrew from southern Lebanon in compliance with UN Security Council Resolution 425. Prior to the IDF withdrawal from southern Lebanon in May, violence continued there and in northern Israel. An estimated 20 Hizballah guerrillas, and 25 Lebanese civilians were killed in southern Lebanon prior to the Israeli withdrawal. Israeli forces and the SLA responded to Hizballah, Amal, and Palestinian guerrilla attacks as all sides engaged in recurring violence. For example, on February 8, in response to Hizballah attacks, Israel conducted air strikes on electrical power transformer stations and other targets, injuring over 1 dozen civilians. In retaliation for Hizballah attacks in May, Israel shelled military and civilian targets in the south, killing two persons. Israeli forces conducted air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets, including civilian infrastructure, inside Lebanon. During the May IDF withdrawal from southern Lebanon and the concurrent collapse of the SLA, at least four Lebanese civilians were killed by Israeli helicopter gunfire. In response to a Hizballah bombing in November, Israel launched airstrikes on Hizballah positions in the south, injuring one civilian.

There were over 110 Lebanese civilian injuries prior to the IDF withdrawal, with most of the injuries involving minor wounds from shrapnel and broken glass. Civilians accounted for over 70 percent of the injured.

Attacks by Hizballah, Amal, and Palestinian guerillas resulted in numerous deaths and injuries. An estimated 9 Israeli soldiers were killed in southern Lebanon

and northern Israel by roadside bombs, ambushes, and cross border attacks. Additionally 40 Israeli civilians were injured in shelling and cross border attacks.

On October 7, Hizballah launched shells on IDF positions in the Sha'ba farms area in the Golan Heights; no injuries reportedly resulted from the shelling. The shelling reportedly served as cover for the kidnaping of three IDF soldiers in the north (see Section 1.b.). In May Hizballah attacks in the north of Israel killed 1 person and injured 12. On October 20, IDF fire repulsed a cross border infiltration attempt by unidentified Lebanese insurgents; two were killed and the third was injured.

On November 26, Hizballah guerillas bombed an Israeli patrol station in the Sha'ba farms area, killing 1 IDF soldier. In October Hizballah guerillas kidnaped 3 Israeli soldiers on patrol in the north of Israel, demanding that the Israeli government release all remaining Lebanese detainees in Israeli prisons (see Section 1.b.). At year's end, the soldiers were believed to be held in Lebanon.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of the press, and the Government generally respects this right in practice. The law authorizes the Government to censor any material reported from Israel or the occupied territories regarded as sensitive on national security grounds. A censorship agreement signed in 1996 between the Government and media representatives continued the trend of liberalization of the Government's censorship regime. The agreement, which now applies to all media organizations in the country, provides that military censorship is to be applied only in cases involving national security issues that have a near certainty of harming the country's defense interests. All media organizations can appeal the censor's decision to the High Court of Justice. Moreover, a clause prohibits the military censor from shutting down a newspaper for censorship violations and from appealing a court judgement against it. News printed or broadcast abroad may be reported without the censor's review, which permits the media to run previously censored stories that have appeared in foreign sources. Emergency regulations prohibit persons from expressing support for illegal organizations. On occasion in the past, the Government has prosecuted persons for speaking or writing on behalf of terrorist groups. No such cases were filed during the year. During the year, there were reports that the military censor intervened in several cases related to national defense.

One Palestinian-owned newspaper is required to submit its entire contents, including advertising, to the military censor by 4:00 p.m. each day. The editor claims that this process caused his journalists to practice self-censorship. Journalists and professional journalist groups complained about limitations placed on their freedom of movement within the occupied territories, between the West Bank and Gaza, and between the occupied territories and Israel during the violent unrest in September (see Section 2.d.). One media organization reported that more than two dozen journalists were injured or harassed while covering events in the occupied territories in October and November (see Section 2.a. of the annex). On October 5, during a demonstration in Jaffa, demonstrators acting outside of government control assaulted a foreign camera crew, injuring several journalists and breaking three cameras.

Foreign journalists are required to sign an agreement to submit certain news stories and photographs for censorship; however, they rarely are challenged for not doing so.

Individuals, groups, and the press freely address public issues and criticize government policies and officials without reprisal. Laws prohibit hate speech and incitement to violence. All newspapers are privately owned and managed. Newspaper licenses are valid only for Israel; separate licenses are required to distribute publications in areas in the occupied territories still under Israel's authority. Sixteen daily newspapers are published in Israel. There are about 90 weekly local newspapers and more than 250 periodical publications.

Directed by a government appointee, the quasi-independent Israel Broadcast Authority (IBA) controls television Channel 1 and Kol Israel (Voice of Israel) radio, both major sources of news and information. The privately operated Channel 2, the country's first commercial television station, is operated by three franchise companies and supervised by the Second Television and Radio Authority, a public body that also supervises 14 private radio stations. There are five cable television companies that carry both domestic and international networks.

The Government continued to attempt to close down the estimated 150 pirate radio stations operating out of Israel and the West Bank.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of assembly, and the Government generally respects this provision in practice.

During the year, there were a number of peaceful demonstrations against withdrawal from the Golan Heights and for and against peace negotiations with the Palestinians.

In early October, thousands of Arab citizens throughout the country participated in demonstrations. In some cases demonstrators threw stones and Molotov cocktails. The demonstrators were reacting to events in Jerusalem, the West Bank, and Gaza, as well as against government and police discrimination against Arab citizens (see Section 5). Police killed 13 Arab citizens and injured over 300 others during demonstrations in several towns and villages in the north (see Sections 1.a. and 1.c.). Human rights groups noted that the only fatalities and serious injuries occurred in the north and criticized the Northern Police Commander for authorizing the use of excessive force.

The law provides for the right of association, and the Government generally respects this provision in practice. After the Hebron massacre in 1994, the Cabinet invoked the 1948 ordinance for the prevention of terror to ban the ultranationalist Kach and Kahane Chai organizations, a ban that remains in effect. The decision provides for imprisonment for anyone belonging to, or expressing support for, either organization.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respects this right. Approximately 80 percent of citizens are Jewish. Muslims, Christians, Druze, and members of other religions make up the remaining 20 percent. Each recognized religious community has legal authority over its members in matters of marriage and divorce. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Jewish and Druze families may ask for some family status matters, such as alimony and child custody in divorces, to be adjudicated in civil courts as an alternative to religious courts. Christians only may ask that child custody and child support be adjudicated in civil courts as an alternative to religious courts. Muslims have no recourse to civil courts in family-status matters. Legislation passed in 1996 allows the rabbinical courts to sanction either party who is not willing to grant a divorce.

Many citizens object to the Orthodox Jewish religious authorities' exclusive control over Jewish marriage, divorce, and burial. These authorities do not recognize marriages or conversions to Judaism performed in Israel by Conservative or Reform rabbis. These issues have been a source of serious controversy within society, particularly in recent years, as thousands of Jewish immigrants from the former Soviet Union have brought with them family members not recognized as Jewish by Orthodox authorities.

Many Jews who wish to be married in secular or non-Orthodox religious ceremonies do so abroad. The Ministry of Interior recognizes such marriages.

Under the Government's current interpretation and implementation of Jewish personal status law, a Jewish woman is not allowed to initiate divorce proceedings without her husband's consent; consequently there are hundreds of so-called "agunot" in the country who cannot remarry or have legitimate children because their husbands either have disappeared or refused to grant a divorce.

In August Prime Minister Barak announced his plans to "separate religion from politics" by promoting a "civil-social revolution" consisting of a number of measures including: Drafting a constitution, folding the Ministry of Religious Affairs into the Ministry of Justice, lifting restrictions on transportation during the Sabbath, allowing for some form of civil marriages, eliminating the nationality clause from identification cards, and introducing a new core curriculum in all state-funded schools. These proposals triggered a national debate on religion and society. By year's end, none of these proposed reforms had been implemented.

A January 1999 High Court ruling enabled Reform and Conservative rabbis to hold seats on the powerful municipal and religious councils. In 1998 the High Court ruled that draft exemptions for yeshiva students was illegal; however, it delayed implementation of the ruling several times and gave the Knesset until December 21 to pass legislation on the matter. On December 20, an 11-justice panel of the High Court rejected the Government's request for another extension; however, it stated that it would grant the IDF a "reasonable period" of time in which to implement the ruling.

The Government provides proportionally greater financial support to institutions in the Jewish sector compared with those in the non-Jewish sector, i.e., Muslim, Christian, and Druze. For example, only 2.4 percent of the Ministry of Religious Affairs budget for 1999 was allocated to the non-Jewish sector, although Muslims, Christians, and Druze constitute 20 percent of the population. In 1998 the High Court of Justice ruled that the budget allocation constituted "prima facie discrimination" but that the plaintiff's petition did not provide adequate information about the

religious needs of the various communities. The court refused to intervene in the budgetary process on the grounds that such action would invade the proper sphere of the legislature. However, during the year, the court ordered the Government to allocate resources equitably to cemeteries of the Jewish and Arab communities.

The status of a number of Christian organizations with representation in Israel heretofore has been defined by a collection of ad hoc arrangements with various government agencies. Several of these organizations seek to negotiate with the Government in an attempt to formalize their status.

Missionaries are allowed to proselytize, although the Church of Jesus Christ of Latter-Day Saints voluntarily refrains from doing so under an agreement with the Government. A 1977 anti-proselytizing law prohibits anyone from offering or receiving material benefits as an inducement to conversion; however, there have been no reports of its enforcement. On December 6, a law prohibiting some missionary activity and the dissemination of some missionary material passed a first reading in the Knesset.

Jehovah's Witnesses suffered verbal abuse, assaults, theft, and vandalism; however, they reported that the police response to their complaints improved significantly during the year.

The Government has recognized only Jewish holy places under the 1967 Protection of Holy Sites Law. The Government states that it also protects the holy sites of other faiths, and that it has provided funds for some holy sites of other faiths.

A group of more than 100 Orthodox, Conservative, and Reform women continued a long legal battle to hold women's prayer services at the Western Wall during the year. In May the High Court ruled that women may read from the Torah and wear prayer shawls at the Western Wall. Both legislators and the state prosecutor's office sought to overturn the ruling; however, they were not successful as of year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice for citizens, except with regard to military or security zones or in instances where citizens may be confined by administrative order to their neighborhoods or villages. However, following the outbreak of violence in late September, the Government imposed some restrictions on the movement of persons within the country as well as between Israel, the West Bank and Gaza, and between cities inside the West Bank and Gaza (also see Section 2.d. of the annex). The Government continued to restrict the movements of two Jewish settlers living in the occupied territories who belonged to extremist Kach or Kahane Chai groups, through the use of administrative orders issued by the IDF central command (see Section 2.d. of the annex).

Citizens are free to travel abroad and to emigrate, provided they have no outstanding military obligations and are not restricted by administrative order. During the year, the Government generally continued to permit Muslim citizens to make the Hajj. However for security reasons, the Government imposes some restrictions on its Muslim citizens who perform the Hajj, including requiring that they be over the age of 30. The Government does not allow persons to return if they leave the country without formal permission. The Government justifies these restrictions on the grounds that Saudi Arabia remains officially at war with Israel and that travel to Saudi Arabia therefore is considered subject to security considerations.

The Government states that non-Jewish female citizens who marry non-citizen men may retain their citizenship. The Government also asserts that the male spouses of non-Jewish citizens may acquire citizenship under the family reunification program, except in cases where the man has a criminal record or is suspected of posing a threat to security. However, Christian, Muslim, or Druze women who have married men from Arab states or the West Bank and Gaza have complained about losing their Israeli citizenship and right to reenter Israel.

During the demonstrations and disturbances in late September, police reportedly closed roads and entrances to some Arab villages and cities around the country. According to human rights groups, police also sometimes delayed ambulances and medical personnel from entering Arab villages to treat persons who were injured during the clashes (see Section 1.c.). Journalists complained about limitations placed on their freedom of movement during the violence in Israel and the occupied territories (see Section 2.a.).

The Government welcomes Jewish immigrants, their Jewish or non-Jewish family members, and Jewish refugees, on whom it confers automatic citizenship and residence rights under the Law of Return. This law does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. Other than the Law of Return and the family reunification statutes there is no immigration law that provides for immigration to the country, or for political asylum or refugee status. The law does allow individuals to live in the country as permanent residents.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government does not provide asylum to refugees from states with which the country remains in a state of war. The issue of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution. Six Iraqis who had been held in detention found asylum in Europe during the year (see Section 1.d.).

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

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for adult citizens. The last national elections were held in May 1999. On December 9, Ehud Barak resigned as Prime Minister; the next prime ministerial elections were scheduled to be held on February 6, 2001.

Israel is a parliamentary democracy with an active multiparty system in which a wide range of political views are represented. Relatively small parties, including those whose primary support is among Israeli Arabs, regularly win seats in the Knesset. Elections are by secret ballot.

There are no legal impediments to the participation of women and minorities in government; however, they are underrepresented. Women hold 15 of 120 Knesset seats, compared with 9 female members in the previous Knesset. There are 11 Arabs and 2 Druze in the Knesset; most represent parties that derive their support largely or entirely from the Arab community. Of the Knesset's 12 committees, 2 (including the Committee on the Status of Women) are chaired by a woman. There are two women in the Cabinet, but no Arab ministers. However, there is an Arab Deputy Foreign Minister. Four women, but no Arab or Druze citizens, serve on the 14-member High Court of Justice. During the year, the Government appointed an Arab to a 6-month term on the High Court; the Government did not renew his appointment at the end of his term.

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

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperate with investigations.

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

The law prohibits discrimination on the basis of sex or marital status. The law also prohibits discrimination by both government and nongovernmental entities on the basis of race, religion, political beliefs, and age. Local human rights groups are concerned that these laws often are not enforced, either as a result of institutionalized discrimination, or because resources for implementing those laws, or mechanisms for their enforcement, sometimes are lacking.

Women.—Violence against women is a problem. There continued to be action, both in and out of Government, to reduce violence against women in Jewish and Arab communities. Funding to combat such violence increased significantly in 1998 and has remained level since. In 1998 the Government appointed a commission to address the subject of domestic violence; on the basis of the commission's recommendations, the Government allotted a supplementary budget allocation to combat domestic violence during the year. Groups that focus on domestic violence include a committee established by the Ministry of Labor and Social Affairs that includes Jewish and Arab NGO's as well as government representatives, and a coalition of human rights organizations; however, women's rights activists reported that most of the groups are funded privately. Twenty-three women were killed by their husbands or other male relatives during the year. According to one prominent women's group, between 150,000 and 200,000 women suffer from domestic violence each year, and some 7 percent of these are abused on a regular basis. According to women's organizations, approximately 2,800 women were assaulted sexually and approximately 1,200 were victims of incest during the year; about 44 percent of the women were under age 18. Only a small percentage of the victims complained to the police.

Arab human rights advocates also have formed a coalition to raise public awareness of so-called family "honor killings," a term commonly used for the murder of a female by a male relative for alleged misconduct. At least 5 of the 23 women killed during the year by male relatives were killed in family "honor" cases; families often attempt to cover up the cause of such deaths.

The Government provides partial funding for 12 shelters for battered women, including 1 exclusively for Arab women and 1 for ultra-Orthodox Jewish women.

Women's rights advocates consider this number inadequate. The Government also provides funding for 13 rape crisis centers. There are 25 domestic violence prevention and treatment centers, which mainly are funded privately.

According to the 1991 Domestic Violence Law, a district or magistrate court may prohibit access by violent family members to their property. Women's groups cooperate with legal and social service institutions to provide women's rights education. While sentences handed down to men convicted of rape have increased in recent years, women's rights activists argue that the penalties are not sufficiently harsh.

Unlike in past years, there were no reports that Jewish religious extremists attacked physically women whom they considered to be dressed immodestly in public.

Prostitution per se is not illegal; however, the operation of brothels and organized sex enterprises is outlawed.

Trafficking in women has become a significant problem in recent years. According to recent studies, every year hundreds of women from the former Soviet Union are brought to Israel by well-organized criminal networks and forced to work illegally as prostitutes (see Section 6.f.).

In 1998 Israel adopted a comprehensive sexual harassment prevention law; since that time several prominent cases have increased public awareness of the issue. For example, in July the Government lifted the immunity of then Transportation Minister Yitzhak Mordecai following complaints that he had sexually harassed three women. As of July, the Civil Service Commission had received 55 complaints of sexual harassment in the Ministry of Defense.

Women's advocacy groups report that women routinely receive lower wages for comparable work, are promoted less often, and have fewer career opportunities than their male counterparts. Despite 1996 legislation that provides for class action suits and requires employers to provide equal pay for equal work, including important side benefits and allowances, women's rights advocates charged that deep gaps remained. For example, the wage gap between men and women for year-round, full-time employment is about 30 percent, and only 2 percent of women serve in positions of senior management in large companies. According to recent reports, 51 percent of doctoral students are women, but women compose only 23 percent of the senior faculty members at universities and only 9.5 percent of full professors.

Legislation in 1993, reinforced by a 1994 ruling of the High Court of Justice, has increased the percentage of women on the boards of government-owned companies. Women currently occupy 39 percent of director slots, up from 28.8 percent in 1997.

The adjudication of personal status law in the areas of marriage and divorce is left to religious courts, where Jewish and Muslim women are subject to restrictive interpretations of their rights (see Section 2.c.). Under personal status law, a Jewish woman is not allowed to initiate divorce proceedings without her husband's consent; consequently there are estimated to be thousands of so-called "agunot" who cannot remarry or have legitimate children because their husbands either have disappeared or have refused to grant a divorce.

The 1995 Rabbinical Courts Law allows rabbinical tribunals to impose sanctions on husbands who refuse to divorce wives who have ample grounds for divorce, such as abuse. However, in some cases rabbinical courts have failed to invoke these sanctions. In addition, there have been cases in which a wife has failed to agree to a divorce, but a husband has been allowed to remarry; this permission is not given to wives. Such imbalances have been used by husbands to extort concessions from their wives in return for agreeing to a divorce. Rabbinical courts also may exercise jurisdiction over and issue sanctions against non-Israeli persons present in Israel.

Religious law can be even more restrictive for Muslims: some Islamic law courts have held that Muslim women may not request a divorce, but that women may be forced to consent if a divorce is granted to a man.

Jewish women are subject to the military draft; however, they have been barred from combat positions. In 1997 the Knesset passed legislation that opens all military professions, including combat positions, to women; however, the legislation was not implemented by year's end. In response to a High Court of Justice ruling, the Israeli Air Force (IAF) since 1996 has permitted women to enter pilot training. At year's end, three women were operating as navigators in F-4's and F-16's and one woman was nearing completion of pilot training. Recent IAF rulings allow female flight surgeons to participate in combat rescue missions and permit women to serve as flight mechanics for combat helicopter patrols.

In March the Knesset passed the Equality of Women Law, which provides for equal rights for women in the workplace, the military, education, health, housing, and social welfare, and entitles women to protection from violence, sexual harassment, sexual exploitation, and trafficking (see Section 6.f.).

Children.—The Government is committed to the rights and welfare of children. However, in practice resources sometimes are insufficient, particularly with respect

to low-income families. Government spending is proportionally lower in predominantly Arab areas than in Jewish areas, which adversely affects children in Arab villages and cities. Education is compulsory to age 15, or until the child reaches the 10th grade, whichever comes first. Government ministries, children's rights groups, and members of the legislature often cooperate on children's rights issues. The Government provides an extensive health care program for children. There is a broad network of mother and child clinics, which provide prenatal care as well as post-natal follow-up.

The Government has legislated against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting requirements. Although there has been a sharp increase in reported cases of child abuse in recent years, activists believe that this is largely due to increased awareness of the issue rather than a growing pattern of abuse. There are five shelters for children at risk. The Ministry of Justice formed a committee with police and NGO representatives that is attempting to assess the scope of child prostitution. Children's rights activists estimate that there may be several hundred prostitutes among the nation's children, and they warn that the phenomenon is unlikely to be eradicated until the social problems that give rise to it—including child abuse and schools that give up too readily on dropouts—are addressed.

NGO's in the field of children's welfare concentrate their efforts on public education, on promoting the concept of children's rights as citizens, on improving legal representation for minors, and on combating the problems of poverty, which are most notable for the Bedouin children of the south. There has been concern about the children of the country's growing population of foreign workers, many of whom reside in the country illegally. Children of such families, believed to number in the thousands, exist in a legal and social limbo, without access to schools or adequate health services.

Privately funded children's rights information centers have been established in some communities, and the Government assists in funding additional centers in other cities.

People with Disabilities.—The Government provides a range of benefits, including income maintenance, housing subsidies, and transportation support for disabled persons, who constitute about 10 percent of the population. Existing antidiscrimination laws do not prohibit discrimination based on disability, and these citizens continue to encounter difficulties in areas such as employment and housing. A law requiring access for the disabled to public buildings is not widely enforced. There is no law providing for access to public transportation for the disabled. A 1996 law extended disability assistance for deaf children from the age of 14 to maturity. Extended protests by disabled organizations 1999 led to an increase in government spending in support of the disabled.

During the year, the Government implemented a law seeking to rehabilitate and integrate the mentally disabled into the community; however, government discrimination against the mentally disabled remained a problem. According to the Ministry of Health, there are between 60,000 to 80,000 mentally disabled persons in the country; however, only 4 percent of the Ministry of Health's \$5 billion (20 billion NIS) budget is allocated for mental health services. Additionally, 80 percent of the mental health budget is allocated to psychiatric hospitals where less than 6,000 of the mentally disabled reside; the remaining tens of thousands of mentally disabled persons live on their own with little or no government support to help them integrate into the community.

Religious Minorities.—Tensions between secular and religious elements of society continued to grow during the year. The non-Orthodox Jewish community in particular has complained of discrimination and intolerance (see Section 2.c.).

Evangelical Christians, Jehovah's Witnesses, and Reform and Conservative Jews complained of incidents of harassment, threats, and vandalism directed against their buildings, and other facilities, many of which were committed by two ultraorthodox groups Yad L'Achim and Lev L'Achim. In civic areas where religion is a determining criterion, such as the religious courts and centers of education, non-Jewish institutions routinely receive less state support than their Jewish counterparts.

During the demonstrations and disturbances in October, there were several incidents involving attacks on synagogues and mosques. In October Arab protesters attacked a synagogue in Shafar'am. Jewish protesters attacked mosques in Acco and Tiberias.

National/Racial/Ethnic Minorities.—The Government does not provide Israeli Arabs, who constitute approximately 20 percent of the population, with the same quality of education, housing, employment, and social services as Jews. In addition, government spending is proportionally far lower in predominantly Arab areas than

in Jewish areas; on a per capita basis, the Government spends two-thirds as much for Arabs than for Jews. According to the National Insurance Institute, 42 percent of Israeli Arabs live below the poverty line, compared with 20 percent of the total population. The Government also follows a disproportionately restrictive policy on issuing building permits to Arab citizens, resulting in the issuance of proportionately more building demolition orders against Arab-built structures. Ministers in the Barak Government publicly acknowledged the continuing disparities in government funding for Israel's non-Jewish citizens. Following the demonstrations and disturbances in September and October (see Sections 1.a. and 1.c.), the Government approved a \$975 million (4 billion NIS) economic assistance plan for the country's Arab citizens to be phased in over 4 years. Most of the money included in the plan is allocated for education and new infrastructure development. Israeli Arab leaders and human rights groups criticized the plan because it was not based on a comprehensive survey of the economic and development needs of the country's Arab population and was considered inadequate to meet that population's needs. Critics also pointed out that only half of the total sum represented newly allocated money. The Government did not implement the plan by year's end, and according to newspaper reports, the Government's 2001 budget proposal did not include details about funding for the plan.

The Government appointed an Arab citizen to the board of the Israel Land Authority in November 1999. This marked the first representation of non-Jews on this body, half of whose members represent organizations forbidden by statute to transfer land to non-Jews. In March the High Court of Justice ruled on an October 1995 petition brought by an Arab couple that was barred from buying a home in Katzir, a Jewish municipality, which was built on state-owned land. The High Court ruled that the Government's use of the Jewish National Fund to develop public land was discriminatory, since the fund's by-laws prohibit the sale or lease of land to non-Jews. The High Court noted that its ruling in the case would not affect previous land allocations and that differentiating between Jews and non-Jews in land allocation might be acceptable under unspecified "special circumstances." Following the High Court's decision, the Government established an interministerial committee to examine the issues involved in implementing the decision. The Israel Lands Administration had not implemented the ruling in this case by year's end and the Ka'adan family still was not allocated a plot of land in Katzir. Israeli Arab organizations have challenged the 1996 "Master Plan for the Northern Areas of Israel," which listed as priority goals increasing the Galilee's Jewish population and blocking the territorial contiguity of Arab villages and towns, on the grounds that it discriminates against Arab citizens; the Government continues to use this document for planning in the Galilee.

Relative to their numbers, Israeli Arabs are underrepresented in the student bodies and faculties of most universities and in higher level professional and business ranks. Arabs constitute only 8.7 percent of the students at major universities in the country. Well-educated Arabs often are unable to find jobs commensurate with their level of education. Arab citizens hold only 50 of the country's 5,000 university faculty positions. The Government states that it is committed to granting equal and fair conditions to Israeli Arabs, particularly in the areas of education, housing, and employment. A small number of Israeli Arabs have risen to responsible positions in the civil service, generally in the Arab departments of government ministries. In 1994 a civil service commission began a 3-year affirmative action program to expand that number, but it has had only modest results. Arab citizens compose 6.2 percent of the civil service and less than 2 percent of the positions in the four senior-most civil service grades. In October the Knesset passed a bill that minorities and under-represented populations must be granted "appropriate representation" in the civil service, and on the boards of government corporations.

In practice, few Israeli Arabs serve in the military or work in companies with defense contracts or in security-related fields. The Israeli Druze and Circassian communities are subject to the military draft, and although some have refused to serve, the overwhelming majority accepts service willingly. Some Bedouin and other Arab citizens who are not subject to the draft serve voluntarily. Those who do not serve in the army have less access than other citizens to those social and economic benefits for which military service is a prerequisite or an advantage, such as housing, new-household subsidies, and government or security-related industrial employment. Under a 1994 government policy decision, the social security child allowance for parents who did not serve in the military and did not attend a yeshiva (including Arabs) was increased to equal the allowance of those who had done so.

Israeli Arab groups allege that many employers use the prerequisite of military service to avoid hiring non-Jews. For example, a September 1999 survey revealed

that 40 percent of employment ads in one weekend newspaper listed "army service necessary." Jobs included ice cream sales, typist, bus driver, and customer service.

There are approximately 130,000 Bedouin in the Negev; of this number about half live in 7 state planned communities and the other half live in 45 settlements that are not recognized by the Government. The recognized Bedouin villages receive basic services from the Government; however, they are among the poorest communities in the country. The unrecognized villages were declared illegal by the National Planning and Building Law of 1965 when the lands on which they sit were rezoned as nonresidential and the Government claimed ownership. According to the Government, recognizing these villages would conflict with its attempts to establish new villages in "an orderly manner, and would leave disputes over the land unresolved." Residents of the unrecognized villages pay taxes to the Government; however, they are not eligible for government services. Consequently, such villages have none of the infrastructure, such as electricity, water, and sewers, provided to recognized communities. The lack of basic services has caused difficulties for the villagers in regard to their education, health care, and employment opportunities. New building in the unrecognized villages is considered illegal and subject to demolition. Private efforts have supplied some unrecognized villages with water, and the courts have ordered the provision of limited health and education services. The Government has yet to fulfill its commitment to resolve the legal status of unrecognized Arab villages. Eight villages have been recognized officially since 1994, but nearly 100 more, of varying size and with a total population of nearly 70,000 persons, remain in limbo. Of the eight villages that have been recognized, the Government has yet to actually implement the decisions. In 1998 the High Court of Justice ordered the Ministry of Education to provide electricity to schools in several unrecognized villages in the Negev. In March 1999, the High Court ordered the Ministry of Health to provide within 2 months six permanent health clinics to serve the unrecognized villages; however, the clinics had not been built by year's end. In November the High Court ruled that the Government must build a school for the children in the unrecognized village of Beer Hadaaj within 4 months. During the year, the Ministry of Interior and the Attorney General declared that residents of Husseinyia, an unrecognized village, could list their village's name as their place of residence on their identification cards.

Arab children make up about a quarter of the public school population, but Government resources for them are less than proportionate to those for Jewish children. Many schools in Arab communities are dilapidated and overcrowded, lack special education services and counselors, have poor libraries, and have no sports facilities. According to a report issued during the year, only 54 percent of Arab students finish high school compared with 89 percent of Jewish students. According to 1998 statistics, 58 percent of the teachers in Jewish schools had university degrees compared with 39 percent of the teachers in Arab schools. The disparity in government resources for education also affects Bedouin children from the unrecognized villages. Currently, preschool attendance for Bedouin children is the lowest in the country, and the dropout rate for Bedouin high school students is the highest. Arab groups also note that the public school curriculum stresses Israel's Jewish culture and heritage.

Israeli Arab students also are not eligible to participate in a special education program to provide academic assistance to students from disadvantaged backgrounds. A petition was filed with the High Court of Justice in May 1997 charging that the Ministry of Education's refusal to provide this program to Israeli Arab students was discriminatory. The Attorney General's office agreed that the policy constituted impermissible discrimination but asked for 5 years to expand the program to Israeli Arab students. The petitioners rejected this proposal as being too slow. The court held hearings in the case twice in 1999; however, it still had not ruled on the proper implementation period by year's end.

Unresolved problems of many years' standing also include claims by Arab groups that land expropriation for public use has affected the Arab community disproportionately; that Arabs have been allowed too little input in planning decisions that affect their schools and municipalities; that mosques and cemeteries belonging to the Islamic Waqf (religious endowment) have been neglected or expropriated unjustly for public use; and that successive governments have blocked the return to their homes of citizens displaced in the early years of the country's history. The Government has yet to agree with the pre-1948 residents of the northern villages of Bir Am and Ikrit, and their descendants, regarding their long-term demand to be allowed to rebuild their houses. In 1997 a special interministerial panel recommended that the Government allow the villagers to return to Bir Am and Ikrit. The High Court has granted the Government several extensions for implementing the recommendation, including 2 extensions during the year. The Government stat-

ed that a special interministerial panel currently is examining economic aspects of the issue.

In early October, there were many instances of societal violence between Arab and Jewish citizens which coincided with violent events in Israel and the occupied territories (see Sections 1.a., 1.c., and the annex). For example, on October 3, an Israeli Arab shot and killed an Israeli Jew on a road in the north of the country. On October 7, a group of about 200 Israeli Jews attacked Arab Israeli homes in predominantly Jewish Upper Nazareth. On October 8, a group of about 1,000 Israeli Jews attacked Arab Israeli homes in Nazareth. Two persons were killed and approximately 50 persons were injured in these attacks (see Sections 1.a. and 1.c.). Jewish citizens also attacked Arab homes, businesses that employed Arabs, and two mosques in other areas of the country. During the October disturbances, Arab protesters also attacked Jewish-owned businesses throughout the country, and in at least one case Arab crowds attacked a synagogue.

In 1991 the Government launched Operation Solomon, which airlifted 14,000 Ethiopian immigrants to the country. There were occasional reports of societal discrimination during the year.

Section 6. Worker Rights

a. The Right of Association.—Workers may join and establish labor organizations freely. Most unions belong to Histadrut (the General Federation of Labor in Israel), or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). These organizations are independent of the Government. Histadrut members democratically elect national and local officers, and officials of its affiliated women's organization Na'amat, from political party lists of those already in the union. Plant or enterprise committee members are elected individually. About 650,000 workers are members of Histadrut, and much of the non-Histadrut work force is covered by Histadrut's collective bargaining agreements.

The right to strike is exercised regularly. Unions must provide 15 days' notice prior to a strike unless otherwise specified in the collective bargaining agreement. However, unauthorized strikes occur. Strike leaders—even those organizing illegal strikes—are protected by law. If essential public services are affected, the Government may appeal to labor courts for back-to-work orders while the parties continue negotiations. There were a number of strikes in both the public and private sectors during the year by employees protesting the effects of privatization. Worker dismissals and the terms of severance arrangements often were the central issues of dispute.

Palestinians from the West Bank and Gaza Strip who worked in Israel were not able to join Israeli trade unions or organize their own unions in Israel. Palestinian trade unions in the occupied territories are not permitted to conduct activities in Israel (see Section 6.a. of the annex). However, nonresident workers in the organized sector are entitled to the protection of Histadrut work contracts and grievance procedures. They may join, vote for, and be elected to shop-level workers' committees if their numbers in individual establishments exceed a minimum threshold. Palestinian participation in such committees is minimal.

Labor laws apply to Palestinians in East Jerusalem and to the Syrian Druze living on the Golan Heights.

Unions are free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—Citizen workers fully exercise their legal rights to organize and bargain collectively. While there is no law specifically prohibiting antiunion discrimination, the law against discrimination could be cited to contest discrimination based on union membership. No antiunion discrimination has been reported.

Nonresident workers may not organize their own unions or engage in collective bargaining, but they are entitled to be represented by the bargaining agent and protected by collective bargaining agreements. They do not pay union membership fees, but are required to pay a 1 percent agency fee, which entitles them to union protection by Histadrut's collective bargaining agreements. The Ministry of Labor may extend collective bargaining agreements to nonunionized workplaces in the same industrial sector. The Ministry of Labor also oversees personal contracts in the unorganized sectors of the economy.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, specifically including child forced labor, and neither citizens nor nonresident Palestinians working in Israel are generally subject to this practice; however, women are trafficked for the purpose of prostitution (see Section 6.f.). Civil rights groups charge that unscrupulous employers often take advantage of illegal

workers' lack of status to hold them in conditions amounting to involuntary servitude (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Children who have attained the age of 15 years, and who are liable to compulsory education under the compulsory education law, may not be employed unless they work as apprentices under the Apprenticeship Law. Notwithstanding these provisions, children who are 14 years old may be employed during official school holidays. Employment of those 16 to 18 years of age is restricted to ensure time for rest and education.

There are no reliable data on illegal child workers. They are concentrated among the country's Arab population and its most recent Jewish immigrants. Illegal employment is found primarily in urban, light-industrial areas. Children's rights groups have called for more vigorous enforcement of child labor laws, combined with a parallel effort to deal with the causes of illegal child labor. The Government specifically prohibits forced child labor, and it generally does not occur.

e. Acceptable Conditions of Work.—Legislation in 1987 established a minimum wage at 45 percent of the average wage, calculated periodically and adjusted for cost of living increases. At year's end, the minimum wage was about \$700 (2,800 NIS) per month. The minimum wage often is supplemented by special allowances and generally is sufficient to provide a worker and family with a decent standard of living. Union officials have expressed concern over enforcement of minimum wage regulations, particularly with respect to employers of illegal nonresident workers, who sometimes pay less than the minimum wage.

By law the maximum hours of work at regular pay are 47 hours a week, 8 hours per day, and 7 hours on the day before the weekly rest, which must be at least 36 consecutive hours and include the Sabbath. By national collective agreements, the private sector established a maximum 45-hour workweek in 1988. The public sector moved to a 5-day, 42-plus hour workweek in 1989, while the military adopted it in 1993.

Employers must receive a government permit to hire nonresident workers from the occupied territories, certifying that no citizen is available for the job. All Palestinians from the occupied territories are employed on a daily basis and, unless they are employed on shift work, are not authorized to spend the night in Israel. The Government has in the past considered, but not acted on, a change in this provision to allow Palestinian workers to remain overnight for a week at a time. Palestinians without valid work permits are subject to arrest. Due to security concerns, the Government stopped issuing permits for Palestinian workers following the outbreak of violence in October.

Nonresident workers are paid through the employment service of the Ministry of Labor, which disburses wages and benefits collected from employers. The Ministry deducts a 1 percent union fee and the workers' required contributions to the National Insurance Institute (NII), the agency that administers the Israeli social security system, unemployment benefits, and other benefits. Despite these deductions, Palestinian workers are not eligible for all NII benefits. They continue to be insured for injuries occurring in Israel and the bankruptcy of a worker's employer. They do not have access to unemployment insurance, general disability payments, low-income supplements, or child allotments. By contrast, Israeli settlers in the occupied territories who work in Israel have the same benefits as other Israeli workers. The International Labor Organization (ILO) has long criticized this inequality in entitlements. Since 1993 the Government has agreed to transfer the NII fees collected from Palestinian workers to the Palestinian Authority, which is to assume responsibility for all the pensions and social benefits of Palestinians working in Israel.

There was increased public debate over the role in the workplace and society of foreign workers, who are estimated to number at least 180,000, perhaps half of them undocumented and employed illegally. The majority of such workers come from Eastern Europe and Southeast Asia, and most are employed in the construction and agricultural sectors. The law does not allow such workers citizenship or permanent residence. As a result, they and their families live in a legal and social limbo. Government deportations of such workers take place without benefit of due process. In August press reports stated that the Government ordered an increase in deportations of undocumented foreign workers; however, the deportations were not carried out. Human rights groups argue that since foreign worker residency permits are tied to specific employment, workers have little leverage to influence their work conditions. In May the Ministry of Interior acknowledged that it had prevented labor organizations from distributing pamphlets on labor rights to foreign workers who arrived at the airport. Following the outbreak of violence in September, the Government implemented a closure policy, which prevented thousands of Palestinians from getting to their jobs in Israel (see Section 2.d.). On December 17, in response to pressure for additional workers from the construction and agricul-

tural sectors, the Government announced that it would grant temporary permits to several thousand additional foreign workers.

Along with union representatives, the Labor Inspection Service enforces labor, health, and safety standards in the workplace, although resource constraints affect overall enforcement. Legislation protects the employment rights of safety delegates elected or appointed by the workers. In cooperation with management, these delegates are responsible for safety and health in the workplace.

Workers do not have the legal right to remove themselves from dangerous work situations without jeopardy to continued employment. However, collective bargaining agreements provide some workers with recourse through the work site labor committee. Any worker may challenge unsafe work practices through government oversight and legal agencies.

f. Trafficking in Persons.—Trafficking in women for the purpose of prostitution is a continuing problem. According to Amnesty International (AI), every year hundreds of women from the former Soviet Union are brought to Israel by well-organized criminal networks and forced through violence and threats to work illegally as prostitutes. According to some local NGO's, thousands of women are trafficked into the country annually.

In June the Government enacted a law that prohibits the trafficking of persons for the purpose of prostitution. Prostitution per se is not illegal; however, the operation of brothels and organized sex enterprises is outlawed, as are many of the human rights abuses perpetrated by traffickers and pimps, such as assault, rape, abduction, and false imprisonment. Section 201 of the Penal Code stipulates that it is a criminal offense, punishable by between 5 and 7 years' imprisonment, to force or coerce a person to engage in prostitution. Section 202(b) of the Penal Code makes it a criminal offense to induce a woman to leave Israel with the intent to "practice prostitution abroad." In March the Knesset passed the Equality of Women Law (see Section 5); Section 6(b) of the law stipulates that every woman is entitled to protection from violence, sexual harassment, sexual exploitation, and trafficking.

Traffickers reportedly often lure women into coming to the country by offering them jobs in the service industry. In many cases, traffickers meet women at the airport and confiscate all of their official documents. Many trafficked women are forced to live and work under extremely harsh conditions and to give most of the money they earn to their bosses. The women reportedly often are raped and beaten, and often are afraid to report their situation to the police because they are in the country illegally.

According to press reports, brothels are ubiquitous despite being illegal, and police officials estimate that there are 25,000 paid sexual transactions every day. Police often detain trafficked women following raids on brothels. The Minister of Interior has broad powers to deport illegal aliens and to hold them in detention pending deportation. The Ministry may issue deportation orders against any person who is in the country without a residence permit and may hold the deportee in detention following the issuance of a deportation order. The deportee can appeal the deportation order to the Ministry within 3 days of its issuance and also can challenge the order in the High Court. However, trafficked women often do not challenge a deportation order due to language barriers or a lack of information about the appeals procedure. Many trafficked women are detained for extended periods of time because of government orders that they stay in the country to testify in the criminal proceedings against their traffickers. Many women are reluctant or afraid to testify in trials due to threats and intimidation by their traffickers. According to AI, women refuse to testify in court in about 90 percent of all the cases that are prosecuted. Since 1997 police have arrested and deported approximately 1,200 women who were trafficked to the country for prostitution. According to AI, the Government does not attempt to determine whether or not a trafficked woman would be at risk for persecution if she is deported to her country of origin, even in cases in which the woman or girl has testified in criminal proceedings.

THE OCCUPIED TERRITORIES

(INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. The West Bank and Gaza Strip are now administered to varying extents by Israel and the Palestinian Authority (PA). Pursuant to the May 1994

Gaza-Jericho Agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the PA while retaining responsibility for external security; foreign relations; the overall security of Israelis, including public order in the Israeli settlements; and certain other matters.

An historic process of reconciliation between Israel and the Palestinians began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Israeli-Palestinian Declaration of Principles (DOP). In September 1995, Israel and the Palestine Liberation Organization (PLO) signed the Interim Agreement on the West Bank and the Gaza Strip. In January 1997, the parties concluded the Hebron Agreement and in October 1998, Israel and the PLO signed the Wye River Memorandum. In September 1999, the Israeli Government and the PLO signed the Sharm el-Sheikh Memorandum. The parties held intensive working-level talks between March and June and met at Camp David in July; however, the Israeli Government and the PLO did not reach an agreement. On September 28, Israeli opposition leader Ariel Sharon visited the Temple Mount (Haram al-Sharif) in Jerusalem. On September 29, Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons and injuring approximately 200. Following this incident, Palestinians began violent demonstrations against IDF soldiers, settlers, and other Israeli civilians throughout the occupied territories; these demonstrations and ensuing clashes—known to Palestinians and many Israelis as the “al-Aqsa Intifada”—between Palestinians and IDF soldiers occurred daily through the end of the year.

Israel and the Palestinian Authority have varying degrees of control and jurisdiction over the Gaza Strip and the West Bank. Israel continues to control certain civil functions and is responsible for all security in portions of the occupied territories categorized as Area C, which includes the Israeli settlements and 4 percent of the total West Bank Palestinian population. In areas known as Area B, which includes 41 percent of the West Bank Palestinian population, the PA has jurisdiction over civil affairs and shares security responsibilities with Israel. The PA has control over civil affairs and security in Area A, which includes 55 percent of the West Bank Palestinian population. The PA also has jurisdiction over some civil affairs in Area C, as specified in the Interim Agreement. Accordingly, this report discusses the policies and practices of both the Israeli Government and the PA in the areas in which they exercise jurisdiction and control.

Israel continues to exercise civil authority in parts of the West Bank and Gaza through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK, which replaced the now defunct Civil Administration (CIVAD) in 1995. The approximately 175,000 Israeli settlers living in Area C of the West Bank and in the Gaza Strip are subject to Israeli law and, as citizens, receive preferential treatment from Israeli authorities in terms of protection of personal and property rights and of legal redress. The body of law governing Palestinians in the territories derives from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Certain laws and regulations promulgated by the PA also are in force. The international community considers Israel's authority in the occupied territories to be subject to the Hague Regulations of 1907 and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli Government considers the Hague Regulations applicable and states that it observes the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected Government in democratic elections that generally were well-conducted; the 88-member Palestinian Council (PC) and the Chairman of the Executive Authority were elected. The PA also has a cabinet of 30 ministers. Chairman Yasir Arafat continues to dominate the affairs of government and to make major decisions. Most senior government positions in the PA are held by individuals who are members of, or loyal to, Arafat's Fatah faction of the PLO. The Council meets regularly and discusses a range of issues significant to the Palestinian people; however, it does not have significant influence on policy or the behavior of the executive. In Gaza the legal code derives from British Mandate law, Egyptian law, and PA directives and laws. In the West Bank, pre-1967 Jordanian law and PA laws apply. The PA states that it is undertaking efforts to unify the Gaza and West Bank legal codes; however, it has made little progress to date. The PA courts are perceived as inefficient and the PA executive and security services frequently ignore or fail to carry out court decisions.

Israeli security forces in the West Bank and Gaza Strip consist of the Israeli Defense Forces (IDF); the Israel Security Agency (the ISA—formerly the General Security Service, or GSS, and also known as Shin Bet, or Shabak); the Israeli National Police (INP); and the paramilitary border police. Israeli military courts try Palestinians accused of committing security crimes in Israeli-controlled areas. Members of the Israeli security forces committed numerous serious human rights abuses, particularly following the outbreak of violence in late September.

The Palestinian Police Force (PPF) was established in May 1994 and includes the Palestinian Public Security Force; the Palestinian Civil Police; the Preventive Secu-

rity Force (PSF); the General Intelligence Service, or Mukhabarat; the Palestinian Presidential Security Force; and the Palestinian Coastal Police. Other quasi-military security organizations, such as the military intelligence organization, also exercise de facto law enforcement powers. Palestinian police are responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza Strip. Israeli settlers in the occupied territories are not subject to PA security force jurisdiction. Members of the PA security forces committed numerous serious human rights abuses throughout the year.

The economy of the West Bank and Gaza Strip is small, poorly developed, and highly dependent on Israel. The economy relies primarily on agriculture, services, and, to a lesser extent, light manufacturing. Especially during periods of tension, Israel restricts the movement of persons and products into Israel and Jerusalem from the West Bank and Gaza, which frequently affects the ability of Palestinians to reach their jobs in Israel. Since 1993 Israel has required Palestinians and their vehicles to have Israeli permits to cross from the West Bank or Gaza into Israel and Jerusalem. Approximately 125,000 West Bank and Gazan workers, representing roughly 20 percent of the Palestinian work force, normally are employed at day jobs in Israel, Israeli settlements, and Jerusalem, making their employment subject to disruption. Since 1993 Israel has applied "closures," or enhanced restrictions, on the movement of persons and products, often for lengthy periods, in response to terrorist attacks or other changes in the security environment. During periods of violent protest in the West Bank or Gaza, or when it believes that there is an increased likelihood of such unrest or of terrorist attacks, Israel imposes a tightened version of closure. Comprehensive, tightened closures also are instituted regularly during major Israeli holidays. During such closures, Israel cancels all travel permits and prevents Palestinians—even those with valid work permits—from entering Israel or Jerusalem. Due to the ongoing unrest in the occupied territories, Israel imposed 88 days of tightened, comprehensive closure during the year, compared with 15 days in 1999. In periods of extreme unrest in the West Bank and Gaza, the Israeli Government also prohibits most travel between towns and villages within the West Bank—an "internal" closure—impeding the flow of goods and persons. During such internal closures, the Government also bans travel on the safe passage route between the West Bank and Gaza. Israel imposed at least 81 days of internal closure during the year, compared with no days of internal closure in 1999. In the past, Israel rarely imposed internal closure within Gaza; however, during much of November and December the Israeli Government imposed internal closure in Gaza. The prolonged periods of closure had a significant negative impact on the economy of the West Bank and Gaza.

Israel's overall human rights record in the occupied territories was poor; although the situation improved slightly during the first 9 months of the year, it worsened in several areas late in the year, mainly due to the sustained violence that began in September. Israeli security forces committed numerous serious human rights abuses during the year. Security forces killed 307 Palestinians and four foreign nationals and injured at least 11,300 Palestinians and other persons during the year. Israeli security forces targeted for killing a number of Palestinians whom the Israeli Government stated had attacked or were planning future attacks on Israeli settlements or military targets; a number of bystanders reportedly also were killed during these incidents. Since the violence began, Israeli security units often used excessive force against Palestinian demonstrators. Israeli security forces sometimes exceeded their rules of engagement, which provide that live fire is only to be used when the lives of soldiers, police, or civilians are in imminent danger. IDF forces also shelled PA institutions and Palestinian civilian areas in response to individual Palestinian attacks on Israeli civilians or settlers; 7 Palestinians and 1 foreign national were killed, and 131 Palestinians were injured in these attacks. Israeli security forces abused Palestinians in detention suspected of security offenses. However, a September 1999 landmark decision by the Israeli High Court of Justice prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, and prolonged exposure to extreme temperatures. Since the September 1999 ruling, domestic and international nongovernmental organizations (NGO's) have been unable to substantiate sporadic allegations that security forces tortured detainees. There were numerous credible allegations that police beat persons in detention. Three Palestinian prisoners died in Israeli custody under ambiguous circumstances during the year. Prison conditions are poor. Prolonged detention, limits on due process, and infringements on privacy rights remained problems. Israeli security forces sometimes impeded the provision of medical assistance to Palestinian civilians. Israeli security forces destroyed Palestinian-owned agricultural land. Israeli authorities censored Palestinian publications, placed limits on freedom of assembly, and restricted freedom of movement for Palestinians.

The PA's overall human rights record was poor, and it worsened in several areas during the year mainly due to the sustained violence that began in late September. Palestinian security forces reportedly killed several Israeli security force members during violent clashes with Israeli soldiers or settlers. Members of Palestinian security services and Fatah's Tanzim participated in violent attacks. Armed Palestinians, some of them members of Palestinian security forces, fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians; residents of the homes consequently bore the brunt of IDF retaliation for these attacks. Palestinian security forces also failed to prevent armed Palestinians from opening fire on Israelis in places in which Palestinians were present. The extent to which senior PLO or PA officials authorized such incidents is not clear. Palestinian security forces in October reportedly impeded the provision of medical assistance to an injured Israeli border policeman, who later died.

One Palestinian died in PA custody under ambiguous circumstances. PA prison conditions are very poor. PA security forces arbitrarily arrest and detain persons, and prolonged detention is a problem. Lack of due process also is a problem. The courts are perceived as inefficient, lack staff and resources, and do not ensure fair and expeditious trials. The PA executive and security services frequently ignore or fail to enforce court decisions. Lack of due process also is a serious problem in the PA's state security courts. PA security forces infringed on citizens' rights to privacy and restricted freedom of speech and of the press. The PA continued to harass, detain, and abuse journalists. PA harassment contributed to the practice of self-censorship by many Palestinian commentators, reporters, and critics. The PA placed some limits on freedom of assembly and association. In February the PA police announced a ban on unlicensed public gatherings, but this action was invalidated by the Palestinian High Court 2 months later. Violence against women and "honor killings" persist. Societal discrimination against women and the disabled is a problem. Child labor is a problem.

Israeli civilians, especially settlers, harassed, attacked, and occasionally killed Palestinians in the occupied territories. There were credible reports that settlers killed at least 14 Palestinians during the year. In one case, an Israeli civilian killed a Palestinian who previously had attacked a settlement and killed an IDF soldier. Settlers also caused economic damage to Palestinians by attacking and damaging greenhouses and agricultural equipment, uprooting olive trees, and damaging other valuable crops. The settlers did not act under government orders in the attacks; however, the Israeli Government did not prosecute the settlers for their acts of violence. In general settlers rarely serve prison sentences if convicted of a crime against Palestinians.

Palestinian civilians in the occupied territories harassed, attacked, and occasionally killed Israelis, especially settlers. Palestinians killed at least 18 Israeli civilians during the year. A number of extremist Palestinian groups and individuals, including the militant Islamic Resistance Movement (HAMAS) and the Palestine Islamic Jihad (PIJ), continued to kill and injure Israelis. Five attacks and roadside bombings were carried out in Israel and the occupied territories. The PA made no arrests in any of these killings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Israeli security forces killed numerous Palestinians in response to a sustained violent uprising late in the year. Most of the Palestinians were killed during demonstrations and other violent clashes, and others were targeted specifically by Israeli security forces.

In May Israeli security forces killed six Palestinians and wounded up to 700 at demonstrations in which Palestinian demonstrators were protesting the continued incarceration of Palestinian prisoners in Israeli jails. Some protesters threw stones and Molotov cocktails, and some demonstrators shot at Israeli settlers (see Section 1.c.).

Deaths due to political violence increased significantly during the year due to the "al-Aqsa Intifada." At least 365 persons were killed between late September and the end of December in demonstrations, violent clashes, and military and civilian attacks, including 325 Palestinians, 36 Israelis, 3 Jordanian citizens, and 1 German citizen. Additionally, at least 10,962 persons were injured during this period, including 10,600 Palestinians and 362 Israelis (see Sections 1.c. and 1.g.). On September 28, Israeli opposition leader Ariel Sharon visited the Temple Mount (Haram al-Sharif) in Jerusalem. On September 29, Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons

and injuring approximately 200. Following this incident, Palestinians began violent demonstrations against IDF soldiers, settlers, and other Israeli civilians throughout the occupied territories; these demonstrations and ensuing clashes between Palestinians and IDF soldiers occurred daily through the end of the year.

Between late September and the end of the year, Israeli security forces killed 227 Palestinians and 4 foreign nationals, and injured over 10,600 Palestinians during violent demonstrations. Palestinian demonstrators frequently threw stones and Molotov cocktails at IDF soldiers. In some demonstrations, Palestinians also used firearms. According to the IDF, Palestinians used firearms in about 30 percent of the demonstrations between late September and mid-November. In response, Israeli security forces used a variety of means to disperse demonstrators, including tear gas, rubber-coated metal bullets, and live ammunition. In many instances, Israeli security forces used excessive force against demonstrators in contravention of their official rules of engagement (see Section 1.g.).

Israeli Defense Force soldiers targeted for killing a number of Palestinians during the year. A senior Israeli official stated to the domestic press that the IDF deliberately targeted 10 Palestinians since the beginning of the "al-Aqsa Intifada." According to the IDF, the targeted persons were PA security officers or Fatah's Tanzim who previously had attacked or were planning future attacks on Israeli settlements or military targets. The Israeli Government stated that it only targeted persons against whom it had overwhelming evidence and only with the authorization of senior political leaders. PA officials and some human rights organizations claimed that a number of the targeted persons were not involved in the ongoing violence. IDF forces also killed 6 Palestinian bystanders and injured over a dozen others during these incidents (see Section 1.c.).

On November 9, Israeli helicopters fired rockets at a car in Beit Sahour, killing Hussein Mohamed Salim Ubayyat, a Fatah official. Two Palestinian women walking on the road nearby were killed and seven other civilian bystanders were injured in the attack (see Section 1.c.). An IDF spokesman later announced that Ubayyat had been targeted because of his prior involvement in a number of attacks against Israeli military and civilian targets.

On December 31, IDF soldiers killed Dr. Thabet Ahmad Thabet, a high-ranking member of Fatah, while he was in his car near his home.

There also were a number of instances in which it was unclear whether Israeli security forces targeted their victims. On November 17, IDF soldiers killed two Palestinian National Security Forces officers in Jericho. The IDF stated that the officers were part of a terrorist cell that previously had attacked IDF positions and some settlements. The PA stated that the two officers were killed while on duty and working to prevent Palestinian gunmen at a nearby refugee camp from shooting at Israeli positions.

On November 22, IDF forces fired at 2 cars in Gaza, killing a senior Tanzim member, Jamal Abdel Raziq, and 3 other Tanzim members. The Israeli press reported that the 4 were terrorists who were attempting to infiltrate the Morag settlement and that security forces fired at the 2 cars after the drivers refused to stop at a road blockade. According to press reports, Israeli security sources later stated that the incident was an "IDF-initiated operation" against Raziq, who reportedly had been involved in attacks on Israelis in Gaza.

On November 23, HAMAS member Ibrahim Abdel Karim Bani was killed when a bomb exploded in the borrowed car he was driving. Israeli security officials stated to the press that Bani Odeh was transporting explosives to carry out a terrorist attack that detonated prematurely. However, according to the PA and the Palestinian press, Bani Odeh was on a list of 10 Palestinians that the IDF planned to target for killing. PA security forces arrested Bani Odeh's cousin, who reportedly confessed to having provided information to the IDF about Odeh's whereabouts on the day he was killed.

On November 26, IDF soldiers fired on nine Palestinian youths, killing five and injuring two. The Israeli press reported that the IDF refused an International Committee of the Red Cross (ICRC) request to allow medical personnel access to the injured. Palestinian sources stated that the IDF subsequently fired on the injured persons with helicopter gunships. On November 27, Israeli radio, citing IDF sources, described the incident as a "proactive" IDF-initiated action that targeted known terrorists who had participated in previous attacks against Israeli civilian and military targets, including two attacks that took place earlier that day. The Israeli Government also stated that it had reason to believe that the Palestinian youths were planning an additional terrorist attack. Palestinian sources stated that the youths were on their way to visit friends when they were fired upon by the IDF.

On December 10, IDF soldiers fired on two Palestinians who reportedly were planting a roadside bomb near Bethlehem, killing Mahmoud Mugarbi, a member of

Fatah. According to press reports quoting a senior IDF official, Muqrabi's name was on a list of ten reputed terrorists that the IDF had targeted for killing.

Israeli security force personnel killed several Palestinians in unclear circumstances. According to eyewitnesses and a credible Palestinian human rights organization, on October 6, an IDF soldier shot an unarmed 14-year-old boy on the porch of his home near Hebron; he later died. On December 11, Israeli security forces shot and killed Anwar Hmeiran, a member of Palestinian Islamic Jihad. According to Palestinian eyewitnesses, there were no clashes taking place at the time of the shooting. On December 16, Mohammad Fahed Maali was killed while reportedly walking past a clash between Israeli security forces and Palestinian demonstrators in Jenin; according to the Palestinian press, the Palestinian demonstrators did not use firearms in the demonstration. IDF soldiers killed Abbas Othman Ewaywi, a member of HAMAS. According to the IDF, Ewaywi was caught in crossfire between Israeli and Palestinian security forces. However, Palestinian media and eyewitnesses stated that there was no such exchange of gunfire when Ewaywi was shot. HAMAS issued a leaflet the same day vowing revenge for his death.

On September 30, a journalist videotaped and broadcast internationally an exchange of fire between Israeli and Palestinian security forces at Netzarim junction that resulted in the killing of 12-year-old Muhammad al-Dura. Many observers stated that the boy was killed by IDF fire; however, the IDF conducted an investigation and reported that it was not clear whether it was Israeli or Palestinian gunfire that killed al-Dura.

The IDF generally did not investigate incidents in which security forces killed and injured Palestinians. The IDF stated that it did not investigate such incidents because of technical problems; because Israel does not have full control over the occupied territories, and the PA reportedly would not cooperate in investigations in Areas B and C, the IDF stated that it could not conduct such investigations. However, in certain high profile cases, such as the killing of Muhammad al-Dura and the injuring of a foreign journalist, the IDF agreed to investigate.

In several incidents, following attacks on Israeli civilians, including settlers, IDF helicopters fired tank rounds and rockets from helicopters on towns and cities in the West Bank and Gaza, killing and injuring a number of persons and causing significant damage to buildings (see Section 1.g.).

Prior to the outbreak of violence in late September, members of the Israeli security forces killed three Palestinians at military checkpoints and roadblocks inside the occupied territories. In these instances, Israeli authorities stated that the individuals were shot after failing to obey orders to halt. Palestinian eyewitnesses disputed these accounts and charged that Israeli soldiers used excessive and unnecessary force. On March 20, Israeli soldiers killed Halima al-Aloul at the Kharas checkpoint near Hebron; al-Aloul was riding with her husband, who allegedly failed to stop at the checkpoint. On March 30, Murad al-Zaro was shot and killed by Israeli police officers near the Shufat refugee camp in Jerusalem. Israeli police maintained that al-Zaro failed to stop when ordered to do so; however, Palestinian eyewitnesses claimed that police shot al-Zaro after he already had stopped the car. On July 8, IDF soldiers killed a Palestinian woman in Gaza while she was riding in a car. According to the IDF, the soldiers fired because they believed that they heard shots fired from the car.

On August 16, IDF security forces mistakenly killed Mahmoud Assad Abdullah al-Bazar in Surda village. According to the IDF, security forces surrounded his house in the mistaken belief that a wanted HAMAS terrorist was inside. According to his family members, al-Bazar went to his roof to investigate noises and fired one shot in the air to frighten presumed thieves. The IDF soldiers reportedly heard the shot and opened fire on al-Bazar.

According to credible human rights organizations, Israeli security forces sometimes impeded the provision of medical assistance to sick and injured Palestinians (see Section 2.d.); Palestinians claim that seven Palestinians died as a result. For example, on October 6, Israeli security forces delayed an ambulance from reaching a Palestinian who was wounded in a clash in Jerusalem; the Palestinian died later the same day. On October 14, IDF soldiers did not allow a father to bring his daughter into Nablus for medical treatment; she died the same day of a ruptured appendix. On October 16, IDF soldiers refused to allow a man into Nablus for kidney dialysis; he later died of kidney failure. According to the Israeli Government, Palestinian medical personnel sometimes used ambulances as shelter for Palestinians who had fired at Israeli civilians and soldiers (see Section 1.c.).

In May Mohamad Abdel Jalil Faye Saed from Askar refugee camp in Nablus died from wounds sustained in a 1991 confrontation with the IDF in which soldiers reportedly beat Saed for throwing stones at an IDF foot patrol, which left him paralyzed.

Three Palestinian security detainees reportedly died in Israeli custody during the year (see Section 1.c.). On January 14, Lafi al-Rajabi died in a detention center near Nablus; his body reportedly bore cuts and bruises. On June 19, Sami As'ad reportedly hanged himself in Kishon prison; according to newspaper reports he previously had attempted suicide. On August 11, Ramez Fayeze Mohammed Rashing Elrizi died in al-Nafha prison under ambiguous circumstances. The Israeli Government did not publish official autopsies in these deaths.

Palestinian security forces reportedly killed several Israeli security force members during violent clashes with Israeli soldiers or settlers. Members of Palestinian security services and Fatah's Tanzim participated in violent attacks. Armed Palestinians, some of them members of Palestinian security forces, fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians; residents of the homes consequently bore the brunt of IDF retaliation for these attacks. Palestinian security forces also failed to prevent armed Palestinians from opening fire on Israelis in places in which Palestinians were present. The extent to which senior PLO or PA officials authorized such incidents is not clear. Palestinian security forces reportedly impeded the provision of medical assistance to an injured Israeli border policeman, who later died.

On September 29, a Palestinian policeman killed one Israeli border policeman and injured a second. The three police personnel were part of a joint patrol.

On October 1, PA security forces shot a border policeman at Joseph's Tomb, and then delayed an ambulance from reaching him in a timely manner; the soldier bled to death.

One Palestinian died in PA custody during the year. On June 6, Khalid Bahar was found dead in his prison cell; family members claim that the prisoner died after being tortured (see Section 1.c.). The PA publicized the results of its autopsy report, which stated that the prisoner had choked to death.

More than 35 Israelis and Palestinians died in politically related violence perpetrated by individuals and groups during the year. Israeli settlers harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (see Section 1.c.). There were credible reports that settlers killed at least 14 and injured a number of Palestinians during the "al-Aqsa Intifada," usually by stoning their vehicles, which caused fatal accidents, shooting them, or hitting them with moving vehicles. For example, on October 1, unidentified Israeli settlers opened fire on a car holding Palestinians, killing an 18-month-old baby. On October 17, two settlers from Itamar opened fire with machine guns on a group of Palestinians harvesting olives in a field near Nablus, killing one person and injuring four. The perpetrators of the attack were identified and taken into Israeli police custody, but subsequently were released because the police determined that the PA was not cooperating sufficiently with the investigation. The PA denied this charge. The settlers did not act under government orders in the attacks; however, the Israeli Government did not prosecute the settlers for their acts of violence. In general, settlers rarely serve prison sentences if convicted of a crime against Palestinians.

Palestinian civilians harassed, attacked, and occasionally killed Israelis, especially settlers. During the year, Palestinians killed 18 Israeli civilians and injured numerous others (see Section 1.c.). Palestinians frequently threw stones and fired guns at Israeli civilians during the "al-Aqsa Intifada." On October 8, Palestinian civilians killed Israeli settler Hillel Lieberman from Elon Moreh. Lieberman had been missing since the morning of October 7, when he told a relative that he was going to "pay a final visit" to Joseph's Tomb in Nablus, after the IDF had announced that it would withdraw from the site. An unknown extremist group took responsibility for the killing.

On October 12, a Palestinian mob killed two IDF reservists in a brutal attack in Ramallah. The mob attacked the soldiers' car until Palestinian police intervened and brought the soldiers to the civil police station. The mob followed, broke down the gate of the police station, and kicked, burned, and beat to death the two reservists. There were reports that Palestinian police personnel also participated in the beating.

On October 30, unknown Palestinian gunmen killed one security guard and injured another at the National Insurance Office in Jerusalem. On November 9, Palestinian gunmen killed one woman and injured one man in their car. On November 13, Palestinian gunmen killed a settler and two IDF soldiers near Ramallah.

Several Palestinian officials made public statements justifying Palestinian attacks on Israeli civilians, and the PA made no arrests in any of these killings. Additionally, Tanzim leaders made public statements urging Palestinians to continue the violence. Following Chairman Arafat's announcement on November 17 to stop firing on Israeli civilians or security forces from Area A, there was a short-lived significant

decrease in the number of such incidents. Israeli observers noted that Arafat's statement did not address attacks in Areas B and C.

Seven Israeli civilians were killed in bomb attacks and roadside bombs for which several Palestinian extremist groups claimed responsibility. For example, a roadside bomb near Kfar Darom settlement in Gaza was detonated on November 20 as a settler schoolbus passed. A teacher and a school maintenance worker were killed, and nine passengers were wounded, including several children (see Section 1.c.). Two Palestinian extremist groups claimed responsibility for the attack. On November 23, two IDF soldiers were killed and three were injured in 2 separate bomb attacks in Gaza.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Israeli laws and administrative regulations prohibit the physical abuse of detainees; however, security forces abused in detention Palestinians suspected of security offenses. A landmark decision by the Israeli High Court of Justice in September 1999 prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Prior to the High Court's decision, Israeli laws and administrative regulations prohibiting the physical abuse of detainees were not enforced in security cases (see Section 1.c. of the Israel report). The head of the then-GSS was empowered by government regulation to authorize security officers to use "moderate physical and psychological pressure" (which included violent shaking) while interrogating detainees. These practices often led to excesses. Since the September 1999 ruling, domestic and international NGO's have been unable to substantiate sporadic allegations that security forces tortured detainees.

Most convictions in security cases before Israeli courts are based on confessions. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Government does not allow ICRC representatives access to detainees until the 14th day of detention. This prolonged incommunicado detention contributes to the likelihood of abuse. Detainees sometimes claim in court that their confessions are coerced, but judges rarely exclude such confessions. According to Palestinian human rights groups, some Palestinian detainees fail to make complaints either due to fear of retribution or because they assume that such complaints would be ignored. During the year, there were no known cases in which a confession was thrown out because of improper means of investigation or interrogation.

Israeli security forces injured at least 11,300 Palestinians during violent demonstrations during the year (see Sections 1.a., 2.b., and 1.g.). In May IDF soldiers and Israeli police injured up to 700 Palestinians during protests in support of a hunger strike declared by Palestinian prisoners in Israeli jails. During the "al-Aqsa Intifada," Israeli security forces injured about 10,600 Palestinian demonstrators.

The IDF injured several bystanders at demonstrations, including journalists (see Section 2.a.). According to a November report by the Committee to Protect Journalists, at least 10 journalists were hit by IDF gunfire during the "al-Aqsa Intifada," and 3 other journalists were hit by gunfire from an unknown source. In at least one case, a foreign photographer was hit by live ammunition during a demonstration in which no IDF personnel were under fire.

Israeli authorities also frequently treat Palestinians in an abusive manner at checkpoints, subjecting them to verbal and physical harassment. According to press reports, on September 6, Israeli border policemen physically abused three Palestinian workers near the village of Abu Dis outside of Jerusalem. The officers took photos of themselves with their victims; their trial was ongoing by year's end.

The PA does not prohibit by law the use of torture or force against detainees, and PA security forces reportedly were responsible for torture and widespread abuse of Palestinian detainees. Such abuse generally took place after arrest and during interrogation. In 1995 the Gaza civil police commander issued to police officers in the West Bank and Gaza a directive forbidding torture during interrogation, and directing the security forces to observe the rights of all detainees. However, the directive does not have the force of law; Palestinian security officers have not been issued formal guidelines on the proper conduct of interrogations. The PA lacks adequate equipment to collect and use evidence, and convictions are based largely on confessions. The importance of obtaining confessions heightens the possibility of abuse.

PA security officials torture and abuse prisoners by threatening, hooding, beating, and tying detainees in painful positions, forcing them to stand for long periods of time, depriving them of sleep and food, and burning detainees with cigarettes and hot instruments. Palestinians also alleged that they had been shaken violently while in PA custody. International human rights monitoring groups have documented

widespread arbitrary and abusive conduct by the PA. These organizations state that use of torture is widespread and not restricted to those persons detained on security charges. Human rights groups state that Palestinians who are suspected of belonging to radical Islamic groups are more likely to be treated poorly. In February and March, the General Intelligence Service arrested, detained, and physically abused dozens of Bir Zeit University students who were arrested on charges of throwing stones at a foreign head of state during a campus demonstration (see Section 2.b.). Several human rights groups claimed that the students were tortured during detention.

During the year, one Palestinian died in PA custody. Family members claim that the prisoner died after being tortured (see Section 1.a.). The PA publicized the results of its autopsy report, which stated that the prisoner had choked to death.

Palestinian police and Tanzim members with firearms participated in violent demonstrations and attacks. Palestinian security forces sometimes fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians; residents of the homes consequently bore the brunt of IDF retaliation for these attacks. Palestinian security forces also sometimes failed to prevent armed Palestinians from opening fire on Israeli civilians, soldiers, or military targets.

In February Palestinian police failed to prevent an attack by a Palestinian crowd against PA judges and prosecutors in Bethlehem. A crowd of about 300 persons, mainly family members of one of the criminal suspects on trial, stormed the courthouse, locked the judge and prosecutors inside, threw stones, and demanded that the court revoke sentences against two defendants in a murder trial. Police officials were at the courthouse; however, they did not disperse the crowd or make any arrests.

Israeli settlers harass, attack, and occasionally kill (see Section 1.a.) Palestinians in the West Bank and Gaza Strip. There were credible reports that settlers injured a number of Palestinians during the "al-Aqsa Intifada," usually by stoning their vehicles, which at times caused fatal accidents, shooting them, or hitting them with moving vehicles. Human rights groups received several dozen reports during the year that Israeli settlers in the West Bank beat Palestinians and destroyed the property of Palestinians living or farming near Israeli settlements. For example, according to Palestinian eyewitnesses, a group of Israeli settlers beat a 75-year-old Palestinian woman in April. At least five settlers from Brakha near Nablus reportedly assaulted the woman, who was picking wild herbs near the settlement; a passerby reportedly intervened and took the woman to a hospital. During the "al-Aqsa Intifada," there were numerous incidents in which Israeli settlers physically attacked Palestinians or threw stones at their homes and cars. Settlers also attacked and damaged crops, olive trees, greenhouses, and agricultural equipment, causing extensive economic damage to Palestinian-owned agricultural land. The settlers did not act under government orders in the attacks; however, the Israeli Government did not prosecute the settlers for their acts of violence. In general settlers rarely serve prison sentences if convicted of a crime against a Palestinian.

According to human rights organizations, Israeli settlers sometimes attacked Palestinian ambulances and impeded the provision of medical services to injured Palestinians (see Section 2.d.).

Palestinians harassed, attacked, and occasionally killed (see Section 1.a.) Israelis, especially settlers. During demonstrations in support of the Palestinian prisoner hunger strike in May, Palestinian demonstrators shot Israeli settlers in Beit El and Jenin in the West Bank. On May 21, an unknown Palestinian threw a Molotov cocktail at a car of Jewish settlers, critically injuring a child. Palestinians injured a number of Israeli settlers in attacks during the "al-Aqsa Intifada." For example, on October 19, unidentified Palestinian gunmen shot at a large group of Israeli settlers who were hiking in an area near Joseph's Tomb in Nablus, where there had been fierce fighting the week before. One settler and one Palestinian were killed, and four Israelis and a dozen Palestinians were injured in an exchange of gunfire. Unidentified Palestinian gunmen fired on homes in Gilo, a Jewish neighborhood in Jerusalem, for at least 13 nights between October and November, injuring seriously two persons. A number of Israeli civilians were injured in armed attacks or bombings, for which several Palestinian extremist groups claimed responsibility (also see Section 1.a.).

Palestinian civilians attacked Israeli medical teams on several occasions. For example, on October 2, Palestinian civilians reportedly fired on an ambulance that was evacuating 4 IDF soldiers who had been injured in a violent clash; the ambulance reportedly was delayed for about 1 hour. Palestinian civilians also prevented the evacuation of injured Israelis in several incidents; in one such case, the injured person did not receive medical treatment and died from his wounds (see Section 1.a.). According to the Israeli Government, Palestinian medical personnel sometimes

allowed ambulances and medical facilities to be used as shelter for Palestinians who had fired at Israeli civilians and soldiers (see Section 1.a.).

Conditions for Palestinians in Israeli prisons are poor. Facilities are overcrowded, sanitation is poor, and medical care is inadequate. Palestinian inmates held strikes and protests in support of a number of causes and to protest prison conditions throughout the year. On May 1, Palestinian prisoners in Israeli prisons began a hunger strike to protest prison conditions and their continued incarceration. Following negotiations with PA and Israeli government officials, the prisoners agreed to suspend the hunger strike on May 31. The Israeli Government agreed to remove prisoners from solitary confinement and to allow family members to visit inmates, and the prisoners agreed to refrain from planning terrorist attacks from prison. Three Palestinian prisoners died in Israeli custody under ambiguous circumstances during the year (see Section 1.a.).

Israel permits independent monitoring of prison conditions, although human rights groups sometimes encounter difficulties gaining access to specific detainees.

Prison conditions in PA facilities continue to be very poor. In many cases, facilities are overcrowded, old, dilapidated, and neglected. Food and clothing for prisoners are inadequate and must be supplemented by donations from families and humanitarian groups. Palestinian inmates held periodic strikes and protests throughout the year in support of a number of causes and to protest prison conditions and the practice of administrative detention. In some PA prisons, an effort is made to house religious prisoners together. Male and female inmates are housed separately. During the year, one Palestinian died in PA custody under ambiguous circumstances (see Section 1.a.).

In August detainees held by the PSF in Ramallah staged a hunger strike demanding an improvement in detention conditions. The PSF agreed to meet the prisoners' demands. Prisoners in the PA-run Jneid Prison also staged a hunger strike to protest being held for an extended period of time without charge or trial (see Section 1.c.).

The PA permits independent monitoring of its prisons, although human rights groups, humanitarian organizations, and lawyers reported difficulties arranging visits or gaining access to specific detainees. Human rights organizations state that their ability to visit PA jails and detention centers varies depending on which security organization controls the facility. Human rights organizations state that the police, Preventive Security Force, and Mukhabarat generally were cooperative in allowing them to inspect facilities and visit prisoners and detainees. However, they said that the Military Intelligence Organization was less responsive to such requests. Human rights monitors state that prison authorities sometimes are capricious in permitting them access to PA detention facilities and they rarely are permitted to see inmates while they are under interrogation. Pursuant to an agreement signed in September 1996, the ICRC conducts prison visits but may be denied access to a detainee for 14 days. If abuses occur, they frequently happen during this 2-week period.

Some PA security organizations, including the General Intelligence Organization in the West Bank and the police, have appointed officials to act as liaisons with human rights groups. These officers meet with human rights organizations and members of the diplomatic community to discuss human rights cases.

d. Arbitrary Arrest, Detention, or Exile.—Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed a criminal or security offense in the occupied territories. Most of these arrests and detentions are for alleged security offenses. Persons arrested for common crimes usually are provided with a statement of charges and access to an attorney, and may apply for bail. However, these procedures sometimes are delayed.

Israeli authorities intermittently issued special summonses for those suspected of involvement in or knowledge of security offenses. There were reports that some such summonses were issued immediately before and during the "al-Aqsa Intifada." Israeli military order 1369 stipulates a 7-year prison term for anyone who does not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. There were no reports during the year that anyone was convicted of failing to respond to a summons. Bail rarely is available to those arrested for security offenses. Although Israeli law does not allow Israelis under the age of 16 to be tried as adults, Israeli courts treat Palestinians over the age of 12 as adults. Defense for Children International (DCI) reported that over 420 Palestinian minors (below the age of 18 years) were arrested and detained in Israeli prisons during the year, and that at year's end, there were 200 minors in Israeli prisons. The IDF stated that 44 minors were held in Israeli security facilities at year's end.

Israeli authorities may hold persons in custody without a warrant for 96 hours; they must be released unless a warrant is issued. Prearrest detention may last up to 11 days for Palestinians arrested in the occupied territories and up to 8 days for minors and those accused of less serious offenses. Authorities must obtain a court order for longer administrative detentions—up to 6 months from the date of arrest. At hearings to extend detention for interrogation purposes, detainees are entitled to be represented by counsel, although the defense attorney often is not allowed to see or hear the evidence against his client. Detainees either are released at the end of the court-ordered detention or sent to administrative detention if they are not indicted. If there is an indictment, a judge may order indefinite detention until the end of the trial. Israeli regulations permit detainees to be held in isolation during interrogation. Detainees have the right to appeal continued detention.

Although a detainee generally has the right to consult with a lawyer as soon as possible, in security cases authorities may delay access to counsel for up to 15 days. Higher-ranking officials or judges may extend this period. Access to counsel is denied routinely while a suspect is being interrogated, which sometimes can last several weeks. Authorities must inform detainees of their right to an attorney and whether there are any orders prohibiting such contact.

A number of factors hamper contacts by Palestinians in Israeli prison and detention facilities with their lawyers, families, and human rights organizations. Israeli authorities claim that they attempt to post notification of arrest within 48 hours; however, Palestinian suspects often are kept incommunicado for longer than 48 hours. Even if an arrest becomes known, it is often difficult to obtain information on where a detainee is being held or whether the detainee has access to an attorney. Palestinians generally locate detained family members through their own efforts. Palestinians may check with a local ICRC office to determine whether it has information on the whereabouts of a family member. A senior officer may delay for up to 12 days notification of arrest to immediate family members and attorneys. A military commander may appeal to a judge to extend this period in security cases for an unlimited period of time.

The Israeli Government routinely transfers Palestinians arrested in the occupied territories to facilities in Israel, especially the prison in Ashkelon and the military detention center in Megiddo. Israeli authorities have been known to schedule appointments between attorneys and their detained clients, only to move the clients to another prison prior to the meetings. Authorities reportedly use such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian lawyers also have difficulty traveling to meet with their clients during Israeli-imposed closures. Israel requires Palestinian attorneys to acquire permits to enter Israel to see their clients held in prisons there. Human rights groups say that Palestinian lawyers from the Gaza Strip have a harder time obtaining these permits than their West Bank counterparts and that they are denied entry into Israel more frequently than West Bank lawyers.

Male family members between 16 and 40 years of age, and any family members with security records, generally are barred from visiting relatives in facilities in Israel. Relatives of Palestinian prisoners also complain that sometimes they only learn that visitation rights have been canceled when they arrive at the prison following a trip of many hours from the occupied territories. Following the outbreak of violence in late September, the Israeli Government banned all family visits for Palestinian prisoners in Israeli jails. In November there were negotiations between the Israeli Government, the ICRC, and the Palestinian Prisoners' Society to restore visitation rights to Palestinian prisoners. The Government of Israel offered to allow spouses, children under the age of 10, and parents to apply for one-day visitation passes; however, Palestinian prisoners rejected these conditions.

Evidence used at hearings for administrative detentions is secret and unavailable to the detainee or his attorney during the hearings; the detainee and defense lawyer are required to leave the courtroom when secret evidence is presented. Israeli authorities maintain that they are unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. In July 1998, the High Court of Justice ruled that only judges, rather than military officials, may renew administrative detention orders beyond a 6-month period. Detainees may appeal detention orders, or the renewal of a detention order, before a military judge, but their chances for success are very limited. During the year, some succeeded in persuading the courts to shorten their detentions.

The overall number of Palestinian prisoners and administrative detainees in Israeli jails declined for the fourth straight year until mid-October, when the number increased. Human rights organizations attributed the decrease to the absence of major terrorist attacks; in the past, Israeli officials arrested Palestinians suspected of terrorist connections after major terrorist attacks. The Israeli Government

released 16 Palestinian prisoners in March as a goodwill gesture. According to the IDF, in mid-October there were 1,307 Palestinian security prisoners in Israeli prisons, military detention centers, and holding centers, compared with 1,354 at the end of 1999. According to the IDF, there were 1,402 Palestinian security prisoners in Israeli prisons and detention centers as of mid-December. According to human rights groups, 10 Palestinians were in administrative detention at year's end, compared with 18 at the end of 1999. Several have been held for more than 1 year. Many Palestinians under administrative detention during the past 3 years have had their detention orders renewed repeatedly without meaningful opportunity to appeal.

PA security forces arbitrarily arrested and detained persons. The PA does not have a uniform law on administrative detention, and security officials do not always adhere to the existing laws in the West Bank and Gaza Strip. Laws applicable in Gaza, which do not apply to the West Bank, stipulate that detainees held without charge be released within 48 hours. These laws allow the Attorney General to extend the detention period to a maximum of 90 days during investigations. Human rights organizations and the PA Ministry of Justice assert that PA security officials do not always adhere to this regulation. Prevailing law in the West Bank allows a suspect to be detained for 24 hours before being charged. The Attorney General may extend the detention period.

The PA Chairman has not signed the Basic Law, which was designed to limit executive branch abuses and to delineate safeguards for citizens, since it was passed by the Palestinian Council (PC) in 1996. The lack of safeguards has contributed to the tendency of PA security forces to refuse to carry out High Court of Justice orders to release detainees. In some cases, the High Court ordered the release of prisoners detained for years without trial, and PA security forces released the prisoners several months or a year later. In November 1997, the High Court ordered the release of HAMAS activist Mahmud Muslah; Muslah remained in detention at year's end. In February 1999, the High Court ordered the release of Wa'el Farraj, who has been detained without charges since 1996; Farraj remained in detention at year's end. According to the Palestinian Independent Commission for Citizens Rights, the High Court ordered 9 detainees released during the year, compared with approximately 60 detainees in 1999. The PA released approximately 60 security prisoners during the "al-Aqsa Intifada"; however, human rights groups estimate that the PA has held approximately 150 prisoners for more than a year without charge. The total number of Palestinians in PA jails reached between 500 and 900 prisoners by year's end, including approximately 50 political and security detainees.

In past years, Palestinian security forces sometimes detained or placed under house arrest the relatives of alleged security criminals. In the past, lawyers and PA judicial officials acknowledged that, in contravention of the law, PA security services sometimes arrested and detained persons without informing judicial officials.

PA authorities generally permit prisoners—except those held for security offenses—to receive visits from family members, attorneys, and human rights monitors. PA security officials do not always permit lawyers to see their clients. In principle detainees may notify their families of their arrest, but this is not always permitted.

Human rights organizations reported in the past that lawyers sometimes were denied access to their clients.

PA security services have overlapping or unclear mandates that often complicate the protection of human rights. Under existing law in the West Bank, only the PA's civil police force is authorized to make arrests. In practice all security forces are known to detain persons at various times. The operating procedures and regulations for the conduct of PA security personnel in the various services still are not well developed and have not yet been made fully available to the public.

There are many detention facilities in the West Bank and Gaza Strip administered by the overlapping PA security services, a situation that complicates the ability of families, lawyers, and even the Ministry of Justice to track detainees' whereabouts and to determine their numbers. Security services, including Preventive Security, General Intelligence, Military Intelligence, and the Coast Guard have their own interrogation and detention facilities. In general these services do not, or only sporadically, inform families of a relative's arrest. Most PA security officers remain unaware of proper arrest, detention, and interrogation procedures, as well as basic human rights standards. Human rights groups have provided basic human rights training to a number of PA security services. During the year, at least 36 PA security officials participated in human rights courses, bringing the total number of security officials who have graduated from human rights courses to nearly 1,600 since the PA's establishment in 1994.

PA security forces continued to harass and arbitrarily arrest and detain journalists, political activists, and human rights advocates who criticized the PA and its policies. A number of journalists were arrested and detained and television stations were shut down for expressing views or covering topics unacceptable to the Palestinian Authority (see Section 2.a.).

In January PA security forces rearrested Abdel Sattar Qassem. Security forces had arrested Qassem and seven other signatories of a petition that accused the PA of corruption in November 1999. The PA released Qassem in July.

On February 26, PA police arrested and detained for 1 week approximately 30 Bir Zeit University students who reportedly threw stones at a foreign head of state during a demonstration (see Section 2.b.). In May PA security forces arrested 20 persons for participating in an anti-PA rally in Ramallah organized by the Popular Front for the Liberation of Palestine (PFLP) following the funeral of one of its members who died during clashes with the IDF near Ramallah (see Section 2.b.).

Neither the Israeli Government nor the PA forcibly deported anyone from the occupied territories during the year.

e. Denial of Fair Public Trial.—Israeli law provides for an independent judiciary, and the Government respects this provision. Palestinians accused by Israel of security offenses in the occupied territories are tried in Israeli military courts. Security offenses are defined broadly and may include charges such as membership in outlawed organizations. Charges are brought by military prosecutors. Serious charges are tried before three-judge panels; lesser offenses are tried before one judge. Defendants have the right to counsel and to appeal verdicts to the Court of Military Appeals, which may accept appeals based on the law applied in the case, the sentence, or both. The right of appeal does not apply in all cases and sometimes requires court permission. The Israeli military courts rarely acquit Palestinians of security offenses, but sentences sometimes are reduced on appeal.

Trials sometimes are delayed for several reasons: Witnesses, including Israeli military or police officers, do not appear; the defendant is not brought to court; files are lost; or attorneys fail to appear, sometimes because they have not been informed of the trial date or because of travel restrictions on Palestinian lawyers. These delays add pressure on defendants to plead guilty to minor offenses; if they do, an “expedited” trial may be held, in which a charge sheet is drawn up within 48 hours and a court hearing scheduled within days.

By law most Israeli military trials are public, although access is limited. Most convictions in military courts are based on confessions. Evidence that is not available to the defendant or his attorney may be used in court to convict persons of security offenses. There frequently is no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities maintain that this is due to the refusal of Palestinians to cooperate with the authorities. Physical and psychological pressures and reduced sentences for those who confess may induce security detainees to sign confessions. Confessions usually are given in Arabic but translated into Hebrew for the record because, authorities maintain, many Israeli court personnel speak Arabic but few read it. Palestinian detainees seldom read Hebrew and therefore often sign confessions that they are unable to read.

Crowded facilities and poor arrangements for attorney-client consultations in prisons hinder legal defense efforts. Appointments to see clients are difficult to arrange, and prison authorities often fail to produce clients for scheduled appointments.

Israeli settlers in the West Bank and Gaza Strip accused of security and ordinary criminal offenses are tried under Israeli law in the nearest Israeli district court. Civilian judges preside, and the standards of due process and admissibility of evidence are governed by the laws of Israel, not military orders. Settlers convicted in Israeli courts of crimes against Palestinians regularly receive lighter punishment than Palestinians convicted in Israeli courts of similar crimes against either Israelis or other Palestinians. In December the Jerusalem magistrates court ordered an Israeli settler to pay compensation of \$17,500 to the family of a young Palestinian boy who reportedly was killed by the settler’s negligence about a decade earlier.

There were no reports that the Israeli Government held political prisoners.

The PA courts are inefficient, lack staff and resources and, as a result, often do not ensure fair and expeditious trials, and the PA executive and security services frequently ignore or fail to carry out court decisions.

The PA inherited a court system largely based on structures and legal codes predating the 1967 Israeli occupation. In the civil court system, cases initially are tried in courts of first instance. There are two appeals courts, one located in Gaza City and the other in Ramallah, which handle appeals from the lower courts. The appeals courts also function as the Palestinian High Court of Justice. The PA executive at times does not respect decisions of the High Court, and the Palestinian security agencies do not always enforce its rulings (see Section 1.d.). In 1995 the PA es-

established state security courts in Gaza and the West Bank to try cases involving security issues. Three military judges preside over each court. A senior police official heads the state security court in Jericho, and three judges preside over it. There is no right of appeal, but the PA Chairman reviews the court's findings and he may confirm or reject the decision. The PA Ministry of Justice has no jurisdiction over the state security courts, which are subordinate only to the Chairman.

The Gaza legal code derives from British Mandate law, Egyptian law, and PA directives and laws. Pre-1967 Jordanian law applies in the West Bank. Bodies of law in the Gaza Strip and West Bank have been modified substantially by Israeli military orders. According to the Declaration of Principles and the Interim Agreement, Israeli military decrees issued during the occupation theoretically remain valid in both areas and are subject to review pursuant to specific procedure. The PA has stated that it was undertaking efforts to unify the Gaza and West Bank legal codes, but it has made little progress. Human rights advocates claim that the PA's judiciary does not operate consistently.

The court system in general is recovering from years of neglect; many of the problems predate PA jurisdiction. Judges and staff are underpaid and overworked and suffer from a lack of skills and training. Court procedures and record keeping are archaic and chaotic. The delivery of justice often is slow and uneven. The ability of the courts to enforce decisions is extremely weak, and there is administrative confusion in the appeals process. A heavy caseload exacerbates these systemic problems. The PA closed all civil courts in late September for several weeks.

The PA Ministry of Justice appoints all civil judges for 10-year terms. The Attorney General, an appointed official, reports to the Minister of Justice and supervises judicial operations in both the Gaza Strip and the West Bank. In the past, the Chief Justice had the authority to appoint all judges in the West Bank. Human rights organizations and judicial officials criticized the decision, saying that it contravened existing law, which stipulated that a higher judicial council should be responsible for appointing judges. During the year, the Chairman authorized the establishment of the High Judicial Council in accordance with legislation passed by the Council in 1998. Human rights advocates and lawyers believe that this step may enhance the judicial system.

The PA's state security courts often fail to afford defendants due process. The PA usually ignores the legal limits on the length of prearrest detention of detainees suspected of security offenses. Defendants often are brought to court without knowledge of the charges against them or sufficient time to prepare a defense. They typically are represented by court-appointed lawyers, who often are not qualified. Court sessions often take place on short notice in the middle of the night, and without lawyers present. In some instances, security courts try cases, issue verdicts, and impose sentences in a single session lasting a few hours.

During the year, the state security courts sentenced three persons to death for committing murder. In two of the cases, the trials reportedly were hasty, and the defendants did not have adequate representation. For example, a state security court sentenced Raji Saqir to death on July 3 after a 1-day trial, which occurred 1 day after Saqir allegedly committed murder. Although no executions were carried out during the year, in February 1999, a Palestinian colonel was executed after the PA's state security court convicted him of raping a young boy. Human rights groups criticized the decision; they complained that the trial lasted for less than 2 hours, the defendant did not have sufficient time to prepare his defense, there was no appeals process, and the charges were ill-defined.

The state security courts adjudicated cases that fell far outside the scope of the courts' original mandate. In addition to "security" cases, the courts have on occasion dealt with tax cases and economic crimes, such as smuggling. In February the Chairman decreed that "serious" crimes, including homicide, rape, and drug trafficking, be referred to state security courts. The decision prompted human rights organizations to issue statements requesting the abolition of state security courts and the referral of all cases to the regular civil courts.

There were no reports during the year that persons were convicted for their political beliefs. A credible Palestinian human rights organization estimated that the PA held approximately 100 political prisoners before the beginning of the "al-Aqsa Intifada" in late September. In October the PA released most of the political prisoners. The PA stated that this action was in response to Israeli warnings that it would be bombing PA police facilities following the brutal killing of two Israeli reserve soldiers in Ramallah (see Section 1.a.). A Palestinian human rights organization estimated that the PA held 10 political prisoners at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Israeli military authorities in areas of the West Bank under their control may enter private Palestinian homes and institutions without a warrant on security grounds when au-

thorized by an officer of the rank of lieutenant colonel or above. In conducting searches, the IDF has forced entry and sometimes has beaten occupants and destroyed property. Israeli authorities state that forced entry may occur lawfully only when incident to an arrest and when entry is resisted. Authorities state that beatings and arbitrary destruction of property during searches are punishable violations of military regulations, and that compensation is due to victims in such cases. The Israeli Government states that it does not keep consolidated information on the claims against the Ministry of Defense for damages resulting from IDF actions. In February IDF soldiers raided an elderly Palestinian woman's home, reportedly searching for stone throwers; the woman, who had been suffering from heart problems, died of a heart attack.

Israeli security forces may demolish or seal the home (owned or rented) of a Palestinian suspected of terrorism without trial. The decision to seal or demolish a Palestinian's house is made by several high-level Israeli officials, including the coordinator of the MATAK and the Defense Minister. Residents of houses ordered demolished have 48 hours to appeal to the area commander; a final appeal may be made to the Israeli High Court. A successful appeal generally results in the conversion of a demolition order to sealing. After a house is demolished military authorities prohibit the owner from rebuilding or removing the rubble. Israelis suspected of terrorism are subject to Israeli law and do not face the threat of home demolition. In August Israeli security forces demolished the home of Nidal Daghlas near Nablus, claiming that a HAMAS fugitive, Mahmoud Abu Hanoud, previously had hidden in Daghlas' home. Human rights groups stated that the home demolition was an arbitrary measure. On November 2, Israeli security forces demolished two homes in Gaza following a nearby explosion.

In November 1999, the Israeli Government expelled 300 Bedouin farmers from their homes in caves near the Jewish settlement of Ma'on, stating that the area was a closed military zone. On March 29, the Israeli High Court of Justice ordered that the farmers be allowed to return to their homes. In April the IDF issued new deportation orders to returnees who were not party to the original legal suit.

From late September through the end of the year, the IDF destroyed numerous citrus orchards, olive and date groves, and irrigation systems on Palestinian-owned agricultural land in both the West Bank and Gaza. The IDF generally destroyed agricultural land following clashes at demonstrations, shootings aimed at settlers, or bombings. The IDF stated that it destroyed this land because Palestinian snipers reportedly were using it for purposes of concealment.

The PA requires the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignore these requirements. Police searched homes without the consent of their owners. In some cases, police forcibly entered premises and destroyed property.

PA security forces sometimes detained or placed under house arrest the relatives of alleged security criminals (see Section 1.d.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Between late September and the end of the year, Israeli security forces killed 227 Palestinians and 4 foreign nationals, and injured over 10,600 Palestinians during violent demonstrations. Palestinian demonstrators frequently threw stones and Molotov cocktails at the IDF. In some demonstrations, Palestinians also used firearms. According to the IDF, Palestinians used firearms in about 30 percent of the demonstrations between late September and mid-November. In response Israeli security forces used a variety of means to disperse demonstrators, including tear gas, rubber-coated metal bullets, and live ammunition. In many instances, Israeli security forces used excessive force against demonstrators in contravention of their official rules of engagement (see Section 1.a.). According to the IDF, it does not have a policy of indiscriminate or excessive use of force, and its rules of engagement establish a framework to deal with threats faced by Israeli civilians and armed forces.

IDF regulations permit the use of both rubber-coated metal bullets and live ammunition only when a soldier's life is in immediate danger, to halt fleeing suspects, to disperse a violent demonstration, or to fire on an individual unlawfully carrying firearms. According to human rights organizations, a number of Palestinian deaths and injuries reportedly occurred during demonstrations at which protesters did not use live firearms.

According to IDF policy, soldiers are to direct fire at the legs only, and may fire at a fleeing suspect only if they believe that a serious felony has occurred and that they have exhausted other means to apprehend the suspect. It is forbidden to open fire in the direction of children or women, even in cases of severe public disorder, unless there is an immediate and obvious danger to a soldier's life. Palestinian medical relief organizations reported that 59.5 percent of the gunshot wounds inflicted by Israeli security forces during demonstrations were in the head or torso, and esti-

mated that about one-sixth of the Palestinians wounded during the “al-Aqsa Intifada” likely would be disabled permanently. According to human rights organizations, a total of 82 Palestinians under the age of 18 years were killed in the demonstrations. During some demonstrations, bystanders, including journalists, medical personnel, and Palestinian civilians were killed or injured by IDF fire (see Sections 1.a. and 2.a.).

The IDF fired tank rounds and rockets from helicopters on cities and towns in the West Bank and Gaza, killing and injuring a number of persons and causing significant property damage (see Section 1.a.). For example, on October 12, in retaliation for the brutal killing by a Palestinian mob of two IDF reservists (see Section 1.a.), IDF helicopters attacked over 10 PA targets in Ramallah and Gaza, injuring more than 20 bystanders and destroying buildings. On October 23, the IDF shelled a neighborhood in Hebron, killing 1 person, in retaliation for an earlier shooting incident in the Israeli-controlled area of Hebron.

For at least 13 nights between October and December, Palestinian gunmen from Beit Jala shot at homes in Gilo, a Jewish neighborhood in East Jerusalem (see Section 1.c.). Two Israelis were injured seriously in these attacks. In retaliation for these attacks, the IDF launched a series of counterattacks on residential neighborhoods in Beit Jala, Beit Sahour, and Bethlehem. One foreign national was killed and 36 Palestinians were injured in these counterattacks.

On October 31, in retaliation for the Palestinian killing of two Israeli security guards, the IDF attacked with helicopters PA offices in Ramallah, Nablus, and Gaza. On November 15, the IDF responded with force to many incidents involving Palestinian gunfire directed at Gilo from Beit Jala, killing a foreigner and injuring a number of Palestinians. On October 19, in response to Palestinians shooting at a group of Israeli visitors at Joseph’s Tomb, the IDF used helicopters to attack a nearby Palestinian refugee camp, killing 1 person and injuring several others. On November 20, IDF helicopters launched a series of retaliatory attacks in the Gaza Strip in response to a bomb attack in Gaza that killed 2 persons and injured 9; 50 persons reportedly were injured in the IDF attacks and significant damage was done to a number of PA buildings. On November 24, the IDF fired two tank rounds at the town of Kufr Qalil in retaliation for shots fired on a nearby IDF post by unidentified Palestinian gunmen; two Palestinians were killed by the tank rounds.

The Israeli Government’s imposition of external and internal closures during the “al-Aqsa Intifada” contributed to intermittent shortages of basic food, medical supplies, and gasoline in the West Bank and Gaza.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Israeli Government generally respects freedom of speech in the occupied territories; however, it maintains a low level of censorship and prohibits public expressions of support for Islamic extremist groups such as HAMAS and other groups dedicated to the destruction of Israel. In March during the Pope’s visit to the region and in October during the “al-Aqsa Intifada,” the Israeli Government reportedly selectively enforced its standing prohibition on the display of Palestinian political symbols, such as flags, national colors, and graffiti in Jerusalem for the first time since 1994. Such displays are punishable by fines or imprisonment, and Israeli security forces reportedly detained and temporarily barred from Jerusalem several Palestinian youths for waving the Palestinian flag. Overall, Israeli censorship of specific press articles continued at a low level; however, the Israeli Government did censor some articles during the year. Israeli authorities monitor Arabic newspapers based in East Jerusalem for security-related issues. Military censors review Arabic publications for material related to the public order and security of Israel. Reports by foreign journalists also are subject to review by Israeli military censors for security issues, and the satellite feed used by many foreign journalists is monitored. The Israeli Government often closes areas to journalists when it imposes a curfew or closure. Israeli authorities have denied entry permits to Palestinian journalists traveling to their place of employment in Jerusalem during closures of the territories; however, the journalists’ Israeli-issued press credentials have not been revoked.

The IDF requires a permit for publications sold in the occupied territories still under its control. Publications may be censored or banned for content deemed anti-Semitic or anti-Israeli. Possession of banned materials is punishable by a fine and imprisonment. During the year, the Israeli Government refused to allow publications, including newspapers, into the Gaza Strip on the Jewish holiday of Yom Kippur.

At least 10 journalists reportedly were hit by IDF gunfire during the “al-Aqsa Intifada,” and 3 other journalists were hit by gunfire from an unknown source (see

Section 1.c.). The IDF reportedly restricted the free movement of mainly Palestinian journalists (see Section 2.d.).

On October 13, in retaliation for the mob lynching of two Israeli reserve soldiers (see Section 1.a.), the IDF launched rockets at the PA's Voice of Palestine radio transmitter in Ramallah. In November the IDF launched rockets against a PA-owned television transmitter in Gaza.

The PA restricted freedom of speech and of the press. In a number of instances during the year, the PA took steps to limit free expression, particularly regarding human rights issues and allegations of corruption. Press freedom is subject to a 1995 press law that does not protect the press adequately. PA security services further stifle the independence of the press by closing down media outlets, banning publications or broadcasts, and periodically harassing or detaining members of the media (see Section 1.d.). Palestinian commentators and human rights groups state that, as a result, the practice of self-censorship by journalists is widespread.

On May 5, PA officials arrested one of the leaders of a teachers' strike and temporarily closed down the radio station that broadcast an interview in which the leader accused the PA of inefficiency. The PA continued to detain the strike leader at year's end. On May 21, the PA closed the Watan and al-Naser television stations and the al-Manara Radio station in Ramallah for nearly 4 days, after the stations broadcast live coverage of an anti-PA demonstration in al-Bireh. On May 31, the PA arrested Samir Qumsiah, chairman of the Union of Private Radio and Television Stations because he had issued a statement criticizing the closing of the stations; the PA released Qumsiah 3 days later.

On May 27, PA officials arrested Fathi Barqawi, a director general of the news department at the Public Broadcasting Corporation in Ramallah after he criticized Chairman Arafat publicly. Barqawi was released a week later following intervention by prominent PA officials.

On June 20, Palestinian police arrested Abd al-Fattah Ghanem, a presidential advisor on refugees, after he criticized the PA for failing to solve the Palestinian refugee problem. Police held Ghanem incommunicado for 7 days and denied him access to legal counsel for the 3 weeks that he was in detention.

During the year, the Palestinian Bar Association (PBA) stripped 31 lawyers of their membership in the association, their right to practice law, and their ability to run in PBA elections. The lawyers reportedly all were outspoken critics of the PA. In May the Palestinian High Court temporarily reversed the decision to strip the lawyers of their PBA membership and their right to practice law. However, on May 17 the PBA placed the director of a West Bank NGO and candidate in the PBA elections on the "non-practicing" register of lawyers, purportedly because he worked for an NGO and not a law office (see Section 4).

In June PA police officials in Ramallah detained Maher Alami, a West Bank journalist, for approximately 1 week. The PA police reportedly warned Alami against writing articles critical of the PA.

After the October 12 brutal killing of two IDF reserve soldiers at a Ramallah police station (see Section 1.a.), Palestinian police confiscated film from several journalists who were at the scene. On October 4, a foreign journalist filmed three members of the Palestinian security forces distributing Molotov cocktails to several children. The security forces detained the journalist and his crew for several hours and destroyed the roll of film.

On November 21, PA security officials detained a Palestinian 2 days after he criticized the peace process. After 21 days of detention, security officials asked him to agree not to speak out against the PA; he did not agree, but was released the same day.

Israeli-imposed closures disrupted the operations of West Bank and Gaza universities, colleges, and schools during the year. Students and staff had difficulty traveling to educational institutions in cities and towns that were closed or placed under curfew by Israeli authorities (see Sections 2.d. and 5). The November 1999 opening of the southern safe passage route between Gaza and the West Bank afforded Gazan students greater ability to pursue their education at West Bank educational institutions. However, during the "al-Aqsa Intifada" the Israeli Government closed the safe passage route, which impeded the ability of Gaza students to attend West Bank universities.

The PA generally has authority over all levels of education in the West Bank and Gaza Strip and it controls the budgets of all public colleges. The PA did not interfere with education in the West Bank and Gaza Strip during the year.

b. Freedom of Peaceful Assembly and Association.—The Israeli Government placed limits on freedom of assembly for Palestinians in the occupied territories, largely through the imposition of internal closures and curfews (See Section 2.d.). Israeli military orders ban public gatherings of 10 or more persons without a permit. Since

the 1993 signing of the Declaration of Principles, Israel has relaxed enforcement of this rule, except in cases of Palestinian demonstrations against land seizures or settlement expansions.

Israeli security forces killed more than 225 Palestinian demonstrators and injured more than 11,000 during the year often in the context of violent demonstrations (see Sections 1.a. and 1.c.).

There were several large, peaceful demonstrations of Jewish settlers in the West Bank and Jerusalem during the year.

The PA imposes some formal limits on freedom of assembly; however, while it requires permits for rallies, demonstrations, and large cultural events, these permits rarely are denied. In Gaza police approval is required for "political" meetings at several specific large meeting halls. Written permission also is required for buses to transport passengers to attend political meetings. In West Bank cities, the PA requires permits for outdoor rallies and demonstrations and prohibits calls for violence, displays of arms, and racist slogans, although this is not always enforced.

On February 29, students at Bir Zeit University staged a large protest against PA policies and practices at which several demonstrators threw stones at a foreign head of state. Following the protest, PA police arrested about 30 students (see Section 1.d.). The PA police commissioner also banned unlicensed public gatherings. Several human rights groups and political factions filed a petition with the Palestinian High Court protesting the action. On April 29, the Court suspended the police order and gave the police commissioner 8 days to clarify the reasons for issuing the order. The police order had not been enforced by year's end. In March hundreds of Palestinians demonstrated in Ramallah to demand the release of the Bir Zeit university students.

In May a number of persons participated in a PFLP rally in Ramallah following the funeral of one of its members who died in clashes with the IDF; Palestinian security forces arrested 20 demonstrators (see Section 1.d.).

The Israeli Government generally respected freedom of association.

The PA placed some limits on freedom of association. However, the PA permits Palestinian charitable, community, professional, and self-help organizations to operate. There were periodic complaints during the year from Palestinian political parties, social and professional groups, and other NGO's that the PA attempted to limit their ability to act autonomously. On April 21, the Preventive Security Force ordered the closure of a democratization group office in Gaza because the organization's by-laws reportedly were not in compliance with the NGO law. The office remained closed at year's end (see Section 4).

The armed wings of several Palestinian political groups, including Islamic opposition groups, were outlawed. While it is not illegal to belong to the nonmilitary components of such groups, during times of heightened security concern the PA has harassed and even detained members of the political wings of these organizations.

c. Freedom of Religion.—Israeli law provides for freedom of worship, and the Government generally respects this right in practice; it does not ban any group on religious grounds. It permits all faiths to operate schools and institutions. Religious publications are subject to the Publications Laws. However, Israel's imposition of an internal closure on the West Bank and Gaza for 81 days during the "al-Aqsa Intifada" and total curfew on many Palestinian towns significantly impeded freedom of worship for Muslims and Christians. During periods of closure, Palestinians from the occupied territories were prevented from traveling to pray on the Temple Mount (Haram al-Sharif) in Jerusalem, Islam's third holiest site. On several occasions the Israeli Government prevented worshippers under the age of 45 from attending Friday prayers on the Temple Mount; the Israeli Government stated that it did so due to security concerns.

No PA law protects religious freedom; however, the PA generally respects freedom of religion. In past years, there were allegations that several converts from Islam to Christianity at times are subject to societal discrimination and harassment by PA officials. However, there was no pattern of PA discrimination and harassment against Christians (see Section 5).

On October 7, following the IDF evacuation from the Jewish religious site of Joseph's Tomb, about 1,000 Palestinian protesters entered the religious site, burned it, and damaged the roof and an outer wall in an unsuccessful attempt to demolish the tomb (see Section 5). Some Israeli Government officials criticized the PA for failing to prevent the attack. The PA began to refurbish the tomb the following day.

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation.—The Israeli Government restricted freedom of movement for Palestinians. Since March 1993, Israel has required that all West Bank and Gaza residents obtain permits to enter Israel and Jerusalem. However, Israel often denies applicants permits with no explanation, and does not allow effective means of ap-

peal. In the past, Palestinian officials with VIP passes, including PA cabinet officials and members of the Palestinian Council, were subjected to long delays and searches at Israeli checkpoints in the West Bank, despite the fact that they were traveling on special passes issued by Israel. Prior to the beginning of the "al-Aqsa Intifada" in September, there was only one report that this occurred; however, in October and November Palestinian officials were delayed and searched frequently. In general Palestinians in the West Bank and Gaza Strip find it difficult to obtain permits to work, visit, study, or obtain medical care in Israel. Palestinian residents of Jerusalem sometimes are prohibited by Israeli officials from entering the West Bank, and they require written permits from Israel to travel to the Gaza Strip. Prior to the November 1999 opening of the safe passage route, residents of the Gaza Strip rarely were able to obtain permission to travel to the West Bank, or residents of the West Bank to enter the Gaza Strip; this was even true of residents of the West Bank and Gaza Strip who regularly received permission to enter Israel. The PA permits Palestinian charitable, community, professional, and self-help organizations to operate. Israeli authorities permit only a small number of Gazans to bring vehicles into Israel and sometimes do not permit West Bank vehicles to enter Jerusalem or Israel. Except for senior PA officials, and those using the safe passage to the West Bank, Palestinians of all ages crossing between the Gaza Strip and Israel are not permitted to travel by car across the main checkpoint. Instead, they must travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip are permitted to use their cars.

In November 1999, Israel and the PA implemented arrangements in the 1995 Interim Agreement to establish a safe passage route across Israel between the Gaza Strip and the southern West Bank. A northern safe passage route, also called for by the Interim Agreement, never was established, despite several rounds of negotiations. The southern safe passage route facilitated the movement of Palestinians between the West Bank and the Gaza Strip to work, study, and visit, and alleviated some of the problems associated with freedom of movement for Palestinians. However, some Palestinian human rights groups criticized the safe passage agreement because it maintains significant limits on freedom of movement. The safe passage route was closed in October in response to the ongoing violence. As of the end of November, a total of 15,000 Palestinians received approval to use the safe passage route and 2,900 applicants were refused permits to use the route.

Since March 1993, Israel also has applied varying levels of "closure," or enhanced restrictions, on the movement of Palestinians and their goods, often for lengthy periods, in response to terrorist attacks and other changing security conditions. During periods of violent protest in the West Bank or Gaza, or when it believes that there is an increased likelihood of such unrest, the Israeli Government imposes a tightened version of closure, called "comprehensive, external" closure. Comprehensive closures also are instituted regularly during major Israeli holidays. During such closures, the Israel Government cancels travel permits and prevents Palestinians—even those with valid work permits—from entering Israel or Jerusalem. During comprehensive closures, the authorities restrict severely the movement of goods between Israel and the occupied territories and between the West Bank and Gaza. On October 8, in response to increased violence, Israel imposed a prolonged comprehensive closure on the occupied territories. Israel imposed 88 days of tightened, comprehensive closure during the year, compared with 15 days in 1999.

During periods of extreme unrest in the West Bank and Gaza, the Israeli Government also prohibits most travel between towns and villages within the West Bank. These "internal" closures impede the flow of goods and persons. Israel imposed at least 81 days of total or near-total internal closure during the year, compared with no days of internal closure during 1999. In the past, Israel rarely imposed internal closure within Gaza; however, for much of November and December, the IDF closed major roads in central Gaza, which blocked transit from the north to the south and stranded thousands of workers and students. Beginning in October, the Israeli Government further constrained the movement of Palestinians in the West Bank and Gaza by imposing total closures on specific areas or villages, sometimes for weeks at a time, and by intermittently closing the Gaza Airport and the Allenby and Rafah crossing points to Jordan and Egypt. Israel also imposed a curfew in the Israeli-controlled part of Hebron. During the curfews, Palestinians generally were confined to their homes for all but a few hours per week during which they were allowed to buy food and other provisions. The IDF did not impose a curfew on the Jewish settlers in Hebron. On December 10, the IDF further restricted freedom of movement by banning private Palestinian cars that contained only men (but no women) from traveling on main roads in Areas B and C. The prolonged closures and curfews imposed by Israel on Palestinian cities and towns during the year had a significant negative impact on every sector of the Palestinian economy. Israel's Ministry of Fi-

nance estimates that since the beginning of the “al-Aqsa Intifada,” there has been a 30 to 50 percent decline in economic output in the occupied territories. Unemployment of Palestinians nearly has quadrupled, the poverty rate has doubled, and income losses were estimated at over \$500 million.

The prolonged closure also affected students’ ability to attend school and university. In areas under curfew, all classes were cancelled (see Section 5). Furthermore, teachers were unable to reach their schools in different villages and towns, and university students were unable to travel between Gaza and the West Bank due to the closure of the safe passage route.

Human rights groups reported that between late September and the end of the year, the IDF delayed or prohibited at least 94 ambulances from crossing checkpoints (see Sections 1.a. and 1.c.). According to the Israeli Government, Israeli ambulances and medical personnel reportedly facilitated the medical evacuation of over 180 Palestinians to Israel, Jordan, and other countries during the violent unrest.

In 1998 the Israeli Government established a “continuous employment program” that allows selected Palestinian workers who have been approved by the Ministry of Defense and who are married, are over 28 years old, and have worked in Israel for a long period of time, to enter Israel to work in the event of a tightened closure. The program was not implemented during the periods of tightened closure during the year.

The Israeli Government continued to restrict the movements of several Jewish settlers living in the occupied territories who belonged to the extremist Kach or Kahane Chai groups, through the use of administrative orders issued by the IDF central command.

The Israeli Government requires all Palestinian residents to obtain permits for foreign travel and has restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process. These restrictions on residence, reentry, and family reunification only apply to Palestinian residents of the occupied territories.

Palestinians who live in East Jerusalem, which Israel occupied during the 1967 War, generally do not accept Israeli citizenship. Therefore, they are issued a residence permit or Jerusalem identification card by the Israeli Government. Israel applies the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem identification card holders. This law stipulates that a Jerusalem resident loses the right of residence if the resident leaves Israeli territory for more than 7 years, acquires the nationality of another country, or acquires permanent residence in another country. Such persons are permitted to return only as tourists and sometimes are denied entry. The Israeli Government does not apply these same restrictions to Israeli citizens. In the past, invoking the 1952 law as legal justification, the Israeli Interior Ministry stripped residency rights from hundreds of East Jerusalem Palestinians. In the late 1990’s, the pace of revocations increased as the Ministry applied restricted policies, including a “center of life” test, which required extensive documentation of continuous residence within Jerusalem for the previous 7 years, to determine whether Palestinians were eligible to retain their identification cards. The Ministry’s policy was the subject of numerous lawsuits, including one considered by the High Court of Justice in 1999. In October 1999, then Minister of Interior, Natan Sharansky announced that the Ministry no longer would apply the “center of life” criteria used previously to revoke the residency rights of East Jerusalem Palestinians. During the year, there were 7 identity card revocations, compared with 394 revocations in 1999. In February the Israeli Ministry of Interior also published new instructions regarding residency rights in Jerusalem. According to these instructions, residents of Israel, whose identity cards had been revoked since 1995 and who returned to live in Israel since 1998 and had “maintained proper contact” were entitled to restoration of their identity cards. During the year, 67 identity cards were restored.

Israeli authorities also place restrictions on family reunification. Most Palestinians who were abroad before or during the 1967 War, or who have lost their residence permits for other reasons since then, are not permitted to reside permanently with their families in Jerusalem or the occupied territories. Foreign-born spouses and children of Palestinian residents also experience difficulty in obtaining permission to reside with their family members. For example, a Palestinian with a West Bank identification card must apply to the Israeli Government for permission to live with his or her Jerusalem-resident spouse in Jerusalem. The Israeli Government occasionally issues limited-duration permits and also issues a limited number of Jerusalem identification cards as part of its family reunification program. Israeli security authorities single out young (often unmarried) Palestinian males for more stringent restrictions than other Palestinians, citing them as more likely to be security risks. They generally are prohibited from working in Israel.

The PA issues passports and identification cards for Palestinians residing in the West Bank and Gaza. Bearers of Palestinian passports do not need special exit permits from the PA; however, when leaving Israel from Ben Gurion Airport they require permits in order to transit Israel to reach the airport.

Palestinians who hold Jerusalem identification cards, issued by the Israeli Government, must obtain travel documents from the Israeli Government to travel abroad. Human rights groups report that Palestinian residents of East Jerusalem often do not apply for Israeli travel documents because they fear that the application might prompt a reexamination of their residency status and lead to the revocation of their identity cards. On request, the Jordanian Government also issues travel documents to Palestinians in the West Bank and East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. There also is a requirement that Palestinians from East Jerusalem obtain a special permit to cross the Allenby Bridge, which may be purchased from the Ministry of Interior for \$40 (125 NIS). Palestinians who are residents of the West Bank or the Gaza Strip are not allowed to cross between Israel and Jordan at the Sheikh Hussein or Arava crossings.

Palestinians who reside in the West Bank or Gaza are required by the Israeli Government to exit and enter with a Palestinian passport. When Israel tightened its closure of the West Bank and Gaza Strip during the year, the Government at times restricted the entry and departure of Palestinians, even those with passports from other countries.

The PA generally does not restrict freedom of movement.

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

Palestinian residents of the West Bank, Gaza Strip, and East Jerusalem chose their first popularly elected government in 1996. They elected an 88-member Palestinian Council and the Ra'is (President or Chairman) of the Executive Authority of the Council. Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Some 700 candidates ran for Council seats. Council members were elected in multimember electoral districts. As many as 35 of the elected members were independent candidates. International observers concluded that the election could reasonably be regarded as an accurate expression of the will of the voters, despite some irregularities. During the year, the Council debated numerous draft laws and resolutions. Some members of the Council complained of its relative lack of power in relation to the executive branch of government.

The last municipal elections took place in 1986. Municipal elections were planned for June 1999; however, they did not take place. On August 22, the Fatah Central Committee (FCC) appointed a committee to devise a plan for holding local elections before year's end; however, the PLO Central Council did not ratify the plan.

Most Palestinians in East Jerusalem do not recognize the jurisdiction of the municipality of Jerusalem. Only a very small percentage of Jerusalem's Palestinian population vote in the municipal council elections. No Palestinian resident of Jerusalem sits on the city council.

Women are underrepresented in government and politics. There are 5 women in the 88-member Council, and 1 woman serves in a ministerial-level position.

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

Israeli, Palestinian, and international NGO's monitor the Israeli Government's human rights practices. The Israeli Government generally cooperates with human rights and humanitarian NGO's; officials normally agree to meet with human rights monitors. The Israeli Government permits human rights groups to publish and hold press conferences. On April 4, the Israeli Government refused to allow a Palestinian human rights activist to travel to Cairo, Egypt for a regional meeting on human rights; however, several months later the Government allowed the activist to attend a meeting outside of the country (see Section 2.d.).

On October 17, pursuant to the meeting in Sharm al-Sheikh, a fact-finding committee was established to examine the causes of the violent events that began in late September, and to recommend ways to prevent their recurrence. The committee began its work in December.

Local human rights groups, most of which are Palestinian, and several international organizations monitor the PA's human rights practices. The PA generally cooperates with these organizations, and PA officials usually meet with their representatives; however, there were instances in which it did not. Several Palestinian human rights organizations work privately with the PA to overcome abusive practices in certain areas. They also publish criticism if they believe that the PA is not

responding adequately to private encouragement. Human rights groups state that the PA generally is cooperative when dealing with certain types of human rights issues. Human rights organizations reported that they sometimes were denied access to detainees in Palestinian prisons during the year (see Section 1.d.).

The ICRC operates in the West Bank and Gaza under the terms of a memorandum of understanding signed in September 1996 between the ICRC and the PLO. The memorandum accords the ICRC access to all detainees held by the PA and allows regular inspections of prison conditions. In accordance with the agreement, the ICRC conducts routine visits of PA-run prison facilities and sees PA-held prisoners throughout the year. Other human rights groups, including the Palestinian Independent Commission for Citizens' Rights and the Mandela Institute, also visited PA prisons and detention centers on a regular basis. Some human rights and international humanitarian organizations reported that they occasionally were denied access to detainees in Palestinian prisons during the year (see Section 1.d.). PA officials reportedly are less responsive to queries regarding the PA's policies toward and treatment of members of Islamist opposition groups than to queries on other detainees.

In 1999 Palestinian NGO's repeatedly called on the PA to ratify a law passed by the Council in December 1998, which would govern the activities of NGO's and their relations with the PA. Ratification of the law was delayed due to the PA's attempts to replace the Ministry of Justice with the Ministry of Interior as the agency responsible for the administration of NGO's. In January Chairman Arafat approved the NGO law. At least 150 NGO's had been issued with registration certificates by year's end.

On April 21, PSF officials closed a democratization group office in Gaza because the NGO was not yet registered with the Ministry of Interior (see Section 2.b.). After repeated unsuccessful attempts to reopen the office, board members decided to close the office permanently.

On May 17, the PBA placed the director of a West Bank NGO on the "non-practicing" register of lawyers reportedly because he worked for an NGO and not a law office.

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

Under the complex mixture of laws and regulations that apply to the occupied territories, Palestinians are disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This includes discrimination in residency and land use.

Women.—The problems of rape, domestic violence, and violence related to "family honor" have gained greater attention in the Palestinian community as a result of a significant effort by Palestinian women's groups; however, public discussion generally remains muted. Victims often are encouraged by relatives to remain quiet and are punished themselves or blamed for the "shame" that has been brought upon them and their families. The brother of a 14-year-old girl who reportedly was raped and killed by her uncle and brother in 1998 still was awaiting trial at year's end. Women's groups seek to educate women on these problems, but women's rights advocates claim that few resources are available to shelter the victims of violence because women's shelters are not accepted culturally in Palestinian society. They also maintain that society has not been receptive to providing counseling or outreach services to victims of violence, which these advocates see as more widespread than is acknowledged. According to women's groups, there are no reliable data on the incidence of violence against women. Spousal abuse, sexual abuse, and "honor killings" occur, but societal pressures prevent most incidents from being reported and most cases are handled within the families concerned, usually by male family members. In prior years, leaders of HAMAS threatened and tried to intimidate Palestinian women who were involved in programs aimed at empowering women and helping abused women; there were no reports that this occurred during the year.

Palestinian women endure various forms of social prejudice and repression within their own society. Because of early marriage, girls frequently do not finish the mandatory level of schooling. Cultural restrictions sometimes prevent women from attending colleges and universities. While there is an active women's movement in the West Bank, serious attention has shifted only recently from nationalist aspirations to issues that greatly affect women, such as domestic violence, equal access to education and employment, and laws concerning marriage and inheritance. Women who marry outside of their faith, particularly Christian women who marry Muslim men, often are disowned by their families and sometimes are harassed and threatened with death by members of their community. Local officials sometimes attempt to convince such women to leave their communities in order to protect themselves.

A growing number of Palestinian women work outside the home, where they tend to encounter discrimination. There are no special laws that provide for women's rights in the workplace. Women are underrepresented in most aspects of professional life. Despite the fact that there is a small group of women who are prominent in politics, medicine, law, teaching, and NGO's, women for the most part are seriously underrepresented in the decisionmaking positions in these fields.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a (Islamic law), and the varied ecclesiastical courts rule on personal status issues for Christians. In the West Bank and Gaza, Shari'a pertaining to women is part of the Jordanian Status Law of 1976, which includes inheritance and marriage laws. Under the law, women inherit less than male members of the family do. The marriage law allows men to take more than one wife, although few do so. Women are permitted to make "stipulations" in the marriage contract to protect them in the event of divorce and questions of child custody. However, only an estimated 1 percent of women take advantage of this section of the law, leaving most women at a disadvantage when it comes to divorce or child custody. Ecclesiastical courts also often favor men over women in divorce and child custody cases.

Children.—The PA requires compulsory education up to 12 years of age. However, early marriage in certain sectors of society frequently prevents girls from completing the mandatory level of schooling. Currently British Mandate, Jordanian, and military laws, from which West Bank and Gaza law is derived, offer protection to children under the Labor and Penal Codes. Existing laws designed to protect children, such as a law that sets the minimum employment age, are not always enforced. While there is no juvenile court system, judges specializing in children's cases generally sit for juvenile offenders. In cases in which the child is the victim, judges have the discretion to remove the child from a situation deemed harmful. However, the system is not advanced in the protection it affords children.

The sustained closure imposed by Israel affected students' ability to attend school during the year. In areas under curfew, all classes were cancelled. Furthermore, teachers were unable to reach their schools in different villages and towns (see Section 2.d.).

People with Disabilities.—There is no mandated accessibility to public facilities in the occupied territories under either Israeli or Palestinian authority. Approximately 130,000 Palestinians in the West Bank and Gaza are disabled. Additionally, medical relief organizations estimated that approximately one-sixth of the 10,600 Palestinians injured during the "al-Aqsa Intifada" would be disabled permanently. Some Palestinian institutions care for and train disabled persons; however, their efforts are chronically underfunded. Many Palestinians with disabilities are segregated and isolated from Palestinian society; they are discriminated against in most spheres, including education, employment, transportation, and access to public buildings and facilities.

Religious Minorities.—In the past, there were reports that a small number of Muslim converts to Christianity in the Palestinian community sometimes were subject to societal discrimination and harassment by PA officials. However, there was no pattern of PA discrimination and harassment against Christians (see Section 2.c.).

On October 7, following the IDF withdrawal from the Jewish religious site of Joseph's Tomb, about 1,000 Palestinian protesters entered the religious site, burned it, and damaged the roof and an outer wall in an unsuccessful attempt to demolish the tomb (see Section 2.c.). On October 12, Palestinian civilians reportedly burned a synagogue in Jericho.

On November 21, Israeli settlers set a mosque on fire in Huwara, reportedly in reaction to the killing of an Israeli settler by a settler earlier in the day.

Section 6. Worker Rights

a. The Right of Association.—Labor affairs in the West Bank came under Palestinian responsibility with the signing of the Interim Agreement in September 1995. Until a new law being drafted by PA authorities comes into effect, labor affairs in the West Bank are governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. The law permits workers to establish and join unions without government authorization. The previous Israeli requirement that all proposed West Bank unions apply for a permit no longer is enforced. Israeli authorities previously licensed about 35 of the estimated 185 union branches now in existence. Following a process to consolidate trade unions in the West Bank, there now are 12 trade unions there.

Palestinian workers in Jerusalem are governed by Israeli labor law. They are free to establish their own unions. Although the Government restricts Jerusalem unions

from joining West Bank trade union federations, this restriction has not been enforced. Palestinian workers in Jerusalem may belong simultaneously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions are not affiliated with the Israeli Histadrut Federation. Palestinians from the West Bank and Gaza who work in Israel or Jerusalem are not full members of Histadrut, but they are required to contribute 1 percent of their wages to Histadrut. Negotiations between Histadrut and West Bank union officials to return half of this fee to the Palestinian Union Federation were completed in 1996, but funds have yet to be transferred.

Palestinians who work in Israel are required to contribute to the National Insurance Institute (NII), which provides unemployment insurance and other benefits. Palestinians from the West Bank and Gaza are eligible for some, but not all, NII benefits. According to the Interim Agreement, Palestinians working in Israel and Jerusalem continue to be insured for injuries occurring in Israel, the bankruptcy of a worker's employer, and allowances for maternity leave.

There are outstanding cases of Palestinian workers who have attempted to sue their Israeli employers for non-payment of wages but are unable to travel to the relevant courts because they are unable to receive the proper permits.

The great majority of West Bank unions belong to the Palestinian General Federation of Trade Unions (PGFTU). The PGFTU was involved in the completion of the negotiations with Histadrut regarding workers' fees. The reorganization of unions under the PGFTU is intended to enable the West Bank and Gaza unions to better represent the union members' interests; the reorganization had not been finalized by year's end.

An estimated 92,000 workers in the West Bank are members of the PGFTU, the largest union bloc, which consists of 12 trade unions in the West Bank and 8 in Gaza. The organization has about 46,500 members in Gaza. The PGFTU estimates actual organized membership, i.e., dues-paying members, at about 30 percent of all Palestinian workers.

No unions were dissolved by administrative or legislative action during the year. Palestinian unions that seek to strike must submit to arbitration by the PA Ministry of Labor. If the union disagrees with the final arbitration and strikes, a tribunal of senior judges appointed by the PA decides what, if any, disciplinary action is to be taken. There are no laws in the territories that specifically protect the rights of striking workers. In practice, such workers have little or no protection from an employer's retribution.

For several months, teachers throughout the West Bank held a strike. On May 5, PA officials arrested one of the strike leaders and closed down the radio station that broadcast an interview in which the leader accused the PA of inefficiency (see Sections 1.d. and 2.a.). The teachers suspended their strike on May 17, despite the fact that none of their demands were met.

The PGFTU has applied for membership in the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—A majority of workers in the occupied territories are self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the territories consists of wage jobs, most with the U.N. Relief and Works Agency (UNRWA), the PA, or municipalities. Collective bargaining is protected. Labor disputes are adjudicated by committees of 3 to 5 members in businesses employing more than 20 workers.

Existing laws and regulations do not offer real protection against antiunion discrimination.

c. Prohibition of Forced or Compulsory Labor.—PA law does not prohibit specifically forced or compulsory labor, including by children, but there were no reports of such practices during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age in the West Bank and Gaza is 14 years. Most observers agree that a significant number of Palestinian children under the age of 16 years work. Many children under the age of 12 are engaged in some work activities. Most such employment is believed to involve work on family farms, in family shops, or as urban street vendors. Some employment of children also is reported to occur in small manufacturing enterprises, such as shoe and textile factories. The law does not prohibit specifically forced or compulsory labor by children, but there were no reports of its use (see Section 6.c.).

The PA's capacity to enforce existing laws is limited. It has only 40 labor inspectors to inspect an estimated 65,000 enterprises. The International Labor Organization and UNICEF are working with the PA to study the nature and extent of the problem and to develop the capacity to enforce and update child labor laws.

e. Acceptable Conditions of Work.—There currently is no minimum wage in the West Bank or Gaza Strip. The average wage for full-time workers appears to provide a worker and family with a decent standard of living.

In the West Bank, the normal workweek is 48 hours in most areas; in Gaza the workweek is 45 hours for day laborers and 40 hours for salaried employees. There is no effective enforcement of maximum workweek laws.

The PA Ministry of Labor is responsible for inspecting workplaces and enforcing safety standards in the West Bank and Gaza. The Ministry of Labor states that new factories and workplaces meet international health and safety standards but that older ones fail to meet minimum standards. There is no specific legal protection afforded workers that allows them to remove themselves from an unhealthy or unsafe work setting without risking loss of employment.

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

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein since the death of his father, King Hussein bin Talal, in February 1999. The Constitution concentrates a high degree of executive and legislative authority in the King, who determines domestic and foreign policy. In the King's absence, a regent, whose authority is outlined in the Constitution, assumes many of these responsibilities. The Prime Minister and other members of the Cabinet are appointed by the King and manage the daily affairs of government. The Parliament consists of the 40-member Senate, appointed by the King, and the 80-member Chamber of Deputies, which is elected every 4 years. The lower house asserts itself only intermittently on domestic and foreign policy issues. The 1997 parliamentary elections were marred by reports of registration irregularities, fraud, and restrictions on the press and on campaign materials. According to the Constitution, the judiciary is independent of other branches of government; however, in practice it is susceptible to political pressure and interference by the executive.

General police functions are the responsibility of the Public Security Directorate (PSD). The PSD, the General Intelligence Directorate (GID), and the military share responsibility for maintaining internal security, and have authority to monitor the activities of persons believed to be security threats. Elements of the security forces continue to commit human rights abuses.

Jordan has a mixed economy, with significant but declining government participation in industry, transportation, and communications. The country has few natural resources and relies heavily on foreign assistance and remittances from citizens working abroad. During the year, the Government took steps to increase privatization and to improve the country's investment climate during the year. For example, in April the country acceded to the World Trade Organization, which entailed extensive legislative and regulatory reform. However, the economy continues to suffer from chronically high unemployment, and GDP growth has remained between 1 and 2 percent since 1996. Price controls remain on bread, pharmaceuticals, gasoline, and animal feed. Wages remain stagnant. International sanctions against Iraq, historically the country's largest trading partner, continue to inhibit export growth. Violence in the occupied territories late in the year adversely affected the tourist industry, and many foreign investment projects were frozen. Per capita gross domestic product in 1999 was approximately \$1,542 (1,086 dinars). Many families, especially those in rural areas, are unable to meet basic needs to subsist.

There continued to be significant problems in the Government's human rights record. There are significant restrictions on citizens' right to change their Government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister and Cabinet, to dissolve Parliament, and to establish public policy. Other human rights problems include extrajudicial killings by members of the security forces, police abuse and mistreatment of detainees; allegations of torture; arbitrary arrest and detention; lack of transparent investigations and accountability within the security services; prolonged detention without charge; lack of due process of law and interference in the judicial process; infringements on citizens' privacy rights; harassment of members of opposition political parties and the press; and significant restrictions on freedom of speech, press, assembly, and association. The 1999 Press and Publications Law reduced somewhat the restrictions outlined in previous legislation on the ability of journalists and publications to func-

tion and report freely; however, significant restrictions continued to be in effect. The Government imposes some limits on freedom of religion, and there is official and societal discrimination against adherents of unrecognized religions. The evangelical Christian community reported fewer incidents of governmental harassment during the year. There are some restrictions on freedom of movement. Violence against women, restrictions on women's rights, and societal discrimination against women are problems. The law still allows for reduced punishments for violent "honor crimes" against women for alleged immoral acts. Child abuse remains a problem, and discrimination against Palestinians persists. Abuse of foreign servants is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killings.—There were no reports of political killings by government officials; however, security forces committed several extrajudicial killings.

In January police reportedly beat Mar'i Khalil Al-Jahran in a South Shuna police station, where he bled to death.

In March security forces fired at a group of villagers of the Bedul Tribe near Petra, killing a 21-year-old man and 2 teenagers. The villagers were protesting the demolition of a home by members of the Petra Regional Authorities; the home reportedly was built illegally on government-owned land. The Ministry of Interior stated that security forces acted in self-defense after villagers, armed with sticks, stones, and firearms attacked a group of officials from the Petra Regional Council who were attempting to carry out the demolition order. Following the incident, the Government stated that it would investigate and punish those responsible for the violence; however, by year's end, the Government had not taken legal action against any party. The Government did not launch an official investigation of the incident; however, King Abdullah offered the villagers an extensive compensation package, including economic assistance and increased land for housing.

In May police reportedly beat Musa Shalback in Hai Nazal after pursuing him for allegedly stealing a car and hitting two pedestrians. According to eyewitnesses, police handcuffed Shalback, severely beat him, and subsequently took him to a local hospital. Shalback was in a coma when he arrived to the hospital where he died from his injuries 10 days later. The Government stated that Shalback died as a result of injuries sustained in a car crash that followed the pursuit. By year's end, the Government had not responded to diplomatic inquiries about this case.

On October 6, police used batons and tear gas to disperse protesters in Baqaa refugee camp; one person was killed and six others were injured during the protest. Protesters claim that police caused the death and injuries, while police personnel claim that the demonstrators caused the fatalities (see Sections 1.c. and 2.b.).

On July 20, 16-year-old Amjad Salem Ahmad Smadi died at a police station in Ajloun 45 minutes after police officers placed him in custody for suspected robbery. Government officials initially reported that Smadi hanged himself; however, family members and other residents of Ajloun demanded an investigation into the death. In response the Government formed an ad-hoc parliamentary committee to look into the incident and transferred the police officers and the local prosecutor to another part of the country. An unpublished forensics report supported the original autopsy's conclusion that the death was a suicide; however, the report also stated that Smadi was beaten prior to his death. Human rights activists and family members believe that the boy died as a result of the beatings and subsequently was hanged to make it appear as if he had committed suicide. Neither diplomatic representatives nor human rights activists were able to uncover evidence to support either the family's claims or to refute the Government's position.

The security services continue to be reluctant to conduct transparent investigations into allegations of wrongful deaths that occurred during police detention in previous years, thus promoting a climate of impunity.

There were no developments in the investigation of the May 1999 death of Mahmoud Rashid Qasem Mohammed Ishtayeh, who died in a hospital while in police custody. His family claimed that he died of injuries suffered during a beating; however, prison officials maintained that Ishtayeh died of natural causes.

There were no developments in the investigation of the police officers who killed Maseed tribesmen in March 1998 or Mohammad Al-Khattub and Ismail Suleiman Ajarmeh in February 1998.

Women continued to be victims of "honor killings" (see Section 5).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law provides prisoners with the right to humane treatment; however, the police and security forces sometimes abuse detainees physically and verbally during detention and interrogation and allegedly also use torture. Allegations of torture are difficult to verify because security officials frequently deny detainees timely access to lawyers. The most frequently alleged methods of torture are sleep deprivation, beatings on the soles of the feet, prolonged suspension with ropes in contorted positions, and extended solitary confinement. Defendants in high-profile cases before the State Security Court claimed to have been subjected to physical and psychological abuse while in detention. Government officials deny allegations of torture and abuse.

A number of cases of beatings while in police custody were reported to human rights activists during the year. Human rights activists believe that there were many more incidents that were not documented. Iraqi weightlifter Kazem Dashi claimed that he was beaten and intimidated during his April detention (see Section 1.d.). Musa Shalback died in a hospital in March 10 days after police reportedly beat him in Hai Nazal (see Section 1.a.). Periodic detentions of foreign workers continue and allegations of overcrowded cells and physical abuse by guards persist.

Police on several occasions used force to disperse demonstrations during the year (see Sections 1.a. and 2.b.). For example, in April newspapers reported that police used excessive force to disperse student demonstrations at Jordan University, injuring a number of protesters. The students were protesting the administration's recent changes to the university's student council law, which were designed to curb the influence of Islamists (see Section 2.c.).

On several occasions in October, police used force to disperse large violent protests against the Israeli Government's actions in Israel and the occupied territories (see Section 2.b.). For example, on October 6, police used batons and tear gas to disperse protesters from Baqaa refugee camp; one person was killed and six were injured during the protest (see Sections 1.a. and 2.b.). Protesters claimed that police caused the death and injuries, while police personnel claimed that the demonstrators caused the fatalities. On October 8, police used batons against at least five persons at a demonstration at Jordan University. On October 24, police used tear gas and water cannons to disperse a demonstration of between 20,000 and 30,000 persons who were approaching a heavily mined border area. Police injured a number of persons, including a journalist covering the protest (see Section 2.a.).

On August 7, a small group of Palestinians attacked an Arab member of the Israeli Parliament at the Baqaa refugee camp. Police personnel immediately escorted him away from the area. On November 19, an unknown assailant shot and injured an Israeli diplomat. On December 5, unknown gunmen shot and injured a second Israeli diplomat. In December police officials arrested seven persons allegedly connected to these attacks.

Prisons and local police detention facilities are Spartan, and on the whole are severely overcrowded and understaffed. Human rights groups and prisoners complained of poor food and water quality, inadequate medical facilities, and poor sanitation in certain facilities. During the year, the Government opened a new prison facility in an attempt to alleviate somewhat the problem of overcrowding.

The Government holds some of the prisoners who are detained on national security grounds in separate detention facilities maintained by the GID. The Government holds other security detainees and prisoners in regular prisons. Conditions in GID detention facilities are significantly better than general police detention facilities. The security prisoners often are separated from common criminals; however, conditions for them do not differ significantly.

With some exceptions, the International Committee of the Red Cross (ICRC) is permitted unrestricted access to prisoners and prison facilities, including GID facilities. In 1999 the Government formally granted the U.N. High Commissioner for Refugees (UNHCR) access to prisoners. However, the Government did not inform the UNHCR of the presence of seven Libyan security detainees prior to their deportation from the country, which effectively denied the UNHCR access to the detainees (see Section 2.d.). Local human rights monitors are allowed to visit prisons, but complain that the authorities require them to undertake a lengthy and difficult procedure in order to obtain permission for such visits.

d. Arbitrary Arrest, Detention, or Exile.—The security forces arbitrarily arrest and detain citizens. Under the Constitution, citizens are subject to arrest, trial, and punishment for the defamation of heads of state, dissemination of "false or exaggerated information outside the country that attacks state dignity," or defamation of public officials.

The Criminal Code requires that police notify legal authorities within 48 hours of an arrest and that legal authorities file formal charges within 10 days of an arrest; however, the courts routinely grant requests from prosecutors for 15-day exten-

sions as provided by law. This practice generally extends pretrial detention for protracted periods of time. In cases involving state security, the authorities frequently hold defendants in lengthy pretrial detention, do not provide defendants with the written charges against them, and do not allow defendants to meet with their lawyers until shortly before trial. Defendants before the State Security Court usually meet with their attorneys only 1 or 2 days before their trial.

The Government detains persons, including journalists, for varying amounts of time for what appear to be political reasons (see Section 2.a.). Human rights sources reported that more than 500 persons were detained for security reasons and subsequently released within a short period of time throughout the year. This number likely underestimates the total number of political detainees. Human rights groups report that there are a smaller number of long-term political detainees.

Local governors have the authority to enact the 1954 Preventing Crimes Law, which allows them to place citizens under house arrest for up to a year without formally charging them (see Section 2.d.). House arrest may involve requiring persons to report daily to a local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

In April the GID arrested Hassan Mahmoud Abdullah Abu Hanieh and held him without charge, legal representation, or access to the government prosecutor for 20 days (see Sections 1.f. and 2.d.).

On April 13, the GID allegedly detained without charge Iraqi weightlifter Kazem Dashi at the Al-Ruwayshid border point; the GID released Dashi the same day. Dashi claimed that he was beaten and intimidated during his interrogation in GID custody (see Section 1.c.). The Government denied the allegations.

In July the GID detained 12 persons from Salt without charge, allegedly for security reasons. The Government stated that some of the detainees were arrested because they were "religious individuals" and that some were members of political parties. In December the Government released all of the detainees; 4 of the 12 were charged after admitting that they had planned terrorist activities and were required to post bail.

In October following widespread protests against the Israeli Government's actions in Israel, the West Bank, and Gaza, police detained hundreds of persons. Police did not charge most of the demonstrators and released them within 1 day.

The Government uses the threat of detention to intimidate journalists into practicing self-censorship (see Section 2.a.). In past years, police typically detained for 5 to 10 days numerous journalists who criticized government officials or policies; some of the journalists experienced abuse. When the Government did file charges, convictions were rare; however, some proceedings lasted several years with defendants required to appear in court regularly. During the year, police arrested at least one journalist because of an article he wrote (see Section 2.a.).

There was no further information on Basil Abu Ghoshe, who continued to be detained despite having completed his sentence in 1998, ostensibly for his own protection due to threats from a rival tribe.

The security services detained approximately 50 persons, described in the press as "Islamists," during the year. These detentions were related to allegations of involvement in terrorist or strictly political activities.

The Constitution prohibits the expulsion of any citizen, and the Government does not routinely use forced exile; however, in 1999 the Government allegedly expelled four HAMAS leaders, who subsequently filed an appeal to reverse the expulsion. On June 25, the High Court rejected on technical grounds an appeal by the defendants' attorney to reverse the alleged order of expulsion. The case was considered closed at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, the judiciary is subject to pressure from the executive branch. A judge's appointment to, advancement within, and dismissal from the judiciary are determined by a committee whose members are appointed by the King. The Ministry of Justice has great influence over a judge's career and subverts the judicial system in favor of the executive branch. There have been numerous allegations that judges have been "reassigned" temporarily to another court or judicial district in order to remove them from a particular proceeding. Judges also complain of unlawful telephone surveillance.

The judicial system consists of several types of courts. Most criminal cases are tried in civilian courts, which include the appeals courts, the Court of Cassation, and the Supreme Court. Cases involving sedition, armed insurrection, financial crimes, drug trafficking, and offenses against the royal family are tried in the State Security Court. In 1997 the Parliament passed amendments to the law governing the State Security Court that effectively extended its mandate indefinitely. The

amendments had been rejected earlier by the lower house's judicial committee as "undemocratic" and contrary to the principle of judicial independence.

Shari'a (Islamic law) courts have jurisdiction over marriage and divorce among Muslims and inheritance cases involving both Muslims and non-Muslims. Christian courts have jurisdiction over marriage and divorce cases among Christians, but apply Shari'a law in inheritance cases (see Section 5).

Most trials in the civilian courts are open. Defendants are entitled to legal counsel, may challenge witnesses, and have the right to appeal. Defendants facing the death penalty or life imprisonment must be represented by legal counsel. Public defenders are provided if the defendant in such cases financially is unable to hire legal counsel. Shari'a as applied in the country regards the testimony of a woman to be equal to half that of a man. This provision technically applies only in religious courts; however, in the past it has been imposed in civil courts as well, regardless of religion.

The State Security Court consists of a panel of three judges who may be either civilians or military officers. Sessions frequently are closed to the public. Defendants tried in the State Security Court often are held in pretrial detention without access to lawyers, although they may be visited by representatives of the ICRC. In the State Security Court, judges have inquired into allegations that defendants were tortured and have allowed the testimony of physicians regarding such allegations. The Court of Cassation has ruled that the State Security Court may not issue a death sentence on the basis of a confession obtained as a result of torture. Defendants in the State Security Court have the right to appeal their sentences to the Court of Cassation, which is authorized to review issues of both fact and law. Appeals are automatic for cases involving the death penalty.

In the past, defense attorneys have challenged the appointment of military judges to the State Security Court to try civilian cases as contrary to the concept of an independent judiciary. Military judges appear to receive adequate training in civil law and procedure.

In the past, the press routinely carried details of cases tried before the State Security Court, despite 1998 provisions in the Press and Publication Law that prohibited press coverage of any case that was under investigation, unless expressly permitted by the authorities. The 1999 Press and Publications Law permits journalists to cover court proceedings "unless the court rules otherwise" (see Section 2.a.). There was press coverage of trials in the State Security Court during the year.

On September 18, the Security Court convicted 22 suspected members of the "Al-Qaeda" terrorist network of planning attacks at tourist sites around the country during millennium celebrations. The court sentenced 6 of those convicted to death and 16 to prison sentences ranging from 7 years to life.

In 1999 the Government expelled four HAMAS leaders (see Section 1.d.); there were credible reports of executive branch influence with respect to the verdict. On June 25, the High Court rejected on technical grounds an appeal by the defendants' attorney to reverse the order of expulsion. The case was considered closed at year's end.

In late 1999, lawyers refused to represent an Israeli citizen who was accused of forging official documents. The court convicted him and he was sentenced to 1 year in prison.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution requires that security forces obtain a warrant from the Prosecutor General or a judge before conducting searches or otherwise interfering with these rights, and the security services generally respect these constitutional restrictions; however, in security cases, the authorities sometimes—in violation of the law—obtain warrants retroactively or obtain preapproved warrants. Security officers monitor telephone conversations and Internet communication, read correspondence, and engage in surveillance of persons who are considered to pose a threat to the Government or national security. The law permits these practices if the Government obtains a court order. Judges complain of unlawful telephone surveillance (see Section 1.e.).

In June the GID confiscated without a warrant a box of publications from Hassan Mahmoud Abdullah Abu Hanieh, detained him without charge for 20 days, then placed him under house arrest (see Sections 1.d. and 2.d.).

The Government did not block the entry of foreign publications (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government imposes some restrictions on these rights.

The 1998 Press and Publications Law and the 1999 revisions to the law, combined with the 1998 Press Association Law, impose stringent restrictions on the operation of newspapers. The Government also intimidates journalists to encourage self-censorship. Private citizens may be prosecuted for slandering the royal family, the Government, or foreign leaders, and for "sowing sedition." The Press and Publications Law and the law governing the Jordan Press Association (JPA) require membership in the JPA for persons to be considered "legal" journalists or editors, thus potentially excluding dozens of practicing journalists from the profession. The JPA uses its authority to enforce bans on journalists receiving funding from foreign sources or having Israeli contacts (see Section 4). In August 1999, then Prime Minister Abdul Raouf Rawabdeh issued an order directing government offices to cooperate only with JPA members. Citizens generally do not hesitate to criticize the Government openly, but are more circumspect in regard to the King and the royal family.

The 1998 Press and Publications Law granted the Government wide discretionary powers to issue fines, withdraw licenses, and order shutdowns, which enabled it to control the editorial content of newspapers. The law also prohibited reporting on criminal cases or crimes at any stage of the investigation without prior authorization from the public prosecutor. However, the 1999 amendments to the Press and Publications Law, limit somewhat the Government's discretion to issue fines, transfer the power to withdraw licenses to the judiciary, limit significantly the Government's power to order shutdowns, and allow journalists to cover court proceedings "unless the court rules otherwise." The 1999 amendments to the Press and Publications Law also reduce the fine for violations at between \$700 and \$1,400 (500 to 1,000 dinars), down from between \$7,000 and \$14,000 (5,000 and 10,000 dinars) under the 1998 Press and Publications Law (see Section 1.e.). It was illegal under the 1998 Press and Publications Law to publish news, opinion, information, reports, caricatures, or photos that disparage the King or the royal family, pertain to the armed forces or security services, harm national unity, disparage religion, offend an individual or harm his reputation, disparage the heads of friendly states, harm the country's relations with other nations, promote perversion or lead to moral corruption, shake confidence in the national currency, or feature false news or rumors. Although these restrictions were modified by the 1999 amendments to the Press and Publications Law, prohibitions on such activities still exist in the Penal Code and a number of other laws.

According to the 1999 Press and Publications Law, all publications must be licensed by the Government. The law provides that those who seek to obtain a newspaper license must show proof of capital of \$700,000 (500,000 dinars) for a daily newspaper, \$70,000 (50,000 dinars) for most other publications, and \$7,000 (5,000 dinars) for specialized publications. The law also requires that the editor in chief of a newspaper be a citizen who permanently resides in the country and a member of the JPA for at least 4 years. This last provision reflects a reduction in the requirements from previous legislation but places the onus of regulation on the JPA.

Persons accused of violating the Press and Publications Law are tried in a special court for press and copyright cases. Journalists also may be prosecuted for criminal and security violations in connection with their work. Although a substantial number of cases are dismissed before trial, many other cases linger in the courts for years. The Government routinely uses detention and prosecution or the threat of prosecution to intimidate journalists and thereby successfully encourages self-censorship (see Section 1.d.).

The Penal Code authorizes the State to take action against any person who incites violence, defames heads of state, disseminates "false or exaggerated information outside the country that attacks state dignity," or defames a public official.

In January security forces arrested engineering student Asim Ogla Al-Maghayirah from the University of Science and Technology, accusing him of affiliation with a banned political party (Al-Tahrir) and distributing illegal pamphlets (see Section 2.b.).

On May 25, police arrested Basil Talluzi, a freelance journalist and short-story writer for the independent weekly newspaper *Al-Mir'ah* (The Mirror), for writing a satirical article about leaders in the Arab world (see Section 1.d.). Talluzi was released the next day and reported that he was not mistreated while in detention. The JPA claimed credit for obtaining Talluzi's prompt release.

In October police reportedly beat and confiscated the film of a reporter covering a demonstration against the Israeli Government's actions in Israel and the occupied territories. The police officer reportedly apologized and returned the film to the journalist the next day (see Sections 1.c. and 2.b.).

In September the JPA voted to expel Nidal Mansour, its own vice president and the president of a nongovernmental organization (NGO), the Center for Defending Freedom of Journalists (CFJ). Mansour allegedly received foreign funding for CFJ

activities (see Section 4). As a result of his expulsion from the JPA, Mansour was not permitted to keep his position as editor in chief of Al-Hadath newspaper. The Jordan Times, an English language newspaper, published an article criticizing the JPA's expulsion of Mansour. The JPA threatened the editor in chief of the Jordan Times with disciplinary measures; she subsequently published an apology letter. In October Mansour filed a complaint to the High Court of Justice; the court suspended the expulsion order pending review of the case.

In 1999 a columnist of Al-Arab Al-Yawm newspaper wrote an article that was critical of the JPA. The JPA subsequently suspended for 2 years the newspaper's editor in chief, Azzam Yunis, along with three other journalists. June Yunis appealed the action; however, his request was denied.

In March the Government banned a book of poems written by Musa Hawamdeh due to pressure from radical Islamists. In June the Shari'a court charged Hawamdeh with apostasy. The complainant requested that Hawamdeh publicly retract the controversial statements in his poem and requested that the Shari'a judge order that he divorce his wife and lose his rights to inherit property or manage his own wealth. The Shari'a court referred the case to a civil court. In July both the Shari'a and criminal courts acquitted Hawamdeh of all charges, without his retracting any portion of the poem (see Section 2.c.).

According to local press reports, the Press and Publications Department also banned a book of poetry by Ziyad Al-Anani in April; the book contained a poem that reportedly was offensive to Islam. The authorities did not bring charges against Al-Anani; the book was published and distributed in Beirut, Lebanon due to the Jordanian ban (see Section 2.c.).

Some journalists complained about high taxes on the media industry and tariffs on paper, which they claim led them to reduce the size of their publications. They also criticized the Government for its policy of advertising predominantly in newspapers in which the Government owns shares.

The Government did not block the entry of foreign publications. In January the Government passed a bill that grants foreign media operations "absolute freedom of expression" in the country. The bill reportedly was passed in order to encourage foreign investment. Some commentators criticized the Government for passing a bill that offers full autonomy for foreign journalists while maintaining laws that restrict freedom of expression for local journalists.

Radio and television news broadcasts are more restricted than the print media. The Government is the sole broadcaster of radio and television programs. The Government has commercial agreements with the British Broadcasting Corporation, the London-based Middle East Broadcasting Center, and Radio Monte Carlo that allows it to simulcast regional programs using local radio transmitters. Jordan Television (JTV) reports only the Government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts are available and unrestricted.

In December due to widespread criticism of local media coverage of events in Israel, the West Bank, and Gaza, King Abdullah took steps to reform the state media. For example, the King appointed new members to the board of the Jordan Radio and Television Corporation (JRTVC) and reportedly instructed the new director to discontinue the traditional practice of placing items about the King first in the evening news lineup. The Minister of Information also announced a plan to create an independent regulatory commission.

The GID actively investigates Internet reports of "crimes against the king."

The Government limits academic freedom. No university professors were dismissed for their political views during the year; however, some academics claim that they receive frequent threats of dismissal. In March Jordan University granted the president of the university the authority to appoint half of the university's 80-member student council, including the chair (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly. Citizens must obtain permits for public gatherings. Following a demonstration on October 6 in which one protester was killed and six were injured, the Government banned all demonstrations and public rallies. However, a number of demonstrations subsequently were held with government acquiescence despite the ban. Before the ban, the Government denied permits for public protests and rallies that it determined pose a threat to security.

In February the Government twice refused requests by human rights activists to hold demonstrations to protest a parliamentary vote rejecting the repeal of Article 340, the so-called honor crimes law. However, on February 14, Prince Ali bin Hussein and Prince Ghazi bin Mohammed, led more than 5,000 persons in a march to Parliament to demand the cancellation of Article 340. The Ministry of Interior denied permits for an Islamic Action Front (IAF) counterdemonstration. Some com-

mentators criticized the Government for organizing and controlling the demonstration instead of allowing human rights activists to organize their own demonstration.

In March Jordan University's administration amended the Student Council election law, granting the University president the authority to appoint half of the University's 80-member student council, including the chair. The amendment was viewed widely as an effort to curb the influence of campus Islamists. Many students, including non-Islamists, objected to the University's decision, and staged several demonstrations throughout April to protest against the appointments. Police used physical force, water cannons, and tear gas to disperse demonstrations, injuring a number of students (see Section 1.c.).

On July 1, the Higher Coordination Committee for Opposition Parties convened a rally to welcome home the three members of the Jordanian Professional Association who were shot by Israeli soldiers at a protest at the border between Israel and Lebanon.

In August the Islamic Action Front organized several large demonstrations in support of Palestinian sovereignty over East Jerusalem. There was heavy police presence at these demonstrations; however, security forces did not prevent the demonstrations.

In October there were numerous large demonstrations against the Israeli Government's actions in Israel and the occupied territories and in support of Palestinians. Police used force to disperse demonstrators during several violent demonstrations (see Sections 1.a. and 1.c.).

The Government restricts freedom of association. The Government requires, but routinely grants, approval for conferences, workshops, and seminars.

The Government routinely licenses political parties and other associations. There currently are 25 licensed political parties. Membership in an unlicensed political party is illegal. The Government may deny licenses to parties that it decides do not meet a list of political and other criteria contained in the Political Parties Law. The High Court of Justice may dissolve a party if it violates the Constitution or the Political Parties Law.

In January security forces arrested engineering student Asim Ogla Al-Maghayirah from the University of Science and Technology, reportedly due to his affiliation with a banned political party (Al-Tahrir) and because he allegedly distributed illegal pamphlets (see Section 2.a.).

c. Freedom of Religion.—The Constitution provides for the safeguarding of "all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality;" however, the Government imposes some restrictions on freedom of religion. Citizens may not always practice the religion of their choice. According to the Constitution, Islam is the state religion.

Islamic institutions are managed by the Ministry of Religious Affairs and Trusts, which appoints imams and subsidizes certain activities sponsored by mosques. Religious institutions, such as churches that wish to receive official government recognition, must apply to the Prime Ministry for registration. The Protestant denominations registered as "societies" come under the jurisdiction of one of the recognized Protestant churches for purposes of family law, such as divorce and child custody. The Government does not recognize a number of religions.

Over 90 percent of the population are Sunni Muslim, and according to official government statistics, approximately 6 percent are Christian. Government and Christian officials privately estimate the true figure to be closer to between 2 and 4 percent. The Government does not recognize religious faiths other than the three main monotheistic religions: Islam; Christianity; and Judaism. In addition not all Christian denominations have been accorded official government recognition. Officially recognized denominations include the Greek Orthodox, Roman Catholic, Greek Catholic (Melkite), Armenian Orthodox, Maronite Catholic, and the Assyrian, Anglican, Lutheran, Seventh-Day Adventist, United Pentecostal, and Presbyterian Churches. Other churches, including the Baptist Church, the Free Evangelical Church, the Church of the Nazarene, the Assembly of God, and the Christian Missionary Alliance, are registered with the Ministry of Justice as "societies" but not as churches. There also are small numbers of Shi'a and Druze, as well as adherents of the Baha'i Faith. The Government does not interfere with public worship by the country's Christian minority. However, although the majority of Christians are allowed to practice freely, some activities, such as proselytizing or encouraging conversion to the Christian faith—both considered incompatible legally with Islam—are prohibited. Christians are subject to aspects of Shari'a (Islamic law) that designate how inheritances are distributed.

The Government does not recognize Jehovah's Witnesses, the Church of Christ, or the Church of Jesus Christ of Latter-Day Saints, but each of these denominations is allowed to conduct religious services and activities without interference.

The Government does not recognize the Baha'i Faith as a religion but does not prohibit the practice of the faith. However, Baha'is, who number approximately 800 citizens, face both official and societal discrimination. The Government does not record the bearer's religion on national identity cards issued to Baha'is, nor does it register property belonging to the Baha'i community. Adherents of the Baha'i Faith are considered as Muslims for purposes of family and inheritance law. Unlike Christian denominations, the Baha'i community does not have its own court to adjudicate personal status and family matters. Baha'i personal status matters are heard in Shari'a courts.

Non-Jordanian Christian missionaries operate in the country but are subject to restrictions. Christian missionaries may not proselytize Muslims. Since late 1998, foreign Christian mission groups in the country have complained of increased bureaucratic difficulties, including refusal by the Government to renew residence permits.

The Jordan Evangelical Theological Seminary (JETS), a Christian training school for pastors and missionaries, which requested registration from the Ministry of Education in 1998, was not registered by year's end. Pending such registration, in 1999 authorities suspended renewal of the residence permits of all of the seminary's 36 foreign students and 2 members of the faculty. In 1998 and 1999, some non-citizen Arab Muslim students were deported and asked to leave the country as a result of their association with JETS. To date the Ministry of Education's refusal to issue visas has affected 14 of 140 students and 4 staff members of the school.

In 1999 an employee of a small language school in Amman twice applied for a residence permit from the Ministry of Interior. His application was denied on both occasions, reportedly because government officials believed that he had been trying to convert Muslims to Christianity. He reapplied in April and was awaiting a response from the Government at year's end.

In January GID officials contacted an official of Life Agape (formerly Campus Crusade for Christ)—an organization associated with the Baptist Church, which distributes Bibles and conducts Bible studies—and asked him to sign a letter stating that he would not "deal with Muslims." The GID officers told the official that if he did not sign the letter his office would be closed. In February police brought the letter to the Life Agape office, and escorted the official to the police station, and then to meet with the Governor of the Amman municipality. The following day, the Governor closed the Life Agape office; no reason was specified on the Governor's order.

The Government notes individuals' religions (except for Baha'is) on the national identity card and "family book" (a national registration record issued to the head of every family that serves as proof of citizenship) of all citizens.

The Constitution provides that congregations have the right to establish schools for the education of their own members "provided that they comply with the general provisions of the law and be subject to the control of government in matters relating to their curricula and orientation."

In February criticism of a poem entitled "Yusef," which was included in a book of poems published in May 1999 by Muslim poet Musa Hawamdeh, began to circulate in mosques in Amman. Radical Islamists escalated the criticism of the poem and the poet, calling for the poet to be killed if he refused to recant the poem and for him to be divorced forcibly from his Muslim wife. Criticism of the poem from the Ministers of Religious Affairs and Information followed, and by the end of March, the Government banned the book in which the offending poem was published. In June Hawamdeh was summoned to a Shari'a court to face allegations of apostasy; he was charged by the head of court clerks with denying Koranic facts and defaming a prophet. The complainant requested that Hawamdeh publicly retract the controversial statements in his poem and requested that the Shari'a judge order that he divorce his wife and lose his rights to inherit property or manage his own wealth. The Shari'a court referred the case to a civil court. In July both the Shari'a and criminal courts acquitted Hawamdeh of all charges, without requiring him to retract any portion of the poem (see Section 2.a.).

According to local press reports, the Press and Publications Department banned a second book of poetry, by Ziyad Al-Anani in April; the book contained a poem that reportedly was offensive to Islam. The authorities did not bring charges against Al-Anani. The book was published and distributed in Beirut, Lebanon due to the Jordanian ban.

In June due to a dispute stemming from an intrachurch rivalry between the Jerusalem Patriarchate and the Antioch Orthodox Patriarchate, the Government closed an Arab Orthodox church in Amman that was aligned with the Antioch Patriarchate

in Damascus, Syria. The Government closed the church following a request from local Orthodox hierarchy to enforce a 1958 law that grants the Jerusalem Patriarchate authority over all Orthodox churches in the country. On November 29, the Government gave permission to the church to open officially on December 14 despite the fact that the dispute over authority had not been resolved. The church opened as scheduled; however, the Government closed it down 1 week later, stating that the church was in violation of the 1958 law for associating itself with the Orthodox church. The Government reportedly stated that the church has permission to reopen under a different name.

In December 1999, the municipality of Amman closed the Roy and Dora Whitman Academy—a nonprofit missionary school in Amman—on the basis that it was not registered with the Ministry of Education. In April the school received registration and reopened. In July the Ministry of Labor approved official work permits for the academy's staff.

Shari'a in the country is applied in all matters relating to family law involving Muslims or the children of a Muslim father; all citizens, including non-Muslims, are subject to Islamic legal provisions regarding inheritance. All minor children of a male citizen who converts to Islam are automatically considered to be Muslim. Adult children of a male Christian who has converted to Islam become ineligible to inherit from their father if they do not themselves convert to Islam. In cases where a Muslim converts to Christianity, the act is not recognized legally by the authorities, and the subject continues to be treated as a Muslim in matters of family and property law. The minor children of a male Muslim who converts to Christianity continue to be treated as Muslims under the law.

The law prohibits non-Muslims from proselytizing Muslims. Conversion to the Muslim faith by Christians is allowed; however, a Muslim may not convert to another religion. Muslims who convert to other faiths complain of social and government discrimination. The Government does not recognize the legality of such conversions. Under Shari'a converts are regarded as apostates and legally may be denied their property and other rights. However, this principle is not applied. Converts from Islam do not fall under the jurisdiction of their new religion's laws in matters of personal status and still are considered Muslims under Shari'a, although the reverse is not true. Shari'a prescribes a punishment of death for conversion; however, there is no equivalent statute under civil law.

The Political Parties Law prohibits houses of worship from being used for political party activity. The law was designed primarily to prevent Islamist parliamentarians from preaching in mosques.

Religious instruction is mandatory for all Muslim students in public schools. Christian and Baha'i students are not required to attend courses in Islam.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for the right of citizens to travel freely abroad and within the country except in designated military areas; however, there are some restrictions on freedom of movement. The law requires that all women, including foreign women married to citizens, obtain written permission from a male guardian—usually their father or husband—to apply for a Jordanian passport. During the year, there were several cases in which mothers reportedly were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country.

The GID sometimes withholds passports from citizens on security grounds. Local governors have the authority to enact the 1954 Preventing Crimes Law, which allows them to place citizens under house arrest for up to a year without formally charging them (see Section 1.d.). House arrest may involve requiring persons to report daily to local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

In April after the GID released Hassan Mahmoud Abdullah Abu Hanieh following 20 days of detention without charge (see Section 1.d.), the governor of Amman, required Abu Hanieh to report to a local police station twice daily and to return home by 6:30 p.m. every evening. Officials did not bring charges against Hanieh and rescinded the house arrest in August.

Jordanians with full citizenship receive passports that are valid for 5 years. Most Palestinians living in Jordan are citizens and receive passports that are valid for 5 years. However, the Government estimates that there are 150,000 Palestinian residents who are refugees or children of refugees who arrived from Gaza after 1967 do not qualify for citizenship. They receive 2-year passports valid for travel only. In the period following the country's administrative and legal disengagement from the West Bank in 1988, Palestinians residing in the West Bank received 2-year passports valid for travel only, instead of 5-year Jordanian passports). In 1995 King Hussein announced that West Bank residents without other travel documentation

again would be eligible to receive 5-year passports. However, the Government has emphasized that these passports are for travel only and do not connote citizenship, which only can be proven by presenting one's "national number," a civil registration number accorded at birth or upon naturalization to persons holding citizenship. The national number is recorded on national identity cards and in family registration books, which are issued only to citizens.

The Jordanian Society for Citizens' Rights (JSCR) reported a small number of cases in which Jordanian embassies overseas refused to issue new passports to Jordanians of Palestinian origin who were domiciled in foreign countries. Such Palestinians consequently were unable to return to Jordan.

The Constitution specifically prohibits the deportation of citizens. However, in July the High Court rejected an appeal challenging the alleged expulsion of four HAMAS leaders, all four of whom are citizens (see Sections 1.d., 1.e., and 2.b.).

There were credible reports that, due to a ban on his entering the country, government officials stopped former Minister of Parliament, Yaqoub Qarrash, at the border in January when he tried to return from Saudi Arabia.

There is no law or statute that provides for the granting of refugee status to asylum seekers. The Government generally cooperates with the office of the UNHCR. The UNHCR must resettle refugees in other countries. However, in April 1998, the Ministry of Interior signed a memorandum of understanding with the UNHCR concerning the status and treatment of refugees. Under the agreement, the Government admits asylum seekers, including those who have entered the country clandestinely, and respects the UNHCR's eligibility determinations under the refugee definitions set forth in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The agreement provides protection against the forcible return of refugees from the country, and recognizes the legal definition of a refugee as set forth in the U.N. Convention. Since 1996 the UNHCR has held regular seminars to train law enforcement officials in international refugee law, including specialized courses for policewomen. The Government provides first asylum. According to UNHCR figures, 55,626 persons have sought asylum through the UNHCR since October 1990, and in approximately 8,389 cases (approximately 15 percent), applicants have been accorded refugee status.

The Government estimates that over 200,000 Iraqis reside in the country. Since 1991 thousands of Iraqis have applied for refugee status and received legal and material assistance from the UNHCR. During the year, 6,806 Iraqis applied for, and 641 were accorded, refugee status. Additionally 1,753 out of the total 1,868 refugees accorded status during the year were Iraqi nationals, reflecting applications from previous years. The UNHCR also received applications for refugee status during the year from Sudanese, Russians of Chechen decent, Somali, and Eritrean asylum seekers.

For the 1999-2000 school year, the Government reverted to its policy of denying Iraqi children admittance to school unless such children are legal residents of the country or recognized as refugees by the UNHCR.

According to the Government, it deported eight Libyan nationals affiliated with "international terrorist organizations" in March. The Government did not inform the UNHCR of the presence of the Libyans prior to their deportation from the country. The Libyan Government reportedly executed three of the eight Libyans upon their return to Libya (see Section 1.c).

Almost 1.6 million Palestinian refugees are registered in Jordan with the U.N. Relief and Works Agency for Palestine Refugees (UNRWA). The UNRWA counts another 800,000 Palestinians as either displaced persons from the 1967 war, arrivals following the 1967 war, or returnees from the Gulf between 1990 and 1991.

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

There are significant restrictions on citizens' right to change their government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister and Cabinet, to dissolve Parliament, and to establish public policy. Appointments made by the King to high government posts do not require legislative approval. Executive power is vested in the King (or, in his absence, in the Regent), who exercises his power through his ministers in accordance with the provisions of the Constitution.

In June King Abdullah dismissed then Prime Minister Abdul Raouf Rawabdeh and appointed Ali Abu Al-Ragheb as his successor. The King also appointed 19 new members to the 29-member Cabinet.

The Parliament is composed of the 40-member Senate, appointed by the King, and the popularly elected 80-member Chamber of Deputies. The Parliament is empow-

ered by the Constitution to initiate legislation, and it can approve, reject, and amend legislation proposed by the Cabinet. A group of 10 senators or deputies may submit draft bills for consideration; however, in practice legislation is initiated and drafted by the Cabinet of Ministers and submitted by the Government to the Parliament for its consideration. Opposition Members of Parliament have complained that attempts by members of the lower house to initiate legislation receive no response from the Government. The King proposes and dismisses extraordinary sessions of Parliament and may postpone regular sessions for up to 60 days. If the Government amends or enacts a law when Parliament is not in session, by law it must submit the law to Parliament for consideration during the next session; however, this does not always occur in practice.

The Electoral Law and the distribution of parliamentary seats deliberately favor electorates in rural and southern Jordan, regions with populations known for their traditional, pro-Hashemite views.

Over 500 candidates competed in the 1997 parliamentary elections, despite a boycott by Islamist and other parties. There were many reports of registration irregularities and fraud. Restrictions on the press and on campaign materials also had a negative effect on the campaign, which elicited much debate over the fairness of the Electoral Law and its implementation. Voter turnout was significantly lower in most urban areas than in rural areas. Centrist candidates with ties to major tribes dominate the Parliament.

Municipal elections in July 1999 featured the participation of the parties that had boycotted the 1997 parliamentary elections; however, low voter turnout necessitated a second day of balloting. The process generally was regarded as free and fair.

The so-called one-man, one-vote amendment to the Electoral Law was ratified by Parliament in 1997, nearly 4 years after it was first enacted by royal decree. The amendment allows voters to choose only one candidate in multiple-seat districts. In the largely tribal society, citizens tend to cast their first vote for family members, and any additional votes in accordance with their political leanings. The amendment also limits representation in the largely Palestinian urban areas. As a result, the amendment in practice also has tended to limit the chances of other non-tribal candidates, including women, Islamists, and other opposition candidates to be elected.

The next parliamentary elections are scheduled to be held in 2001. The Islamic Action Front publicly declared that it would boycott the elections absent significant changes in the one-man, one-vote amendment to the Electoral Law.

Women have the right to vote, and women's groups encourage women to vote and to be active in the political process; however, they are underrepresented at the national and local level. There is one female minister and two female senators, but no women hold seats in the Chamber of Deputies.

Of the 80 seats in the lower house, 9 are reserved for Christians, 6 for Bedouins, and 3 for the Circassian or Chechen ethnic minorities.

The Palestinian community, estimated to account for more than half of the total population, is not represented proportionately in the Government and legislature. Nine of 28 ministers, 6 of 40 senators, and 11 of 80 lower house deputies are of Palestinian origin. There also are no Palestinians in any of the 12 governorships throughout the country. The electoral system gives greater representation to areas that have a majority of inhabitants of non-Palestinian origin.

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

Domestic and international human rights groups investigate allegations of human rights abuses and publish and disseminate findings critical of government policy. However, the Press and Publications Law has restricted the publication of information about the military and security services, which, in effect prevented the publication by domestic groups of reports alleging torture and other abuses committed by the security services. The 1999 amendments to the Press and Publications Law removed these specific restrictions, but restrictions still exist in the Penal Code and other legislation (see Section 2.a.).

The local chapters of the Arab Organization for Human Rights (AOHR), the Jordanian Human Rights Organization (JHRO), and the JSCR are registered with the Government. The groups drew public attention to alleged human rights abuses and a range of other political issues. They also have pressed the Government either to bring formal charges against political detainees or to release them promptly. The AOHR and the JSCR assert that the Government responds to only about 10 and 20 percent respectively of the complaints that they submit on behalf of individuals who allegedly were subjected to human rights violations by the authorities. However, the JSCR reported that the Government generally supported public workshops that it held in which citizens discussed their viewpoints on sensitive social and polit-

ical topics. Local nongovernmental organizations (NGO's) are not permitted to receive funds from foreign sources, and some NGO workers reported that they feared they would be accused of accepting illegal funds from abroad. In June the Jordan Bar Association (JBA) accused Asma Khadar of the Mizan Group, a local NGO, of accepting foreign funds and threatened to close the organization and disbar her. The JBA did not file formal charges against Khadar or close the Mizan Group and the case was considered closed by year's end.

The Government generally cooperates with international NGO's. The ICRC usually is permitted full and unrestricted access to detainees, including those held by the GID and the military intelligence directorate (see Section 1.c.).

In March the Government formed the new Royal Commission for Human Rights, which is chaired by Queen Rania. The mandate of the Commission is to present recommendations on reforming current laws and practices to King Abdullah and to institutionalize human rights in the country. In November the Commission sponsored two human rights awareness seminars with police and judicial officials in Amman and Aqaba. Members of the Commission also intervened in a number of individual cases of alleged human rights violations throughout the year.

The Government also established the National Team for Family Protection and the Child Protection Center during the year (see Section 5). The Government controls the Parliamentary Public Freedoms Committee, the Ombudsman, and the Human Rights Office at the Prime Ministry.

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

The law does not distinguish between citizens on the basis of race; however, women, minorities, and others are treated differently under the law and face discrimination in employment, housing, and other areas.

Women.—Violence against women is common. Reported incidents of violence against women do not reflect the full extent of the problem. Medical experts acknowledge that spousal abuse occurs frequently. However, cultural norms discourage victims from seeking medical or legal help thus making it difficult to assess the extent of such abuse.

Abused women have the right to file a complaint in court against their spouses for physical abuse but in practice familial and societal pressures discourage them from seeking legal remedies. Marital rape is not illegal. NGO's, such as the Jordanian Women's Union, which has a telephone hot line for victims of domestic violence, provide assistance in such matters. Wife battering technically is grounds for divorce, but the husband may seek to demonstrate that he has authority from the Koran to correct an irreligious or disobedient wife by striking her.

The Criminal Code allows leniency for a person found guilty of committing a so-called "honor crime," a violent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct. Law enforcement treatment of men accused of "honor crimes" reflects widespread unwillingness to recognize the abuse involved or to take action against the problem. Twenty-one such murders were reported during the year in which the victims were strangled, stabbed, or shot several times. Human rights monitors believe that many more such crimes were committed but not documented as honor crimes. Moreover, most crimes of honor are not reported by the press. The actual number of honor crimes is believed to be significantly higher. One forensic medical examiner estimated that 25 percent of all murders committed in the country are honor crimes. The police regularly imprison women who are potential victims of honor crimes for their own protection. There were up to 40 women involuntarily detained in this form of "protective custody" during the year.

According to Article 340 of the Penal Code, a "crime of honor" defense may be invoked by a defendant accused of murder who "surprises his wife or any close female relative" in an act of adultery or fornication, in which case the perpetrator of the honor crime is judged not guilty of murder. Although few defendants are able to meet the stringent requirements for a crime of honor defense (the defendant personally must have witnessed the female victim engaging in sexual relations), most avoid trial for the crime of murder, and are tried instead on the charge of manslaughter; even those convicted of murder rarely spend more than 2 years in prison. (In contrast to honor crimes, the maximum penalty for first-degree murder is death, and the maximum penalty for second-degree murder is 15 years.) Such defenses also commonly rely on the male relative having acted in the "heat of passion" upon hearing of a female relative's alleged transgression, usually without any investigation on the part of the assailant to determine the veracity of the allegation before committing the assault. Defenses in such cases fall under Article 98 of the Penal Code. Women may not invoke these defenses for murdering a male relative under the

same circumstances, nor may they use them for killing men who attempt to rape, sexually harass, or otherwise threaten their honor.

On January 11, a 29-year-old woman, who was being treated for self-inflicted burns at a local hospital, was shot several times and killed by her 28-year-old brother in an "honor crime." An autopsy indicated that the woman was 6 months' pregnant at the time of her death. A criminal court originally sentenced the brother to death; however, the court subsequently commuted his sentence to 10 years in prison.

After being released from protective custody on bail posted by her uncle in April, 40-year-old Fathieh Mohammad reportedly was shot and killed by her father, who subsequently turned himself in to the police, stating that he had killed his daughter to "cleanse his honor." The police also apprehended one of Fathieh's brothers during the investigation and subsequently arrested both her father and brother for the crime. The case was pending at year's end.

In December police arrested a man for beating to death his 19-year-old sister in November for "reasons of honor." Police were investigating a second brother for his suspected involvement in the killing at year's end. Police exhumed the woman's body from a cemetery in which she was buried illegally. Medical tests proved that the victim had not engaged in sexual activity.

In February a criminal court sentenced Bassam Mahmoud to 15 years in prison with temporary hard labor for killing his sister in 1999 to "cleanse the honor." Mahmoud shot his 19-year-old sister Maysoon 21 times after bringing her home from the police station where she had been charged with "immoral" behavior. Following his sentencing, Mahmoud's family dropped all charges against him, and the court subsequently reduced his 15-year sentence by half.

Also in February, a tribunal of judges reduced the sentence against Samir Ayed, who in October 1999 had killed his sister in a "fit of fury" to "cleanse his honor," to 6 months in prison. Most activists believe that even if Article 340 were repealed, honor crimes likely would persist with sentences continuing to be reduced under Article 98.

In December 1999, the National Committee to Eliminate "Crimes of Honor" presented leaders of the upper and lower houses of the Parliament with a petition signed by 15,000 citizens demanding an end both to crimes of honor and the legislation that protects perpetrators of such crimes. In November 1999, the lower house rejected a government-supported amendment that would have eliminated Article 340; however, the upper house approved the same measure in December 1999. The amendment was returned to the lower house for reconsideration. In February the lower house again rejected the proposal to repeal Article 340.

In February the Government twice refused requests by human rights activists to hold demonstrations in protest of the lower house vote. However, on February 14, Prince Ali bin Hussein and Prince Ghazi bin Mohammed led more than 5,000 persons in a march on Parliament to demand the cancellation of Article 340. On the same day, the press reported that the Islamic Action Front (IAF) issued a fatwa stating that the cancellation of Article 340 would contradict Shari'a and would "destroy our Islamic, social, and family values by stripping men of their humanity when they surprise their wives or female relatives committing adultery." The Ministry of Interior denied permits for an IAF counterdemonstration, which drew protests from both sides of the debate (see Section 2.b.).

Women experience legal discrimination in matters of pension and social security benefits, inheritance, divorce, and the value of court testimony. A woman's testimony is worth only half that of a man (see Section 1.e.). The Government provides men with more generous social security benefits than women. The Government continues pension payments of deceased male civil servants to their heirs but discontinues payments of deceased female civil servants.

Under Shari'a as applied in the country, female heirs receive half the amount of a male heir's inheritance, and the non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. Men are able to divorce their spouses more easily than women. Marriage and divorce matters for Christians are adjudicated by special courts for each denomination (see Section 2.c.). Married women are ineligible for work in the diplomatic service, and, until recently, most women in the diplomatic corps automatically were assigned to administrative positions. There are six female judges in the country.

The law requires a married woman to obtain her husband's permission to obtain a passport (see Section 2.d.). Married women do not have the legal right to transmit citizenship to their children. Furthermore, women may not petition for citizenship

for their non-Jordanian husbands. The husbands themselves must apply for citizenship after fulfilling a requirement of 15 years of continuous residence. Once the husbands have obtained citizenship, they may apply to transmit the citizenship to their children. However, in practice such an application may take years and, in many cases, citizenship ultimately still may be denied to the husband and children. Such children become stateless and lack the rights of citizen children, such as the right to attend school or seek other government services.

Civil law grants women equal pay for equal work, but in practice this law often is ignored. Press and union leaders reported during the year that some employers in the private sector reportedly paid their female employees well under the legal minimum wage, despite the fact that the women were under contract. In January the Jordanian Food Industry Factory reportedly fired a group of 28 women after they demanded to be paid the legal minimum wage. The women reportedly blamed their union and the Ministry of Labor for their inability to protect workers (see Section 6.e.).

Social pressures discourage many women from pursuing professional careers. Nonetheless, women have employment opportunities in many professions, including engineering, medicine, education, the military, and law. Women constitute approximately 16.5 percent of the work force and 50 percent of university students. According to local NGO reports, while female employees hold approximately 52 and 39 percent of jobs in the education and health sectors respectively, they constitute only 7.5 percent of managerial posts and 10 percent of all jobs in the private sector. Women's groups stress that the problem of discrimination is not only one of law, but also of women's lack of awareness of their rights or unwillingness to assert those rights. The U.N. Food and Agriculture Organization reported in 1995 that women who work in agriculture average 15-hour days and earn less than men. The Jordanian chapter of the Business and Professional Women's Club gives seminars on women's rights and assists women in establishing small businesses. The chapter also provided several programs for potential female voters and candidates for the upcoming 2001 parliamentary elections. The University of Jordan launched a new graduate degree program in women's studies during the year to promote "objective awareness between the sexes." Members of the royal family work actively to improve the status of women.

Children.—The Government is committed to children's rights and welfare in the areas of education and health. However, government efforts in these areas are constrained by limited financial resources. Education is compulsory until the age of 16; however, no legislation exists to enforce the law or punish guardians for violating it, and children who do not attend school or attend infrequently are not considered truant. The law prohibits corporal punishment in schools; however, such punishment is known to occur. Since the beginning of the 1999–2000 school year, the Government has denied Iraqi children admittance to school unless they are legal residents of the country or recognized as refugees by the UNHCR (see Section 2.d.).

Educational development, quality, and the relevance of education to job market demand have been on the Government's agenda since 1985, with few concrete results to date. Because there are government-run primary schools in virtually every village, most students in the country have access to primary education. The Government also grants fee reductions and food and transportation supplements to families with many children or to very poor families in order to make education more affordable.

In March Queen Rania established the National Team for Family Protection (NTFP) to consolidate all issues concerning family safety. On August 20, the Government opened "Dar al Amman," the nation's first child protection center. The facility provides temporary shelter, medical care, and rehabilitation for children ages 6 to 12 years who have suffered abuse.

The Government attempts to safeguard some children's rights, especially regarding child labor. However, although the law prohibits most children under the age of 16 from working, child vendors work on the streets of Amman. The Ministry of Social Development has a committee to address the problem and in some cases removes the children from the streets, returns them to their families or to juvenile centers, and may provide the families with a monthly stipend. However, the children often return to the streets. Declining economic conditions have caused the number of these children to increase steadily over the last 10 years. Selling newspapers, tissues, small food items, or gum, these street vendors, along with the other children who pick through trash dumpsters to find recyclable cans to sell, sometimes are the sole source of income for their families.

Although the problem is difficult to quantify, social and health workers believe that there is a significant incidence of child abuse in families, and that the incidence of child sexual abuse is significantly higher than reported. The law specifies punish-

ment for abuses against children. Rape or sodomy of a child under 15 years of age carries the death penalty.

The Family Protection Unit of the Public Security Department (PSD) works with victims and perpetrators of domestic and sexual violence. The unit deals primarily with child and spousal abuse, providing multiple in-house services, including medical treatment for patients. The unit cooperates with police to apprehend perpetrators of domestic violence, facilitates participation in education and rehabilitation programs, and refers patients to other facilities.

Illegitimate children are entitled to the same rights under the law as legitimate children. However, in practice they suffer severe discrimination in a society that does not tolerate adultery or premarital sex. Most illegitimate children become wards of the State or live a meager existence on the fringes of society. In either case, their prospects for marriage and gainful employment are limited. Furthermore, illegitimate children who are not acknowledged legally by their fathers are considered stateless and are not given passports or identity numbers.

Students must obtain a good behavior certificate from the GID in order to qualify for admission under the university quota system. Activists reported that the GID sometimes withholds these certificates from deserving students reportedly due to a family member's allegedly problematic record.

Female Genital Mutilation (FGM), a procedure widely condemned by international health experts as damaging to both physical and psychological health, rarely is practiced. However, one southern tribe of Egyptian origin in the small village of Rahmah near Aqaba reportedly practices FGM. One local Mufti issued a fatwa stating that FGM "safeguards women's chastity and protects them against malignant diseases by preventing fat excretions." However, the Mufti also stated that as FGM is not a requirement of Islam, women who do not undergo this procedure should not be embarrassed.

People with Disabilities.—High unemployment in the general population restricts job opportunities for disabled persons, estimated by the Ministry of Social Development to number 250,000. Thirteen percent of disabled citizens receive monetary assistance from the Government. The Government passed legislation in 1993 requiring future public buildings to accommodate the needs of the disabled and to retrofit existing public buildings; however, implementation has been slow. During the year, the Greater Amman Municipality established a new Special Buildings Codes Department for Special Needs Citizens to enforce the implementation of the 1993 law. Since 1993 the Special Education Department of the Ministry of Social Development has enrolled approximately 11,000 mentally and physically disabled persons in public and private sector training courses. It has placed approximately 2,000 disabled persons in public and private sector jobs. The law requires that 2 percent of the available jobs be reserved for the physically disabled. Private organizations and members of the royal family actively promote programs to protect and advance the interests of the disabled.

Indigenous People.—The country's indigenous people, nomadic Bedouin and East Bank town dwellers, traditionally have been the backbone of popular support for the Hashemite monarchy. As a result, they generally have enjoyed considerable influence within the political system. They are represented disproportionately in senior military, security, and civil service jobs. Nevertheless, many Bedouin in rural areas are severely disadvantaged economically. Many persons of East Bank origin complain that the dynamic private sector largely is in the hands of the Palestinian majority.

Religious Minorities.—In general Christians do not suffer discrimination; however, there were some instances of official and societal discrimination during the year (see Section 2.c.). Christians hold government positions and are represented in the media and academia approximately in proportion to their presence in the general population. Baha'is face some societal and official discrimination. Their faith is not recognized officially, and Baha'is are classified as Muslims on official documents, such as the national identity card. Christian and Baha'i children in public schools are not required to participate in Islamic religious instruction.

National/Racial/Ethnic Minorities.—The Government granted citizenship to all Palestinians who fled to Jordan in the period after the 1948 Arab-Israeli war, and to a large number of refugees and displaced persons who arrived as a result of the 1967 war. However, most refugees who fled Gaza after 1967 are not entitled to citizenship and are issued 2-year passports valid for travel only. In 1995 King Hussein announced that West Bank residents without other travel documentation would be eligible to receive 5-year Jordanian passports.

However, the Government has emphasized that these passports are for travel only and do not connote citizenship (see Section 2.d.). Palestinians residing in Jordan, who make up more than half of the population, suffer discrimination in appoint-

ments to positions in the Government and the military, in admittance to public universities, and in the granting of university scholarships.

Section 6. Worker Rights

a. The Right of Association.—Workers in the private sector and in some state-owned companies have the right to establish and join unions. Unions must be registered to be considered legal. The law prohibits union membership for the country's approximately 1.5 million foreign workers. Over 30 percent of the work force are organized into 17 unions. Although union membership in the General Federation of Jordanian Trade Unions (GFJTU), the sole trade federation, is not mandatory, all unions belong to it. The Government subsidizes and audits the GFJTU's salaries and activities. Union officials are elected by secret ballot to 4-year terms. Although the Government cosponsors and approves the timing of these elections and monitors them to ensure compliance with the law, it does not interfere in the choice of candidates.

Labor laws mandate that workers must obtain permission from the Government in order to strike. Unions generally do not seek approval for a strike, but workers use the threat of a strike as a negotiating tactic. Strikes are prohibited if a labor dispute is under mediation or arbitration. If a settlement is not reached through mediation, the Ministry of Labor may refer the dispute to an industrial tribunal by agreement of both parties. The tribunal is an independent arbitration panel of judges appointed by the Ministry of Labor. The decisions of the panel are binding legally. If only one party agrees, the Ministry of Labor refers the dispute to the Council of Ministers and then to Parliament. Labor law prohibits employers from dismissing a worker during a labor dispute.

In April the Government refused a request by some 200 workers at the Jordan Telecommunication Company (JTC) to form their own union to safeguard their rights under the company's new privatized leadership. The Ministry of Labor justified the refusal by saying that the workers already were represented by the General Union for Public Workers, which includes artists, barbers, restaurant and hotel industry employees, and workers in social services.

In 1999 Pepsi-Cola Company fired 225 employees who staged an illegal strike. The Ministry of Labor intervened and the company reinstated 115 of the employees in 1999. Despite significant efforts by the Ministry of Labor and the Food Workers Union, the company rehired less than 10 percent of the remaining former employees during the year.

In January the Jordan Cable and Wire Company reinstated 20 of 220 workers that a labor court ruled were dismissed illegally in 1999. However, the company subsequently forced the employees to take a paid vacation and fired them again upon their return. No further action was taken during the year.

The GFJTU belongs to the Arab Labor organization, the International Confederation of Arab Trade Unions, and to the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—Unions have, and exercise, the right to bargain collectively. The Constitution prohibits antiunion discrimination, but the ICFTU claims that the Government does not protect adequately employees from antiunion discrimination and that the Government has dismissed public-sector employees for political reasons. Workers may lodge complaints of antiunion discrimination with the Ministry of Labor, which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of antiunion discrimination lodged with the Ministry of Labor during the year. The national labor laws apply in the free trade zones in Aqaba and Zarqa. Private sector employees in these zones belong to one national union that covers both zones and have the right to bargain collectively.

c. Prohibition of Forced or Compulsory Labor.—The Constitution forbids compulsory labor except in a state of emergency such as war or natural disaster, and it generally is not practiced; however, foreign domestic servants often are subject to coercion and abuse and in some cases work under conditions that amount to forced labor (see Section 6.e.). The law does not prohibit specifically forced or compulsory labor by children; however, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor law forbids children under the age of 16 from being employed, except as apprentices, and prohibits children under the age of 17 from working in hazardous jobs, including at restaurants, night clubs, and jobs involving heavy machinery and toxic materials. Children under the age of 18 may not work for more than 6 hours continuously, may not work between the hours of 8 p.m. and 6 a.m., and may not work during weekends, religious celebrations, or national holidays. Provisions in the labor laws do not extend to the informal sector, which consists of agriculture, domestic

labor, and family businesses. The law does not specifically prohibit forced or bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

In late 1999, the Ministry of Labor established a new division to deal with issues of child labor. The division was established to receive, investigate, and address child labor complaints and related issues; however, it was not staffed adequately by year's end. The Government also did not provide training for government officials who are responsible for enforcing child labor laws. All child labor enforcement responsibilities rest in the hands of 85 Ministry of Labor inspectors. According to the law, employers that hire a child under the age of 16 must pay a fine ranging from \$140-\$710 (100-500 dinars). The fine is doubled if the offense is repeated. However, the Government did not enforce laws regarding child labor during the year. Government officials claim that if children are barred from working in practice, they will lose important income on which their families depend, and may turn to more serious violations of law, such as drug trafficking and prostitution, for income.

Basic education is free and compulsory for 10 scholastic years for citizens from the ages of 6 to 16. However, there are no provisions to enforce the law or punish guardians for violating it (see Section 5).

The Government ratified International Labor Convention 182 on Elimination of the Worst Forms of Child Labor; however, it has not provided adequate financial support to implement its provisions. Nonetheless, government policy has facilitated the work of NGO's in this area. The Ministry of Social Development has programs to improve conditions for indigent children and to rehabilitate children who have committed petty crimes, who constitute a segment of working children. There are no specific mechanisms for receiving, investigating, and addressing child labor complaints relating to allegations of the worst forms of child labor.

The Ministry of Labor in conjunction with the National Task Force on Children and approximately 50 other local NGO's, developed a National Plan of Action (NPA) and adopted it in a national workshop held in 1998. The Ministry of Labor subsequently established a child labor unit in late 1999, which is responsible for conducting national research on child labor, adopting both preventative and remedial measures, developing a database on child laborers and their families, and training and monitoring Ministry of Labor inspectors about child labor issues. The Ministry began implementing some of the provisions of the NPA; however, the pace has been slow due to financial and logistical difficulties.

Anecdotal evidence suggests that child labor, especially of child street vendors is more prevalent now than it was 10 years ago due to declining economic conditions (see Section 5).

e. Acceptable Conditions of Work.—The national minimum wage is \$114 (80 dinars) per month for all workers except domestic servants, those working in small family businesses, and those in the agricultural sector. Workers earning the minimum wage find it difficult to provide a decent standard of living for their families. The Government estimates that the poverty level is at a monthly wage of about \$125 (89 dinars) per month for a family with 7.5 members. A study completed by the Ministry of Labor in July 1999 found that 18.7 percent of the population live at or below the poverty level; 1.5 percent live in "abject" poverty, defined by the Government as \$58 (40.5 dinars) per month for a family with 7.5 members. The Government provides minimal assistance to at least 45,000 indigent families.

The law prohibits most workers from working more than the customary 48 hours per week. Hotel, restaurant, and cinema employees may work up to 54 hours per week; the law requires overtime payment for hours in excess of the standard workweek. Workers may not work more than 16 hours in any continuous period or more than 60 hours of overtime per month. Employees are entitled to 1 day off per week.

Labor law does not apply to the agricultural sector, small family businesses, or domestic servants. Domestic servants do not have a legal forum to address their labor grievances and have no standing to sue in court for nonpayment of wages. Abuse of domestic servants, most of whom are foreign, is widespread. Imprisonment of maids and illegal confiscation of travel documents by employers is common. Complaints of beatings, insufficient food, and rape generally are not reported to officials by victims, who fear losing their work permits and being returned to their country. Domestic servants generally are not given days off and frequently are called upon to work at any hour of the day or night.

In February the Ministry of Labor announced that it would require Egyptian workers to obtain work permits approved by the Governments of both Egypt and Jordan, and that the Government would start applying "more humane" criteria when deciding whether to deport Egyptian workers.

The law specifies a number of health and safety requirements for workers, including the presence of bathrooms, drinking water, and first aid equipment at work sites. The Ministry of Labor is authorized to enforce health and safety standards.

The law does not require employers to report industrial accidents or occupational diseases to the Ministry of Labor. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in women; however, the practice is not known to occur. A 1926 law specifically prohibits trafficking in children. There were no reports that persons were trafficked in, to, from, or within the country.

KUWAIT

Kuwait is a constitutional, hereditary amirate ruled by princes (Amirs), drawn from the Al-Sabah family. The Al-Sabahs have governed the country in consultation with prominent commercial families and other community leaders for over 200 years. The 1962 Constitution provides for an elected national assembly and details the powers of the Government and the rights of citizens, although it also permits the Amir to suspend any or all of its provisions by decree. Although the Amir suspended constitutional provisions from 1976–81 and from 1986–92, since the 1992 elections when the National Assembly resumed functioning, he has not taken this step. In May 1999, the Amir dissolved a gridlocked Parliament. This was followed by constitutionally mandated elections, which took place in July 1999. The election campaign generally was considered to be free and fair; however, there were some problems. Moreover only 14.5 percent of citizens (males over the age of 21) have the right to vote. The Constitution and law provide for a degree of judicial independence; however, the Amir appoints all judges, and renewal of most judicial appointments is subject to government approval.

The national police, the Criminal Investigation Division (CID), and Kuwait State Security (KSS) are responsible for internal security under the supervision of civilian authorities of the Ministry of Interior. Members of the security forces committed a number of human rights abuses.

With large oil reserves the economy is highly dependent on its energy sector. The Government owns the Kuwait Petroleum Corporation and, despite its stated emphasis on an open market, it dominates the local economy through direct expenditures and government-owned companies and equities. The Government has initiated a program of disposing of its stock holdings in private companies. According to government statistics, 93 percent of the indigenous work force is employed in the public sector, while foreigners constitute 98 percent of the private sector workforce. Citizens enjoy one of the highest standards of living in the world, and receive subsidized housing, childcare, food allowances, and free education. Foreign workers receive none of these benefits, and domestic servants and unskilled workers often live in poor conditions. During the October 1999 to 2000 fiscal year (FY), the country's estimated per capita gross domestic product was \$13,176 (4,005 dinars), 14 percent more than FY 1999. The increase reflects the significant rise in oil revenues due to higher world oil prices. The estimated 1999–2000 budget deficit was \$6.8 billion. For the current FY the budget surplus is estimated at \$3 billion.

The Government generally respected the human rights of its citizens in many areas; however, its record was poor in some significant areas. Citizens cannot change the head of state. Although under the Constitution the National Assembly must approve the Amir's choice of Crown Prince (that is, the future Amir), this authority is limited; if the National Assembly rejects the Amir's nominee, the Amir then submits three names from which the assembly must choose the new Crown Prince. The Crown Prince appoints the members of the Government. However, the elected National Assembly has demonstrated significant ability to influence or overturn decisions of the Government and has on occasion removed ministers through votes of no confidence or by forcing ministers to resign. The Government bans formal political parties, and women do not have the right to vote or seek election to the National Assembly. A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes. Some police and members of the security forces abuse detainees during interrogation. Prisons remain overcrowded; however, the Government continued its renovation of existing facilities and construction of a new maximum security prison. The judiciary is subject to government influence, and a pattern of bias against foreign residents exists. The Government infringes on citizens' privacy rights in some areas. Security forces occasionally monitor the activities of individuals and their communications. Men must obtain government approval to marry foreign-born women. The Government uses threats to induce informal censorship, and journalists practice self-censorship. The Government restricts freedom of assembly and association. The Government places some limits on freedom of religion

and movement. Deportation orders may be issued by administrative order, and over 250 potential deportees are estimated to be held in detention facilities, some for up to 3 to 6 months. Violence and discrimination against women are problems. Discrimination against noncitizens persists. The Government restricts some worker rights. The Labor Law does not protect domestic servants regardless of citizenship, and their situation worsened during the year. Unskilled foreign workers suffer from the lack of a minimum wage in the private sector, from failure to enforce the Labor Law, and at times physical abuse; some work under conditions that, in effect, constitute indentured servitude. The Government acknowledges that a serious problem exists in the case of the "bidoon," Arabs who have residency ties to the country—some going back for generations, some for briefer periods—but who claim to have no documentation of their nationality. There are an estimated 110,000 bidoon in the country, down from a pre-Gulf War level of 220,000. In June the National Assembly passed a law requiring that bidoon register with the Government to begin a process in which some could be documented as citizens. Those who failed to register would be considered illegal residents. However, only 8,000 bidoon registered by the cutoff date (in addition to the 36,000 who registered during a 1965 census). The Government maintains that many bidoon are concealing their true nationality. It reports that 12,000 were documented during the year as nationals of other states, primarily Syria and Saudi Arabia. The Government stated that it would take punitive action against those who did not rectify their stateless status by the deadline, and the number of bidoon purchasing fraudulent passports reportedly is on the rise.

The country suffered under Iraqi occupation from August 1990 to February 1991, when an international coalition expelled Iraqi forces. Many human rights violations committed by the Iraqi army during this period remain unresolved, particularly the fate of 608 citizens and other residents taken by Iraq and still unaccounted for.

Executive and legislative leaders continued to strengthen political institutions by resolving major disagreements within the framework of the Constitution and without recourse to extrajudicial measures.

RESPECT FOR HUMAN RIGHTS

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

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

There were no developments in the investigations into the extrajudicial killings that occurred during the chaotic period after the country's liberation in February 1991.

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

According to the International Committee of the Red Cross (ICRC), Iraqi authorities have not accounted for 608 citizens and other residents of the country taken prisoner during Iraq's occupation. There has been no significant development since 1994 in these disappearance cases. The Government of Iraq has refused to comply with U.N. Security Council Resolution (UNSCR) 687, which stipulates the release of detainees. In 1999 Iraq ceased its participation in ICRC-sponsored talks on their fate. It has refused to cooperate with the U.N. Secretary General's high-level representative, Yuli Vorontsov, who was appointed in February, under UNSCR 1284, to report on compliance by Iraq with its obligations regarding these cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, there continue to be credible reports that some police and members of the security forces abuse detainees during interrogation. Reported abuses include blindfolding, verbal threats, stepping on toes, and slaps and blows. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens.

The Government states that it investigates all allegations of abuse and that it has punished at least some of the offenders. However, the Government does not make public either the findings of its investigations or what, if any, punishments are imposed. This omission creates a climate of seeming impunity, which diminishes deterrence against abuse.

Defendants have the right to present evidence in court that they have been mistreated during interrogation. However, the courts frequently dismiss abuse complaints because defendants are unable to provide physical evidence of abuse. Members of the security forces routinely do not reveal their identity during interrogation, a practice that further complicates confirmation of abuse.

Prison conditions, including conditions for those held for security offenses, meet minimum international standards in terms of food, access to basic health care, scheduled family visits, cleanliness, and opportunities for work and exercise. Continuing problems include overcrowding and the lack of specialized medical care. Ap-

proximately 1,700 men and 250 women are serving sentences or awaiting trial in the central prison. In March the Talha deportation center formally was reconstituted as a minimum security prison and now holds approximately 900 persons who have been convicted of financial or traffic crimes. Although Talha is no longer a deportation holding facility, deportees also are held there occasionally. Unlike in the past, there have been no reports of mistreatment of prisoners at Talha since its reopening. An estimated additional 250 prisoners were being held at the deportation facility in Shuwaikh; some of these detainees have been held for up to 3 to 6 months (see Section 1.d.).

In March a new government directive was issued, which has improved prison conditions throughout the system. Following its provisions, the director of prisons increased prison staffing, ensured the steady progress of renovations at the central prison, and accelerated the construction of a new maximum-security prison. He also created a drug rehabilitation program for inmates. Drug-related offenders make up the majority of the prison population.

The National Assembly's Human Rights Committee closely monitored prison conditions throughout the year, and the Government allowed the ICRC access to all detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for freedom from arbitrary arrest and detention; however, the Government occasionally arrests and detains persons arbitrarily. There also were incidents of prolonged detention.

In general police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (see Section 1.f.), although in misdemeanor cases the arresting officer may issue them. Security forces occasionally detain persons at checkpoints in Kuwait City (see Section 2.d.).

Under the Penal Code, a suspect may not be held for more than 4 days without charge. Security officers sometimes prevent families from visiting detainees during this confinement. After 4 days, prosecutors must either release the suspect or file charges. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial.

During the 1999 election campaign, five parliamentary candidates were arrested and charged with slander against the Government. One of the candidates was sentenced to 6 months in prison (see Sections 2.a. and 3); the sentence was not carried out and all charges were dropped.

Of the estimated 2,200 persons serving sentences or being detained pending trial at the state security prison or state security detention facilities, approximately 60 are being held on security grounds, a 65 percent reduction from last year. The other security prisoners and detainees were released during the year after completing their sentences, or after being acquitted or pardoned.

Of the approximately 2,500 Egyptians arrested in the wake of the Kheitan riots in October 1999, all but 19 were released within a few days. The 19 were tried, with 18 of them being acquitted and 1 sentenced to deportation.

The Government may expel noncitizens (including bidoon, i.e., stateless residents of Kuwait, some of whom are native born or long-term residents), if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. There are approximately 100 bidoon and foreigners held in detention facilities, some of them pending deportation. Some detainees have been held for up to 3 to 6 months. Many deportation orders are issued administratively, without the benefit of a trial. However, the Government does not return deportees to their countries of origin forcibly, allowing those who object to remain in detention. This practice leads to prolonged detention of deportees, particularly Iraqis, who do not wish to return to their own countries. It also plays a role in the complex problem faced by bidoon deportees, who essentially remain in detention because their stateless condition makes the execution of the deportation order impossible (see Sections 2.d. and 5).

The Talha deportation center, which had been criticized in previous years by human rights groups, formally was reconstituted as a minimum security prison in March. There were no allegations of the prolonged detention of deportees in the facility during the year (see Section 1.c.).

The law protects citizens from exile, and there were no reports of this practice.

e. Denial of Fair Public Trial.—The Constitution provides for the right to a fair trial and states that "judges shall not be subject to any authority;" however, the Amir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, the majority of judges are noncitizens. These noncitizen judges work under 1- to 3-year renewable contracts, which undermines their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved

in legal disputes with citizens frequently complain that the courts show a bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to courts of their respective branches for family law cases. A Shi'a appellate court was established this year. In the secular courts no groups are barred from testifying; however, in all three court systems the testimony of one man is equal to the testimony of two women.

Defendants have the right to confront their accusers and appeal verdicts. The Amir has the constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. In misdemeanor cases, defendants have the right to waive the presence of legal counsel, and the court is not required to provide counsel to indigent defendants.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeal, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeal may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was applied properly.

In January Alaa Hussein, head of the Iraqi-installed "provisional" government during the occupation returned to the country of his own volition to stand trial. A military court had sentenced him to death in absentia in 1993. In May a court upheld his conviction for treason, as well as his death sentence. Hussein's trial received extensive media attention and appears to have been conducted in a fair and open manner. If the verdict stands after the case completes the appeals process, the Amir must ratify the execution or chose to commute the sentence. The appeals process was still underway at year's end.

In January a court found two authors guilty of writing obscene, blasphemous books in a case brought by anonymous citizens (see Section 2.a.).

There were no reports of political prisoners. The Government continues to incarcerate 27 residents (10 Iraqis, 12 bidoon, 2 citizens, 2 Palestinians, and 1 Syrian) convicted of collaboration with Iraq during the 1990-1991 occupation. During the year, 19 Iraqis, 5 bidoon, and 2 Palestinians who had been held on the same charge were released by Amiri pardon. By law such collaboration is considered a felony. Most of the persons convicted in the Martial Law Court in 1991, and the Special State Security Court, which was abolished in 1995, did not receive fair trials. Amnesty International faulted the trials in general, and particularly noted the absence of any right of appeal of the verdicts. In 1999 the Amir pardoned the remaining eight Jordanians convicted by the martial law and state security courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for individual privacy and sanctity of the home, and the Government generally respects these rights in practice; however, the law, which generally requires police to obtain a warrant to search both public and private property, provides for a warrantless search if alcohol or narcotics are suspected on the premises or if police are in hot pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the State Prosecutor or, in the case of searches of private property, from a judge. The security forces occasionally monitor the activities of individuals and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires men to obtain government approval to marry foreign-born women. Although the Government may advise men against marriage to a foreign national, there are no known cases of the Government refusing permission for such marriages. The Government advises women against marrying foreign nationals (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, printing, and publishing "in accordance with the conditions and manner specified by law," and, with a few exceptions, citizens are free to criticize the Government at public meetings and in the media; however, journalists practice self-censorship. Several laws empower the Government to impose restrictions on freedom of speech and the press. The effect of these laws diminished during the year as court cases overruled punitive sentences that accompanied earlier convictions. The Government, through the Ministry of Information, practiced informal censorship by placing pressure on individual publishers and editors believed to have "crossed the line" in attacking government policies and discussing issues deemed offensive to Islam, tradition, or the interests of the State.

Newspapers are privately owned and free to publish on many social, economic, and political issues and frequently criticize government policies and officials, including the Crown Prince/Prime Minister.

The Government ended prepublication censorship in 1992, but journalists still censor themselves. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other states, and material that serves to "attack religions" or "incite people to commit crimes, creates hatred, or spreads dissension among the populace."

In order to begin publication of a newspaper, the publisher must obtain an operating license from the Ministry of Information. Publishers may lose their license if their publications do not appear for 6 months. This 6-month rule prevents publishers from publishing sporadically—it is not used to suspend or shut down existing newspapers. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. The Government does not censor foreign journalists and permits them open access to the country.

In February the Government threatened to shut down two newspapers. Al-Siyassa and Al-Watan were charged with publishing false information in an article about the Amir's decision regarding salaries for security services personnel, which embarrassed the Amir. The managing editor of Al-Siyassa was detained for 1 week, although never formally charged. The Cabinet ordered the cancellation of both newspapers' licenses and suspension of publication for 2 years. After significant public criticism, particularly from the National Assembly, the Government decided not to shut down the papers or penalize them further. The crisis led to the resignations of the Cabinet (none were accepted) and to proposals by members of the National Assembly to amend the article of the Constitution that permits the Government to suspend publication without review by the Assembly or the courts. No action was taken to amend the article by year's end.

The law requires jail terms for journalists who ridicule religion (see Section 2.c.). In contrast to prior years, there were no prosecutions of print or broadcast journalists. There were two prosecutions of individuals related to book publications. Under the law, any citizen may initiate a court case against an author if the citizen deems that the author has defamed Islam, the ruling family, or public morals. Often these court cases are brought for political reasons. In January in separate cases brought by anonymous citizens, a court found two female authors, Leila Al-Othman and Alia Shuaib guilty of writing "obscene and blasphemous" books. The books had been published years ago. Both authors were sentenced to 2 months in prison or a \$160 (50 dinar) fine. An appeals court overturned Shuaib's conviction in March and changed Al-Othman's sentence to a \$3,000 fine (912 dinars) and also fined her publisher \$3,000 (912 dinars) (see Section 1.e.).

During the 1999 election campaign, five parliamentary candidates were arrested and charged with slander against the Government. One of the candidates was sentenced to 6 months in prison, but the sentence was not carried out, and charges against all five were dropped (see Sections 1.d. and 3).

The Government owns and controls the radio and television companies. Satellite dishes are widely available, and citizens with such devices are free to watch all available programming. In September state-owned Kuwait TV stopped telecasting certain women's Olympic sports, including synchronized swimming and gymnastics, after an Islamist National Assembly member criticized the station for showing "immoral and pornographic" sports and called on the Ministry of Information officially to censor the Olympics. The Olympics continued to be broadcast in their entirety on cable and satellite stations.

The Ministry of Information censors all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. While the Ministry announced plans to censor the Internet, the methods of enforcement and technical issues are still to be worked out. Internet providers and web sites practiced self-censorship. The Ministry has censored political topics as well and does not grant licenses to magazines with a political focus. The General Organization of Printing and Publishing controls the publication and distribution of informational materials.

There is no government censorship of university teaching, research, or publication. However, academics are subject to the same restraints as the media with regard to criticism of the Amir or Islam.

b. Freedom of Peaceful Assembly and Association.—The Constitution affirms the right to assembly; however, the Government restricts this right in practice. Public gatherings must receive prior government approval, as must private gatherings of more than five persons that result in the issuance of a public statement. Informal weekly, family-based, social gatherings of men, known as "diwanis" are protected by the Constitution. Practically every adult male, including the Amir, members of

the Government, and members of the National Assembly hosts or attends diwanias, at which every possible topic is freely discussed. The diwaniya system contributes to the development of political consensus and official decisionmaking. Women are not precluded from holding diwanias; however, such diwanias are uncommon. By tradition women are barred from male diwanias.

The Constitution affirms the right of association; however, the Government restricts this right in practice. The Government bans political parties. Several informal blocs, acting much like parties, exist and are active in the National Assembly. The Government has made no effort to constrain these groupings, which are organized on the basis of common ideological goals. Many may be categorized as "opposition" groups.

All nongovernmental organizations (NGO's) must obtain a license from the Ministry of Social Affairs and Labor. The Government uses its power to license as a means of political control. The Ministry has registered 52 NGO's, including professional groups, a bar association, and scientific bodies. These groups receive government subsidies for their operating expenses. Their members must obtain permission from the Ministry before attending international conferences. However, since 1985, the Ministry has issued only three new licenses. The Ministry has disapproved other license requests on the grounds that previously established NGO's already provide services similar to those proposed by the petitioners (see Sections 2.d. and 4).

In May 1999, in accordance with a 1993 decree that ordered unregistered NGO's to cease activities, the Government announced a crackdown on unlicensed branches of NGO's, whose activities it previously had overlooked, including unlicensed branches of Islamic charities, and required that they cease operations by mid-September 1999. No further action was taken pursuant to the announced crackdown (see Sections 2.c. and 4).

c. Freedom of Religion.—Islam is the state religion; although the Constitution provides for freedom of religion, the Government places some limits on this right. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, "provided that it does not conflict with public policy or morals." The Constitution states that Shari'a (Islamic law) is "a main source of legislation."

The procedures for registration and licensing of religious groups are unclear. The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Nevertheless in reality officially recognized churches must deal with a variety of government entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Kuwaiti Municipality (for building permits). While there reportedly is no official government "list" of recognized churches, seven Christian churches have at least some sort of official recognition that enables them to operate openly. These seven churches have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in the pastors and staff necessary to run their churches. Further by tradition three of the country's churches are widely recognized as enjoying "full recognition" by the Government and are allowed to operate compounds officially designated as churches: The Catholic Church (which includes two separate churches), the Anglican Church, and the National Evangelical Church of Kuwait (Protestant). The other four churches reportedly are allowed to operate openly, hire employees, invite religious speakers, etc., all without interference from the Government, but their compounds are, according to government records, registered only as private homes. The churches themselves appear uncertain about the guidelines or procedures for recognition. Some have argued that these procedures are purposely kept vague by the Government so as to maintain the status quo. All other churches and religions have no legal status but are allowed to operate in private homes.

The procedures for the registration and licensing of religious groups also appear to be connected with government restrictions on NGO's, religious or otherwise. In 1993 all unlicensed organizations were ordered by the Council of Ministers to cease their activities. This order has never been enforced; however, since that time all but three applications by NGO's have been frozen. There were reports that in the last few years at least two groups have applied for permission to build their own churches, but the Government has not yet responded to their requests. The Government's 1999 crackdown on unlicensed NGO's, including unlicensed branches of Islamic charities, ceased early in the year (see Sections 2.b. and 4).

Shi'a are free to conduct their traditional forms of worship without government interference; however, members of the Shi'a community have complained about the scarcity of Shi'a mosques due to the Government's slowness or failure to grant approval for the construction of new Shi'a mosques as well as the repair of existing mosques. The community was particularly critical in May when the municipality rejected a 9-year-old petition for construction of a Shi'a mosque in the Al-Qurain area.

Although the municipality apparently relented due to direct government intervention, there are still complaints about the lack of sufficient Shi'a mosques. There are approximately 30 Shi'a mosques compared with the 1,300 Sunni mosques in the country. However, Shi'a have noted some improvement in recent years in that a small number of approvals have been granted for the construction of Shi'a mosques.

Shi'a leaders also have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law. They also have expressed concern that certain pending proposed legislation within the National Assembly does not take beliefs specific to the Shi'a into account.

The Roman Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, Coptic Orthodox, and Greek Catholic Churches are able to operate freely on their compounds, holding worship services without government interference. These churches state that the Government generally has been supportive of their presence, even providing police security and traffic direction as needed. Other Christian denominations (including Mormons, Seventh-Day Adventists, Marthoma, and Indian Orthodox), while not recognized legally, are allowed to operate in private homes or in the facilities of recognized churches. Members of these congregations have reported that they are able to worship without government interference, provided that they do not disturb their neighbors and do not violate laws regarding assembly and proselytizing.

Members of religions not sanctioned in the Koran, such as Hindus and Buddhists, may not build places of worship, but are allowed to worship privately in their homes without interference from the Government.

The Government prohibits missionaries from proselytizing to Muslims; however, they may serve non-Muslim congregations. The law prohibits organized religious education for religions other than Islam, although this law is not enforced rigidly. Informal religious instruction occurs inside private homes and on church compounds without government interference. However, there were reports that government "inspectors" periodically visit public and private schools outside of church compounds to ensure that no religious teaching other than Islam takes place.

The Government does not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches do publish religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provide informal instruction to individuals interested in joining the clergy.

A private company, the Book House Company Ltd., is permitted to import significant amounts of Bibles and other Christian religious material—including, as of early in the year, videotapes and compact discs—for use solely among the congregations of the country's recognized churches. The Book House Company is the only bookstore that has an import license to bring in such materials, which also must be approved by government censors. There have been reports of private citizens having non-Islamic religious materials confiscated by customs officials upon arrival at the airport.

Although there is a small community of Christian citizens, a law passed in 1980 prohibits the naturalization of non-Muslims. However, citizens who were Christians before 1980 (and children born to families of such citizens since that date), are allowed to transmit their citizenship to their children.

According to the law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the wedding is to be legal in Kuwait. The law forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). A non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of any children.

The law requires jail terms for journalists who ridicule religion (see Section 2.a.). During the year, Islamists used this law to threaten writers with prosecution for publishing opinions deemed insufficiently observant of Islamic norms. In January the Kuwaiti Court of Misdemeanors found two female Kuwaiti authors, Alia Shuaib and Leila Al-Othman, guilty of writing books that were blasphemous and obscene. Shuaib and Al-Othman were sentenced to 2 months in prison which could be suspended upon payment of a \$160 (50 Kuwaiti dinars) fine. On March 26, a Kuwaiti appeals court acquitted Shuaib of the charges of blasphemy and publishing works that ridicule religion. Al-Othman's conviction of using indecent language was upheld. The court's judgments represented the latest in a series of cases brought by Islamists against secular authors. The court did not provide explanations for its rulings (see Sections 1.e. and 2.a.).

Early in the year, a Vatican representative arrived in the country to establish a permanent mission. The mission, which currently is headed by a charge d'affaires

who temporarily resides at the Roman Catholic Church, also is to represent Vatican interests in the smaller Persian Gulf States and Yemen. The Church views the Government's acquiescence to establishing relations with the Vatican as significant in terms of government tolerance of Christianity.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government places some limits on freedom of movement. Citizens have the right to travel freely within the country and to change their work place as desired. Unmarried women 21 years old and over are free to obtain a passport and travel abroad at any time. However, married women who apply for passports must obtain their husbands' signature on the application form. Once she has a passport, a married woman does not need her husband's permission to travel, but he may prevent her departure from the country by contacting the immigration authorities and placing a 24-hour travel ban on her. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. All minor children must have their father's permission to travel outside of the country. Citizens are free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints where they may detain individuals. The checkpoints are mainly for immigration purposes and are used to apprehend undocumented aliens.

The Government has the right to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The Government restricts the ability of members of NGO's to attend conferences abroad (see Sections 2.b. and 4). The Government severely restricts the ability of its bidoon population to travel abroad (see Section 5).

There were no credible reports during the year that the Government enforced the policy of prior years limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War.

While the Government permits the ICRC to verify if deportees object to returning to their countries of origin, it detains those with objections until they either change their minds or make alternative arrangements to travel to a third country (see Section 1.d.).

There is no legislation governing refugees, asylees, or first asylum, and no clear standard procedure for processing a person's claim to be a refugee. The Constitution prohibits the extradition of political refugees. The Government states that it does not deport anyone who claims a fear of persecution in their home country, but it often keeps such persons in detention rather than grant them permission to live and work in the country (see Section 1.d.). The U.N. High Commissioner for Refugees (UNHCR) maintains an office in the country and has access to refugees in detention. There were no reports of forced return of persons to countries where they feared persecution.

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

Citizens cannot change the head of state. Under the Constitution the National Assembly has a limited role in approving the Amir's choice of Crown Prince (that is, the future Amir). If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. Only about 14 percent of adult citizens have the right to vote. Women and citizens naturalized for less than 20 years may not vote or seek election to the National Assembly. Members of the armed forces, police, and other uniformed personnel of the Ministry of Interior are prohibited from voting or seeking election to the National Assembly.

Under the Constitution, the Amir holds executive power and shares legislative power with the National Assembly. The Prime Minister is appointed by the Amir and presides over a 16-member cabinet, which he chooses in consultation with the Amir. In accordance with the practice of the ruling family (but not specifically the Constitution), the Prime Minister always has been the Crown Prince. The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Amir dissolved the National Assembly from 1976–81, and in 1986 the Amir effectively dissolved the Assembly by suspending the constitutional provisions on the Assembly's election. The Assembly remained dissolved until 1992, when elections were held. Since 1992 the constitutional provisions with respect to the Assembly have been observed. The Constitution provides that cabinet members sit in the National Assembly and may vote on legislation. There are 50 elected National Assembly members. Members serve 4-year terms, and National Assembly elections have been held on schedule. Since the Government prohibits political parties, Assembly candidates must nominate themselves. Nonetheless informal political groupings are active in the Assembly. The Constitution empowers the National Assembly to overturn any

Amiri decrees made during the dissolution, and the Assembly has done so in some cases.

In May 1999, the Amir dissolved the National Assembly in response to the political gridlock that emerged between Parliament and the Government. Elections were held 2 months later as specified in the Constitution.

The 1999 election campaign generally was free and fair; however, there were some problems. Five parliamentary candidates were arrested and charged with unlawful slander against the Government. Four of those arrested received nominal fines, had their cases postponed, or were acquitted. While the candidates were not required to withdraw from the election, the fifth candidate withdrew, subsequently was convicted of the charges in July, and was sentenced to 6 months in prison. The sentence was not carried out (see Sections 1.d. and 2.a.).

In December a by-election was held to fill the seat of a deceased Assembly member. The election campaign was considered generally free and fair; however, there were allegations of vote buying.

In 1998 the National Assembly passed legislation that bans primaries previously conducted by religious sects and tribes. The National Assembly's objective in passing this legislation was to eliminate the process by which candidates were withdrawn from elections and votes concentrated on the remaining candidates from these groups.

Charges filed against several hundred citizens in the Government's attempt to enforce the ban on tribal primaries during the July 1999 elections were never brought to trial. During its fall session, the National Assembly declined to lift the parliamentary immunity of the two newly elected members the Public Prosecutor had sought to charge with violating the ban on tribal primaries.

Women are disenfranchised and have little opportunity to influence government. A May 1999 Amiri decree gave women the right to vote, to seek election to the National Assembly beginning with the parliamentary election scheduled for 2003, and to hold cabinet office. In November 1999, the Parliament vetoed the Amir's May decree on constitutional grounds. Shortly thereafter members of the Assembly introduced identical legislation, but it also was defeated. No new legislation has been introduced by either the Government or by Assembly members. Women do hold some relatively senior nonpolitical positions within some ministries.

Members of the Shi'a minority generally are underrepresented in high government positions. There is only one Shi'a member of the Cabinet, the Minister of Commerce. Of 50 National Assembly members, 6 are Shi'a, as is the armed forces chief of staff.

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

The Government continued its practice of preventing the establishment of new local human rights groups by not approving their requests for licenses (see Section 2.b.). Since 1985 the Government has issued only three licenses. The Government has refused other license request on the grounds that previously established NGO's already provide services similar to those proposed by the petitions. It also continued to limit the ability of NGO members to attend conferences abroad (see Sections 2.b. and 2.d.). Their members must obtain permission from the Government before attending international conferences.

The Government's 1999 crackdown on unlicensed NGO's, including unlicensed branches of Islamic charities, ended early in the year (see Sections 2.b. and 2.c.).

The Government permits international human rights organizations to visit the country and to establish offices. Several organizations conduct fieldwork and report excellent communication with and reasonable cooperation from the Government. The Government has cooperated fully in the work of the U.N. Special Rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of Kuwaitis missing in Iraq since the end of the Gulf War.

The National Assembly has an active Human Rights Committee, which takes testimony from individuals about abuses, investigates prison conditions, and makes nonbinding recommendations for redress. Despite its designation as an advisory body, the Human Rights Committee has shown that, in practice, it is able to mobilize government agencies to address egregious human rights problems.

In July the Government submitted its first periodic report on the implementation of the International Covenant on Civil and Political Rights. After reviewing the presentation, a U.N. Human Rights Committee report on July 28 noted 23 principal subjects of concern. In particular, it cited discrimination against women in voting, marriage, and nationality; a range of abuses against bidoon; and restrictions of freedom of expression and association. The Committee urged immediate steps to ensure that law and practice meet the standards required by the covenant.

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

The Constitution prohibits discrimination based on race, national origin, language, or religion. However, laws and regulations discriminate in some cases against women and noncitizens, who face widespread social, economic, and legal discrimination.

Women.—Violence against women is a problem. According to some local experts, domestic abuse of women occurs in an estimated 15 percent of all marriages. Each of the country's 50 police stations reportedly receives on average 1 to 2 complaints of spousal abuse each week, although this may be understated. Of the complaints received, approximately 60 percent involve spousal abuse of noncitizen women. The police and the courts generally seek to resolve family disputes informally and may ask the offending spouse to sign a statement affirming that he agrees to end the abuse. The police refer serious cases to the Psychiatric Department at the Ministry of Health. The courts have found husbands guilty of spousal abuse. "Honor" crimes occur very infrequently; there is no provision in the Criminal Code that allows for leniency in such cases. Rape and sexual assault remain a serious problem, particularly for foreign domestic servants or unskilled workers. There are no legally mandated restrictions on dress for women.

In April the Government arrested seven men for allegedly beating a 19-year-old woman for not wearing a "hijab" (head scarf). The Government acted quickly in bringing the seven men to trial, criticizing the assault as a vigilante action by extremists. The case prompted a lively debate in society and the press. Most citizens expressed outrage, viewing the attack as a direct assault on their personal freedoms, while Islamists urged against making hasty judgments. Conflicting versions of what exactly occurred and the motives involved emerged during the trial, and the criminal court acquitted the seven accused men in June, finding that there was insufficient evidence to convict them. In November the Court of Appeals overturned the acquittal of five of the seven, and sentenced four to 1-year imprisonment and ordered them to pay \$6,000 (2,000 dinars) each in compensatory damages. The fifth accused was ordered to pay \$3,000 (1,000 dinars) with no jail term.

In June the National Assembly passed a law requiring the segregation of sexes at private universities. A 1996 law already requires the Government to segregate by sex the state-run university by 2001.

Some employers physically abuse foreign women working as domestic servants, and there are continuing reports of rape of these women by male employers and male coworkers. The local press gives the problem considerable attention, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in unwanted pregnancies. Reportedly 12 domestic servants killed children fathered by employers soon after birth. Foreign-born domestic employees have the right to sue their employers for abuse, but few do so fearing judicial bias and deportation. In July the Government reduced the operations of a specialized police facility designated to investigate complaints and provide some shelter for runaway maids, which resulted in a further deterioration of conditions for domestic employees (see Sections 6.c. and 6.e.).

In May a Sri Lankan maid was beaten severely with a plastic water pipe, strangled with a wire, and repeatedly tortured with a hot iron, allegedly by a Kuwaiti couple who employed her. She had worked for this family for over a year, during which time she reported that her employers did not feed her regularly and withheld her salary. The maid suffered permanent damage to her face, neck, ears, and arms. The case had not yet gone to trial by year's end. The woman accused of the assault was being held in jail; her husband, a policeman, remains free.

In June five male citizens belonging to various state security organizations were arrested for the kidnap, rape, torture, and beating of four female domestic servants. The police seized videotapes of the crimes. The court hearing the case denied bail, and the five were awaiting trial at year's end.

In August the criminal court postponed hearing the case of an Indonesian domestic worker who was beaten to death with a vacuum cleaner by her female employer. The entire family admitted to regularly beating her with hard objects for several months. The Kuwaiti woman was being held in prison without bail at year's end.

The employers who beat to death their Sri Lankan maid in August 1999 remained in jail awaiting trial at year's end. The case of the Kuwaiti women charged in 1999 in the beating death of her Indian maid had not gone to trial by year's end.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country's embassy for repatriation or a change in employers (see Sections 6.c. and 6.e.).

Women continue to experience legal and social discrimination. Women are denied the right to vote (see Section 3). Their testimony is not given equal weight to that

of males in the courts (see Section 1.e.). Married women require their husbands' permission to obtain a passport (see Section 2.d.). By law only men are able to confer citizenship; therefore, children born to citizen mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (see Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

In February women attempted to register for the 2003 elections. Invoking the Government's denial of their registration attempt as a basis, women's suffrage supporters filed four court cases, three of which were rejected for "lacking seriousness." An administrative court referred the fourth case (filed by a male citizen) to the Constitutional Court, which refused it on procedural grounds for incorrectly framing the appeal. After the decision, First Deputy Premier and Foreign Minister Shaykh Sabah stated that he respected the court's verdict, but that the Government would still push for women's suffrage.

Women traditionally are restrained from choosing certain roles in society, and the law restricts women from working in "dangerous industries" and trades "harmful" to health. However, almost all citizens work for the state in office jobs, and women are allowed into most areas of the bureaucracy, including even oil well firefighting units. Educated women maintain that the conservative nature of society limits career opportunities. Nonetheless an estimated 33 percent of women of working age are employed. The law provides for "remuneration equal to that of a man provided she does the same work." This provision is respected in practice. Women work as doctors, engineers, lawyers, bankers, and professors. A few have been appointed to senior positions in the Ministry of Education, the Ministry of Planning, and the state-owned Kuwaiti Petroleum Corporation. There is one female ambassador and two female undersecretaries; however, there are no female judges or prosecutors.

In cases of divorce, the Government makes family entitlement payments to the divorced husband, who is expected by law and custom to provide for his children even though custody of minor children usually is given to the mother. The law discriminates against women married to foreign men. Such women are not entitled to government housing subsidies, which are available to male citizens. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead the law grants residency only if the husband is employed. By contrast male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Polygyny is legal and is more common among tribal elements of the population. A husband is obliged to inform his first wife that he is taking a second wife. The husband is obligated to provide the first wife a separate household if that is her preference. A first wife who objects to a second marriage may request a divorce, but the court's determination of divorce and child custody would be made on grounds other than the fact of the second marriage itself.

There are several women's organizations that follow women's issues, among the most active of which are the Women's Cultural and Social Society (WCSS) and the Women's Affairs Committee.

Children.—The Government is committed to the welfare of children. Both boys and girls receive a free education, which extends through the university level, including advanced degrees. The Government provides free health care and a variety of other services to all children. Citizen parents also receive a monthly government allowance for each child.

The marriage of girls under the age of 17 is uncommon among the urban population but remains a practice of the Bedouins in outlying areas.

There were cases of male youths, some as young as 8 years old, raped by men or gangs of other male youths.

There are reports of young boys, especially of South Asian origin, being used as camel jockeys (see Sections 6.c. and 6.d.).

There is no societal pattern of abuse of children.

People with Disabilities.—There is no institutionalized discrimination against disabled persons in employment, education, or in the provision of state services. Legislation passed by the National Assembly in 1996 mandates accessibility for the disabled to all public facilities, and provides an affirmative action employment program for the disabled. However, this law has not been implemented fully. The Government pays extensive stipends to disabled citizens, which cover transportation, housing, job training, and social welfare.

National/Racial/Ethnic Minorities.—The plight of the 110,000 bidoon remains a significant problem, and in June the Government instituted a new program to address the issue. The bidoon, a term meaning “without,” are Arabs who have residency ties to Kuwait—some going back for generations, some for briefer periods—but who have no documentation of their nationality. The bidoon have been the objects of harsh government policy since the mid-1980’s. Since 1985 the Government has eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and sought to deport many. In 1993 the Government decreed that bidoon males no longer would be allowed to serve in the military. Those presently in the armed forces are being replaced gradually. The Government does not issue travel documents to bidoon routinely, and if bidoon travel abroad without documentation, they risk being barred from returning to the country unless they receive advance permission from the immigration authorities. Marriages pose special hardships because the offspring of male bidoon inherit the father’s undetermined legal status.

In June the National Assembly passed a law requiring that bidoon register with the Government by June 27 to begin a process in which they could be documented as citizens. Those who failed to register would be considered illegal residents and subject to deportation. The law provides that up to 2,000 bidoon may be naturalized each year, but registration will not lead to citizenship for those who are judged to have insufficient ties to the country. Only 8,000 bidoon registered by the June 27 cutoff date, in addition to 36,000 who registered (or who are descended from those who registered) during a 1965 census. The Ministry of the Interior created an “Executive Committee in Charge of the Bidoon” to resolve the issue. The Government has yet to state the likely fate of the large majority of bidoon, who will be unable to provide documentation proving Kuwaiti nationality. The Government stated in March that it would take punitive action against those who do not rectify their status by the deadline. It maintains that many bidoon are concealing their true nationalities in order to remain in the country, become citizens, and enjoy the generous benefits provided to citizens. The Government has denied many bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers’ licenses, and has pressured employers not to hire bidoon. There were no reports during the year that the Government decided the nationality of any bidoon without a hearing.

The Government grants legal status and issues a residency visa to any bidoon who presents a passport, regardless of the country of issuance. This led some bidoon to acquire passports from countries with which they have no affiliation, but which have liberal “economic citizenship” programs, although this practice has declined sharply since 1997. The Government stated that 12,000 bidoon were documented during the year as nationals of other states, primarily Syria and Saudi Arabia. Once documented, bidoon are able to obtain residency permits and other official papers. However, there also are credible reports of government authorities encouraging bidoon to purchase counterfeit passports in order to establish a claim to an alternate nationality. Purchasing a fraudulent passport allows bidoon to receive a residency permit and other civil documents, to marry, and to work. However, the bidoon have problems obtaining visas to travel abroad on these passports, as they are easily detected as fraudulent, and they may have difficulty renewing these passports when they expire.

There were no credible reports during the year that the Government enforced the policy of prior years limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War. In prior years since the end of the Gulf War, government policy had targeted workers whose leaders supported Iraq, especially Palestinians, Jordanians, and Yemenis. The Government argued that during the Iraqi occupation, many of these workers’ governments sided with the Iraqi forces. The Government delayed or denied the issuance of work and residency permits to persons in these groups, and in many cases hindered those workers who were permitted to reside in the country from sponsoring their families to join them. Many of these nationals resorted to the purchase of third country passports in order to gain entry to, or legalize their status in, the country. A government policy to route the residency visas of these nationals through the State Security Service led to a sharp increase in renewal denials in the period immediately after the war (see Sections 1.d. and 2.d.). In 1999 diplomatic relations were restored with Yemen, Sudan, and Jordan; and subsequently these policies apparently were relaxed (see Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to join unions. Nonetheless, the Government restricts the right of freedom of association by stipulating that

there be only one union per occupational trade, and that unions may establish only one federation. The International Labor Organization (ILO) has long criticized such restrictions.

Approximately 50,000 persons, less than 5 percent of a total work force of 1,226,134, are organized into 14 unions, 12 of which are affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. The Bank Workers Union and the Kuwait Airways Workers Union consisting of approximately 4,500 workers, are independent of the KTUF. The law stipulates that any new union must include at least 100 workers, of whom at least 15 are citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and the domestic servant sector. Despite past draft proposals and KTUF complaints, no new labor law was enacted during the year.

The Government's pervasive oversight powers further erode union independence. The Government subsidizes as much as 90 percent of most union budgets, may inspect the financial records of any union, and prohibits any union from engaging in political or religious activities, which are vaguely defined. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals." Such a court decision may be appealed. The Amir also may dissolve a union by decree. By law the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The ILO has criticized this aspect of the law. Although no union has been dissolved, the law subordinates the legal existence of the unions to the power of the State.

According to government statistics, 997,338 foreign workers are employed in the country. They constitute over 80 percent of the work force but only 10 percent of the unionized work force. The Labor Law discriminates against foreign workers by permitting them to join unions only after 5 years of residence, although the KTUF states that this requirement is not enforced and that foreigners may join unions regardless of their length of stay. In addition the law stipulates that foreigners may participate in unions only as nonvoting members. Unlike union members who are citizens, foreign workers do not have the right to elect their leadership. The law requires that union officials must be citizens. The ILO has criticized the 5-year residency requirement and the denial of voting rights for foreign workers. The KTUF administers an Expatriate Labor Office, which is authorized to investigate complaints of foreign laborers and provide them with free legal advice. Any foreign worker covered under the Labor Law may submit a grievance to the Labor Office regardless of union status. However, such services are not utilized widely.

The law limits the right to strike. It requires that all labor disputes must be referred to compulsory arbitration if labor and management cannot reach a solution (see Section 6.b.). The law does not have any provision ensuring strikers freedom from any legal or administrative action taken against them by the State. However, the Ministry of Labor and Social Affairs has proved responsive to sit-ins or protests by workers who face obvious wrongdoing by their employers.

Unions may affiliate with international bodies. The KTUF belongs to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively, subject to certain restrictions (see Section 6.a.). These rights have been incorporated in the Labor Law and, according to all reports, have been respected in practice.

The Labor Law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most agreements are resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board, which is composed of officials from the High Court of Appeals, the Attorney General's office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employer. Technically, wages and conditions of employment for civil service workers are established by the Government, but in practice, the Government sets the benefit scales after conducting informal meetings with officials from the civil service unions. Union officials resolve most issues at the working level and have regular access to senior officials.

The Labor Law prohibits antiunion discrimination. Any worker who alleges antiunion discrimination has the right to appeal to the judiciary. There were no reports of discrimination against employees based on their affiliation with a union. Employers found guilty of antiunion discrimination must reinstate workers fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor “except in cases specified by law for national emergency and with just remuneration;” however, some foreign workers are treated like indentured servants (see Section 6.e.). The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

Foreign workers may not change their employment without permission from their original sponsors unless they have been in the country for over 2 years. Domestic servants are particularly vulnerable to abuses from this practice because they are not protected by the Labor Law. In many cases employers exercise control over their servants by holding their passports, although the Government prohibits this practice and has acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, live much like indentured servants. They frequently face poor working conditions and may encounter some physical abuse (see Sections 5 and 6.e.). Domestic servants who run away from their employers may be treated as criminals under the law. However, the authorities usually do not enforce this provision. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There are also credible reports of widespread visa trading, a system by which sponsors agree to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$1,800. Middlemen, generally foreigners, use the promise of Kuwaiti sponsorship to attract workers from economically depressed countries, taking a commission and remitting the rest to the nominal Kuwaiti sponsor. Once in the country, such workers are farmed out to the informal sector or find employment with parties that would otherwise be unable to sponsor them. Foreign workers who are recruited with these traded visas not only face possible prosecution for being engaged in illegal employment (i.e., working for an employer other than their sponsor), but also leave themselves extremely vulnerable to extortion by employers, sponsors, and middlemen. Government efforts to crack down on such abuses, such as by closing front companies for visa traders, have failed to realize significant progress. There are laws aimed at curbing visa trading, with penalties against both employers and visa traders, but the laws seldom are enforced. Visa trading has resulted in growing numbers of unemployed foreign workers who buy visas to enter the country and then cannot find work.

For over 10 years, the ILO has criticized a 1979 legislative decree, which requires prior authorization for public meetings and gatherings, and provides for a penalty of imprisonment including an obligation to work. The ILO also is critical of a 1980 legislative decree respecting security, order, and discipline aboard ships, breaches of which also may be punished by imprisonment with an obligation to work.

There are reports of young boys, especially of South Asian origin, being used as camel jockeys (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Education is compulsory for children between the ages of 6 and 15. The Government does not prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). There are reports of young boys, especially of South Asian origin, being used as camel jockeys (see Sections 5 and 6.c.). There also have been confirmed reports that some South Asian and Southeast Asian domestic servants are under age 18. Such underage workers reportedly falsify their ages in order to enter the country. Some small businessmen employ their children on a part-time basis.

Juveniles may work a maximum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

In August Kuwait ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An informal two-tiered labor market ensures high wages for citizen employees, most of whom are in government white collar or executive positions, while foreign workers, even those in skilled positions, receive substantially lower wages. There is no legal minimum wage in the private sector. In the public sector, the monthly minimum wage is approximately \$742 (226 dinars) for citizens and approximately \$296 (90 dinars) for noncitizens. The public sector minimum wage provides a decent standard of living for a worker and family. Wages of unskilled workers in the private sector do not always provide a decent standard of living. To be eligible to sponsor family members for residency, government workers must receive a minimum wage of \$1,350 (450 dinars) a month, and private sector workers must make at least \$2,135 (650 dinars) a month. The Council of Min-

isters approved a bill in August that would reduce this amount to \$1,350 (450 dinars) for all workers.

There are also credible reports of widespread visa trading, a system by which sponsors agree to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$1,800 (see Section 6.c.).

The Labor Law establishes general conditions of work for both the public and the private sectors, with the oil industry treated separately. The Civil Service Law also prescribes additional conditions for the public sector. The Labor Law limits the standard work week to 48 hours with 1 full day of rest per week, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. Domestic servants, who specifically are excluded from the private sector Labor Law, frequently work long hours, greatly in excess of 48 hours.

The ILO has urged the Government to extend the weekly 24-consecutive-hour rest period to temporary workers employed for a period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing work conditions are not applied uniformly to foreign workers.

Employers often exploit workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, live much like indentured servants, are unaware of their legal rights, and generally lack the means to pursue a legal remedy. They frequently face contractual disputes and poor working conditions, and may face physical and sexual abuse (see Sections 5 and 6.c.). Most are in debt to their employers before they arrive in the country and have little choice but to accept the employer's conditions, even if they contradict the contractual terms. It is not uncommon for wages to be withheld for a period of months, or to be decreased substantially. Many foreign workers are forced to live in "housing camps," which generally are overcrowded and lack adequate cooking and bathroom facilities. Workers are housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers are only allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment is limited, and, in some cases, employers' possession of foreign workers' passports allows them to exercise control over such employees (see Section 6.c.). Many foreign workers go heavily into debt and cannot afford to return home.

The Labor Law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). The KTUF administers an Expatriate Labor Office, which is authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services are not utilized widely. Any foreign worker may submit a grievance to the labor office regardless of union status.

The Labor Law provides for employer-provided medical care and compensation to workers disabled by injury or disease due to job-related causes. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Foreigners must pay high fees for medical care, both yearly and each time medical care is provided. Many employers deduct the medical fees from employees' salaries. Adequate and affordable health care remains a problem for many foreign workers. No health insurance system exists.

The Government has issued occupational health and safety standards; however, compliance and enforcement appear poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspects installations to raise awareness among workers and employers, and to ensure that they abide by the safety rules, control the pollution resulting from certain dangerous industries, train workers who use new machines in specialized institutes, and report violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection exists for workers who file complaints about such conditions.

As noted domestic servants are not covered under the Labor Law. Those who flee their employers may be treated as criminals, although the authorities usually do not prosecute them. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country. It is also a common practice for employers illegally to withhold their passports. Maids pay the same amount or more than unskilled or semi-skilled workers for visas to work in the country.

Runaway servants often seek shelter at their country's embassy for either repatriation or assistance in dealing with employers. The numbers in need of assistance increased substantially during the year as conditions for domestic employees worsened. Some embassies house runaway servants: The Sri Lankan Embassy has be-

tween 700–800 nationals in its care, the Indian Embassy 200, the Philippine Embassy 150, the Indonesian Embassy 100, and the Bangladeshi Embassy 60. The total of 1,300 represents an increase of 1,000 in the past year. Although most of these workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical and sexual abuse. The Sri Lankan, Indian, and Philippine Embassies all continue to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and not being fed regularly or enough. Each government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, without much result. In July the reduction of services provided by the police facility designated to mediate between embassies, domestic workers, and employers made it very difficult for domestics to file complaints, receive withheld salary, and reach settlement in cases of mistreatment. Domestic servants must now deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling their cases and often side with the employer (see Sections 5 and 6.c.).

Some countries either have warned their female citizens about such work conditions or banned them from working in the country as domestic servants. The Government of India officially banned its nationals from working in Kuwait as domestic employees, but Indian nationals still buy visas and enter Kuwait as domestic workers. Bangladesh has banned female domestic servants from working in Kuwait since 1998. In August the Egyptian Foreign Minister warned women seeking employment in all Persian Gulf countries to “exercise caution” and to avoid being forced into illegal activities.

The courts found in favor of the employee in an estimated 90 percent of the labor disputes they heard, but this success did not result in improved conditions for foreign workers. Currently, no legal mechanism exists for foreign workers to enforce settlements. There is no compulsion for employers to obey court rulings, and workers often did not receive court-ordered compensation. Employers also reportedly use illegal methods to pressure foreign employees to drop cases against them, such as withholding their passports, police intimidation and brutality, and filing criminal charges against them for theft and other crimes.

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

LEBANON

Lebanon is a parliamentary republic in which, based on the unwritten “National Pact of 1943” the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi’a Muslim. President Emile Lahoud took office in 1998 after an election heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In parliamentary elections in August and September, former Prime Minister Rafiq Hariri defeated incumbent Salim Al-Hoss. President Lahoud named Hariri Prime Minister in October. According to international observers, the elections were flawed and the outcome was heavily influenced by the Syrian Government; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. The judiciary is independent in principle; however, it is subject to political pressure.

Non-Lebanese military and paramilitary forces control much of the country. Approximately 25,000 Syrian troops are stationed in locations throughout the country, excluding the south. In addition, several armed Palestinian factions are located in refugee camps, although their freedom of movement is restricted significantly. The contingent of approximately 2,000 Israeli army regulars and 1,500 Israeli-supported militiamen that had controlled parts of the south withdrew from the region completely by May. All undermined the authority of the central Government and interfered with the application of law in the patchwork of areas not under the Government’s control. In 1991 the Governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. However, an undetermined number of Syrian military intelligence personnel in the country continue to conduct their activities independently of the agreement.

In 1989 the Arab League brokered a peace settlement at Taif, Saudi Arabia, to end the country’s civil war. According to the Taif Accord, the Syrian and Lebanese Governments were to determine the redeployment of Syrian troops from their position in Lebanon’s coastal population areas to specified areas of the Biqa’ Valley,

with full withdrawal contingent upon subsequent agreement by both Governments. The Syrian Government has not carried out this partial redeployment, and strong Syrian influence over Lebanese politics and decisionmakers makes officials unwilling to press for a complete withdrawal. Since the Taif Accord was signed, no government has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria does not reflect the will of most of the country's citizens.

Until May Israel exerted control in or near its self-proclaimed "security zone" in the south through direct military action and support for its surrogate, the South Lebanon Army (SLA). With the tacit support of the Government, the Iranian-backed Shi'a Muslim faction Hizballah, and, to a much lesser extent, the Lebanese Shi'a group Amal and some Palestinian guerrillas were locked in a cycle of attack and counterattack with Israeli and SLA troops. In May after 22 years of occupation, Israeli Defense Forces (IDF) troops withdrew from the south and West Bq'a, and the SLA disbanded. Following the withdrawal, the Government deployed over 1,000 police and soldiers to the former security zone. After the withdrawal, Hizballah guerrillas maintained observation posts and conducted patrols along the border with Israel. The United Nations Interim Forces in Lebanon (UNIFIL) also increased its area of operations following the Israeli withdrawal. Palestinian groups operate autonomously in refugee camps throughout the country. The Government did not attempt to reassert state control over the Palestinian camps or to disarm Hizballah.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforces laws, conducts searches and arrests, and refers cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collect information on groups deemed a possible threat to state security. The Surete Generale is responsible for the issuance of passports and residency permits, the screening and censoring of foreign periodicals, plays, documentaries, television programs, and movies, and the censoring of those parts that address national security issues and "morale." The security forces committed serious human rights abuses.

Before the 1975-90 hostilities, the country was an important regional financial and commercial center. There is a market-based economy in which the majority of the private sector work force is employed in the services sector, such as banking and commerce. There is a small industrial sector, based largely on clothing manufacture and food processing. The annual gross national product is estimated to be approximately \$5,000 per capita. A reconstruction effort begun in 1992 is moving forward. Substantial remittances from abroad offset the trade deficit and resulted in a balance of payment surplus. The economy has been in recession since 1998. Almost all economic indicators pointed to decline. The budget deficit stood at 46 percent of expenditure, compared with 37 percent for the corresponding period in 1999, and foreign investments dropped by 13 percent. The per capita gross domestic product (GDP) is estimated at \$4,700 and unemployment is estimated to be as high as 20 percent. The country has a substantial public debt of \$22 billion (140 percent of the GDP).

The Government's overall human rights record was poor, and serious problems remain, although there were some improvements in a few areas. The right of citizens to change their government remains significantly restricted by the lack of government control over parts of the country, shortcomings in the electoral system, and Syrian influence. The August and September parliamentary elections were flawed and suffered from Syrian government influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who opposed government policies. Lengthy pretrial detention and long delays in trials are problems, and the courts are subject to political pressure. International observers reported that trials of former SLA personnel were not free and fair. The Government infringed on citizens' privacy rights, and continued surveillance of political activities during the year. The Government partially limited press freedom by continuing to restrict radio and television broadcasting in a discriminatory manner. Journalists practice self-censorship. The Government continued to restrict freedom of assembly, and imposes some limits on freedom of association. There are some restrictions on freedom of religion. The Government imposes some limits on freedom of movement. Violence and discrimination against women; abuse of children; discrimination against Palestinians; forced labor, including by children; child labor; and the mistreatment of foreign servants are problems.

Until the IDF withdrawal and the collapse of the SLA, artillery and aerial attacks by the various contending forces in southern Lebanon threatened life and property. These forces committed abuses, including killings, bombings, and abductions. The SLA maintained a separate and arbitrary system of justice in the zone formerly controlled by Israeli forces, which was independent of Lebanese central authority. Prior

to the SLA collapse, its officials arbitrarily arrested, mistreated, and detained persons, and sometimes expelled local residents from their homes in the zone. Palestinian groups in refugee camps maintain a separate, often arbitrary, system of justice for other Palestinians. Palestinians sometimes may appeal for legal recourse to Lebanese authorities, often through their agents in the camps. In the past, there were reports that members of the various groups that control the camps detained their Palestinian rivals and, in some instances, killed them; however, there were no reports that this occurred during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government authorities during the year.

Four persons died in custody during the year. In January a Sudanese asylum seeker died of malaria in Zahle prison. Prison officials reportedly did not offer him medical treatment before his death. An elderly SLA member died in custody in June allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. In November one SLA detainee died of cancer and another SLA detainee died from high blood pressure. The Military Court initiated an investigation into the two deaths to determine whether or not the detainees received proper medical treatment; however, it had not reached conclusions by year's end. The Government subsequently announced that it would review the medical records of all former SLA detainees (see Section 1.c.).

In October 1999, one person was killed when a bomb exploded in a Maronite church in Beirut (see Section 5).

In December 1999, Sunni extremists killed four LAF soldiers in an ambush in the northern region of Dinniyeh after the soldiers attempted to arrest two Sunni Muslims allegedly involved in a series of church bombings. On December 31, 1999, the LAF retaliated by launching a massive military operation against Sunni insurgents in the north. Five civilians, 7 LAF soldiers, and 15 insurgents were killed in the operation (see Section 5).

The judicial system continues to suffer from a backlog of hearings into cases of death in custody, some as old as 6 years. Such cases sometimes involve individuals connected to political groups or accused of criminal activity.

There were no new developments in the case of the June 1999 killings of four judicial officials at a courthouse in Sidon. The perpetrators reportedly are members of the outlawed Palestinian group "Asbat al-Ansar"; however, government authorities did not arrest any of the suspected gunmen, who are believed to be hiding in the Palestinian refugee camp of Ain-Al Hilwah.

A military tribunal in 1999 sentenced Captain Camille Yared to 10 years in prison and 4 Lebanese Forces militiamen to death in absentia for carrying out a 1996 bus bombing in Syria, which killed 11 persons. The court also sentenced 13 other Lebanese Forces members to 7 years in prison. An appeal in the case was scheduled to be held in January 2001.

There were no developments in the 1996 beating death of Akram Arbeed, who allegedly was attacked while accompanying a candidate in the 1996 parliamentary election. The case is still pending.

A court hearing in the 1998 appeal made by the prosecutor's office regarding the 1976 killing of U.S. Ambassador Francis Meloy, Embassy officer Robert Waring, and their driver, Zohair Moghrabi, has not been scheduled following a court verdict declaring the suspect, Tawfiq Mohammad Farroukh, not guilty of murder for his role in the killings.

The cycle of violence in and around the former Israeli controlled security zone decreased significantly following the IDF withdrawal in May. However, prior to the withdrawal, an estimated 20 Islamic resistance guerrillas, 8 Israeli soldiers, and 25 Lebanese civilians were killed in the south as Hizballah, Amal, and Palestinian guerrillas on the one hand, and Israeli forces and the SLA on the other, engaged in recurring violence. For example, in May Hizballah attacks in the north of Israel killed 1 person and injured 12. In retaliation for these attacks, Israel shelled military and civilian targets in the south, killing two persons. Israeli forces conducted air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets, including civilian infrastructure, inside Lebanon. For example, on February 8, in response to Hizballah attacks Israel conducted air strikes on electrical power transformer stations and other targets, injuring over one dozen civilians.

There were over 110 civilian injuries prior to the May Israeli withdrawal, with most of the injuries involving minor wounds from shrapnel and broken glass. Civilians accounted for over 70 percent of the injured.

During the May IDF withdrawal from the south and the concurrent collapse of the SLA, Israeli forces killed at least four Lebanese civilians.

On October 7, IDF personnel killed 2 persons and injured 25 along the Israeli-Lebanese border during demonstrations against Israeli government actions in Israel, the West Bank, and Gaza (see Section 2.b.). On October 7, Hizballah launched shells on IDF positions in the She'ba farms area in the Golan Heights; no injuries reportedly resulted from the shelling.

On November 25, Hizballah guerrillas bombed an Israeli patrol station in the She'ba farms area, killing 1 IDF soldier. In response, Israel launched airstrikes on Hizballah positions in the south, injuring one person.

b. Disappearance.—There were no reports of politically motivated disappearances. The Government did not take any judicial action against groups known to be responsible for the kidnappings of thousands of persons during the 1975–1990 civil war.

In 1999 the Government established a military commission to investigate the fate of all those who disappeared during the civil war. In September the commission concluded that all persons who disappeared at least 4 years before the end of the civil war were dead. The Government endorsed the commission report and then-Prime Minister Salim al-Hoss called on all families to accept reality despite its bitterness; however, many of the family members of persons who disappeared rejected the commission's findings and called for the creation of a new commission.

In October during violent clashes in Israel, the West Bank, and Gaza, Hizballah guerrillas kidnaped 3 Israeli soldiers on patrol in the north of Israel, demanding that the Israeli Government release all remaining Lebanese detainees in Israeli prisons. At year's end, Hizballah continued to hold captive the soldiers.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups report that torture is a common practice. Violent abuse usually occurs during the preliminary investigations that are conducted at police stations or military installations, where suspects are interrogated in the absence of an attorney. Such abuse occurs despite laws that prevent judges from accepting any confession extracted under duress.

The Government held incommunicado most of the 2,400 SLA personnel who surrendered to authorities following the IDF's withdrawal from the south in May (see Section 1.d.). Some former SLA detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In 1999 police officials allegedly tortured in detention a number of Sunni youths who were suspected in involvement in a series of church bombings (see Sections 1.d. and 5).

In March ISF personnel used excessive force to disperse a demonstration in front of the Prime Minister's residence protesting the Government's expulsion of four Japanese Red Army members to Jordan. The officers injured at least one demonstrator and a journalist (see Sections 2.a. and 2.b.). The Government took no action against the officers. Ten demonstrators were arrested but were released shortly afterwards.

On April 17, in Beirut security forces used excessive force to break up a demonstration calling for the withdrawal of Syrian forces from the country; 13 persons were injured, and 8 persons were arrested and subsequently tried and sentenced by a military court (see Sections 1.d. and 1.e.).

On numerous occasions following the May IDF withdrawal from the south, civilians threw rocks, hot oil, and Molotov cocktails at IDF soldiers across the border, which resulted in some injuries. Hizballah reportedly supported these cross-border attacks, and the Government did little to halt them. On several occasions IDF troops returned fire and sometimes injured civilians.

Abuses occurred in areas outside the State's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals (see Section 1.d.).

Prison conditions are poor and do not meet minimum international standards. The Ministry of Interior operates 18 prisons with a total capacity of 3,840 inmates. However, prisons are overcrowded, with a total population of about 8,375. Inmates lack heat, adequate toilet facilities, and proper medical care. The Government has not budgeted funds to overhaul the prison system. In September the Beirut Bar Association organized a conference composed of local and international participants to underscore the need for local penal reform. The head of the Association described the country's prison facilities as "unfit for animals." The Government made an effort to carry out rehabilitation for some inmates. Inmates at Roumieh prison participated in vocational activities such as computer training courses in order to provide

them with skills upon release. In September 36 inmates in Roumieh prison received certificates of accomplishment following completion of a computer training program.

Three SLA detainees died of natural causes in custody during the year; however, one detainee died allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. One Sudanese detainee died of malaria during the year after prison officials reportedly refused to offer him medical assistance (see Section 1.a.). The Surete Generale, which mans border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, are detained there pending deportation. They reportedly are held in small, poorly ventilated cells.

Former Lebanese Forces leader Samir Ja'Ja', who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, is kept in solitary confinement in a prison in the basement of the Ministry of Defense. He is permitted minimal exercise and allowed only periodic visits from his family and lawyers. He is not allowed to read newspapers or listen to the radio. Government officials stated that his solitary confinement is necessary for his own protection.

Local journalists and human rights organizations had access to certain prisons during the year. Access to prisons controlled by the Ministry of Defense was not permitted. Following the Israeli withdrawal from the south, the Government did not grant independent monitors access to former SLA soldiers in custody. In December government officials stated that International Committee of the Red Cross (ICRC) representatives would be allowed to visit all SLA detainees; however, the Government did not sign a memorandum of understanding by year's end.

Prior to the Israeli withdrawal from the south, Hizballah detained and reportedly mistreated SLA members and suspected agents at unknown locations. The SLA operated its own detention facility, Al-Khiam prison, and there were frequent allegations of torture and mistreatment of detainees (see Section 1.d.). Hizballah and the SLA occasionally released and exchanged prisoners.

Hizballah did not permit prison visits by human rights monitors. Before its May dissolution, the SLA allowed representatives of the ICRC and family members of inmates to visit detainees at Al-Khiam prison.

d. Arbitrary Arrest, Detention, or Exile.—The Government uses arbitrary arrest and detention. The law requires security forces to obtain warrants before making arrests; however, military prosecutors, who are responsible for cases involving the military as well as those involving espionage, treason, weapons possession, and draft evasion, make arrests without warrants. Arresting officers are required to refer a subject to a prosecutor within 24 hours of arrest, but frequently do not do so.

The law requires the authorities to release suspects after 48 hours of arrest if no formal charges are brought against them. Some prosecutors flout this requirement and detain suspects for long periods in pretrial confinement without a court order. The law authorizes judges to remand suspects to incommunicado detention for 10 days with a possible extension for an additional 10 days. Bail is available only to those accused of petty crimes, not to those accused of felonies. Defendants have the right to legal counsel, but there is no state-funded public defender's office. The Bar Association operates an office for those who cannot afford a lawyer, and the court panel on many occasions has asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary arrest. Security forces detained and interrogated scores of citizens, predominately Christian supporters of exiled General Michel 'Awn, and of the jailed commander of the disbanded Lebanese Forces, Samir Ja'Ja'. These detentions and searches of homes took place without warrants, and detainees claim that they were not given access to lawyers. Most detainees were released after they were forced to sign documents stating that they would abstain from politics.

In 1999 police officials detained and allegedly tortured a number of Sunni youths for suspected involvement in church bombings; however, the youths later were released due to a lack of evidence (see Sections 1.a. and 5).

On April 13, authorities detained students from the National Free Current, a pro-Awnist group, for distributing antigovernment and anti-Syria leaflets (see Section 2.a.). In April ISF personnel arrested and subsequently released a number of demonstrators (see Sections 1.c. and 2.b.). In September authorities detained nine Lebanese Forces activists in connection with a rally protesting the Syrian presence in Lebanon (see Section 2.b.); authorities released these detainees after they paid a monetary fine.

The Government held incommunicado most of the 2,400 SLA members who surrendered to the authorities following the IDF's withdrawal from the south in May (see Section 1.c.).

The authorities often detain without charges for short periods of time political opponents of the Syrian and Lebanese Governments. Most of the former senior government officials who were detained in 1999 on charges of embezzlement or misuse of power were released on bail, including former Minister of Petroleum Shahe Baroumian. The former officials were detained without charge for prolonged periods of time in Roumieh prison, in violation of due process. Legal actions still are pending against them; however, they are free to travel abroad.

Palestinian refugees are subject to arrest, detention, and harassment by state security forces, Syrian forces, various militias, and rival Palestinians.

There were no allegations during the year of the transfer of citizens by government authorities to Syria. In December the Syrian Government transferred 46 Lebanese citizens, 7 Palestinian residents of Lebanon, and 1 Egyptian citizen from Syrian prisons to Lebanese custody. The Government announced that it will review each case; persons who have completed their sentences will be released, and persons with outstanding prison time will continue to serve out their sentences. Human rights activists believe that there are remaining Lebanese detainees in Syrian prisons; however, the exact number is unknown. Amnesty International reported in 1999 that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over 2 decades ago, and remain in prolonged and often secret detention in Syria." According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside any legal framework.

In August Syria released Shaykh Hashem Minqara, a radical Sunni member of the Islamic Unification Movement ("Tawheed"), who was arrested by Syrian forces in 1985 and transferred to Syria.

Abuses occurred in areas outside the state's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals.

Local militias, including Hizballah, continued to conduct arbitrary arrests in areas outside central government control. There were credible reports that Hizballah detained scores of former SLA militiamen before handing them over to government authorities for trial.

Prior to the Israeli withdrawal, the SLA operated its own detention facility, Al-Khiam prison. There were frequent reports of torture and mistreatment of detainees. Following the disbandment of the SLA in May, all of the prison's 140 inmates were released. A number of former inmates publicly recounted incidents of abuse by prison officials (see Section 1.c.).

In April the Israeli Government released 13 Lebanese detainees who were held without charge in Israel for as long as 14 years; the former detainees returned to Lebanon under the auspices of the ICRC. Israel continues to hold 21 Lebanese citizens, including Sheikh Abed Al-Karim Obaid and Mustafa Dirani.

Exile as a form of punishment is not practiced regularly; however, in 1991 the Government pardoned former army commander General Michel 'Awn and two of his aides on the condition that they depart the country and remain in exile for 5 years; 'Awn remained in France at year's end. 'Awn was accused of usurping power. Former President Amine Gemayel, who lived in France in exile for the past 12 years, returned to the country in July.

e. Denial of Fair Public Trial.—The judiciary is independent in principle; however, it is subject to political pressure. The Constitution provides for a constitutional council to supervise the constitutionality of laws and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers sometimes intervene to protect their supporters from prosecution.

The judicial system is composed of the regular civilian courts; the Military Court, which tries cases involving military personnel and military-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. On the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints all other judges according to a formula based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during years of internal conflicts. Trial delays

are aggravated by the Government's inability to conduct investigations in areas outside of its control. Defendants have the right to examine evidence against them. The testimony of a woman is equal to that of a man.

In April the military court sentenced eight students to between 10 days and 6 weeks in prison following their participation in demonstrations against the presence of Syrian troops in the country (see Sections 1.c., 1.d., and 2.b.). All of the students had been released by year's end.

In June the Military Court began trying the cases of the 3,033 SLA militiamen who surrendered to the Government following the Israeli withdrawal from the south. Some of the former SLA militiamen were charged under Article 273 of the Penal Code for taking up arms against the State, an offense punishable by death; others were charged under Article 285 of the Penal Code for trading with the enemy, an offense punishable by a minimum of 1 year in prison. Domestic human rights groups and international nongovernmental organizations (NGO's) reported that the trials were open to journalists and members of the public, but were not fair. Amnesty International reported that "such summary trials," with barely 7 minutes spent on each individual neither allow the innocent to be acquitted nor ensure the discovery of those who may be guilty of war crimes. According to AI, the court tried between 23 and 43 persons each day. SLA lawyers who requested an adjournment to study the files of detainees were granted additional time. However, in most cases, defense lawyers received the file shortly before trial and consequently were unable to argue the cases individually. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

By year's end, 2,035 former SLA members received sentences ranging from 1 week to life imprisonment. About one-third of the former SLA members received 1-year prison sentences and about one-third received sentences of 3 to 4 weeks under Article 273 of the Penal Code, which criminalizes taking up arms against the State. Two persons who were implicated in the abuse and torture of prisoners at Al-Khiam prison were sentenced to life in prison. The Military Prosecutor recommended the death sentence for 37 former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). Twenty-one of these militiamen were tried while in government custody; however, 16 were tried in absentia. The Military Court denied every recommendation for the death sentence and handed down lighter sentences in each case. Following attacks by angry crowds on two former SLA members in their villages, the court amended the sentences of some persons, barring them from returning to their villages for several years. According to the Government, these bans were issued to protect the former SLA members and were difficult to enforce. There were no additional reports that former SLA members who returned to their villages were subjected to harassment. The Government released most of the 220 SLA militiamen who were tried following the June 1999 SLA withdrawal from Jezzine in the south; however, 9 remained in prison at year's end.

Hizballah applies Islamic laws in areas under its control. Palestinian groups in refugee camps operate an autonomous and arbitrary system of justice. The SLA also maintained a separate and arbitrary system of justice before its May disbandment.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the authorities generally show little interest in controlling the personal lives of citizens, they readily interfere with the privacy of persons regarded as foes of the Government. Laws require that prosecutors obtain warrants before entering houses except when the army is in hot pursuit of armed attackers; however, in practice the law is not respected.

The Government and Syrian intelligence services use informer networks and monitor telephones to gather information on their adversaries. The Army Intelligence Service monitors the movements and activities of members of opposition groups (see Section 2.b.). The Government concedes that telephone calls are monitored by security services, but claims that monitoring occurs only with prior authorization from competent judicial authorities. During September 1999 parliamentary hearings, the Speaker of Parliament, the Minister of Interior, and the Surete Generale Director General publicly acknowledged that government officials frequently monitor citizens' private telephone conversations.

Politicians and human rights advocates report increasing and more overt government intelligence services' surveillance of political meetings and political activities across the religious and political spectrum. In October 1999, the Parliament passed a law that authorized surveillance in national security and law enforcement cases, but banned its use against ministers and parliamentary deputies.

Militias and non-Lebanese forces operating outside the area of central government authority frequently have violated citizens' privacy rights. Various factions also use informer networks and the monitoring of telephones to obtain information on their adversaries.

In August government officials raided the office of an Internet service provider (ISP) based on allegations that the ISP was distributing pornographic materials through the operation of a web site targeted for the homosexual community (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press; however, the Government partially limits this right in practice, particularly by intimidating journalists and broadcasters into practicing self-censorship. In 1998 the Government rescinded a total ban on satellite news; however, it continues to censor television broadcasts on a case-by-case basis.

The country has a long history of freedom of opinion, speech, and the press. Although there were repeated attempts to restrict these freedoms during the year, daily criticism of government policies and leaders continued. Dozens of newspapers and hundreds of periodicals are published throughout the country, financed by various local and foreign groups. While the press is independent, press content often reflects the opinions of these financial backers.

The Government has several tools at its disposal to control freedom of expression. The Surete Generale is authorized to approve all foreign magazines and non-periodical works, including plays, books, and films, before they are distributed in the market. The law prohibits attacks on the dignity of the Head of State or foreign leaders. The Government may prosecute offending journalists and publications in the Publications Court, a special tribunal empowered to try such matters.

Moreover, the 1991 security agreement between Lebanon and Syria contains a provision that effectively prohibits the publication of any information deemed harmful to the security of either state. In view of the risk of prosecution, journalists censor themselves on matters related to Syria.

During the year, the Government did not bring charges against any newspaper. In 1999 President Lahoud announced that under his tenure no charges would be brought against any journalist because of his writings or opinions. However, in June the Surete Generale banned seven foreign publications for allegedly insulting the late Syrian President Hafez Al-Asad. The Surete Generale seized at the airport four newspapers and three magazines—The Herald Tribune, Le Monde, Liberation, the Financial Times, the Economist, Time, and Newsweek. The Surete stated that “there were malicious attacks in some publications which were not about political thinking but only sought to defame Al-Asad and hurt the feelings of those upset by his death.” In September the Government banned an edition of The Economist because it contained an article about Syria and the Middle East peace process, which was deemed insulting to the Syrian Government. In December the State Prosecutor's office questioned a journalist and two directors of An-Nahar newspaper about an article that was critical of both the Lebanese and Syrian security services. Following the interrogation, the State Prosecutor released all three persons.

In April ISF personnel injured a journalist who was covering a protest (see Section 1.c.). On April 13, authorities detained persons for distributing antigovernment and anti-Syria leaflets. The Military Court subsequently sentenced eight students to varying lengths of time in prison. All of the students had been released by year's end (see Sections 1.d. and 1.e.).

In May Dr. Muhammad Muqraby criticized the country's judicial system at a press conference. The State Prosecutor's office requested that the Bar Association lift Dr. Muqraby's immunity in order to prosecute him for defaming the judiciary, and the Bar Association complied with this request. However, Muqraby challenged the decision of the Bar Association; the case was pending at year's end.

In June the Government cancelled the passport of a correspondent for Al-Hayat newspaper, allegedly because she “fraternized with the enemy” when she appeared publicly with an Israeli official. The Government reissued the journalist's passport shortly after the incident.

In June the Military Court sentenced a man to 1 year imprisonment for calling on the public to celebrate the death of the late Syrian president Al-Asad.

In August government officials raided the office of an Internet service provider (ISP) based on allegations that the ISP was distributing pornographic materials through operation of a website aimed at the homosexual community. The Government also pressed charges against the owner of the ISP and a human rights activist on national security grounds (see Section 1.f.).

A court hearing remains pending in the case of An-Nahar journalist Pierre Attallah, who was charged in absentia in June 1998 for defaming the judiciary and entering Israel.

The country has a strong tradition of academic freedom and a flourishing private educational system (a result of inadequate public schools and a preference for religious community affiliation). Students exercise the right to form campus associations, and the Government usually does not interfere with student groups.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts this right. In 1998 the Government lifted its longstanding decree banning all demonstrations. Any group that wishes to organize a rally must obtain the prior approval of the Ministry of Interior, which does not render decisions consistently. Groups opposing government positions sometimes do not receive permits. Various political factions such as Amal, Hizballah, 'Awnists, and supporters of former Prime Minister Hariri held several rallies during the year; the 'Awnists demonstrated without a permit.

In June police forces prevented some 200 supporters of exiled General Michel 'Awn from erecting two plaques at Nahr Al-Kalb, north of Beirut; one plaque commemorated the Israel withdrawal from Lebanon and the second plaque was left blank in anticipation of a withdrawal of Syrian troops.

On several occasions during the year, military personnel used excessive force to disperse protesters, sometimes arresting protesters (see Sections 1.c. and 1.d.).

In October thousands of Palestinian refugees and Lebanese citizens demonstrated peacefully on numerous occasions against Israeli government actions in Israel, the West Bank, and Gaza.

The Constitution provides for freedom of association, and the Government generally respects this right and does not interfere with the establishment of private organizations; however, it imposes some limits on this right. The law requires organizations to obtain from the Ministry of Interior a receipt, which is essentially a permit, and may be withheld by the Ministry.

The Ministry of Interior scrutinizes requests to establish political movements or parties and to some extent monitors their activities. The Army Intelligence Service monitors the movements and activities of members of opposition groups (see Section 1.f.).

Syria does not allow groups that it considers openly hostile to operate in areas under its control.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions. Discrimination based on religion is built into the system of government. There are no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment discourage such activity.

The State is required to ensure the free exercise of all religious rites provided that public order not be disturbed. The Constitution also provides that the personal status and religious interests of the population be respected. The Government permits recognized religions to exercise authority over matters pertaining to personal status, such as marriage, divorce, and inheritance. There is no state religion; however, politics are based on the principle of religious representation, which has been applied to every conceivable aspect of public life.

A group that seeks official recognition must submit its dogma and moral principles for government review to ensure that such principles do not contradict popular values and the Constitution. The group must ensure that the number of its adherents is sufficient to maintain its continuity. Alternatively, religious groups may apply to obtain recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters.

The unwritten "National Pact" of 1943 stipulates that the President, the Prime Minister, and the Speaker of Parliament be a Maronite Christian, a Sunni Muslim, and a Shi'a Muslim, respectively. The Taif Accord, which ended the country's 15-year civil war in 1990, reaffirmed this arrangement but resulted in increased Muslim representation in Parliament and reduced the power of the Maronite President. The Accord called for the ultimate abolition of political sectarianism in favor of "expertise and competence." However, little substantive progress has been made in this regard. A "Committee for Abolishing Confessionalism," which was called for in the Taif Accord, has not yet been formed. Christians and Muslims are represented equally in the Parliament and Cabinet, and posts in the civil service, are distributed proportionally among the 18 recognized groups (see Section 3).

Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance. State recognition is not a legal

requirement for religious worship or practice. For example, although Baha'is, Buddhists, and Hindus are not recognized officially, they are allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country are not recognized under the law.

The Government does not require citizens' religious affiliations to be indicated on their passports; however, the Government requires that religious affiliation be encoded on national identity cards.

An individual may change his religion if the head of the religious group he wishes to join approves of this change. There are different personal status codes for each of the 18 officially recognized religious groups. Administered by representatives of the groups, these codes govern many areas of civil law, including marriage, divorce, inheritance, and child custody. Many families have relatives who belong to different religious communities, and intermarriage is not uncommon; however, intermarriage may be difficult to arrange in practice between members of some groups because there are no procedures for civil marriage. An attempt in 1998 by then-President Elias Hrawi to forward legislation permitting civil marriage failed in the face of opposition from the religious leadership of all confessions.

Article 473 of the Penal Code stipulates that one who "blasphemes God publicly" faces imprisonment for up to a year.

d. Freedom of Movement Within the Country, Foreign Travel Emigration and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, there were some limitations prior to the Israeli withdrawal from the south. Travel to Israel is prohibited by law. All males between 18 and 21 years of age are subject to compulsory military service and are required to register at a recruitment office and obtain a travel authorization document before leaving the country. Husbands may block travel by their wives and minor children (see Section 5).

The LAF and Syrian troops maintain checkpoints throughout much of the country. Prior to the Israeli withdrawal from the south, the Lebanese Army, the IDF, and the SLA maintained tight restrictions on the movement of persons and goods in and out of Israel's self-declared security zone. Following the Israeli withdrawal, dozens of customs and military intelligence officers were dispatched to the south. In August the Government deployed approximately 1,000 ISF and LAF officers to the south; however the officers were not deployed to the border by year's end. The ISF assumed responsibility for maintaining law and order in most of the region. Following the withdrawal, the Government announced that citizens no longer required permits to visit Jezzine. The U.N. Interim Forces in Lebanon also increased its area of operations in the country.

There are no legal restrictions on the right of all citizens to return. However, many emigres are reluctant to return for a variety of political, economic, and social reasons. The Government encouraged the return to their homes of over 600,000 persons displaced during the civil war. In 1999 and continuing during the year, the Central Fund for the Displaced paid 13,500 squatter families approximately \$65 million (97.5 billion Lebanese pounds) to move out of the homes they occupied and disbursed an additional \$133 million (195 billion Lebanese pounds) for the reconstruction and rehabilitation of homes that were damaged during the civil war. Although some persons have begun to reclaim homes abandoned or damaged during the war, the vast majority of displaced persons have not attempted to reclaim and rebuild their property. The resettlement process is slowed by tight budgetary constraints, destroyed infrastructure, political feuds, the lack of schools and economic opportunities, and the fear that physical security still is incomplete in some parts of the country. During the year, the Ministry of Displaced sponsored several reconciliation meetings between Christian and Druze residents in eight villages throughout Chouf and Aley.

Some 6,000 SLA militiamen and their families fled to Israel following the Israeli withdrawal and concurrent collapse of the SLA in May. Approximately 1,580 of these former SLA personnel returned to Lebanon, several hundred relocated elsewhere outside of Israel, and 4,400 remained in Israel at year's end. The former SLA personnel who returned to Lebanon faced trial for taking up arms against the State or for trading with the enemy and most received prison sentences of varying lengths (see Section 1.e.). Those who remain in Israel reportedly wish to avoid facing trial or fear possible retribution. The Government publicly stated that the former SLA militiamen are welcome to return to the country; however, they would face trial upon their return.

Most non-Lebanese refugees are Palestinians. The U.N. Relief and Works Agency (UNRWA) reported in 1999 that the number of Palestinian refugees in the country registered with the UNRWA was about 370,000. This figure, which includes only the families of refugees who arrived in 1948, is presumed to include many thousands

who reside outside the country. Most experts estimate the actual number now in the country to be fewer than 200,000. Most Palestinian refugees are unable to obtain citizenship and are subject to governmental and societal discrimination; however, Palestinian women who marry Lebanese men can obtain citizenship (see Section 5).

The Government issues laissez-passers (travel documents) to Palestinian refugees to enable them to travel and work abroad. In January 1999, the Government eased the tight travel restrictions that it previously imposed on Palestinians resident in the country and entering from other countries by revoking a decision that had required all Palestinian refugees who hold Lebanese travel documents to obtain entry and exit visas when entering or leaving the country. However, in March 1999, the Government stopped issuing visitors' visas to Jordanian nationals who were born in Lebanon and are of Palestinian origin.

There are no legal provisions for granting asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not grant first asylum. The Government grants admission and temporary (6 months) refuge to asylum seekers, but not permanent asylum. The Government generally cooperates with the offices of the U.N. High Commissioner for Refugees (UNHCR) and UNRWA.

There are nearly 3,600 non-Palestinian refugees (mostly Iraqi Shi'a and Kurds) residing in the country, according to the UNHCR. The Surete Generale periodically detains non-Palestinian refugees, primarily Iraqis and Sudanese, for illegal entry. Some of those detained are registered with the UNHCR and are eligible for resettlement outside the country. The Surete Generale denies UNHCR officials access to the detainees. There were credible reports that the Surete Generale detained Iraqi refugees and deported them back to Iraq.

The Government granted political asylum to Japanese Red Army (JRA) member Kozo Okamoto, citing services rendered to the Arab cause and his physical incapacity; Okamoto led the massacre at Israel's Lod airport in 1972. The Government refused to grant asylum to four other JNA members and deported them to Japan.

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

The Constitution states that citizens have the right to change their government in periodic free and fair elections; however, effective lack of control over parts of the country, defects in the electoral process, and strong Syrian influence over politics and decisionmakers significantly restrict this right. There was some improvement in the parliamentary elections held in August and September in that there were fewer incidents of voter fraud and tampering with ballots than in the previous election; however, the electoral process was flawed by serious shortcomings.

According to the Constitution, elections for the Parliament must be held every 4 years. The Parliament, in turn, elects the President every 6 years. The President and Parliament nominate the Prime Minister, who, with the President, chooses the Cabinet. According to the unwritten "National Pact of 1943," the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker a Shi'a Muslim (see Section 2.c.). Since the National Reconciliation Agreement reached in Taif, Saudi Arabia in 1989, which revised the 6 to 5 ratio of Christian to Muslim seats in Parliament, there has been a 50-50 balance between Christian and Muslim Members of Parliament. The Taif Accord also increased the number of seats in Parliament and transferred some powers from the Maronite President to the Sunni Prime Minister and the religiously mixed Cabinet.

Parliamentary elections in August and September were flawed. The Syrian Government heavily influenced the electoral law governing the process and also pre-approved all of the candidates on alliance slates who ultimately won seats in the Cabinet. Security officials promoted relatives and political allies, and government officials supervised voting. The Government also used the official television station, Teleliban to promote progovernment candidates and to denigrate the leading opposition candidate, former Prime Minister Rafiq Hariri. Officials applied inconsistent voting regulations, often favoring progovernment candidates. Officials of various security services became personally involved in promoting candidates who were political allies or relatives. Nonetheless, Prime Minister Hoss lost his seat in a contested election as did many progovernment candidates. Following his overwhelming victory in the Beirut electoral districts, former Prime Minister Hariri was appointed Prime Minister on October 23. Following consultation between the Government and senior Syrian officials, President Lahoud and Prime Minister Hariri reached an agreement on the composition of the new Cabinet.

In 1998 the Parliament elected a new President after amending the Constitution on a one-time basis to permit senior government officials to run for office. (The Con-

stitution prohibits senior government officials from running for president unless they resign at least 2 years before the election. The amendment provided for a one-time exception to this provision.) There was substantial criticism of the Syrian role in influencing political leaders in the selection of the presidential candidate; however, there was broad public support for the new President, Emile Lahoud, who took office in November 1998. In 1999 municipal elections were held in 39 villages and towns. Local observers reported that the elections were generally free and fair; however, they were characterized by a number of irregularities, including the absence of names from voting lists, the closure of the registration department on voting day, and the presence of security personnel in polling stations. By-elections in the areas formerly occupied by Israel are scheduled to be held in 2001.

Women have the right to vote and there are no legal barriers to their participation in politics; however, there are significant cultural barriers, and women are underrepresented in government and politics. No woman has ever held a cabinet position. In September 3 women were elected to the 128-seat Parliament.

Palestinian refugees have no political rights (see Section 5). An estimated 17 Palestinian factions operate in the country, generally organized around prominent individuals. Most Palestinians live in refugee camps controlled by one or more factions. The leaders of the refugees are not elected, but there are "popular committees" that meet regularly with the UNRWA and visitors.

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

Several local human rights groups operate freely without overt government restriction, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, and the National Association for the Rights of the Disabled. Some of these groups have sought to publicize the detention in Syria of hundreds of Lebanese citizens and took credit in part for the release of a number of Lebanese from Syrian jails during 1998 (see Section 1.d.). The Bar Association and other private organizations regularly hold public events that include discussion of human rights issues. Some human rights groups reported harassment and intimidation by government, Syrian, Hizballah, and SLA forces.

In July AI opened an office in the country.

During the year, government officials discussed human rights problems with representatives of foreign governments and NGO's.

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

The Constitution calls for "social justice and equality of duties and rights among all citizens without prejudice or favoritism;" however, in practice aspects of the law and traditional beliefs discriminate against women. Religious discrimination is built into the political system. The law gives preferences to the disabled for employment in government positions. Discrimination based on race, language, or social status is illegal and is not widespread among citizens; however, foreign domestic servants often are mistreated.

Women.—Violence against women is a problem. The press reports cases of rape with increasing frequency, and cases reported are thought to be only a fraction of the actual number. There are no authoritative statistics on the extent of spousal abuse. Most experts agree that the problem affects a significant portion of the female population. In general battered or abused women do not talk about their suffering for fear of bringing shame upon their own families or accusations of misbehavior upon themselves. Some religious courts legally can compel a battered wife to return to the house in spite of physical abuse. Many women are compelled to remain in abusive marriages because of social and family pressures. Possible loss of custody of children and the absence of an independent source of income also prevent women from leaving their husbands. Doctors and social workers believe that most abused women do not seek medical help because of shame or inability to pay for treatment. The Government has no separate program to provide medical assistance to battered women; however, it provides legal assistance to victims of crimes who cannot afford it regardless of the gender of the victim. In most of the cases, the police ignore complaints submitted by battered or abused women. The Lebanese Council to Resist Violence Against Women, which was founded in 1997, has been active in working to reduce violence against women by offering counseling and legal aid, and raising awareness about domestic violence.

Foreign domestic servants often are mistreated, abused, and in some cases, raped. Asian and African female workers have no legal recourse available to them because of their low status and isolation from society and because the labor laws do not protect them (see Section 6.e.). Because of such abuse, the Government prohibits for-

eign women from working if they are from countries that do not have diplomatic representation in the country.

The legal system is discriminatory in its handling of so-called "honor crimes." According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. However, in 1999 the law was amended to increase the severity of the sentence for perpetrators of "honor crimes." Several instances of honor crimes are reported in the media every year.

Women have varying employment opportunities in government, medicine, law, academia, the arts, and to a lesser degree, business. However, social pressure against women pursuing careers is strong in some parts of society. Men sometimes exercise considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives. Women may own property but often cede control of it to male relatives for cultural reasons and because of family pressure. In 1994 the Parliament removed a legal stipulation that a woman must obtain her husband's approval to open a business or engage in a trade. Husbands may block foreign travel by their wives (see Section 2.d.). The testimony of a woman is equal to that of a man (see Section 1.e.). During the year, the Government amended some labor laws affecting women. For example, maternity leave was extended and women no longer are forbidden from working at night.

Only men may confer citizenship on their spouses and children. Accordingly, children born to citizen mothers and foreign fathers are not eligible for citizenship. Citizen widows may confer citizenship on their minor children.

Religious groups administer their own family and personal status laws (see Section 2.c.). There are 18 recognized religious groups, each of which differs in its treatment of marriage, family, property rights, and inheritance. Many of these laws discriminate against women. For example, Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands. There is no law that permits civil marriages, although such ceremonies performed outside the country are recognized by the State. Only religious authorities may perform marriages.

Children.—The plight of children remains a serious concern; however, the Government has not allocated funds to protect them. Many children, particularly in rural areas, take jobs at a young age to help support their families. In lower income families, boys generally receive more education, while girls usually remain at home to perform housework. Illiteracy rates have reached 37.5 percent. In 1998 the Government enacted a law making education free and compulsory until the age of 12. However, public schools generally are inadequate, and the cost of private education is a significant problem for the middle and lower class. The Government also raised the age of child employment from 8 to 13.

An undetermined number of children are neglected, abused, exploited, and even sold to adoption agents. The normal procedure for adoption is through religious homes or institutions authorized to arrange adoption; however, the demand to provide infants for adoption abroad results in illegal international adoptions. There are no statistics available concerning the prevalence of the illegal adoption of infants. Poor children often are compelled by their parents to seek employment, and often take jobs that jeopardize their safety, including in industry, car mechanic shops, and carpentry (see Section 6.d.). Because of their ages, wages earned by such children are not in conformity with labor regulations. The Government does not have specific child protection laws to remove children from abusive situations and does not grant NGO's adequate legislative standing to litigate on behalf of abused minor children.

There are hundreds of abandoned children in the streets nationwide, some of whom survive by begging, others by working at low wages. In 1999 the first Center for Street Children was opened to house and rehabilitate street children. The Center has been active in gathering children from various regions and providing a home for them. The Center places disabled children in institutions and refers children with police records to juvenile courts.

Juvenile delinquency is on the rise; many delinquents wait in ordinary prisons for trial and remain there after sentencing. Although their number is small, there is no adequate place to hold delinquent girls; therefore, they are held in the women's prison in Ba'abda. Limited financial resources have hindered efforts to build adequate facilities to rehabilitate delinquents. The Government operates a modern juvenile detention facility in Ba'asir, which opened in 1998.

The Committee for Children's Rights, formed in 1993 by prominent politicians and some local NGO's, has been lobbying for legislation to improve the condition of children. The Ministry of Social Affairs oversees the Higher Council for Childhood and the National Committee for Literacy. The Higher Council for Childhood prepared

legal studies and produced progress reports on national compliance with the Convention on the Rights of the Child. The Ministry of Health requires the establishment of health records for every child up to 18 years of age.

People with Disabilities.—Over 100,000 persons became disabled during the civil war. Care of the disabled generally is performed by families. Most efforts to secure education, independence, health, and shelter for the disabled are made by some 100 private organizations. These organizations are relatively active, although poorly funded.

The heavily damaged cities make few accommodations for the disabled. The Government does not mandate building code requirements for nongovernment buildings for ease of access by the disabled, although the Government in its rebuilding projects has constructed sidewalks in some parts of Beirut that allow access for the disabled. The private “Solidere” project for the reconstruction of downtown Beirut has self-imposed requirements for disabled access. This project is considered a model for future construction efforts around the country.

During the year, the Parliament passed amendments to the law on disabled persons, which stipulates that at least 3 percent of all government and private sector positions should be filled by persons with disabilities, provided that such persons fulfill the qualifications of the position. The amendments provide the private sector with tax reduction benefits if the number of disabled that were hired exceeded the number specified in the law. The amendments also impose new building codes in all government buildings and require that public transportation be accessible for disabled persons.

Religious Minorities.—Discrimination based on religion is built into the system of government (see Sections 2.c. and 3). The amended Constitution of 1990 embraces the principle of abolishing religious affiliation as a criterion for filling government positions, but few practical steps have been taken to accomplish this aim. One notable exception is the Lebanese Armed Forces, which, through universal conscription and an emphasis on professionalism, has reduced significantly the role of religious sectarianism in that organization. Each religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance.

On October 3, 1999, one person was killed when a bomb exploded in a Maronite church in an eastern Beirut suburb. There were no arrests made in this case during the year.

Throughout the fall of 1999, approximately six random bombings were carried out against Orthodox churches and shops that sold liquor; the bombings took place in the northern city of Tripoli and in surrounding areas. The Government suspected that radical Sunni extremists carried out the bombings in retaliation for Russian military operations in Chechnya. Police officials detained and allegedly tortured a number of Sunni youths for suspected involvement in these bombings; however, the youths later were released due to a lack of evidence (see Section 1.d.).

In December 1999, Sunni extremists killed four LAF soldiers in an ambush in the northern region of Dinniyeh after the soldiers attempted to arrest two Sunni Muslims allegedly involved in a series of church bombings. On December 31, 1999, the LAF retaliated by launching a massive military operation against Sunni extremists in the north. Five civilians, 7 LAF soldiers, and 15 extremists were killed in this operation (see Section 1.a.).

National/Racial/Ethnic Minorities.—According to the United Nations, an estimated 370,000 Palestinian refugees are registered in the country (see Section 2.d.); however, it is believed that fewer actually reside there. Most Palestinian refugees live in overpopulated camps that have suffered repeated heavy damage as a result of fighting. The Government generally has prohibited the construction of permanent structures in the camps on the grounds that such construction encourages the notion of permanent refugee settlement in the country. Refugees fear that in the future the Government may reduce the size of the camps or eliminate them completely.

The Government officially ended its practice of denying work permits to Palestinians in 1991. However, in practice, very few Palestinians receive work permits, and those who find work usually are directed into unskilled occupations. They and other foreigners may own a limited size plot of land but only after obtaining the approval of five different district offices. The law applies to all foreigners, but for political, cultural, and economic reasons it is applied in a manner disadvantageous to Palestinians and, to a lesser extent, to the 25,000 Kurds in the country. The Government does not provide health services to Palestinian refugees, who rely on UNRWA and UNRWA-contracted hospitals.

In recent years, Palestinian incomes have declined as the Palestine Liberation Organization (PLO) closed many of its offices in the country, which formerly employed as much as 50 percent of the Palestinian work force. Palestinian children reportedly

have been forced to leave school at an early age because U.N. relief workers do not have sufficient funds for education programs. The U.N. estimates that 18 percent of street children are Palestinian. Drug addiction and crime reportedly are increasing in the camps, as is prostitution, although reliable statistics are not available. In August 1999, the Fatah faction of the PLO expanded its operations in the Ain al-Hilwah refugee camp by opening security offices and hiring personnel to maintain order in the camps.

Section 6. Worker Rights

a. The Right of Association.—All workers, except government employees, may establish and join unions and have a legal right to strike. Worker representatives must be chosen from those employed within the bargaining unit. About 900,000 persons form the active labor force, 42 percent of whom are members of 160 labor unions and associations. Twenty-two of the unions, with about 200,000 workers, are represented in the General Confederation of Labor (GCL).

In general the Government does not control or restrict unions, although union leaders allege credibly that in the past, the Government has tried to interfere in elections for union officials.

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participate actively in trade unions.

Unions are free to affiliate with international federations and confederations, and they maintain a variety of such affiliations.

b. The Right to Organize and Bargain Collectively.—The right of workers to organize and to bargain collectively exists in law and practice. Most worker groups engage in some form of collective bargaining with their employers. Stronger federations obtain significant gains for their members and on occasion have assisted non-unionized workers. There is no government mechanism to promote voluntary labor-management negotiations, and workers have no protection against antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor is not prohibited by law. In the absence of a prohibition against it, children (see Section 5), foreign domestic servants, and other foreign workers (see Section 6.e.) sometimes are forced to remain in situations amounting to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1946 Labor Code stipulates that workers between the ages of 8 and 16 may not work more than 7 hours a day, with 1 hour of rest provided after 4 hours. In 1996 the Ministry of Labor amended this law to define workers under the age of 13 as child labor, in accordance with international obligations. Children are prohibited from working between the hours of 7 p.m. and 6 a.m. The code also prohibits certain types of mechanical work for children between the ages of 8 and 13, and other types for those between the ages of 13 and 16. In 1999 the Government passed legislation that prohibits children under the age of 16 from working in jobs that jeopardize their health, safety, or morals and requires that employers give children at least 20 hours of annual leave. In June the Parliament passed amendments to the Labor Code that prohibit children under age 18 from working more than 6-hour days, with 1 hour of rest for days of more than 4 hours of work, and from working between the hours of 7 p.m. and 7 a.m. The proposed amendments would also entitle children to 20 hours of annual paid leave. The Ministry of Labor is responsible for enforcing these requirements; however, it does not apply the law rigorously. Forced and bonded child labor is not prohibited and sometimes occurs (see Section 6.c.).

Children between the ages of 10 and 14 constitute 0.6 percent of the labor force (5,936 children in total), according to 1996 figures. Most of these child laborers are Lebanese, but some are Syrian; they work predominantly in the industrial, craft, and metallurgical sectors. According to a 1995 UNICEF study, 60 percent of working children are below 13 years of age and 75 percent earn wages below two-thirds of the minimum wage. Nearly 40 percent of working children work 10 to 14 hours per day, and few receive social welfare benefits. In addition, approximately 52,000 children between the ages of 15 and 19 are in the active labor force; they are not eligible for the minimum wage until they reach the age of 21.

e. Acceptable Conditions of Work.—The Government sets a legal minimum wage, currently about \$200 (300,000 Lebanese pounds) per month. The law is not enforced effectively in the private sector. In theory the courts could be called upon to enforce it, but in practice they are not. The minimum wage is insufficient to provide a decent standard of living for a worker and family. Trade unions attempt to ensure the payment of minimum wages in both the public sector and the large-scale private sector.

The Labor Law prescribes a standard 6-day workweek of 48 hours, with a 24-hour rest period per week. In practice workers in the industrial sector work an average of 35 hours a week and workers in other sectors work an average of 30 hours a week. Foreign domestic servants, mostly of Asian and African origin, often are mistreated, abused, and raped. The employment contract for a foreign worker is signed by a recruitment agency and the employer; workers rarely are a party to the contract or, if they are a party, do not know what the contract stipulates because it is written in Arabic. The passports of foreign domestic workers are confiscated by the recruitment agency or their employer when the workers arrive at the airport. Foreign domestic servants are not protected by labor laws. Domestic servants often work 18 hours per day and, in most cases, do not receive time off for vacations or holidays. There is no minimum wage for domestic servants; their average wage is about \$100 (150,000 Lebanese pounds) per month. They have no entitlement to government financial assistance. Many foreign workers leave their jobs—which is not against the law—but their employers often report them as thieves to the police in order to locate them and force them to return.

The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The Ministry of Labor is responsible for enforcing these regulations, and it does so unevenly. Labor organizers report that workers do not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, the Penal Code stipulates that “any person who deprives another of freedom either by abduction or any other means shall be sentenced to temporary hard labor.” If forced prostitution or forced rendering of sexual services occurs as a result of the abduction, the Penal Code stipulates that the abductor be sentenced to at least 1 year in prison. There were no reports that persons were trafficked to, from, within, or through the country.

LIBYA

The Socialist People's Libyan Arab Jamahiriya is a dictatorship that has been ruled by Colonel Mu'ammār Al-Qadhafi (the “Brother Leader and Guide of the Revolution”) since 1969, when he led a military coup to overthrow King Idris I. Borrowing from Islamic and pan-Arab ideas, Qadhafi created a political system that rejects democracy and political parties and purports to establish a “third way” superior to capitalism and communism. Libya's governing principles are derived predominantly from Qadhafi's “Green Book.” In theory Libya is ruled by the citizenry through a series of popular congresses, as laid out in the Constitutional Proclamation of 1969 and the Declaration on the Establishment of the Authority of the People of 1977, but in practice Qadhafi and his inner circle control political power. Qadhafi is aided by extragovernmental organizations—the Revolutionary Committees and the Comrades Organization—that exercise control over most aspects of citizens' lives. The judiciary is not independent of the Government.

Libya maintains an extensive security apparatus, consisting of several elite military units, including Qadhafi's personal bodyguards, local Revolutionary Committees, and People's Committees, as well as the “Purification” Committees, which were formed in 1996. The result is a multilayered, pervasive surveillance system that monitors and controls the activities of individuals. The various security forces committed numerous serious human rights abuses.

The Government dominates the economy through complete control of the country's oil resources, which account for almost all export earnings and approximately 30 percent of the gross domestic product. Oil revenues constitute the principal source of foreign exchange. Much of the country's income has been lost to waste, corruption, and attempts to develop weapons of mass destruction and acquire conventional weapons. Despite efforts to diversify the economy and encourage private sector participation, the economy continues to be constrained by a system of extensive controls and regulations covering prices, credit, trade, and foreign exchange. The Government's mismanagement of the economy has caused high levels of inflation, increased import prices, and hampered economic expansion, which has resulted in a decline in the standard of living for the majority of citizens in recent years. Significant increases in the world price of oil boosted petroleum revenues this year, masking the negative domestic impact of the country's economic policy.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government. Qadhafi has used extrajudicial killing and intimidation to control the opposi-

tion abroad and summary judicial proceedings to suppress it at home. Security forces torture prisoners during interrogations and as punishment. Prison conditions are poor. Security forces arbitrarily arrest and detain persons, and many prisoners are held incommunicado. Many political detainees are held for years without charge. The Government controls the judiciary, and citizens do not have the right to a fair public trial or to be represented by legal counsel. The Government infringes on citizens' privacy rights, and citizens do not have the right to be secure in their homes or persons, or to own private property. The Government restricts freedom of speech, press, assembly, association, and religion. The Government imposes some limits on freedom of movement. In September the Government reportedly expelled hundreds of sub-Saharan workers following incidents of mob violence against the workers; the authorities also were accused of responding slowly to the violence. The Government prohibits the establishment of independent human rights organizations. Violence against women is a problem. Traditional attitudes and practices continue to discriminate against women, and female genital mutilation (FGM) still is practiced in remote areas of the country. The Government discriminates against and represses certain minorities and tribal groups. The Government continues to repress banned Islamic groups and exercises tight control over ethnic and tribal minorities, such as Amazighs (Berbers), Tuaregs, and Warfalla tribe members. The Government restricts basic worker rights, uses forced labor, and discriminates against foreign workers. There have been reports of slavery and trafficking in persons.

Colonel Qadhafi publicly called for violence against opponents of his regime after violent clashes between Islamic activists and security forces in Benghazi in September 1995. Outbreaks of violence between government forces and Muslim militants continued in the eastern part of the country. The Government encouraged reconciliation with opposition groups during the year and invited dissidents living abroad to return, promising that they would be safe. An opposition figure was appointed Ambassador to the Arab League, but few other opposition figures returned, and the sincerity of the Government's offer and the likelihood of reconciliation remain unclear.

In April 1999, the Government surrendered the two men suspected of the 1988 bombing of Pan Am flight 103 for trial before a Scottish court seated in the Netherlands. As a result, U.N. sanctions against Libya were suspended. The full lifting of the U.N. sanctions will require that Libya cooperate with the investigation, accept responsibility for the actions of its officials, pay appropriate compensation, and renounce terrorism.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Violent clashes between the security forces and militant Islamist opposition groups increased following a lull toward the end of 1999. In the past, the clashes were concentrated predominantly in the eastern region and resulted in an undetermined number of deaths. Since a 1996 prison mutiny in Benghazi and other attacks against the regime, the Government has maintained tightened security measures. In the years following the mutiny, the Government made hundreds of arrests, conducted military operations in the areas of insurrection, and killed a number of persons.

The Government uses summary judicial proceedings to suppress domestic dissent and has used extrajudicial killings and intimidation to control the opposition abroad. Prior to 1994, there were reports that Libyan security forces hunted down and killed dissidents living abroad (see Sections 1.b. and 2.d.).

The U.N. Security Council imposed sanctions against Libya following the bombings of Pan Am flight 103 over Scotland in 1988, which killed 259 persons on board and 11 persons on the ground, and the bombing of UTA flight 772 over Chad in 1989, which killed 171 persons. In April 1999, the Government surrendered the two men suspected of the Pan Am bombing, which prompted the suspension of U.N. sanctions against Libya. The suspects are being tried under Scottish law before a Scottish court seated in the Netherlands. Following the conclusion of the UTA trial and the appearance in the Netherlands of the two Libyan suspects in the Pan Am 103 bombing, the full lifting of the now-U.S. and British investigations; accept responsibility for the actions of its officials; pay appropriate compensation; and renounce terrorism.

In March 1999, a French court convicted in absentia the six defendants in the UTA bombing and sentenced them to life in prison. In July the Government paid the French Government \$31 million (17 million dinars) to compensate the victims' families. Family members of the UTA 772 victims now are seeking indictments of more senior officials, including Qadhafi.

2000

In late November 1999, the Government paid compensation to the British Government for the 1984 killing of British policewoman Yvonne Fletcher outside the Libyan Embassy in London.

In September mobs of citizens in several locations reportedly beat hundreds of sub-Saharan expatriate workers, attacking and, in some cases, burning their places of residence and employment. Credible reports indicate that as many as 50 individuals were killed and hundreds of others injured. The mobs blamed the expatriate population for increased crime and the appearance of HIV in Libya. Libyan security forces were criticized by many African governments for their slow reaction to these events (see Sections 2.d. and 5).

Prison conditions reportedly are poor and caused an unknown number of deaths in custody (see Section 1.c.).

b. Disappearance.—The regime in the past has abducted and killed dissidents in the country and abroad. Dissident Mansour Kikhiya disappeared from Cairo, Egypt in 1993. There is credible information that, following his abduction, Kikhiya was executed in Libya in early 1994. There have been no reports of such abductions or killings since 1994.

Prisoners routinely are held in incommunicado detention (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law provides for fines against any official using excessive force; however, there are no known cases of prosecution for torture or abuse. Security personnel reportedly routinely torture prisoners during interrogations or for punishment. Government agents reportedly periodically detain and torture foreign workers, particularly those from sub-Saharan Africa. Reports of torture are difficult to corroborate because many prisoners are held incommunicado. In April 1999, the U.N. Committee against Torture reported that it continued to receive allegations of torture and recommended that the authorities send a clear message to all its law enforcement personnel that torture is not permitted under any circumstances.

Methods of torture reportedly include: Chaining to a wall for hours, clubbing, applying electric shock, applying corkscrews to the back, pouring lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocating with plastic bags, depriving of food and water, hanging by the wrists, suspending from a pole inserted between the knees and elbows, burning with cigarettes, attacking with dogs, and beating on the soles of the feet. In May three defendants, (two Bulgarians and one Palestinian) all health professionals in a much publicized case involving the HIV infection of nearly 400 Libyan children, claimed that their confessions had been obtained under duress (see Section 1.e.).

Prison conditions reportedly are poor. According to Amnesty International (AI), political detainees reportedly were held in cruel, inhuman, or degrading conditions, and denied adequate medical care, which led to several deaths in custody. AI reported that Mohammad 'Ali al-Bakoush, detained since 1989 without charge or trial, died in Abu Salim prison in August 1999, reportedly as a result of poor conditions of detention. Inmates protesting poor conditions mutinied in July 1996 at the Abu Salim prison. The prisoners went on a hunger strike and captured guards to protest the lack of medical care, overcrowding, and inadequate hygiene and diet provided at the facility. Security units were dispatched to suppress the uprising; as many as 100 persons were killed by security forces.

The Government does not permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Security forces arbitrarily arrest and detain citizens. By law the Government may hold detainees incommunicado for unlimited periods. It holds many political detainees incommunicado in unofficial detention centers controlled by members of the Revolutionary Committees. Hundreds of political detainees, many associated with banned Islamic groups, reportedly are held in prisons throughout the country (but mainly in the Abu Salim prison in Tripoli); many are held for years without charge. Hundreds of other detainees may have been held for periods too brief (3 to 4 months) to permit confirmation by outside observers (see Section 1.c.).

In 1998 security forces arrested suspected members and sympathizers of banned Islamic groups and monitored activities at mosques following violent clashes in eastern Libya. In June 1998, at least 100 professionals in Benghazi and several other major cities were arrested on suspicion of political opposition activities, specifically support of or sympathy for the Libyan Islamic Group, an underground Islamic movement that is not known to have used or advocated violence. Some practicing Muslims have shaved their beards to avoid harassment from security services. Qadhafi has criticized publicly Libyan "mujaheddin" (generally, conservative Islamic activists who fought with the Afghan resistance movement against Soviet forces) as threats to the regime (see Section 2.c.).

The 1994 Purge Law was established to fight financial corruption, black marketeering, drug trafficking, and atheism. It has been enforced by the "Purification" Committees since June 1996 (see Section 1.f.). Scores of businessmen, traders, and shop owners have been arrested arbitrarily on charges of corruption, dealing in foreign goods, and funding Islamic fundamentalist groups, and dozens of shops and firms have been closed. As part of the campaign to implement the Purge Law, the wealth of the middle class and affluent has been targeted as well.

In March 1997, the Libyan General People's Congress approved a law that provides for the punishment of accomplices to crimes of "obstructing the people's power, instigating and practicing tribal fanaticism, possessing, trading in or smuggling unlicensed weapons, and damaging public and private institutions and property." The new law provides that "any group, whether large or small," including towns, villages, local assemblies, tribes, or families, be punished in their entirety if they are accused by the General People's Congress of sympathizing, financing, aiding in any way, harboring, protecting, or refraining from identifying perpetrators of such crimes. Punishment under the Collective Punishment Law ranges from the denial of access to utilities (water, electricity, telephone), fuels, food supplies, official documents, and participation in local assemblies, to the termination of new economic projects and state subsidies.

In May 1997, Qadhafi declared that if any member of a family was found guilty of an offense, the individual's entire family was to be considered guilty.

The Government does not impose exile as a form of punishment, and it continued to encourage Libyan dissidents abroad to return, promising to ensure their safety; however, with the exception of the recently appointed Ambassador to the Arab League, formerly an opponent of the regime, few returned, and the sincerity of the Government's offer and the likelihood of reconciliation remain unclear. Prior to 1994, there were reports that security forces hunted down and killed dissidents living abroad (see Section 1.a.). Students studying abroad have been interrogated upon their return (see Section 2.d.).

e. Denial of Fair Public Trial.—The judiciary is not independent of the Government.

There are four levels of courts: Summary courts, which try petty offenses; the courts of first instance, which try more serious crimes; the courts of appeal; and the Supreme Court, which is the final appellate level.

Special revolutionary courts were established in 1980 to try political offenses. Such trials often are held in secret or even in the absence of the accused. In other cases, the security forces have the power to pass sentences without trial, especially in cases involving political opposition. The U.N. Special Rapporteur noted in 1996 a lack of fairness in trials of capital cases. In the past, Qadhafi has incited local cadres to take extrajudicial action against suspected opponents. In May the attorney defending 16 health professionals who were charged with infecting 400 Libyan children with HIV (see Section 1.c.) complained that he had been allowed to meet with his clients only twice since their incarceration. The defendants (nine Libyans, one Palestinian and six Bulgarians) were arrested in January 1999.

A large number of offenses, including political offenses and "economic crimes," are punishable by death. A 1972 law mandates the death penalty for any person associated with a group opposed to the principles of the revolution, as well as for other acts

such as treason, attempting to change the form of government by violence, and premeditated murder. The "Green Book" of 1988 states that "the goal of the Libyan society is to abolish capital punishment"; however, the Government has not acted to abolish the death penalty, and its scope has increased. In 1996 a law went into effect that applies the death penalty to those who speculate in foreign currency, food, clothing, or housing during a state of war or a blockade, and for crimes related to drugs and alcohol.

In 1997 two civilians and six army officers were executed: The civilians by hanging and the army officers by firing squad. At least five others were given prison sentences, all convicted on charges of being American spies, committing treason, cooperating with opposition organizations, and instigating violence to achieve political and social goals. The eight executed men were arrested with dozens of others in connection with a coup attempt by army units composed of Warfalla tribe members in October 1993. The men were convicted by the Supreme Military Court and reportedly did not have lawyers for their trial. The convicted persons allegedly were kept in secret locations and tortured throughout their incarceration to obtain confessions of criminal activity.

The U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions noted in 1996 "the apparent lack of respect for fair trial standards in trials leading to the imposition of capital punishment in Libya."

The private practice of law is illegal; all lawyers must be members of the Secretariat of Justice.

The Government holds a large number of political prisoners. Amnesty International estimates that there are hundreds of persons imprisoned for political reasons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government does not respect the right to privacy. Security agencies often disregard the legal requirement to obtain warrants before entering a private home. They also routinely monitor telephone calls.

The security agencies and the Revolutionary Committees oversee an extensive network of informants; one credible foreign observer estimated that 10 to 20 percent of the population was engaged in surveillance for the regime. Libyan exiles have reported that family ties to suspected regime opponents may result in government harassment and detention. The Government may seize and destroy property belonging to “enemies of the people” or those who “cooperate” with foreign powers. In the past, citizens have reported that the Government warned members of the extended family of any regime opponent that they, too, risk the death penalty.

The law passed by the General People’s Congress in March 1997 formally codified the Government’s previous threats of punishment for families or communities that aid, abet, or do not inform the regime of criminals and oppositionists in their midst (see Section 1.d.).

The 1994 Purge Law provides for the confiscation of private assets above a nominal amount, describing wealth in excess of such undetermined amounts as “the fruits of exploitation or corruption.” In 1996 the Government ordered the formation of hundreds of “Purge” or “Purification” Committees composed of young military officers and students. The Purification Committees reportedly seized some “excessive” amounts of private wealth from members of the middle and affluent classes; the confiscated property was taken from the rich to be given to the poor, in an effort to appease the populace and to strengthen the Government’s power and control over the country. The activities of the Purification Committees continued during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The authorities tolerate some difference of opinion in People’s Committee meetings and at the General People’s Congress; however, in general they severely limit freedom of speech. This is especially true with regard to criticism of Qadhafi or his regime. The occasional criticism of political leaders and policies in the state-controlled media, which does occur is interpreted as a government attempt to test public opinion or weaken a government figure who may be a potential challenger to Qadhafi.

The regime restricts freedom of speech in several ways: By prohibiting all political activities not officially approved, by enacting laws so vague that many forms of speech or expression may be interpreted as illegal, and by operating a pervasive system of informants (see Section 1.f.) that creates an atmosphere of mistrust at all levels of society.

The State owns and controls the media. There is a state-run daily newspaper, *Al-Shams*, with a circulation of 40,000. Local Revolutionary Committees publish several smaller newspapers. The official news agency, JANA, is the designated conduit for official views. The regime does not permit the publication of opinions contrary to government policy. Such foreign publications as *Newsweek*, *Time*, the *International Herald Tribune*, *L’Express*, and *Jeune Afrique* are available, but authorities routinely censor them and may prohibit their entry into the market.

Technology has made the Internet and satellite television widely available in Libya. According to numerous anecdotal reports, both are accessed easily in Tripoli.

The Government restricts academic freedom. Professors and teachers who discuss politically sensitive topics face a risk of government reprisal.

b. Freedom of Peaceful Assembly and Association.—Public assembly is permitted only with regime approval and in support of the regime’s positions.

Despite these restrictions, members of the Warfalla tribe staged several informal protests in 1995 against the regime’s decision to carry out the death penalty against tribe members involved in the 1993 coup attempt. The Government responded by arresting hundreds of tribe members and expelling others from the military and security forces. In January 1997, eight Warfalla tribe members arrested for involvement in the 1993 coup attempt were executed, and at least five others were given prison sentences for allegedly being American spies (see Section 1.a.).

The last display of public discontent and resentment towards the Government occurred when a riot broke out over a penalty called at a soccer match in Tripoli in 1996. The rare instance of public unrest began when a contentious goal was scored

by the team that Qadhafi's sons supported, and the referee called the play in their favor. The spectators reportedly started chanting anti-Qadhafi slogans after the referee made the call, and Qadhafi's sons and their bodyguards opened fire in the air, then on the crowd. The spectators panicked and stampeded out of the stadium and into the streets, where they stoned cars and chanted more anti-Qadhafi slogans. The Government officially admitted that 8 persons died and 39 were injured as a result of the soccer riots, but there were reports of up to 50 deaths caused by the gunfire and the stampede of the crowd. There is speculation that this year's mob violence against sub-Saharan guest workers (see Sections 1.a. and 5) reflects dissatisfaction with the Government's efforts to enhance ties to Africa, particularly the decisions to relax immigration controls on sub-Saharan workers and to funnel greater economic assistance to African nations.

The Government limits the right of association; it grants such a right only to institutions affiliated with the regime. According to a 1972 law, political activity found by the authorities to be treasonous is punishable by death. An offense may include any activity that is "opposed to the principles of the Revolution."

c. Freedom of Religion.—The Government restricts freedom of religion. The country is overwhelmingly Sunni Muslim. In an apparent effort to eliminate all alternative power bases, the regime has banned the once powerful Sanusiyya Islamic sect. In its place, Qadhafi established the Islamic Call Society (ICS), which is the outlet for state-approved religion, as well as a tool for exporting the revolution abroad. The ICS also is responsible for relations with other religions, including Christian churches in the country. In 1992 the Government announced that the ICS would be disbanded; however, its director still conducts activities, suggesting that the organization remains operational. Islamic groups whose beliefs and practices are at variance with the state-approved teaching of Islam are banned. Although most Islamic institutions are under state control, some mosques are endowed by prominent families; however, they generally follow the government-approved interpretation of Islam.

According to recent reports, individuals rarely are harassed because of their religious practices, unless such practices are perceived as having a political motivation. In June 1998, at least 100 professionals in Benghazi and several other major cities were arrested on suspicion of political opposition activities, specifically support of or sympathy for the Libyan Islamic Group, an underground Islamic movement that is not known to have used or advocated violence. Some practicing Muslims have shaved their beards to avoid harassment from security services. Qadhafi has criticized publicly Libyan "mujaheddin" (generally, conservative Islamic activists who fought with the Afghan resistance movement against Soviet forces) as threats to the regime (see Section 1.d.). Members of some minority religions are allowed to conduct services. Christian churches operate openly and are tolerated by the authorities. The authorities reportedly have failed to honor a promise made in 1970 to provide the Anglican Church with alternative facilities when they took the property used by the Church. Since 1988 Anglicans have shared a villa with other Protestant denominations. Christians are restricted by the lack of churches; there is a government limit of one church per denomination per city. There are two resident Catholic bishops, and a small number of priests. In March 1997, the Vatican established diplomatic relations with Libya, stating that Libya had taken steps to protect freedom of religion. The Vatican hoped to be able to address more adequately the needs of the estimated 50,000 Catholics in the country.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government usually does not restrict the internal movement of citizens but has imposed blockades on those cities and regions (primarily in the east) where antigovernment attacks or movements originate. In 1996 after the escape of some 400 prisoners—during which residents purportedly harbored escapees—the town of Darnah was sealed off by government troops and also had its water and electricity cut off.

The Government requires citizens to obtain exit permits for travel abroad and limits their access to hard currency. A woman must have her husband's permission to travel abroad (see Section 5). Authorities routinely seize the passports of foreigners married to citizens upon their entry into the country.

The right of return exists. The regime has called on students, many of whom receive a government subsidy, and others working abroad, to return to Libya on little or no notice. Students studying abroad have been interrogated upon their return. Prior to 1994, there were reports that Libyan security forces hunted down and killed dissidents living abroad (see Section 1.a.).

The Government has expelled noncitizens arbitrarily (see Section 6.e.). There were reports that in September the Government expelled hundreds of sub-Saharan workers following incidents of mob violence (see Section 1.a. and 5). Government authori-

ties placed noncitizen, primarily sub-Saharan guest workers in hastily built camps pending their repatriation to their countries of origin. While there were no reports of mistreatment associated with these camps, sanitary conditions and access to health care reportedly were poor.

In April 1998, the Government accused at least 10 Tunisians of suspected membership in, or support for, the Islamist group An-Nadha, which is banned in Tunisia for activities in opposition to the Tunisian Government, and forcibly returned them to Tunisia, where they reportedly were subjected to abuse. In 1995 the Government expelled approximately 1,000 Palestinian residents to indicate its displeasure with the signing of the Interim Agreement between Israel and the Palestine Liberation Organization. The Palestinians resorted to living in makeshift camps along the Egyptian border. The Government subsequently allowed them to return, but over 200 Palestinians elected to remain in the border camps, hoping to travel to the West Bank and Gaza or resettle in Egypt. The governments of Egypt and Israel refused to accept them, leaving them stranded in the deteriorating and squalid conditions of the once temporary border encampments. They were removed forcibly from their encampments to another location within the country by police and military authorities in April 1997.

The Government expelled 132 Algerians in November 1997 (see Section 6.e.).

While the country has acceded to the 1969 Organization of African Unity Convention on refugees, the law does not include provisions for granting asylum, first asylum, or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government does not grant such status. The U.N. High Commissioner for Refugees (UNHCR) reported that by December, there were approximately 33,000 refugees in the country, including some 30,000 Palestinians, 3,000 Somalis, and 100 of other nationalities. During the year, UNHCR assisted approximately 1,000 of the most vulnerable refugees in the country and supported income-generating programs for refugee women. The Government provided housing for approximately 850 Somali refugees.

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

Citizens do not have the right to change their government. Major government decisions are controlled by Qadhafi, his close associates, and committees acting in his name. Political parties are banned. Qadhafi appoints military officers and official functionaries down to junior levels. Corruption and favoritism, partially based on tribal origin, are major problems that adversely affect government efficiency.

In theory popular political participation is provided by the grassroots People's Committees, which are open to both men and women, and which send representatives annually to the national General People's Congress (GPC). In practice the GPC is a rubber stamp that approves all recommendations made by Qadhafi.

Qadhafi established the Revolutionary Committees in 1977. These bodies consist primarily of youths who guard against political dissent. Some Committees have engaged in show trials of regime opponents; in other cases, they have been implicated in the killing of opponents abroad. The Committees approve all candidates in elections for the GPC.

There is no reliable information on the representation of women and minorities in the Government.

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

The Government prohibits the establishment of independent human rights organizations. Instead it created the Libyan Arab Human Rights Committee in 1989. The Committee is not known to have published any reports.

The regime has not responded substantively to appeals from Amnesty International on behalf of detainees. In 1994 the regime characterized Amnesty International as a tool of Western interests and dismissed its work as neocolonialist; its representatives last visited Libya in 1988.

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

The Constitution prohibits discrimination based on these factors; however, the Government does not enforce these prohibitions, particularly discrimination against women and tribal minorities.

Women.—Although there is little detailed information on the extent of violence against women, it remains a problem. In general the intervention of neighbors and extended family members tends to limit the reporting of domestic violence. Abuse within the family rarely is discussed publicly, due to the value attached to privacy in society.

The 1969 Constitutional Proclamation granted women total equality. Despite this legal provision, traditional attitudes and practices prevail, and discrimination against women persists and keeps them from attaining the family or civil rights formally provided them. A woman must have her husband's permission to travel abroad (see Section 2.d.).

Although their status is still not equal to that of men, most observers agree that, with the advent of oil wealth in the 1970's, the opportunity for women to make notable social progress has increased. Oil wealth, urbanization, development plans, education programs, and even the impetus behind Qadhafi's revolutionary government all have contributed to the creation of new employment opportunities for women. In recent years, a growing sense of individualism in some segments of society, especially among the educated young, has been noted. For example, many educated young couples prefer to set up their own households, rather than move in with their parents, and view polygyny with scorn. Since the 1970's, educational differences between men and women have narrowed.

In general the emancipation of women is a generational phenomenon: Urban women under the age of 35 tend to have more "modern" attitudes toward life and have discarded the traditional veil; at the same time, older urban women tend to be more reluctant to give up the veil or traditional attitudes towards family and employment. Moreover, a significant proportion of rural women still do not attend school and tend to instill in their children such traditional beliefs as women's subservient role in society.

Employment gains by women also tend to be inhibited by lingering traditional restrictions that discourage women from playing an active role in the workplace and by the resurgence of Islamic fundamentalist values. Some observers have noted that even educated women tend to lack self-confidence and social awareness and seek only a limited degree of occupational and social participation with men.

Children.—The Government subsidizes education (which is compulsory to age 15) and medical care and has improved the welfare of children; however, declining revenues and general economic mismanagement have led to cutbacks, particularly in medical services. Some nomadic tribes located in remote areas still practice female genital mutilation (FGM) on young girls, a procedure that is widely condemned by international health experts as damaging to both physical and psychological health.

People with Disabilities.—No information is available on the Government's efforts to assist the disabled.

National/Racial/Ethnic Minorities.—Arabic-speaking Muslims of mixed Arab and Amazigh ancestry constitute 97 percent of the population. The principal minorities are Amazighs and blacks. There are frequent allegations of discrimination based on tribal status, particularly against Amazighs in the interior and Tuaregs in the south. The Government has manipulated the tribes to maintain a grip on power by rewarding some tribes with money and government positions and repressing and jailing members of various other tribes. The Government also has attempted to keep the tribes fractured by pitting one against another.

Foreigners constitute a significant part of the workforce. Sub-Saharan Africans in particular have become targets of resentment, and in September mobs of citizens in several locations reportedly beat hundreds of sub-Saharan workers, attacking and, in some cases, burning their places of residence and employment. Credible reports indicate that as many as 50 individuals were killed, and hundreds of others injured. The mobs blamed the expatriate population for increased crime and the appearance of HIV in Libya. Libyan security forces were criticized by many African governments for their slow reaction to these events (see Section 5).

Section 6. Worker Rights

a. The Right of Association.—Independent trade unions and professional associations are prohibited, and workers do not have the right to form their own unions. The regime regards such structures as unacceptable "intermediaries between the revolution and the working forces." However, workers may join the National Trade Unions' Federation, which was created in 1972 and is administered by the People's Committee system. The Government prohibits foreign workers from joining this organization.

The law does not provide workers with the right to strike. In a 1992 speech, Qadhafi affirmed that workers have the right to strike but added that strikes do not occur because the workers control their enterprises. There have been no reports of strikes for years.

The official trade union organization plays an active role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity. The Arab Maghreb Trade Union Federation suspended the membership of Libya's trade union organization in 1993. The suspension followed reports that Qa-

dhafi had replaced all union leaders, in some cases with loyal followers without union experience.

b. The Right to Organize and Bargain Collectively.—Collective bargaining does not exist in any meaningful sense, because labor law requires that the Government must approve all agreements.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—In its report this year, the Committee of Experts of the International Labor Organization's (ILO) stated that in Libya "persons expressing certain political views or views ideologically opposed to the established political, social, or economic system may be punished with penalties of imprisonment," including "an obligation to perform labor." The ILO report also noted that public employees may be sentenced to compulsory labor "as a punishment for breaches of labor discipline or for participation in strikes, even in services whose interruption would not endanger the life, personal safety, or health of the whole or part of the population."

There have been credible reports that the Government arbitrarily has forced some foreign workers into involuntary military service or has coerced them into performing subversive activities against their own countries. Libyans, despite the Penal Code's prohibition on slavery, have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children, who were captured by Sudanese government troops in the ongoing civil war in Sudan (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 18, although when Libya ratified ILO Convention 138 on Minimum Age for Employment in 1975, the minimum age specified was 15. Education is compulsory to age 15. There is no information available on the prevalence of child labor, or on forced or bonded labor by children.

e. Acceptable Conditions of Work.—The labor force consists of approximately 1.2 million (1995 estimate) workers, including a significant, but unknown number of expatriate workers (in a population of 6 million). Wages, particularly in the public sector, frequently are in arrears. A public sector wage freeze imposed in 1981 remains in effect and has eroded real income significantly, particularly in the face of consistently high inflation. There is no information available regarding whether the average wage is sufficient to provide a worker and family with a decent standard of living.

The legal maximum workweek is 48 hours. The Labor Law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours.

Although foreign workers constitute a significant percentage of the work force, the Labor Law does not accord equality of treatment to them. Foreign workers may reside in the country only for the duration of their work contracts and may not send more than half of their earnings to their families in their home countries. They are subject to arbitrary pressures, such as changes in work rules and contracts, and have little option but to accept such changes or to depart the country. Foreign workers who are not under contract enjoy no protection.

In 1997 the U.N. Committee on Economic, Social, and Cultural Rights cited inadequate housing, threats of imprisonment to those accused of disobeying disciplinary rules, and accusations of causing a variety of societal problems as some of the problems in the Government's treatment of foreign laborers.

The Government uses the threat of expulsion of foreign workers as leverage against countries whose foreign policies run counter to Libya's. The Government expelled approximately 1,000 Palestinian residents in late 1995 to signal its displeasure with the agreement between Israel and the Palestine Liberation Organization, and in 1996, the regime threatened to expel thousands of Palestinian workers for political and economic reasons (see Section 2.d.).

Over 130 Algerians were expelled in 1997 (see Section 2.d.).

Labor inspectors are assigned to inspect places of work for compliance with occupational health and safety standards. Certain industries, such as the petroleum sector, try to maintain standards set by foreign companies. There is no information on whether a worker can remove himself from an unhealthy or unsafe work situation without risking continued employment.

In September mobs of citizens in several locations, reportedly beat hundreds of foreign workers from sub-Saharan African, attacking and in some cases burning their places of residence and employment. Many African governments criticized Libyan security forces for their slow reaction to these events (see Section 5).

f. Trafficking in Persons.—There is no information available regarding whether the law prohibits specifically trafficking in persons.

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There have been reports of trafficking in persons. Libyans have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children, who were captured by Sudanese government troops in the ongoing civil war in Sudan.

MOROCCO

The Constitution provides for a monarchy with a Parliament and an independent judiciary; however, ultimate authority rests with the King, who presides over the Council of Ministers, appoints all members of the Government, and may, at his discretion, terminate the tenure of any minister, dissolve the Parliament, call for new elections, and rule by decree. The late King Hassan II, who ruled for 38 years, was succeeded by his son, King Mohammed VI, in July 1999. Since the constitutional reform of 1996, the bicameral legislature consists of a lower house, the Chamber of Representatives, which is elected through universal suffrage, and an upper house, the Chamber of Counselors, whose members are elected by various regional, local, and professional councils. The councils' members themselves are elected directly. The lower house of Parliament also may dissolve the Government through a vote of no confidence. In March 1998, King Hassan named a coalition government headed by opposition socialist leader Abderrahmane Youssefi and composed largely of ministers drawn from opposition parties. Prime Minister Youssefi's Government is the first government drawn primarily from opposition parties in decades, and also represents the first opportunity for a coalition of socialist, left-of-center, and nationalist parties to be included in the Government. The November 1997 parliamentary elections were held amid widespread, credible reports of vote buying by political parties and the Government, and excessive government interference. The fraud and government pressure tactics led most independent observers to conclude that the results of the election were heavily influenced, if not predetermined, by the Government. After a long appeals process, some of the results were overturned by the Constitutional Council during the year and new by-elections were held. In September the Government reported that various political parties had engaged in vote-buying and fraud during indirect elections to replace one-third of the 270 seats in the Chamber of Counselors, Parliament's upper house. The Government criticized the electoral corruption, indicating that it would investigate and prosecute those concerned; however, few of the cases involving electoral fraud had been presented before the courts or prosecuted by year's end. The judiciary historically has been subject to bribery and government influence; however, the Youssefi Government continued to implement a reform program to develop greater independence and impartiality.

The security apparatus includes several overlapping police and paramilitary organizations. The Border Police and the National Security Police are departments of the Ministry of Interior, the Judicial Police falls under the jurisdiction of the Ministry of Justice, and the Royal Gendarmerie reports to the Palace. Some members of the security forces continued to commit serious human rights abuses.

The economy is based on large phosphate reserves, a diverse agricultural sector, fisheries, a sizable and growing tourist industry, a growing manufacturing sector (especially textiles), and a dynamic, deregulated telecommunications sector. There are considerable remittances from citizens working abroad. The illegal production and export of cannabis also is a significant economic activity, particularly in the north. Economic growth is highly dependent on agricultural output, which has been affected adversely by 2 consecutive years of worsening drought. According to the Government's statistics, the real gross domestic product (GDP) shrank by 0.7 percent in 1999. A similar outcome is estimated for 2000.

The Government generally respected the rights of its citizens in most areas; however, the Government's record was generally poor in a few areas, and there were some notable setbacks. Citizens do not have the full right to change their government. While then-King Hassan II's appointment of a first-ever opposition coalition government in 1998 marked a significant step toward democratization, officially recognized corruption and votebuying in the September Chamber of Counselors elections constituted a notable setback. There were reports of several suspicious deaths in police custody. Some members of the security forces occasionally tortured or otherwise abused detainees, and beat protesters on numerous occasions. Despite some progress by the Government, human rights groups continue to call for full disclosure of all available information concerning citizens abducted by the Government from the 1960's through the 1980's. Despite significant efforts by the Government, prison conditions remain harsh. Authorities sometimes arbitrarily arrest and detain persons. The judiciary historically has been subject to corruption and Interior Ministry

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influence; however, the Government continued to implement judicial reforms in order to increase the level of the judiciary's independence and impartiality. Nonetheless, human rights organizations and activists alleged a lack of due process in several high-profile court trials, including 2 controversial military court trials involving an air force captain who, after criticizing corruption in the military to a foreign news publication, ultimately was sentenced to 2.5 years in prison for violating the Military Code; five Sahrawi youths who, after being arrested in Laayoune for throwing stones at police, were sentenced to 5 to 10 years' imprisonment for forming a criminal association; and unemployed graduates who were detained during protests in Rabat in June. At times authorities infringed on citizens' privacy rights. The Government's record on press freedom was inconsistent during the year. While the Government permitted extensive coverage of formerly taboo topics it systematically restricted press freedom on several specific topics that it considers sensitive, and on which journalists continue to practice self-censorship, including criticism of the Monarchy, Morocco's claim to the Western Sahara, and the sanctity of Islam. It appeared that the Government also increased restrictions on both domestic and international media to prevent reporting on some topics with the potential to reflect negatively on the country's international image. The Government censored and banned at least 12 domestic and foreign publications during the year. On December 2, Prime Minister Youssoufi used the highly controversial and longcriticized Article 77 of the Press Code to ban three investigative weekly newspapers. The Government limited freedom of assembly and association. In numerous incidents during the year, police beat and violently dispersed demonstrators. The Government limited freedom of religion. Although non-Muslim foreigners may practice their religions freely, missionaries who proselytize face expulsion, and converts from Islam to other religions continue to experience social ostracism. The Government monitors the activities of mosques. During the summer, the Government prevented members of an Islamist group, whose leader has questioned the legitimacy of the Monarchy, from gaining access to campgrounds and beaches for group prayer sessions, and arrested and jailed some of the group's members. The Government at times restricts freedom of movement and withholds the granting of passports for foreign travel. Domestic violence and discrimination against women are common. Teenage prostitution is a problem in urban centers. Berbers face cultural marginalization, and continue to press the Government to preserve their language and culture. Unions are subject to government interference, child labor also is a problem, and the Government has not acted to end the plight of young girls who are subjected to exploitative and abusive domestic servitude.

However, there was further progress on some important human rights issues during the year. In February and August, the courts sentenced to prison terms five members of the security forces who were convicted for their involvement in the beating deaths of prisoners. In order to implement reforms enacted into law in 1999, the National Prison Administration initiated a series of activities to improve living conditions inside prisons, including the construction of family visitation centers, manual skills training facilities, and visits by various entertainers. In July the Royal Arbitration Commission that the King established in 1999 to indemnify former political prisoners and their families, released an initial grant of compensation totaling approximately \$14 million (140 million dirhams), which benefited 68 victims or their families; some of the grant money went to Sahrawis from the Western Sahara who were in need of urgent provisional financial and medical aid. The July compensation also supplemented an initial Government allotment to the commission of roughly \$4 million (40 million dirhams) in April that went to meet the urgent medical needs of 39 former prisoners and their survivors. The Government continued to clear a backlog of unenforced legal judgments from previous years. In May the Government allowed Islamist dissident Sheik Abdessalam Yassine to leave his home after 11 years of house arrest for refusing to acknowledge the religious authority of then-King Hassan II. The Constitutional Council overturned a number of election results considered fraudulent from the 1997 legislative elections, as well as results from a by-election held in June. The King appointed the Monarchy's first female royal counselor in March and confirmed the appointment of the first female minister in September. In May the Government accorded "public utility" status, which confers organizations with financial benefits as recognition of their serving the public interest, to two of the country's leading human rights organizations, the Moroccan Association for Human Rights (AMDH) and the Moroccan Organization for Human Rights (OMDH). In October the Government permitted an organization of former political detainees, as well as hundreds of human rights activists, to travel to and hold a remembrance ceremony at the notorious former secret detention center of Tazmamart, whose existence the authorities formerly denied. Throughout the year, the Human Rights Ministry held numerous human-rights-awareness training

sessions with teachers and some police personnel, and the Government increased its efforts to introduce human rights as a core subject of the national school curriculum. In September the Government hosted a human rights training seminar for representatives of Arab governments and nongovernmental organizations (NGO's) in the Arab world. During her visit in April to attend an international conference on national human rights institutions and open a U.N.-sponsored human rights information center, U.N. High Commissioner for Human Rights Mary Robinson said that while there were still problems to resolve, the country had achieved "significant progress" in human rights over the past 2 years. In January the Human Rights Ministry announced an agreement with the Moroccan Barristers Association to open a network of legal support centers for victims of domestic violence.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings. According to a report in the February newsletter of the AMDH, Ali Akzkane died on January 4 under suspicious circumstances, while in police custody in the southern town of Tiznit, after being apprehended during an attempted robbery. In response to a January 13 newspaper article that called attention to the AMDH's report and its request for a government investigation, the Inspector General of the National Security Police in early March denied accusations of police malfeasance in the death. According to the Inspector General, Akzkane committed suicide in his jail cell 2 hours after being incarcerated, and authorities immediately notified the public prosecutor and regional doctor. An investigation ensued and, according to the Inspector General, discussions with Akzkane's family revealed that he had been suffering from depression. Results of the autopsy reportedly attributed Akzkane's death to suicide. According to the AMDH, it was contacted by the Government regarding the affair in September and told that the authorities were reviewing the case. There were no results in the investigation by year's end (see Section 1.c.).

The AMDH's bureau in Taounate (outside of Fez) reported suspicious circumstances in the death of Mustapha Najiaji, after a Royal Armed Forces patrol took him and another citizen into custody at 2 a.m. on July 12; the press reported that security forces detained the two for public drunkenness and possession of illegal narcotics. According to the second citizen, the patrol took him and Najiaji to a "behouia" (an administrative center under the jurisdiction of the Interior Ministry that contains holding cells) and beat them until 3 a.m. The security forces subsequently freed the second citizen after Najiaji fell down, lost consciousness, and stopped breathing. According to the AMDH report, at 4 a.m. the security forces at the behouia notified the public prosecutor that they had found Najiaji dead in his cell from a suicide by hanging. The second citizen reportedly alleged in his testimony to the public prosecutor that Najiaji died from beatings at the hands of the security forces. According to the AMDH, the prosecutor general of Fez orally transmitted the autopsy results to Najiaji's family, and the family's lawyer reportedly had access to the results; the results reportedly made reference to Najiaji having been the victim of violence before his death. The AMDH expressed concern over the slow handling of the case, which reportedly was pending with the general prosecutor at the military court in Rabat at year's end. The Royal Armed Forces patrol members involved in the case were not yet charged by year's end (see Section 1.c.).

On November 27, security forces reportedly used violent means to break up a 5-day sit-in strike at a canning factory in the southern city of Agadir. The attack reportedly resulted in the death of one worker and injuries to eight others. Conflicting reports attributed the death to either police abuse or "natural causes" (see Sections 1.c., 1.d., 2.b., and 6.a.).

In their annual human rights report for 1999, which was released in late January, the AMDH called on the Government "to resolve definitively and urgently the issue of deaths inside and outside police stations and posts of the Gendarmerie."

A police officer and two members of the Interior Ministry's auxiliary forces were arrested in connection with the beating death of Farah Mohammed near Oujda in August 1999. The public prosecutor at Oudja's court of appeal subsequently ordered an investigation. Farah Mohammed was stopped by police authorities for questioning in connection with contraband trafficking of fuel across the Moroccan border with Algeria. Eyewitnesses said that the police beat and kicked him into unconsciousness at the time he was detained. He died in police custody. Farah Mohammed's parents lodged an immediate complaint with gendarmerie authorities as soon as they learned of their son's death, which led to the immediate arrest of the police

and military auxiliary officers allegedly involved in the beating. The trial in the case still reportedly was pending at year's end.

In August an appeals court in Settat (south of Casablanca) convicted an auxiliary member of the security forces to 12 years' imprisonment and a fine of approximately \$6,000 (60,000 dirhams) for the beating death of mint vendor Abdelaziz Warret in June 1999. Two other auxiliary members of the security forces involved in the beating death were sentenced to 4 months in prison. According to press reports in June 1999, police in Berrechid arrested Warret, confiscated his merchandise, and beat him until he fainted. He died later at a hospital. When his family went to claim the body and to obtain a death certificate, doctors refused to issue one. No explanation was given for his arrest. An autopsy subsequently performed during the investigation into Warret's death revealed that he died from internal hemorrhaging caused by the beating.

In February a court in Tangiers convicted two police officers of manslaughter in the 1996 beating death of a citizen returning from Holland. According to reports of witnesses, port police stopped Mohamed El-Feddaoui in Tangiers as he disembarked from a car ferry in his automobile. The witnesses claim that El-Feddaoui subsequently was taken to the police station and tortured to death by two police officers. The two officers reportedly had been instructed by the port's police commissioner to detain and torture Feddaoui. Both of the police officers received 10 years' imprisonment for violence resulting in manslaughter. The court sentenced the port police commissioner to 8 years' imprisonment for abusive detention and denial of his complicity in the crime. The court also ordered all three to pay approximately \$35,000 (350,000 dirhams) each to Feddaoui's estate. According to press reports, the AMDH principally was responsible for furnishing testimony in the case (see Section 1.c.).

In September the court of appeal in Safi (south of Casablanca) resumed a long-delayed case and summoned three police officers charged with manslaughter in the 1996 death of Hassan Mernissi. According to Mernissi's family, he was killed by the three police officers while in incommunicado ("garde-a-vue") detention in Safi's central police station. Police reportedly had stopped Mernissi for drunkenness. According to a lawyer representing Mernissi's family, witnesses present in the police station at the time alleged that Mernissi was beaten to death while in detention. The police officers maintained that the allegedly drunk Mernissi knocked his head against the bars of his cell until he died. The autopsy indicated that Mernissi bled to death. Before the case was heard by court of appeal in Safi in early 1999, it remained in the pretrial investigation stage for over 2 years. In consideration of the Ramadan holiday, in December the trial was postponed again until March 2001.

Human rights groups allege that poor medical care in prisons results in unnecessary deaths; however, the Justice Ministry in 1999 assigned more doctors to prisons in an effort to improve prison health facilities. However, resource constraints continue to contribute to harsh conditions, including extreme overcrowding, malnutrition, and lack of hygiene. Throughout the year, the National Prison Administration continued to allow numerous site visits by members of Parliament, the press, human rights groups, and foreign diplomats (see Section 1.c.).

b. Disappearance.—There were no new cases of confirmed disappearance for the fifth consecutive year; however, the AMDH claimed during the year that the continued practice of incommunicado detention without informing the family members of those detained (see Section 1.d.) was evidence of the continued practice of forced disappearance. While the forced disappearance of individuals who opposed the Government and its policies occurred over several decades, the Youssoufi Government, upon taking office, pledged that such policies would not recur, and that it would disclose as much information as possible on past cases. Many of those who disappeared were members of the military who were implicated in attempts to overthrow the Government in 1971 and 1972. Others were Sahrawis or Moroccans who challenged the Government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. While the Government in recent years quietly released several hundred persons who had disappeared, including a release of about 300 such detainees in June 1991, and although in October 1998 it issued an announcement on those who disappeared, to this day hundreds of Saharan and Moroccan families do not have any information about their missing relatives, many of whom disappeared over 20 years ago. No explanation for their incarceration has ever been provided. Local human rights monitors have concluded that many others died while at the notorious Tazmamart prison, which the Government since has closed. The Government has acknowledged 34 of these deaths and has provided death certificates to the families of all but 1 of the 34 who died.

In October 1998, in response to a directive issued by then-King Hassan II that all human rights cases be resolved "within 6 months," the Royal Consultative Council on Human Rights (CCDH) announced the release of information on 112 cases of

disappearances. According to the Council, 56 of the 112 who disappeared were deceased; family members of 33 of the deceased received death certificates from the Government. The Council added that eight persons believed to have disappeared were alive and living abroad, and that four were alive and in Morocco. Of the remaining 44, the Council stated that it had no further information. Human rights groups and families pointed out discrepancies between their lists and those of the Government, asked the Government for more data regarding these cases, and demanded full explanations of the causes and circumstances of these deaths and disclosure of the identities of those responsible. Some family groups claim that the Government is not divulging details on at least 50 more cases. In November 1998, the Council began meetings in various provinces with groups representing families of persons who had disappeared in order to collect data on their grievances and to conduct further research into the fate of those who remain missing. In April 1999, the Council announced that it would indemnify the 112 victims of politically motivated disappearances. Human rights NGO's disputed the Council's findings, claiming that they had compiled a list of over 600 potential cases of such disappearances from the 1960's through the 1980's. The NGO's called for the immediate release of all remaining political prisoners, disclosure of the fate of those whose cases the Council did not examine, delivery of the remains of the deceased to their families, compensation for victims and their families, and punishment for those responsible. On July 17, the Paris-based International Federation of Human Rights Leagues (FIDH) published a communique in which it estimated the number of persons who had disappeared in Morocco alone to be "between nearly 600 and several thousand." The FIDH claimed that disappearances of Sahrawis in the Western Sahara could number up to 1,500, although conditions in the territory prevented full confirmation of this figure. In October the Government for the first time permitted an organization of former political detainees, as well as hundreds of human rights activists, to travel to and hold a remembrance ceremony at the notorious former secret detention center at Tazmamart, whose existence the authorities formerly denied (see Section 2.a.).

In August 1999, in one of his first official acts, King Mohammed VI established a new royal commission responsible for increasing the Government's efforts to resolve the issue of those who had disappeared and to reach an accommodation with former political prisoners and members of their families. The new commission met with some family members and local human rights organizations and began to draw up guidelines for the resolution of issues involving individuals who had disappeared.

Following up on the CCDH's December 1999 announcement to distribute advance partial compensation to the neediest victims of forced disappearance and arbitrary detention, Prime Minister Youssoufi declared before Parliament in January that his government would compensate financially the most urgent cases first. Youssoufi's announcement came after the passing of the Government's January 1 deadline for receipt of compensation claims from former detainees and their survivors by the Royal Arbitration Commission working under the auspices of the CCDH. The number of claims filed totaled approximately 5,900. Human rights organizations contested the nature of the compensation process, particularly the composition of the Arbitration Commission, which they claimed lacked independence; the lack of transparency in the commission's decision-making processes; and the condition imposed by the commission that those filing claims must accept the commission's findings as final, without appeal. In April the CCDH announced the Government's allocation of a provisional compensation fund totaling approximately \$4 million (40 million dirhams), as well as initial provisional compensation for 31 of the neediest former prisoners who had been held in the notorious Tazmamart prison, and 8 of the prisoners' surviving family members. Each prisoner or surviving family member received up to approximately \$14,500 (145,000 dirhams), a sum designed to cover urgent medical and financial expenses caused by extended imprisonment. In July the Royal Arbitration Commission announced final compensation settlements for 68 cases (benefiting 354 persons, including some of those provisionally compensated in April) that totaled approximately \$14 million (140 million dirhams). Former prisoners or their survivors were designated to receive between \$25,000 and \$350,000 (250,000 and 3,500,000 dirhams). In July the Arbitration Commission began distributing preliminary compensation payments to some of the Sahrawis from the Western Sahara who had disappeared or been detained, and their family members. As with the April allotment, the Government stated that it intended these initial payments as provisional compensation to cover urgent medical and financial expenses for needy Sahrawis or their surviving family members who appealed for compensation from the Commission by December 31, 1999. The Government announced that additional compensation in the form of final settlements could be distributed pending the review by the Commission of petitions submitted by Sahrawi claimants.

Critics of the arbitration process continued to criticize the Commission, claiming that its composition lacked independence and that the Commission's stipulation that all of its decisions were final was unfair. Numerous former prisoners and their survivors refused to file a claim. Others criticized the small number of cases settled, citing that over 5,800 cases remained. In the absence of disclosure by the Government explaining its role in past disappearances, the Moroccan Forum for Truth and Justice (FMVE—created by victims of forced disappearance and their surviving family members) continued to argue that the compensation process alone was inadequate to redress past government actions; it requested the Government to go beyond compensation to facilitate conciliation between citizens and the Government through publicized investigations into disappearances and arbitrary detentions. After the July compensation settlement was announced, the OMDH issued a communique calling for more transparency during the arbitration process. According to the OMDH, "the fact of not communicating these measures at the opportune time, even though the measures were limited, helped sow ambiguity and misinformation, which the issue could have done without." In speeches given in July and December, King Mohammed VI addressed criticisms of the compensation process by announcing imminent reform of the CCDH. According to the King, the CCDH's composition, responsibilities, and work structure would be changed. None of the King's proposed changes had been implemented by year's end.

There were no developments in the disappearance of Abdullah Sherrouq, a student who reportedly was detained by security services on June 22, 1981. After 19 years, his family has been unable to learn anything of his whereabouts or his fate, despite appeals by Amnesty International (AI). In 1998 the CCDH listed Sherrouq as 1 of the 112 cases of disappearance acknowledged by the Government; according to the council, Sherrouq disappeared in undetermined circumstances; he was 1 of the 44 for whom the Government said it possessed no further information.

Associations that seek information on those who have disappeared, including the FMVE, an executive coordinating committee of former Sahrawi political prisoners, and a group specifically representing Tazmamart prison survivors, operate openly, and call upon the Government for full disclosure of events surrounding cases that date back to the 1960's. Several front-page articles in newspapers affiliated with parties in the governing coalition called at various times during the year for full disclosure on all outstanding cases of disappearance. The associations also call for compensation to families of those who have disappeared, death certificates and the return of the remains of those who died, and prosecution of responsible officials. The Government has indicated that it would be more open about providing information on these past cases, and met with the FMVE on a number of occasions during the year to discuss its concerns. Throughout the year, FMVE leaders also met with the CCDH and leaders of national political parties. However, according to press reports in August, the FMVE's leadership claimed that political parties were hesitant to help them address the problem of past disappearances. Associations in the Western Sahara that seek information on disappearances do not operate free from government interference; there were reports that some members of these associations were harassed and intimidated while seeking information on missing Sahrawis. Some also continue to be denied passports (see Section 2.d.).

Until July the Government paid a monthly stipend of \$500 (5,000 dirhams) to 28 former prisoners who survived 18 to 20 years in solitary confinement under harsh conditions at Tazmamart prison in connection with the coup attempts in 1971 and 1972. After their release, the Government prohibited them from speaking out publicly about their detention. In exchange the Government gave the former prisoners assurances that it would help them find jobs and reintegrate them into society; however, none of them has obtained government assistance in this regard, and some complain of being denied voter cards and passports. After the final compensation settlement package from the Royal Arbitration Commission to the 31 former Tazmamart prisoners in July, the authorities ceased distributing the monthly stipends to the 28 who had been kept in solitary confinement.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits torture, and the Government claims that the use of torture has been discontinued; however, some members of the security forces still torture or otherwise abuse detainees. The Penal Code requires capital punishment for perpetrators who commit acts of torture or "acts of barbarity," provided that such acts occur during the commission of a crime. The Penal Code also stipulates sentences up to life imprisonment for public servants who "use or oblige the use of violence" against others in the exercise of their functions. By law, pretrial investigating judges must, if asked to do so or if they themselves notice physical marks that so warrant, refer the detained person to an expert doctor. However, according to legal experts, this obligation often is ignored in practice.

In February the AMDH reported the death under suspicious circumstances of Ali Akzkane while he was in police custody in Tiznit on January 4 after being apprehended during an attempted robbery. In response to the AMDH's request for a government investigation, the National Security Police denied accusations of malfeasance in Akzkane's death, and attributed his death to suicide likely brought on by depression. Results of an autopsy reportedly attributed Akzkane's death to suicide. According to the AMDH, which was contacted by the Government regarding the affair in September, the authorities were reviewing the case at year's end (see Section 1.a).

In April a Moroccan court in the Western Sahara city of Laayoune sentenced five Sahrawi youths to prison terms of between 5 and 10 years for the "formation of a criminal association" after their alleged participation in a March 4 stone-throwing in the same city. One of the lawyers representing the five Sahrawis alleged that the judicial police who investigated the affair committed several illegal acts, including torturing the youths during their detention (see Sections 1.d., 1.e., and 1.f.).

After his release from prison on May 4 after a royal pardon, Sadok El-Kihal, a trucker and regional bureau member of the Istiqlal party's General Union of Moroccan Workers (UGTM), contacted the AMDH with accusations that he had been arrested arbitrarily, jailed, tortured, and falsely convicted by authorities in June 1999 following his participation in a national truckers strike. El-Kihal alleged that security forces in the Gendarmerie of Taouriate (Oujda province) tortured him for almost 24 hours, suspending him by his arms for extended periods while beating his fingers and feet. El-Kihal also alleged to AMDH that members of the Gendarmerie tied his hands behind his back, bent him backward on his knees, and applied pressure to his stomach while somebody forced their fingers down his throat. El-Kihal alleged that two adjutants in the Gendarmerie participated in his torture. El-Kihal said that his jailers wrote a false police report, which they forced him to endorse with his thumbprint without first allowing him to read it. El-Kihal alleged that it was this police report that formed the basis of his conviction at the Oujda court of appeals, which sentenced him to 2 years' imprisonment. The Istiqlal party's Arabic-language daily, *Al-Alam*, published a UGTM communique on September 30, 1999, regarding El-Kihal's treatment. El-Kihal subsequently benefited from a royal pardon and was freed on May 4 (see Sections 1.d., 1.e., and 6.a.).

In June a foreign diplomat met with a Sahrawi student, who claimed to have been tortured by the authorities for suspected participation in May 17 to 18 demonstrations near the Marrakech University campus. There were conflicting accounts regarding the origins of the large-scale demonstrations, during which mostly Sahrawi students clashed with dozens of Marrakech police in violent exchanges that involved the throwing of a Molotov cocktail by one student and the clubbing of students by security forces. During the detention, police allegedly attempted to force the student to inform on other Sahrawi students who had participated in the demonstrations. During the meeting, the student showed the foreign diplomat fresh burn marks that the police allegedly inflicted with cigarettes (see Sections 1.d. and 1.e.).

On May 17 in Rabat, police arrested 14 students at Mohammed V University and charged them with arson, violence against the police, erecting barricades, and impeding free movement. The students, 12 of whom were Sahrawis, participated earlier in the day in a solidarity protest with fellow Sahrawi students who were arrested the same morning in Marrakech. According to a lawyer representing 13 of the accused students, one of his clients claimed that police took him to an unidentified location after his arrest, beat him severely, and interrogated him regarding his activities and links with other Sahrawis and human rights activists. Indicating his client's difficulty in speaking in court, as well as his swollen face and eyes, the lawyer requested the pretrial investigating judge to conduct a medical examination of his client, which the judge refused. After a series of hearings and delays, on November 17, the Rabat court of appeals acquitted and freed all 14 students who were detained in mid-May. According to a lawyer for the defense, all of the detained students denied before the court any involvement in the demonstration. The prosecution reportedly failed to produce any witnesses who could confirm the students' participation in the May 17 incident (see Section 1.e.).

The AMDH's bureau in Taounate (outside of Fez) reported suspicious circumstances in the death of Mustapha Najiaji after a Royal Armed Forces patrol reportedly took him and another citizen into custody on July 12; press reports stated that security forces detained the two for public drunkenness and possession of illicit narcotics. According to the AMDH report, the second citizen claimed that the patrol beat Najiaji to death while the security forces claim that they found Najiaji dead in his cell from suicide by hanging. The AMDH reported that the prosecutor general of Fez orally transmitted the autopsy results to Najiaji's family and that the family's lawyer had access to the results; the results reportedly made reference to Najiaji

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having been the victim of violence before his death. The AMDH expressed concern over the slow handling of the case; it reportedly was pending with the general prosecutor at the military court in Rabat at year's end, and the Royal Armed Forces patrol members have yet to be charged (see Section 1.a.).

In August the media reported a case of alleged torture by police in a Casablanca police station. Abderrahmane Jamali alleged that police officers in the Ain Sebaa-Hay Al-Hassani station tortured him for 3 days while he was detained in early August, once in the presence of a citizen who had filed a complaint against him. Press reports alleged that the incident began in late July when the plaintiff twice filed a complaint against Jamali for abuse of confidence and theft. After the prosecutor dismissed the first complaint for lack of proof, the plaintiff requested a reopening and more thorough investigation of the case. Press reports alleged that Jamali subsequently was detained, tortured for 3 days, and then convicted and sentenced by a Casablanca court to 5 months' imprisonment several days later. Jamali reportedly fainted during the sentencing hearing. Jamali became ill within days of his incarceration and, after his family sent a letter to the prison director requesting the director's intervention, was sent to various medical facilities. At Averroes hospital, doctors on August 11 detected an infection allegedly transmitted by parasites found on rodents. According to the Party of Progress and Socialism's French-language daily newspaper *Al-Bayane*, doctors also found signs of "physical cruelty" on Jamali's body. The marks reportedly included contusions and bruises on his neck and knees, as well as a lesion on one of his lungs. A doctor at Averroes wrote a letter to Al-Bayane claiming that the infection Jamali contracted "does not explain all of the signs that we observed during (his) clinical examination." Afterwards, Jamali filed complaints against three agents of the judicial police for torture; the Casablanca police department issued a communique on August 18 stating that it had opened an investigation into the charges of torture. Some newspapers called for an investigation into the court of first instance's handling of the case because the judge and prosecutor allegedly failed to inquire into the detainee's fragile state of health, as required by law.

In September the media reported on two cases of alleged torture by a deputy officer from the Royal Gendarmerie brigade in Zaio, in the northeastern part of the country. According to the reports, the officer tortured two persons in order to extort money from their family and friends. In one of the cases, a cafe owner alleged that in September the officer slapped him in front of his customers, used force to remove him from his establishment, and subjected him to various forms of torture at brigade headquarters. In the second case, an elderly woman brought suit against the same officer for torturing her son and extorting approximately \$500 (5,000 dirhams) from her to stop the torture. After he was informed of the cases, Zaio's municipal president (who also is a Member of Parliament) reportedly referred the cases immediately to the national authorities. An investigation into the alleged torture was ongoing at year's end.

At the October 27 trial of 10 students at the University of Hassan I in Settati, each of the students reportedly declared before the Settati court of first instance that they were forced under duress and torture to sign (by thumb prints) their police statements. According to a communique from the Party of Progress and Socialism (PPS) political party, two of its members who were involved in the incident "were victims of grave physical cruelty" during their transfer to the police station and during their detention (see Sections 1.e. and 2.b.).

The OMDH filed a complaint on behalf of some of those who were detained and abused by the police at the end of September 1999, following several days of protests over a variety of social grievances in Laayoune in the Western Sahara (see Sections 1.d., 1.e., 1.f., and 2.b.). There was photographic and other evidence to substantiate claims that the police systematically had beaten some of the persons they had detained in connection with the protests. An investigation was opened into the charges; however, after almost 15 months no police officials have been charged in connection with the force used to break up the protests, nor for the beatings inflicted on some of those detained by the police. (Some police officials allegedly responsible subsequently were transferred in 1999 and the chief of police in Laayoune was relieved of his duties there.)

In its 2000 annual international human rights report released in June, Amnesty International acknowledged that security forces involved in several cases of torture had been arrested and prosecuted. However, the organization noted that "in the majority of cases, investigations were either not opened into complaints and allegations of torture ... or were opened but dismissed without adequate investigation."

Frustrated by what it perceived to be the Interior Ministry's slow implementation of measures to ensure a more humane Government with greater transparency, which were urged by King Mohammed VI in 1999, the OMDH in February pub-

licized a memorandum it sent to Interior Minister Ahmed Midaoui in January calling for a dialog between Midaoui's ministry and human rights organizations. The OMDH appealed to the Interior Minister to implement a series of proposed measures, including measures reinforcing individual protections against torture through the full implementation of the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, destroying police files on former political prisoners or exiles, and ending illegal punitive detention measures by local authorities.

In 1999 the OMDH published a special newspaper in which it called on the Government to implement legislation that would criminalize the use of torture and would control the conditions under which detainees are kept in garde-a-vue detention and in prisons. The OMDH claimed that most cases of torture submitted to the justice system involved incidents that occurred in front of witnesses or in public areas. According to the OMDH, torture in detention largely continues to escape the notice of the judiciary. The OMDH noted that the implementation of judges' instructions on eliminating the use of torture has been "exceedingly slow." While the OMDH admitted that the use of torture has diminished over the years, it claimed that it has not disappeared. The OMDH alleged in its report that those who commit such abuses "do so with impunity in almost all cases." The NGO called on the Government to harmonize domestic law with its responsibilities under the U.N. Convention Against Torture, to ensure full independence for the judiciary, and to punish those who resort to torture.

In February Human Rights Minister Mohammed Aujjar announced plans by the newly formed NGO Association for the Rehabilitation of Torture Victims (ARVT) to open a rehabilitation center in Casablanca designed to assist former torture victims in overcoming torture-related trauma. At an inaugural event, Prime Minister Youssoufi said that the center constituted a new milestone in the consolidation of the rule of law.

Also in February, Mohammed Kholti, a retired secret police officer who tortured political dissidents during the 1970's and 1980's publicly asked for forgiveness in a letter sent to two national newspapers, which published his plea. Kholti's act marked the first time that a former member of the security forces had admitted to past use of torture.

In April Reuter's news services reported the lifting of a 13year ban on a book that described harsh conditions in a high security prison. According to author Abdelkader Chaoui, his book, "The Unachieved Past," had been banned since its publication in 1987. The book describes the harsh conditions in the Kenitra prison, in which the author was held for 15 years. Chaoui was jailed in 1974 because of his leftist political opinions and leadership role in a Marxist-Leninist organization. In November in Marrakesh, King Mohammed awarded Chaoui a literary prize for his most recent novel (see Section 2.a.).

In May the Government permitted the local publication and sale of a comic book called "They Even Starve Rats." Written and illustrated by Abdelaziz Mouride, a leftist student whom the authorities arbitrarily detained in 1974, sentenced to 22 years in prison, and then freed in 1984, the comic book recounts in vivid detail the torture, injustice, and humiliation that the author and other political dissidents suffered at the hands of the authorities. Using the third person to narrate his experience, Mouride depicts the manner in which the authorities kidnaped dissidents, tortured them in secret detention centers, staged sham trials, and then incarcerated them in remote prisons, where some lost their sanity or died. Mouride secretly was able to send out drawings of his ordeals with visiting friends and relatives. Mouride said that human rights organizations played the principal role in securing his freedom in 1984 (see Section 2.a.).

Also in May, a delegation from the International Center for the Rehabilitation of Torture Victims visited the country to discuss the Government's compliance with the U.N. Convention Against Torture. The delegation told Human Rights Minister Aujjar that it sought to hold its next world congress in Morocco.

In an October 23 "Open Letter to the Minister of Justice" that it distributed to domestic as well as international media, the AMDH for the first time published a list containing 14 names of alleged former torturers and officials involved in disappearances and arbitrary detention. The first domestic newspaper to republish the list was Le Journal. Some of the listed names were high-ranking officials currently holding office, including the head of the Royal Gendarmerie and secret services. Former Interior Minister Driss Basri's name also was included in the list. In the letter, the AMDH called for "the truth and pursuit of those responsible for disappearances." The AMDH also criticized the Justice Ministry for its alleged non-intervention in past cases of torture and disappearance (see Section 2.a.).

In 1998 the Ministry of Justice and the prison administration implemented a law that makes autopsies routine for any death that occurs in detention, in order to allow allegations of torture to be evaluated. The autopsies take place at the request of the family, human rights NGO's, or the state prosecutor, and at the order of a judge. Autopsies were used to prove allegations of abuse in at least two cases during the year.

In incidents throughout the year, police continued to use force to disperse several demonstrations by unemployed university graduates associated with the National Association of Unemployed Graduates (known by its French acronym, ANDC), an organization not recognized by the Government, and "Group 314" (a separate organization of unemployed state doctoral graduates of medicine and engineering), and other groups to a lesser extent. In numerous incidents throughout the country during the year, police beat demonstrators with batons in order to disperse them (see Sections 1.d., 1.e., and 2.b.). On February 2, in the village of Tarmilet, security forces used force, including rubber bullets, tear gas, and water cannons, to remove striking workers who had blockaded a water-bottling factory to protest lay-offs (see Sections 1.d., 1.f., 2.b., 2.d., and 6.a.). On June 18 in Rabat, security forces again resorted to force, using batons and tear gas to disperse ANDC demonstrators and to remove Group 314 hunger strikers from the local headquarters of an independent national union (see Sections 1.d., 1.e., and 2.b.). On July 26 and again on September 12, police violently dispersed disabled, unemployed university graduates who were protesting the denial of their right to employment (see Sections 2.a., 2.b., and 5.). On October 8 in Casablanca, police dispersed with tear gas 2,000 to 3,000 Islamists who were protesting the Israeli Government's actions against Palestinians in Israel, the West Bank, and Gaza in the fall (see Section 2.b.). On October 23, security forces used violent means to break up a demonstration by students who were preparing to begin a march to protest transportation problems at Hassan I University in Settat (see Sections 1.e. and 2.b.). There were reports in the fall of violent clashes at university campuses around the country between security forces and JCO students engaged in student elections (see Sections 1.e. and 2.b.). On November 27, security forces reportedly used violent means to break up a 5-day sit-in strike at a canning factory in the southern city of Agadir. The attack reportedly resulted in the death of one worker and injuries to eight others (see Sections 1.a., 1.d., 2.b., and 6.a.). During the weekend of December 9 to 11, security forces throughout the country used violent means to disperse human rights activists, members of the JCO, and unemployed graduates who separately gathered in Rabat and other large cities to demonstrate for different reasons (see Sections 1.d., 1.e., 2.a., 2.b., and 4.).

In February a Tangiers court convicted two police officers of manslaughter in the 1996 beating death of Mohamed El-Feddaoui at the port of Tangiers, when the El-Feddaoui was returning from Holland. Both police officers received 10-year jail terms for violence resulting in manslaughter. The port police commissioner was sentenced to 8 years' imprisonment for abusive detention and denial of complicity in the crime (see Section 1.a.).

Prison conditions remain harsh; however, they have improved in recent years, due in part to reforms undertaken at the suggestion of the CCDH and the Minister of Justice, and to more transparency in the functioning of the National Prison Administration. In August 1999, the Government enacted new legislation designed to reform the prison system. The new legislation replaced a royal decree that had governed the prison system since 1915. Among the reforms in the legislation were provisions mandating compensation for work performed by prisoners. Prisoners with "good conduct" records also were accorded the right to a furlough to visit family members during important holiday periods. The new legislation outlawed the use of handcuffs, manacles, or other devices used for physical restraint, except as required to restrain violent prisoners and then only after consultation with prison medical authorities. Procedures were established to allow the prisons to be inspected by the press and human rights organizations, and members of both the press and human rights organizations visited prisons after the procedures were established. Visitors must receive authorization from the Director of the Prison Administration to conduct prison visits. Special provisions also accorded women the right to keep their children with them in prison until the children reach the age of 2 or longer with special permission from the Ministry of Justice. The new law contained provisions that extended the function of the prison system beyond that of punishment and incarceration to include rehabilitation and preparation for a return to society.

Nonetheless, credible reports indicate that harsh treatment and conditions continue, often as a result of chronic overcrowding. Despite being designed to hold 4,000 inmates, Oukacha Central Prison in Casablanca currently holds more than 7,000 prisoners. Human rights groups allege that poor medical care in prisons results in unnecessary deaths. To address this problem, the Government provided spe-

cial funds in the 1998–99 budget for the renovation of prison facilities, and added doctors and health facilities to prisons. In addition to extreme overcrowding, malnutrition and lack of hygiene continue to aggravate the poor health conditions inside prisons (see Section 1.a.).

Press reports during the year called attention to the extremely harsh conditions inside the detention center of Ain Atiq outside of Rabat. While Ain Atiq's status as a detention or social center is not defined clearly, it often receives homeless, vagrant, and mentally disabled persons, in addition to juvenile delinquents. Negligence at Ain Atiq reportedly has led to serious problems, such as hygienic and nutritional deficiencies, and harsh general living conditions. The center also is reportedly underequipped and understaffed to provide adequate medical care. The AMDH reportedly is planning a study of the center in the hopes of encouraging improvements. During the year, the authorities used Ain Atiq to detain various demonstrators picked up during protests. In June, July, and September security forces forcibly dispersed unemployed, disabled protesters in downtown Rabat and reportedly took them to Ain Atiq, where some allegedly remained for over a month (see Sections 2.b. and 5). In the past, human rights organizations have called for Ain Atiq's closure, as well as of other similar centers.

Some press reports during the year also raised the problem of drug trafficking and sexual abuse in prisons among inmates. The presence of cannabis is widely recognized as a problem, as is sexual abuse of inmates. In May prisoners in the Touchka prison at Errachidia allegedly rioted to protest against, among other problems, sexual abuse among inmates. Press reports during the year also raised the issue of some prisoners being allowed to pay for the right to occupy their own cells.

In the first visit of its kind, Members of Parliament visited Sale prison in February 1999 to investigate prison conditions and allegations of overcrowding. Their visit followed that of the 2M television station, which broadcast an exclusive report on prisons in January 1999.

Although the Government generally did not permit prison visits by human rights monitors in the past, since the tenure of the Youssoufi Government began there has been close collaboration between the Justice Ministry, the National Prison Administration, and human rights groups on prison visits, which now are authorized explicitly by law. Throughout the year, the National Prison Administration continued to allow numerous site visits by Parliament, the press, human rights groups, and foreign diplomats. The National Observatory of Moroccan Prisons (ONPM) made over 15 visits during the year, taking extensive notes of the numerous problems facing the prison system and recounting these in the press. In addition to noting the harsh conditions caused by chronic overcrowding (some estimates place the current inmate population at as high as 52,000), the ONPM recommended that some of the existing deteriorated penitentiaries dating from the 1920's be replaced or renovated. According to Mohamed Lididi, the Administrator of the National Prison Administration, 20 smaller prisons currently are being built to supplement and replace some of the existing 43.

In addition to permitting an increasing number of visits, the National Prison Administration initiated a series of activities to improve living conditions inside prisons, including the construction of family visitation centers, manual skills training facilities, and prison visits by various entertainers. Early in the year, the civilian prison in El-Jadida (near Casablanca) was expanded, with the addition of a professional training center and a family meeting area. The training center provides courses and vocational studies to inmates interested in preparing themselves for post-prison employment. The family area allows inmates to meet directly with their family members, and is equipped with chairs, tables, and a small cafe. Telephone booths also were installed for use by inmates. The improvements at El-Jadida were duplicated inside other prisons, with the Prison Administration devoting more resources to improving living conditions and inmate rehabilitation. The ONPM received permission to organize an evening music and dance program for female inmates in Oukacha prison in Casablanca. In Sale prison near Rabat, the British Embassy and the Prison Administration sponsored a musical performance by African students. Several similar performances and cultural seminars occurred at other prisons.

In November at Al-Akhawayn University in Ifrane, the Justice Ministry hosted, in coordination with the Rabat-based organization British Council and the London-based Penal Reform International, an international seminar on reforming the prison system. The seminar was attended by eminent international jurists and focused on identifying constructive alternatives to incarceration. The director of the penitentiary system participated in the seminar, speaking on the evolution of the country's penal system. The new NGO the Moroccan Prison Observatory participated as well.

d. Arbitrary Arrest, Detention or Exile.—Police continued to use arbitrary arrest and detention. Although legal provisions for due process have been revised exten-

sively in recent years, reports indicate that authorities sometimes ignore them. Although police usually make arrests in public and during the day, they do not always identify themselves and do not always obtain warrants. Garde-a-vue detention is limited to 48 hours, with one 24-hour extension allowed at the prosecutor's discretion. In state security cases, the garde-a-vue period is 96 hours; this also may be extended by the prosecutor. It is during this initial period, when defendants are denied access to counsel, that the accused is interrogated and abuse or torture is most likely to occur. Some members of the security forces, long accustomed to indefinite precharge access to detainees, continue to resist the new rules.

Under 1991 changes to the law, the police are obliged to notify a person's next of kin of an arrest as soon as possible. However, lawyers are not always informed promptly of the date of arrest, and thus are not always able to monitor compliance with the garde-a-vue detention limits. While the law provides for a limited system of bail, it rarely is granted. However, defendants sometimes are released on their own recognizance. The law does not provide for habeas corpus or its equivalent. Under a separate code of military justice, military authorities may detain members of the military without warrants or public trial.

Although accused persons generally are brought to trial within an initial period of 2 months, prosecutors may request up to five additional 2-month extensions of pretrial detention. Thus, an accused person may be kept in detention for up to 1 year.

During their February 2 operation to halt a strike at a waterbottling factory in the village of Tarmilet (48 miles from the capital), security forces reportedly arrested more than a dozen factory workers, as well as random passersby. According to sources in the Government, the workers and passersby later were released without charges. The Democratic Confederation of Workers trade union, which is aligned politically with the ruling USFP party, reported that security forces also detained two of its regional delegates 2 weeks following the February 2 incident. According to government sources, the two officials were freed by royal pardon on May 1 (Moroccan Labor Day) while an investigation into the incident was still underway (see Sections 1.c., 1.f., 2.b., 2.d., and 6.a.).

In April a Moroccan court in the Western Sahara city of Laayoune sentenced five Sahrawi youths to prison terms of between 5 and 10 years for the "formation of a criminal association" after their alleged participation in a March 4 stone-throwing incident in the city. One of the lawyers who represented the five Sahrawis alleged that the judicial police who investigated the affair committed several illegal acts, including unlawfully entering the homes of the youths and detaining them, torturing them during their detention, and forcing the youths to sign under duress police reports, which they were not allowed to read and which they claimed contained falsehoods. The decision was appealed to the court of appeals in Laayoune and was reportedly before the Supreme Court in Rabat at year's end (see Sections 1.c., 1.e., and 1.f.).

On May 3, members of the ANDC and other unemployed persons in Meknes staged a sit-in before a local police station to protest the situation of the unemployed and alleged favoritism in local government hiring practices. According to press reports, city officials called in security forces, who used force to disperse the protesters. Twenty-eight protesters were arrested and sent before the court of first instance on May 4. The court, without explanation, adjourned a morning hearing and sent the 28 back to the police station; the protesters were summoned to the court again in the afternoon, then released without charge (see Sections 1.c. and 2.b.). In a May 17 communique, the OMDH criticized the Government's use of violence against unemployed graduates in various cities throughout the country, including at the Meknes sit-in.

On May 26, the court of first instance in Marrakech sentenced 13 students to 3 years in prison for their alleged participation in demonstrations on May 17–18 near the Marrakech University campus. The 13, 8 of whom were Sahrawis, were convicted on charges of armed gathering, assault with weapons, contempt of public servants exercising their duties, destruction of public goods, and impeding free movement. Two others were sentenced to 2 months in prison, and in June one more student was sentenced to 5 years in prison for setting fire to a public vehicle, damaging municipal property, and contempt of a civil servant exercising his duty. Thirty to 40 students reportedly were detained initially by police.

Conflicting stories exist as to the origins of the large-scale demonstrations, in which large numbers of Marrakech police resorted to force to disperse dozens of mostly Sahrawi students, one of whom threw a Molotov cocktail that destroyed a police car. One of the detained students claimed to have been tortured by the authorities for suspected participation in the demonstrations, and displayed fresh ciga-

rette burns to a foreign diplomat to support the allegations (see Sections 1.c., 1.e., and 2.b.).

On June 13, police arrested two regional leaders of the independent Moroccan Workers' Union (UMT) outside the UMT's Rabat headquarters. Police arrested the leaders on the UMT's premises following a demonstration downtown by thousands of unemployed graduates associated with the ANDC (a group unaffiliated with the UMT, although some of its members also belong to the UMT). After security forces violently dispersed the ANDC demonstration and arrested 28 of the protesters, many ANDC members returned to the UMT's headquarters to regroup. Security forces then arrived, encircled the building, and restricted access to it. When the two UMT leaders left their union's building to observe the situation, they were taken away by police and reportedly held overnight. Both of the leaders later were released without charge. All 28 ANDC protesters who were arrested downtown earlier in the day later were released without charge.

On June 18 in Rabat, security forces resorted to force, using truncheons and tear gas to disperse ANDC demonstrators and Group 314 hunger strikers from the UMT's Rabat headquarters. Security forces reportedly arrested up to 100 protesters. Dozens of protesters were reported injured, some seriously. Twenty-two of those arrested were charged with "using violence against agents of authority"; 19 received suspended sentences and 3 received 2 months' imprisonment. Prime Minister Youssoufi convened an interministerial meeting on June 19 to address the violence and condition of the unemployed population. Justice Minister Azziman then met with some members of the ANDC, which still is unrecognized by the Government. On July 5, the Group 314 hunger strikers ended their 28-day strike after a meeting with the Government, in which both sides pledged to engage in a substantive dialog (see Sections 1.c., 1.d., and 2.b.).

In early October, over the period of several days, the Government accused of espionage, detained, and held under house arrest three French television journalists from France's FR3 television station, who were reporting on a human rights demonstration at the notorious former secret detention center of Tazmamart (see Section 2.a.).

There were confirmed reports that police arrested 21 strikers involved in a 5-day sit-in strike at a canning factory in Agadir on November 27. All but one of the strikers later was released. Security forces reportedly used violent means to break up the strike, which reportedly resulted in the death of one worker and injuries to eight others (see Sections 1.a., 1.c., 2.b., and 6.e.).

From December 9 to 11, security forces violently attacked human rights activists, JCO members, and unemployed graduates, who had been demonstrating in Rabat and other large cities for different reasons, and detained hundreds of persons. Most demonstrators were released shortly thereafter (see Sections 1.c., 1.e., 2.a., 2.b., and 4).

Sadok El-Kihal, a trucker and regional bureau member of the Istiqlal party's union, the UGTM, contacted the AMDH during the year with accusations that he had been arrested arbitrarily, jailed, tortured, and falsely convicted by authorities in June 1999, following his participation in a national truckers strike (see Sections 1.c., 1.e., and 6.a.).

In December 1999, Moroccan security forces who reportedly were sent from Rabat, detained one Sahrawi in the Western Sahara city of Laayoune and two Sahrawis in the southern Moroccan cities of Tan-Tan and Agadir. Alleged to be spies for the Polisario, the three reportedly were held 8 days before their appearance in an Agadir court and before their families were informed of their detention. Family members and the AMDH criticized the nature of the arrests, claiming them to be a violation of human rights and due process, and proof that forced disappearances still occur in the country. In a public trial abruptly convened on May 30 after a lengthy and largely unpublicized police investigation, the three were convicted of threatening the internal security of the State and sentenced to 3 to 4 years in prison. In an appeals hearing on July 5, all three were sentenced to 4 years in prison (see Section 1.e.). On September 27, security forces in civilian dress detained a fourth Sahrawi at the Laayoune airport as he was about to board a flight. In August the Sahrawi was charged before the court of first instance in Agadir for spying for the Polisario Front and sentenced to 4 years in prison for threatening the internal security of the state (see Section 1.e.).

After 11 years of house arrest for refusing to acknowledge the religious authority of then-King Hassan II, Islamist dissident Sheikh Abdessalam Yassine was allowed to leave his Sale home on May 16. Yassine's release came after a May 10 statement by Interior Minister Midaoui before Parliament that Yassine "leaves and returns to his residence as he likes." Minister Midaoui also stated that Yassine was free to take his case to court if he felt that his rights were being abused. In February four

members of Yassine's Justice and Charity Organization were arrested for distributing a defiant memorandum from Yassine to King Mohammed VI. All four were charged with "violating the sacred institution of the Monarchy"; however, authorities later dropped the charges and released all four (see sections 2.a., 2.c., and 2.d.).

There are no known instances of forced exile. After King Mohammed VI took the throne in July 1999, formerly exiled political dissident Abraham Serfaty was allowed to return to the country in September of that year. Serfaty, a member of the (now defunct) Communist Party and a supporter of Western Saharan independence, was expelled from the country in 1991 after having spent 17 years as a political prisoner. In September Serfaty, a mining engineer by profession, was appointed by King Mohammed VI as counselor to the newly established office responsible for developing recently discovered hydrocarbon reserves in the eastern part of the country.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; although the courts historically have been and remain to some extent subject to extrajudicial pressures, including bribery and government influence, the Government continued to implement reforms intended to increase judicial independence and impartiality during the year. Despite such efforts, the Government was criticized by the Denmark-based Euro-Mediterranean Human Rights Network (EMHRN), the OMDH, and other groups for the slow pace of judicial reform. In January the Prime Minister announced plans to create an independent ombudsman that would investigate citizens' complaints and protect them from abuses involving the judiciary. The press reported in November, and the Ministry of Human Rights asserted, that the preparation of implementing legislation for the ombudsman post was nearing completion. According to press reports, in February Justice Minister Azziman reacted to accusations about the slow pace of reforms by calling upon the assistance of Supreme Court justices to increase and quicken the investigation of judges suspected of professional malfeasance. In March Azziman, through the High Council of the Magistrature, which often has been criticized by human rights organizations for the nontransparent nature of its deliberations, promoted a large number of judges whose records were considered exemplary, and disciplined a smaller number of judges. In November on public television Azziman reaffirmed the Government's commitment to reforming the judiciary. In 1998 Azziman had stated that judicial reform was his top priority, and addressed the issue of corruption by disbarring and disciplining a number of judges. With the encouragement of then-King Hassan II and the broad support of the business community, the Justice Minister in 1999 oversaw the creation of a system of commercial courts for business litigation to boost investor confidence. In the same year, the Ministry of Justice began to implement a 5-year reform plan that emphasized transparency, accountability, and professionalism as top priorities. During the past 2 years, the administrative courts frequently have ruled against local governments that exceeded their authority.

There are four levels in the common law court system: Communal and district courts, courts of first instance, the Appeals Court, and the Supreme Court. While in theory there is a single court system under the Ministry of Justice, other courts also operate, including: The Special Court of Justice, which handles cases of civil servants who are implicated in corruption; administrative courts, which deal with the decisions of the bureaucracy; commercial courts, which deal with business disputes; and the military tribunal, for cases involving military personnel and, on certain occasions, matters pertaining to state security (although state security cases also may fall within the jurisdiction of the regular court system).

Although there is a single court system for most nonmilitary matters, family issues such as marriage, divorce, child support and custody, and inheritance are adjudicated by judges trained in Shari'a (Islamic law) as applied in the country. Judges considering criminal cases or cases in nonfamily areas of civil law generally are trained in the French legal tradition. All judges trained in recent years are graduates of the National Institute for Judicial Studies, where they undergo 3 years of study heavily focused on human rights and the rule of law. It is not necessary to be a lawyer to become a judge, and the majority of judges are not lawyers.

In general detainees are arraigned before a court of first instance. If the infraction is minor and not contested, the judge may order the defendant released or impose a light sentence. If an investigation is required, the judge may release defendants on their own recognizance. According to reliable sources, cases often are adjudicated on the basis of confessions, some of which are obtained under duress.

While appeal courts may in some cases be used as a second reference for courts of first instance, they primarily handle cases involving crimes punishable by 5 years or more in prison. In practice, defendants before appeals courts who are implicated in such crimes consequently have no method of appeal if a judgment goes against them. The Supreme Court does not review and rule on cases sent to it by courts of appeal; in its role as a court of cassation, the Supreme Court may overturn an

appellate court's ruling on procedural grounds alone. The absence of appeals for defendants in such crimes therefore becomes more problematic given the fact that an investigation into the case by a "juge d'instruction" (pretrial investigating judge) is only mandatory in those crimes punishable by sentences of life imprisonment or death.

Justice Minister Azziman has stated that he would attempt to end petty corruption in the judiciary by increasing judges' salaries and ensuring punishment for bribe-takers, as well as attempt to end all informal and inappropriate influences on judicial decision-making in the court system. Nonetheless, the court system remains subject to extrajudicial pressures. Despite recent increases, salaries for both judges and their staffs remain modest; as a result, some observers allege that petty bribery remains a routine cost of court business. In some courts, especially in minor criminal cases, some observers allege that defendants or their families must pay bribes to court officers and judges to secure a favorable disposition.

However, throughout the year, the national media reported on a number of arrests, convictions, and sentences of judicial officials for their role in petty corruption. Reports also indicated that the Special Court of Justice, despite its resource constraints, increasingly prosecuted public servants for corruption. In October at the recommendation of the Justice Ministry, the King approved new internal statutory regulations for the High Council of the Magistrature. According to press reports, the new regulations were implemented to strengthen the independence of the judiciary.

After his appointment in 1997 by then-King Hassan II, Justice Minister Azziman began to reduce the judiciary's relationship with the Ministry of Interior. Nevertheless, judges continue to work closely with the Interior Ministry's local network of officials, or "caids" (although as judicial police, caids technically fall under the jurisdiction of the Justice Ministry), who often legally are charged with the responsibility of questioning criminal defendants. Caids frequently prepare the written summary of an arrest and subsequent interrogation. The summary is admissible in court as an element of the evidentiary process and can carry great weight with the judge. After the new Justice Minister's appointment, the Ministry of Justice began to reassert its authority and control over judges.

The law does not distinguish political and security cases from common criminal cases. In serious state security cases, communications between the Ministry of Interior and the court are more direct. At the Government's discretion, such cases may be brought before a specially constituted military tribunal, which is subservient to other branches of the Government, especially the military and the Ministry of Interior.

Aside from external pressures, the court system also is subject to resource constraints. Consequently, criminal defendants charged with less-serious offenses often receive only a cursory hearing, with judges relying on police reports to render decisions. Although the Government provides an attorney at public expense for serious crimes (when the offense carries a maximum sentence of over 5 years), appointed attorneys often provide inadequate representation.

In 1999 Minister Azziman announced that in the preceding 12 months the judicial system had enforced judgments in 60,000 out of 100,000 cases of civil litigation, which represented significant progress toward eliminating a persistent backlog. The Justice Ministry continued to make progress clearing this backlog during the year.

In 1998 the OMDH issued a report that assessed the status of the judiciary. According to the OMDH, the Youssoufi administration took a series of steps to improve the court system, including rooting out high-level corruption, naming a new Director for Judicial Administration at the Justice Ministry, reactivating a Justice Ministry disciplinary body, publishing that body's deliberations and decisions, and organizing free and fair elections to that body. Nevertheless, the OMDH called for additional reforms, including changing laws to reduce the Justice Minister's prerogative to suspend judges through the High Council of the Magistrature, revamping the Criminal Code (which the OMDH stated offers insufficient protection for a fair trial), strengthening the law on civil liberties, and compelling judges to place their assets in a blind trust. The OMDH also called on the State to punish those officials guilty of human rights abuses. Finally, the OMDH noted the lack of resources necessary for documentation tracking and for court facilities. At its fourth annual congress held in March, during which it distributed its annual human rights report for 2000, the OMDH called for the elimination of "courts of exception" (military tribunals, the Special Court of Justice, and the High Court), for the strengthening of judges' independence, and greater resources for the Justice Ministry.

During the year, the courts handled an increasing number of cases that involved sensitive human rights issues, most of which were covered openly and extensively by national and international media. Trial subjects included freedom of the press, alleged Polisario Front espionage, and Sahrawi student demonstrations in the cap-

ital and Marrakech. Defense attorneys involved in these cases, most of whom were prominent human rights activists and members of the AMDH and OMDH, generally agreed that the majority of the judicial processes pertaining to the cases were marked by significant irregularities, and that these irregularities infringed on the rights to a fair trial for the accused.

Mustapha Adib, a young air force captain, was incarcerated in December 1999 and tried before a military court for allegedly violating the Military Code and libeling the military. The authorities detained Adib after he spoke out against military corruption and harassment to a journalist from the French newspaper *Le Monde*. On February 17, a military court convicted Adib after 4 days of proceedings during which the judge rejected nearly every legal motion advanced by the defense. The court denied the defense's requests that the court make the trial public, allow the defense to summon more than a dozen defense witnesses and present documentary evidence, and recuse one of the military judges, who was a former superior of Adib's. The judge whom the defense asked to be recused allegedly was responsible for blocking Adib's promotions after Adib made the allegations of corruption in a 1998 letter to then-Crown Prince Sidi Mohammed (now King Mohammed VI).

The military tribunal sentenced Adib to the maximum prison term of 5 years and expelled him from the air force. Human rights activists criticized the unfair nature of the trial; the OMDH issued a report on February 21 contending that closed trials unjustly influenced the results and accused the court of partiality in refusing to recuse Adib's former superior. After deciding on a "silent defense" to protest the military court's conduct of the case, the attorney representing Adib characterized the trial as a "travesty of justice." Following an appeal on procedural grounds lodged by Adib's attorney immediately following the end of the trial, and after Adib staged a 5-day hunger strike in early May, the Supreme Court in June announced that it would review the case. On June 14, the Supreme Court overruled the military court and announced that the case would be retried by a new military tribunal composed of different judges. Adib's defense team called the decision a "historic judgment."

A newly constituted military court in Rabat retried Adib's case in early October. After 3 days of hearings, during which the court again refused to hear witnesses requested by the defense and rejected multiple other defense motions, the military court found Adib guilty of the charges initially brought against him. The court reduced Adib's sentence to 2.5 years in prison and upheld his expulsion from the military. Adib's lawyer criticized the verdict as "neither just nor equitable," and said that he would appeal the new verdict. On September 28, before the retrial began, the international NGO Transparency International recognized Captain Adib with one of its Integrity Awards for his courage in fighting corruption, which Adib's lawyer accepted for him in Canada. In early November, Amnesty International identified Adib as a "prisoner of conscience."

On April 5, a Moroccan civil court in the Western Sahara city of Laayoune sentenced five Sahrawi youth to prison terms of between 5 and 10 years for the "formation of a criminal association" after their alleged participation in a March 4 stone-throwing event in Laayoune, which reliable sources say was spontaneous, unorganized, and lasted for only 5 minutes. The demonstration followed similar protests by Sahrawi students in several southern Moroccan and Western Sahara cities at the end of February and early March that security forces dispersed violently (see Sections 1.c., 1.d., 1.f., and 2.b.).

Attendees at the trial, including human rights activists and an attorney for the five defendants criticized the handling of the trial, particularly the court's refusal to hear witnesses for the defense who allegedly could have testified that at least two of the five defendants had been elsewhere at the time of the incident. In addition to the police reports, the court allegedly based its judgment on the testimony of two witnesses, one of whom reportedly could not positively identify the accused, and another who was not present at the trial, but who claimed that he saw in his rear view mirror a youth throwing a bottle at his car. The prosecution reportedly did not present any physical evidence, nor did it present any witness who could testify that the five accused were the ones who had thrown the bottle. The authorities claimed that the youths threw rocks at several vehicles, including one belonging to peacekeepers from the U.N. MINURSO contingent based in Laayoune, and attempted to set fire to a truck. However, the youth were acquitted of the arson charge during the trial.

A lawyer for the youths, who maintained the prosecution did not prove an incriminating act, said that "the verdict had nothing to do with justice." The lawyer also alleged that the judicial police investigating the affair committed several illegal acts by unlawfully entering homes of the accused and detaining them, torturing the accused during their detention, and forcing the accused under duress to sign police reports, which they were not allowed to read and which they claimed contained

falsehoods. The decision was appealed to the court of appeals in Laayoune and then reportedly to the Supreme Court in Rabat; no final ruling had been made by year's end. Families of the five Sahrawi youth also sent a letter to the Royal Palace in May requesting a royal pardon (see Sections 1.c., 1.d., and 1.f.).

On May 26, the court of first instance in Marrakech sentenced 13 students to 3 years in prison for their alleged participation in a riot on May 17 and 18 near their university campus. The 13 students, 8 of whom were Sahrawis, were convicted on charges of armed gathering, assault with weapons, contempt of public servants while exercising their duties, destruction of public goods, and impeding free movement. Two others were sentenced to 2 months, and in June one more student was sentenced to 5 years for setting fire to a public vehicle, damaging municipal property, and contempt of a civil servant exercising his duty. Thirty to 40 students reportedly were detained by police initially. According to one of the lawyers representing the students, judicial authorities showed little concern for the need to respect due process throughout the investigation of the events and the trial. There were no arrest warrants and no evidence was presented against any of those charged except the police statement of facts, which none of the defendants had signed (all had been forced to provide their thumbprint on the statement in lieu of a signature). The lawyers were not allowed to present evidence in court that could have exonerated their clients. For example, one of those convicted claimed that he had not been in Marrakech during the events. He was not allowed to present the testimony of friends in another city with whom he said he had been visiting.

Students involved in the demonstrations and press reports claimed that after an initial encounter between students and police, both the police and students called in reinforcements to their respective sides. A sit-in of roughly 60 students (not all Sahrawis) in the public street in front of their residence then was held, which police reportedly broke up by force after negotiations failed. When another sit-in was organized, the police again forcibly dispersed students and arrested several dozen (not all Sahrawis). Lawyers for the 13 defendants appealed the court's conviction of their clients. According to Sahrawis and Sahrawi defense lawyers in Rabat, an appellate court in Marrakesh at the end of the summer upheld the original conviction. However, the court reduced all of the 3-year sentences by 1 year each. Among those detained by the police was a young Sahrawi student who claimed to have been tortured by two police officers in an isolated area near the university campus. The Sahrawi displayed fresh marks from cigarette burns to a foreign diplomat to support the allegations (see Sections 1.c., 1.d., and 2.b.).

During the late evening of May 17 in Rabat, police arrested 14 students at Mohammed V University and charged them with arson, violence against the police, erecting barricades, and impeding free movement. The students, 12 of whom were Sahrawis, had participated earlier in the evening in a solidarity protest for fellow Sahrawi students who had been arrested that morning in Marrakech. The detained students reportedly admitted to staging two sit-ins in solidarity with their peers in Marrakech, but denied, as alleged by the authorities, any use of force or violence against the police who arrested them. The police contended that the students refused to disperse, then threw rocks at them and their vehicles. According to students, near midnight the same evening, police squads returned to the university, entered it, set up checkpoints, detained students without identity cards, and broke into dormitories in search of those who participated in the sit-ins earlier in the day.

According to a lawyer who represented 13 of the accused students, one of his clients said that police took him to an unidentified location after his arrest, beat him severely, and interrogated him regarding his activities and links with other Sahrawi and human rights activists. Noting his client's difficulty in speaking in court and drawing attention to his swollen face and eyes, the lawyer requested the pretrial investigating judge to conduct a medical examination of his client, which the judge refused. According to the lawyer, after their arrest, the students were held incommunicado longer than the legal limit of 48 hours, and nobody was informed of their whereabouts during this time, as required by law. At preliminary legal proceedings on May 22 at the Rabat court of appeals, all 14 of the accused reportedly denied violent acts during the demonstration; however, in three of the police reports submitted to the court, three of the accused allegedly had admitted to violent acts. None of the depositions by the accused were signed; all were marked only by the defendants' thumbprints. After a series of hearings and delays, on November 17, the Rabat court of appeals acquitted and freed all 14 students who were detained in mid-May. According to a lawyer for the defense, all of the detained students denied before the court any involvement in the demonstration. The prosecution reportedly failed to produce any witnesses who could confirm the students' participation in the May 17 incident (see Section 1.c.).

On October 27, 10 students at the University of Hassan I in Settat were tried for their involvement in the October 23 demonstrations that police broke up violently (see Section 2.b.). Each of the 10 students reportedly declared before the court that they were forced under duress and torture to sign (by thumb prints) their police statements. According to a PPS political party communique, two of its members involved in the incident “were victims of grave physical cruelty” during their transfer to the police station and during their detention. The defendants’ lawyers unsuccessfully requested that the case be dropped on the grounds that the judicial police had not, as mandated by law, notified family members of the students’ arrest. The court reportedly also refused the defense’s request to have the students examined by a doctor, as is permissible by law if signs of physical distress are visible. At the end of the day-long trial, the Settat court of first instance found all 10 students guilty of the charges and sentenced them to from 3 to 5 months in prison (three were given suspended sentences). Following an appeal lodged by defense lawyers, on November 9, the Settat court of appeal reduced the sentences of the seven students sent to prison, reducing four of them from 5 to 3 months and three of them from 3 to 2 months.

In an abruptly convened trial, 14 students who had been arrested during violent clashes between students and police at Mohammedia University on November 21 were convicted of disturbance of public order and sentenced to 2 years’ imprisonment and fines ranging from \$50 to \$150 (500 to 1,500 dirhams). The alleged victims of the students’ vandalism did not appear at the trial to testify or be cross-examined (see Sections 1.c. and 2.b.).

The Government pressed charges against 33 human rights activists who were involved in a protest before Parliament on December 9: the trial was scheduled for February 2001 (see Sections 1.c., 1.d., 2.a., 2.b., and 4).

In December 1999, Moroccan security forces that reportedly were dispatched from Rabat detained one Sahrawi in the Western Sahara city of Laayoune and two Sahrawis in the southern Moroccan cities of Tan-Tan and Agadir. Alleged to be spies serving the Polisario Front, the three reportedly were held for 8 days before their appearance in an Agadir court and before their families were informed of their detention. Family members and the AMDH denounced the nature of the arrests, calling them a violation of human rights, due process, and proof that forced disappearances still occurred in Morocco. In a public trial convened on May 30 after a lengthy and largely unpublicized police investigation that was originally to be heard by a military tribunal, the three were convicted of threatening the internal security of the state and sentenced to 3 to 4 years in prison by Agadir’s court of first instance. During an appellate hearing on July 5, at the request of the public prosecutor all three were given the same sentence of 4 years. The abrupt convening of the public trial at the end of May also coincided with the decision of judicial authorities to change the jurisdiction of the case from the court of appeals to the court of first instance. (The court of first instance deals with lesser crimes punishable by sentences of 5 years and less; the court of appeals with serious crimes involving sentences of 5 years and more.) According to a lawyer representing the Sahrawis, during the trial the three accused denied any relations with the Polisario Front, contradicting confessions allegedly made during their detention (see Sections 1.b. and 1.d.). On September 27, security forces in civilian dress detained a fourth Sahrawi at the Laayoune airport as he was about to board a flight to the Canary Islands. According to the Sahrawi’s daughter, who witnessed the incident, two members of the security forces drove away with her father in a car with Casablanca license plates. Almost 10 days later, the Sahrawi reappeared in Agadir and also was charged before the court of first instance for spying for the Polisario Front. Two days later, the fourth Sahrawi was sentenced to 4 years in prison for threatening the internal security of the state.

Sadok El-Kihal, a trucker and regional bureau member of the Istiqlal party’s union, the UGTM, contacted AMDH during the year with accusations that he had been arrested arbitrarily, jailed, tortured, and falsely convicted by authorities in June 1999 following his participation in a national truckers strike. Arrested and jailed on charges of forming a criminal gang and setting fire to a vehicle, El-Kihal alleged that security forces in the Gendarmerie of Taouriate (Oujda province) tortured him and wrote a false police report that they forced him to endorse with his thumbprint without allowing him to read it first. El-Kihal contests that it was this police report that formed the basis of his conviction at the Oujda court of appeals, which sentenced him to 2 years’ imprisonment. El-Kihal subsequently benefited from a royal pardon and was freed on May 4 (see Sections 1.c., 1.d., and 6.a.).

During the evening of June 18, up to 100 members of the security forces attacked the UMT headquarters in Rabat, where 12 Group 314 members were in the 11th day of a hunger strike. Using tear gas and batons, security forces violently cleared

all demonstrators from the area, arresting up to 100 protesters and evacuating the hunger strikers, who had been forced out by tear gas. Dozens of protesters were reported injured, some seriously. Twenty-two of those arrested, most of whom were ANDC members, were charged with “using violence against agents of authority.” During their trial in July, 30 lawyers representing the 22 defendants withdrew after the tribunal refused their—and allegedly the prosecution’s—request to summon witnesses. In a press conference following their withdrawal, the lawyers said “necessary conditions for a fair trial were absent.” One lawyer defending the ANDC members said that there were multiple procedural errors in the conduct of the judicial investigation and the trial. The lawyer also claimed that all of the police statements regarding the defendants contained falsehoods, and that none of them had been signed. After the lawyers withdrew, the defendants refused to participate in the trial. The tribunal subsequently closed the proceedings to the public and proceeded to sentence all 22 defendants. Nineteen of the defendants received 2-month suspended sentences and \$50 (500 dirhams) fines and three were sentenced to 2 months in prison and \$50 (500 dirhams) fines (see Sections 1.c., 1.d., and 2.b.).

During and following public demonstrations in the Western Sahara city of Laayoune in September 1999, more than 150 persons were detained by police authorities. Most were released within a matter of days; however, 26 persons were tried on criminal charges for actions in connection with the protests and sentenced to imprisonment for periods ranging from 10 to 15 years. The OMDH claimed that the trial of these persons was unfair and insisted that the defendants were not provided adequate legal counsel for their defense. By year’s end, none of the 26 persons convicted in 1999 had their sentences reduced or overturned (see Sections 1.f. and 2.b.).

The Government continued to hold a number of political prisoners. According to the AMDH and OMDH, seven political prisoners remained in detention at year’s end. In January King Mohammed VI pardoned 2,000 prisoners, 1 of whom was Arsalan Samouzi, a political prisoner who was sentenced to 5 years’ imprisonment for insulting the royal family during the reign of King Hassan II. The official Moroccan press agency, MAP, quoted the Justice Minister as saying in a July 23 television interview that there are no more political prisoners in detention. In the past, the Ministry of Interior claimed that there were 55 Islamists serving sentences for offenses that ranged from arms smuggling in the 1980’s to participating in a bomb attack on a hotel in Marrakech in 1994. In the past, there also were claims that some of these Islamists were imprisoned solely for calling for an Islamic state during the 1980’s. The AMDH claims that 2 members of the “Group of 26,” an Islamist group involved in smuggling arms into the country from Algeria in the mid-1980’s, remain in prison. The other 24 members completed their sentences or otherwise were released at various times between 1994 and the end of the year. Various international human rights groups’ estimates of the number of persons in prison for advocating independence for the Western Sahara vary from none to 700. Amnesty International lists dozens of persons whom it considers to be political prisoners. According to several human rights organizations, achieving consensus on a definitively accurate number of political prisoners is extremely difficult, mainly because conditions in the Western Sahara complicate attempts to confirm whether Sahrawis were imprisoned solely for their political affiliation or open advocacy of Western Saharan independence, or whether they were imprisoned for other actions in violation of the law. The AMDH claims that it knows of no persons imprisoned for having overtly advocating Western Saharan independence.

Although the Government claims that it no longer holds political prisoners, it permits international humanitarian organizations to visit prisoners whom such organizations consider to be imprisoned for political reasons.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution states that the home is inviolable and that no search or investigation may take place without a search warrant, and the law stipulates that a search warrant may be issued by a prosecutor on good cause; however, authorities sometimes ignore these provisions. Security forces allegedly entered homes in pursuit of persons associated with a strike at a water-bottling factory in February (see Sections 1.c., 1.d., 2.b., 2.d., and 6.a.). One of the lawyers representing five Sahrawi youths who were sentenced to jail terms for their alleged participation in a March 4 stone-throwing incident in Laayoune, alleged that the judicial police who investigated the affair committed several illegal acts, including unlawfully entering homes of the youths (see Sections 1.c., 1.d., and 1.e.).

During protests in Laayoune in the Western Sahara in September and October 1999, police reportedly encouraged local thugs to break into, loot, and destroy private shops. Following the protests in October 1999, police unlawfully entered homes to arrest persons associated with the demonstrations. Human rights NGO’s claimed

that such police actions created a “climate of fear” in the city, forcing some families to flee the city or change residences nightly to avoid such police actions. There reportedly was no official investigation into such government actions by year’s end (see Sections 1.c., 1.d., 1.e., and 2.a.).

Government security services monitor certain persons and organizations, both foreign and Moroccan, and government informers monitor activities on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, the Government systematically restricted press freedom regarding a few topics that the Government considers sensitive, and appeared to increase restrictions on some other topics with the potential to reflect negatively on the country’s international image. Nonetheless, newspapers and weeklies from across the political spectrum, from Socialist to nationalist to Islamist, publish freely, and the Government permitted extensive coverage during the year of formerly taboo topics.

The Government owns the official press agency, Maghreb Arab Press (MAP), and the Arabic daily Al-Anbaa. The Government also supports two semiofficial dailies, the French-language *Le Matin* and the Arabic-language *Assahra*. In addition the Government provides subsidies to the rest of the press through price supports for newsprint and office space. A 1958 decree grants the Government the authority to register and license domestic newspapers and journals. Authorities may use the licensing process to prevent the publication of materials that they believe cross the threshold of tolerable dissent. Offending publications may be declared a danger to state security and seized, the publisher’s license suspended, and equipment destroyed. The Ministry of Interior may control foreign publications by collecting “banned” publications after they have been distributed. There were multiple reports that authorities pressured domestic-based printers not to print several newspapers, including two belonging to the JCO. In addition, the administrators of the new weekly publication *Demain* alleged in April that the authorities attempted to block the printing of their publication because of its investigative editorial line. According to *Demain*’s administrators, the alleged attempt to influence the magazine’s editorial line led them to move the weekly’s printing operations to Spain. The media continue to engage regularly in self-censorship to avoid the Government’s attention and possible sanctions.

The Press Code empowers the Minister of Interior to confiscate publications that are judged offensive by the Government. Under the code, the Prime Minister may order the indefinite suspension of a publication. The Press Code also empowers the Government to censor newspapers directly by ordering them not to report on specific items or events. In most past instances, government control of the media generally has been exercised through directives and “guidance” from the Ministry of Interior. However, during the year, the Government fined several journalists for articles that they had published, and sentenced one to prison. The King subsequently pardoned the journalist who was sentenced to prison, and the fines issued against the other journalists allegedly later were dropped. The Government generally tolerates satirical and often stinging editorials in the opposition parties’ dailies. However, both law and tradition historically have prohibited criticism on three topics: The Monarchy, Morocco’s claim to the Western Sahara, and the sanctity of Islam.

There were approximately 2,000 domestic and foreign newspapers, magazines, and journals in circulation during the year.

Prior to Sheikh Abdessalam Yassine’s release after 11 years of house arrest for refusing to acknowledge the religious authority of then-King Hassan II, the Government on February 5 temporarily confiscated from newsstands in major cities several newspapers that contained a 19-page memorandum addressed by Yassine in late January to King Mohammed VI, in which Yassine asked the King to return to the populace the wealth that he alleged that the King’s late father had stolen from the country. However, the Government permitted the three publications to be put back on the newsstands the same day. On February 8 and 9, then-Communication Minister Larbi Messari declared that the memorandum was not banned, that it was available on the Internet, and that the concerned newspapers were back in circulation. Messari reportedly said that the confiscation was “incidental,” and that censorship was absurd and no longer practiced in the country. Four members of the JCO were arrested in February for distributing the memorandum in Tangiers and Ben Slimane (near Casablanca). All four were charged with “violating the sacred institution of the Monarchy.” According to the AMDH, by February 7 the authorities had dropped the charges and released all four (see Sections 1.d., 2.c., and 2.d.).

The Government banned the distribution of the February 15–21 edition of the *Jeune Afrique L’Intelligent* weekly magazine. The weekly contained a letter by a Mo-

roccan political scientist living abroad, which criticized the reign of King Hassan II and challenged King Mohammed VI to devote greater effort to much-needed reforms. According to press reports, civilian authorities from a Casablanca commissariat asked the national distributor of *Jeune Afrique* in Morocco not to distribute the issue. In the main editorial column in the subsequent edition of *Jeune Afrique*, the editors stated that they interpreted the commissariat's request as a ban and decided to withdraw its 8,000 copies from Morocco rather than wait for its local distributor to receive the written prohibition order it had requested from the authorities; the distributor reportedly never received the order. On February 16, Communication Minister Messari sent a letter to the distributor demanding to know who in the Government had banned the issue, claiming that the Communication Ministry was not involved. The Government never established who gave the order to the local commissariat.

The Government banned the distribution of the March 4 issue of the French daily newspaper *Le Figaro*. The issue contained an article about the fate of the late Mehdi Ben Barka, former National Union of Popular Forces (UNFP—later to become USFP) party founding member and secretary general who reportedly was killed in Paris in 1965 by French thugs, allegedly at the request of the Moroccan secret service. The source of the article reportedly at the time was a physician of then King Hassan II. Although the Government gave no formal statement explaining the ban, on May 5 then-Communication Minister Messari commented at a U.N. Education and Science Organization (UNESCO) sponsored seminar on human rights that "I banned the *Le Figaro* issue ... because it contained defamation threatening to a cause of our national history."

On April 15, police at Marrakech airport seized and prevented the distribution of two related leading weekly investigative newspapers, the French-language *Le Journal* and its Arabic-language counterpart *Assahifa*, after their arrival from printers in France. The two domestic publications were banned at the orders of Prime Minister Youssefi after *Le Journal* published an interview that its editor in chief held with Mohammed Abdelaziz, leader of the Polisario Front. The Government's ban of the publications coincided with the visit to the country of U.N. High Commissioner for Human Rights Mary Robinson. The Government explained the ban in a Communication Ministry communique the same day, characterizing *Le Journal's* interview with Abdelaziz "an event organized by certain milieus hostile to our country (and) in homage to the separatist (Sahrawi) impudence." The communique also cited as explanation "the extension of constant excesses in the editorial line of the two publications with regard to the handling of the question of our territorial integrity."

Aboubakr Jamaï, editor in chief of *Le Journal*, criticized the government decision to censor the newspaper, claiming that other Moroccan publications recently had published similar articles containing material from interviews with the Polisario Front leader. At a press conference convened on April 17 by *Le Journal's* and *Assahifa's* parent corporation, Mediastudio, Jamaï expressed concern that the ban likely had more to do with his paper's aggressive reporting on other topics. On April 17, the board of directors of the state-run television station 2M fired the station's top three officials for, according to Communication Minister Larbi Messari, having made a "professional mistake" during an April 14 broadcast. The professional mistake is widely believed to have been the station's televised reference in its evening newscast to *Le Journal's* controversial interview with Polisario Front leader Abdelaziz. On April 29, government spokesperson Khalid Alioua apologized for the ban of *Assahifa*, calling it an error. Unlike in *Le Journal*, *Assahifa* contained no reference to the interview with Abdelaziz. On April 19, the AMDH reacted to the bans of the two newspapers and the firing of 2M's leadership by issuing a communique criticizing decisions that "gravely threaten the freedom of the press."

On April 26, a Casablanca court convicted Mustapha Alaoui, the editor of the Arabic-language daily *Al-Ousbou*, of libel and defamation of Foreign Minister Mohammed Benaïssa, for a controversial article Alaoui published that alleged financial misfeasance in a real estate matter involving Benaïssa while the latter served abroad as an ambassador. The court sentenced Alaoui to 3 months in prison, forbade him to practice journalism for 3 years and ordered him to pay approximately \$100,000 (1,000,000 dirhams) in damages to Benaïssa and a \$2,000 (20,000 dirhams) fine. On April 27, Khalid Mechbal, the editor of the Tangiers-based weekly news publication *Al-Shamal*, also was convicted of libel and defamation in a case lodged by Benaïssa for publishing a similar article. Mechbal received a 6-month suspended jail term, was forbidden from practicing journalism for 1 year, and was ordered to pay an approximately \$2,000 (20,000 dirhams) fine. On May 3, another court convicted Alaoui of libel and defamation for an article he published concerning Fouad Filali, the estranged former brother-in-law of King Mohammed VI; Alaoui was sentenced a 3-

month suspended jail term and ordered to pay approximately \$10,000 (100,000 dirhams) in damages and a \$500 (5,000 dirhams) fine.

Journalists and human rights activists protested the court's decision to invoke statutes from the Criminal Code—rather than the Press Code—to punish the editors and ban them from exercising their profession. The Moroccan National Press Union (SNPM) stated in an April 27 communique that “the pronouncement of prison terms in issues of publishing and the press flagrantly contradicts the rule of law and the freedom of expression.” On May 3, human rights activists and journalists demonstrated in front of the Communication Ministry to express their concerns about the convictions and other press censorship cases. Mustapha Alaoui stated that “not even in the time of the French protectorate had a Moroccan journalist ever been forbidden from exercising his profession.”

After immediately appealing the Casablanca court's decision, Alaoui and Mechbal learned in late May that the King had pardoned them, and allowed them to return to their professions without serving time in jail. However, they still were obligated to pay the damages and the fines. On July 6, while Alaoui awaited an appellate hearing to determine the issue of damages and fines, the authorities banned Alaoui's newspaper from publication, and forbade Casablanca printers from printing it. According to press reports, on July 31, the Casablanca court of appeal accepted reciprocal requests from lawyers representing Alaoui and Benaissa to withdraw Alaoui's appeal and Benaissa's civil litigation. The press reports indicated that the court of appeal also reduced Alaoui's \$2,000 (20,000 dirhams) fine to \$100 (1,000 dirhams); however, independent sources alleged that Alaoui's fine was dropped altogether, as were the damages that he originally was ordered to pay to Benaissa in April.

On May 15, the Paris-based Reporters Without Borders (Reporters Sans Frontieres—RSF) criticized Morocco for banning seven local and foreign newspapers, and appealed to King Mohammed VI to ensure press freedom. The International Committee to Protect Journalists also raised the same concerns in a letter to Prime Minister Youssoufi in the spring.

According to press reports in late May and early July, the authorities allegedly blocked the publication of two newspapers, *Al-Adl Wal Ihsane* and *Rissalat Al-Futuwa*, associated with Sheikh Yassine's Justice and Charity Organization. The authorities reportedly ordered printers of the two newspapers to suspend their distribution (see Sections 1.d., 2.c., and 2.d.). In September the directors of the two publications delivered to human right organizations and the press a letter that claimed that government authorities had issued administrative orders against the publication and sale of the two newspapers. The directors also stated that various printers had been threatened and pressured not to print the newspapers.

In its June 23–29 issue, the independent weekly *Le Journal* reported that the secretary general of RSF had written a letter to Interior Minister Midaoui protesting the Government's “heavy surveillance” of a visiting French journalist, and its confiscation of the reporter's videocassette tapes as he was leaving Rabat airport. The secretary general asked Minister Midaoui to “provide him with explanations” of the Government's actions. The French journalist allegedly was writing an investigative article about Mehdi Ben Barka, a leftist political leader allegedly kidnapped and murdered in Paris in 1965 by French thugs at the request of the Moroccan secret service.

During a protest by disabled unemployed university graduates on September 12, police reportedly attempted to remove the camera equipment of one photojournalist covering the demonstration, and jostled and threatened other news correspondents on the scene (see Sections 1.c. and 2.b.).

In its September 23–29 edition, *Le Journal* reported that government authorities banned the distribution of a September issue of the London-based magazine *The Economist*, which contained a report on Morocco's August announcement of new oil finds in the eastern part of the country. The *Economist* report questioned the scale of the findings as announced by the Government. A local representative of *The Economist* confirmed the banning.

On October 4, at a press briefing convened by the Government, Interior Minister Midaoui publicly threatened Aboubakr Jamaï, the director of *Le Journal*, warning against publishing sensitive stories related to Mohammed Abdelaziz, the leader of the Polisario Front. Midaoui threatened to ban *Le Journal* again if the newspaper conducted and published more such interviews. RSF responded to the incident with a letter to Prime Minister Youssoufi, which related the NGO's concerns about the recent decline in press freedoms.

In early October, over the period of several days, the Government accused of espionage, detained, and held under house arrest three French television journalists from France's FR3 television station, who were reporting on a government-author-

ized human rights demonstration at the notorious former secret detention center of Tazmamart. Despite their possession of two authorization papers from the Government to tape throughout the country, the journalists were stopped by security forces after they had taped the former detention center the morning before the October 7 demonstration. (Other domestic and international media later filmed the same footage without incident.) Local justice officials summoned the FR3 journalists to a nearby tribunal on October 8, but the journalists refused the officials' request to hand over the material that had been taped at Tazmamart. The journalists then were placed under house arrest in the city of Er-Rachidia by security forces and kept under surveillance. During this time, the authorities confiscated the journalists' video material, passports, and personal belongings, and accused them of "violating military secrets" for videotaping Tazmamart (which became a military weapons depot after the secret detention center closed in 1991). After French officials intervened, the authorities released the three journalists on October 9. Before leaving the country, the journalists signed a document agreeing to return to cooperate with the legal investigation of the affair. One of the FR3 journalists who was detained was Joseph Tual, the French journalist who had been monitored in June and whose video material then also was confiscated by security forces at Rabat airport.

On November 4, the Government withdrew the accreditation and ordered the expulsion of Claude Juvenal, a Morocco-based French correspondent for Agence France Presse (AFP). According to MAP, a source from the Ministry of Culture and Communication stated that Juvenal had "breached professional ethics by engaging in initiatives hostile to Morocco and its institutions." According to the semiofficial daily newspaper *Le Matin du Sahara*, Juvenal had "for several years continually, and in sheer bad faith, cast doubt on, criticized and misrepresented every initiative and reform undertaken by Morocco." Juvenal's expulsion resulted in a strong negative reaction from domestic and international media. The SNPM issued a communique protesting the expulsion, stating that the authorities' justification for the expulsion "remains ambiguous and hence unacceptable." The SNPM in its communiqués and the RSF claimed that the expulsion illustrated growing intolerance by the authorities toward press freedom. A group of Morocco-based Spanish journalists wrote a letter to Minister of Culture and Communication Mohammed Achaari, in which they expressed their concerns that similar measures could be taken "at any moment against other journalists" and informed the Minister that they were seeking the protection of the Spanish Government and the European Union for themselves. Minister Achaari refused to explain the reasons for the expulsion when he was asked on national television.

On December 2, Prime Minister Youssoufi banned indefinitely three independent weekly publications known for their politically sensitive investigative reports. The Prime Minister banned the French weekly publications *Le Journal* and *Demain* and the Arabic weekly *Assahifa*, a sister publication of *Le Journal*, after they published or commented on a 1974 letter alleging that Youssoufi had participated in coup plotting with other leftist leaders and the military against then-King Hassan II in 1972. In banning the three publications, Youssoufi used the highly controversial and long-criticized Article 77 of the Press Code, which allows both the Prime Minister and Interior Minister to ban any publication that "threatens the kingdom's political and religious foundations." At their press conference on December 3, the three editors in chief of the banned publications criticized the banning as "a manifestation of intellectual terrorism." The SNPM denounced the ban and the application of Article 77, urging the Government to reconsider its decision and to reform the entire Press Code. The AMDH also protested the ban, calling it a violation of the Constitution and international conventions on human rights. International NGO's criticized the banning as well. RSF called attention to the fact that Youssoufi had promised to defend press freedoms upon assuming office in 1998, including revision of the entire Press Code. In mid-December, two of the three weeklies filed a lawsuit against the government at the administrative court of Rabat. In the meantime, *Le Journal* filed paperwork to establish a new publication; approval of the application was still pending at year's end.

Also in mid-December, the Government confiscated and prevented distribution of the December 14–20 printed issue of the international publication *Courier International*. The publication contained four pages of articles written by the editors in chief of the three domestic weeklies banned indefinitely by Youssoufi on December 2. In their articles, the editors in chief attacked the Prime Minister's decision to shut down their publications. The electronic versions of the articles were available in the country on *Courier International's* Internet web site.

Police reportedly confiscated journalists' photography equipment during their December 9 and 10 violent dispersions of human rights activists and JCO members in Rabat and other large cities (see Sections 1.c., 1.d., 1.e., 2.b., and 4).

In general press articles containing unflattering material that routinely had been prevented from circulation in past years, with the exception of those related to the topics the Government still considers sensitive, were permitted free circulation during the year. These included reports on corruption in the Government and military, financial scandals at public institutions, sensitive human rights-related court cases, torture, violence against women, the exploitation of child maids, prostitution, poverty, abandoned children, and harsh conditions inside prisons.

In an October 23 "Open Letter to the Minister of Justice" that it distributed to domestic as well as international media, the AMDH for the first time published a list containing 14 names of alleged former torturers and officials involved in disappearances and arbitrary detention. The first domestic newspaper to republish the list was *Le Journal*. Agence France Presse then distributed the list of names abroad through its wire services. Some of the listed names were high-ranking officials currently holding office. In the letter, the AMDH called for "the truth and pursuit of those responsible for disappearances." The AMDH also criticized the Justice Ministry for its alleged nonintervention in past cases of torture and disappearance (see Section 1.c.).

Also in October, the Government lifted its 17-year ban on the book "For Bread Alone" (*Le Pain Nu*) by the Moroccan writer Mohammed Choukri. The book had been banned during King Hassan II's reign reportedly for its sexually explicit overtones.

Throughout the year, journalists, NGO's, and human rights activists increased their calls on the Government to enact a new public liberties law, which Prime Minister Youssoufi announced that he would enact when he assumed power in 1998. In January 1999, 42 NGO's addressed a memorandum to the Prime Minister proposing amendments to the law that governs the press, associations, and public gatherings. Their proposals were aimed at easing current restrictions and giving associations more freedom to organize and function. The present Public Liberties Law dates from 1958, and many legal observers agree that the sole amendment to the law, which was ratified in 1973, constituted a setback to civil liberties. The amendment apparently introduced restrictions that established firmer government control over the legal establishment of associations and the associations' scope of action once they are recognized legally and allowed to operate. In January before Parliament, Youssoufi announced his intention to open a debate on the law. However, unsatisfied with what it perceived to be the Government's slow handling of the issue, the NGO network Espace Associatif held a large roundtable conference in March in which it discussed reform of the law and urged the Government to act more quickly and transparently. In an April communique following the censorship of *Le Journal* and *Assahifa*, the AMDH demanded "the immediate modification of the Public Liberties Law and abrogation of all constraints that hinder freedom of the press." At the same time, the OMDH issued a communique expressing frustration at the Government's slow progress with respect to the reforms that the OMDH had called for on numerous occasions. In May the Moroccan Barrister's Association also called for reform of the Public Liberties Law.

In July and November, the King announced in two nationally televised speeches that the Government was preparing legislation for reforming the Public Liberties Law. Prime Minister Youssoufi's Cabinet discussed draft legislation and reviewed a draft in mid-December. The SNPM on December 19 rejected the draft Press Code contained in the three-part legislation on the grounds that the SNPM had not been consulted during the code's formulation. The SNPM claimed that the draft text still permitted the Government to seize, confiscate, and ban publications, and to punish those convicted of libel and defamation with jail sentences. Domestic media and human rights activists long have criticized these central provisions, which widely are perceived to repress and stifle the freedom of expression. No final decisions were made by year's end regarding the public liberties legislation. Before presenting the draft legislation to the Cabinet in December, Prime Minister Youssoufi presided over two interministerial discussions of the law in May and July.

The Government controls Radio-Television Marocaine (RTM) broadcasts. Another major broadcaster is the French-backed Medi-1, which operates from Tangier and broadcasts throughout Morocco and other parts of North Africa. While nominally private and independent, Medi-1 practices self-censorship, as do other media outlets. The Government owns the only television stations whose broadcasts may be received in most parts of the nation without decoders or satellite dish antennas. In 1996 the Government purchased a majority share in 2M, formerly the country's sole private station, which can be received in most urban areas. The ostensible reason for the Government's action was to save 2M from bankruptcy; the Government now owns 68 percent of 2M stock, and the Minister of Communication, by virtue of his position, has become the chairman of the board. A government-appointed committee

monitors broadcasts. Privatization of these stations continued to be a major topic of political debate during the year, and the Government announced in 1998 that it was preparing a plan for 2M's resale to the private sector.

In its October 28-November 3 issue, the independent magazine *Demain* reported that since July the Government had censored five broadcasts of a local news team that worked for the Qatari satellite television station Al-Jazira. According to *Demain's* and other press reports, spokesmen for the government-controlled television stations stated that the censored broadcasts (of domestic news items) were "technical problems" experienced during satellite transmissions. In late October, the SNPM criticized what it perceived to be a ban on the Qatari station, charging that the government-controlled television stations allowed other Arabic television stations to broadcast from the country. The Government had recalled its ambassador to Qatar in mid-July, allegedly in diplomatic retaliation for the Qatari Government's votes against Morocco's bid to host the 2006 World Cup and its bid for the presidency of the Organization of the Islamic Conference. The Government also allegedly was concerned over what it perceived to be several negative reports on Morocco that recently were produced by Al-Jazira.

For the past 13 years, the popular humorist Ahmed Snoussi (also known as Bziz) has been prohibited from performing in the country due to his satire of those in power. While the authorities allowed Bziz to perform at the Mohammed V Theater in Rabat during the summer, he still is prohibited from performing live on television. He also faces restrictions on performing on university campuses. In November the authorities reportedly prevented him from accepting students' invitations to perform at universities in both Rabat and Tangiers.

In April Reuters news services reported the lifting of a 13-year ban on a book that described harsh conditions in a high-security prison. According to the author, Abdelkader Chaoui, his book "The Unachieved Past" had been banned since its publication in 1987. The book described the harsh conditions of the Kenitra prison in which Chaoui was held for 15 years. Chaoui was jailed in 1974 because of his leftist political opinions (see Section 1.c.). In November in Marrakesh, the King awarded Chaoui a literary prize for his most recent novel.

After 11 years of house arrest for refusing to acknowledge the religious authority of then-King Hassan II, Islamist dissident Sheikh Abdessalam Yassine was allowed to leave his Sale home on May 16. Yassine's release came after a May 10 statement by the Minister of Interior before Parliament that the Sheikh "leaves and returns to his residence as he likes." The Minister also stated that Sheikh Yassine was free to take his case to court if he felt his rights were being abused. Yassine's books, articles, and audio cassettes were sold only at some bookstores; however, editorials calling for his release prior to the Government's action were published without impediment (see Sections 1.d., 2.b., 2.c., and 2.d.).

In May the wire service Agence France Presse and the French daily newspaper *Le Monde* reported that Government had banned the book "Letter from Morocco," which was written by Christine Serfaty, the wife of former political dissident Abraham Serfaty (who was allowed to return to Morocco in September 1999 after 8 years of exile and 17 years of imprisonment). According to the two sources, the preface of Serfaty's book allegedly caused advisors at the Royal Palace to ban its distribution; the preface referred to Serfaty's collaboration with a French author on a controversial book, "Notre Ami Le Roi," which has been banned in Morocco since it was published in 1990 for its criticism of the rule of then-King Hassan II. In an interview given by Abraham Serfaty to *Jeune Afrique L'Intelligent* in September, the former exile claimed that his wife's book had not been banned, but rather "bookstores (in Morocco) that would like to import the book still cannot." In October Christine Serfaty claimed in an interview with *Jeune Afrique L'Intelligent* that she did not believe that a banning was in effect because she had received copies of her book from abroad through the postal system. However, she said that Moroccan bookstores that ordered her book still were waiting to receive it from the national distributor. The distributor reportedly sent the book to the government agency responsible for reviewing publications before their entry onto the market. The agency had yet to release the book to the distributor by year's end.

Also in May, the Government permitted the local publication and sale of a comic book called "They Even Starve Rats." Written and illustrated by Abdelaziz Mouride, a former leftist student whom the authorities arbitrarily detained in 1974, sentenced to 22 years in prison, and then freed in 1984, the comic book vividly recounts the torture, injustice, and humiliation that he and other political dissidents suffered at the hands of the authorities (see Section 1.c.).

Dish antennas permit free access to a wide variety of foreign broadcasts and are available at low cost on the market. The antennas are in wide use throughout the country. Residents of the north are able to receive Spanish broadcasts with standard

antennas. The Government does not impede the reception of foreign broadcasts or Internet access.

The universities enjoy relative academic freedom in most areas, but are barred from open debate on the Monarchy, the Western Sahara, and Islam. Government informers monitor campus activities (see Section 1.f.) and rectors are approved by the Ministry of Interior. Police and university students conducting elections clashed violently during the fall at university campuses throughout the country (see Sections 1.c., 1.e., and 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the law also permits the Government to suppress even peaceful demonstrations and mass gatherings, and at times police forcibly prevented and disrupted gatherings during the year. Most conferences and demonstrations require the prior authorization of the Ministry of Interior, ostensibly for security reasons.

Throughout the year, many meetings and marches took place peacefully without government interference; however, numerous demonstrations involving unemployed demonstrators were disrupted by the Government. Security forces often resorted to violent means to disperse and prevent from marching unemployed demonstrators, including the ANDC, the Group 314, disabled unemployed protesters, and other affiliated groups. Security forces also used violent means to disperse human rights activists and members of Islamist organizations late in the year. In early October, the Denmark-based organization EMHRN noted that “measures inspired by security police are still in existence; force is being used, outside the law, with protesters and, notably, with unemployed academics.”

During their February 2 operation in the village of Tarmilet (48 miles from the capital), security forces used force to remove striking workers who had blockaded a water-bottling factory. The operation, which involved a large-scale military presence and reportedly was led by senior military officers, took place after a court order in January had ruled in favor of the factory owners who charged the protesting workers with interruption of means of production and obstructing the freedom to work. Dozens of strikers and members of the security forces were injured during the operation (see Sections 1.c., 1.d., 1.f., 2.d., and 6.a.).

On two consecutive days in February, security forces violently dispersed striking members of Group 314 (unemployed doctoral graduates of medicine and engineering). Members of Group 314 conducted a sit-in on February 10 at the Ministry of Employment and were dispersed by charging security forces, who beat the protesters with their hands, boots, and batons. Police arrested eight protesters, who later were released without charges. Seven protesters reportedly were injured. On February 11, approximately 300 members of Group 314 staged a sit-in before the Wilaya (regional office of the Interior Ministry) of Rabat to demand the release of the 8 members who were arrested the previous day. Approximately 200 members of the security forces intervened to disperse the demonstrators, again using violent methods. This time, police arrested four protesters, who also later were released without charges. Employment Minister Khalid Alioua denied during a February 10 press briefing that abusive acts against the group had occurred (see Sections 1.c. and 1.d.).

On March 1, security forces in the Western Sahara city of Smara violently dispersed Sahrawi students and their families who were demonstrating in solidarity with Sahrawi students in the nearby Moroccan city of Agadir. Police had disrupted violently demonstrations by the Agadir students on February 28 and 29. The Agadir students were protesting the December 1999 incarceration of three Sahrawis accused of spying for the Polisario Front (see Sections 1.b. and 1.d.). The Sahrawi students and families in Smara organized a march toward the police station, which security forces subsequently broke up forcefully. Dozens of persons allegedly were injured, as were a dozen police officers. According to reports, nobody was arrested during the protest.

Security forces used force to break up a May 3 demonstration in Meknes by members of the ANDC and other unemployed protesters (see Sections 1.c. and 1.d.).

On May 11, police violently broke up a peaceful demonstration in front of the Tunisian Embassy, where approximately 50 human rights activists had gathered to protest the Tunisian Government’s treatment of a Tunisian journalist (he was on a hunger strike) and his family. After issuing an order to cease the demonstrations, police used force to disperse the activists, pushing them, beating their legs with batons, tearing up their posters, and pursuing them down side streets. Police reportedly injured six protesters.

On May 12, at the Ministry of Finance, police used excessive force to disperse approximately 500 engineers who were preparing to hold a sit-in to protest their terms of employment. Police used batons to disperse the protesters, clubbing a regional

leader from the independent Moroccan Workers Union, who was knocked unconscious and required hospitalization. When the protesters regrouped nearby, the police again pursued them, and used batons to disperse them. Some police reportedly entered a ministry building and clubbed innocent bystanders whom they mistook for protesters. The International Confederation of Free Trade Unions in Brussels issued a communique that denounced police for using brutal methods against the protesters and asked the Government “to work to put an end to brutal attacks against peaceful trade-union demonstrations.” On May 17, the OMDH issued a communique that strongly criticized the brutal police actions on May 11 and 12, and questioned the Government about “the objective of using violence against civil society” at a time when royal speeches on human rights urged a new and more humane relationship of authority between the Government and citizens.

On May 17 and 18, police violently broke up student demonstrations in Marrakech, initially detaining 30 to 40 mostly Sahrawi participants. There were conflicting accounts regarding the origins of the large-scale demonstrations (see Sections 1.c. and 1.d.).

Within a 1-week period in June, security forces in the capital used excessive force to break up both a march by unemployed graduates associated with the ANDC and to evict 12 Group 314 hunger strikers from UMT’s Rabat headquarters. According to eyewitnesses, on June 13, hundreds of security force members violently stopped up to 4,000 members of the ANDC from staging a protest march at the Parliament. Security forces used batons, chased protesters down streets, and violently dispersed large groups of marchers who had gathered before the Parliament. Thirty-three protesters reportedly were injured during the violent dispersal, 2 of them seriously. Over 20 persons were arrested, all of whom later were released without charges. On the evening of June 13, authorities detained two union leaders not involved in the demonstrations and released them the following day without charges (see Sections 1.c. and 1.d.).

During the evening of June 18, up to 100 members of the security forces attacked UMT headquarters in Rabat, where 12 Group 314 members were in the 11th day of a hunger strike. The attack allegedly began after ANDC demonstrators outside the headquarters threw rocks at security forces. Security forces then reportedly threw the rocks back at the demonstrators, breaking windows in the process, and fired tear gas into the building. They subsequently used force to clear all demonstrators from the area, arresting up to 100 persons. Security forces then removed the hunger strikers, who had been forced out by the tear gas. Later in the evening, the authorities cut the water and electricity supply to the UMT’s headquarters, which they restored the following morning. Dozens of protesters were injured, some seriously. Twenty-two of those arrested were charged with “using violence against agents of authority;” 19 received suspended sentences and 3 received 2 months’ imprisonment. Prime Minister Youssoufi convened an interministerial meeting on June 19 to address the violence and condition of the unemployed population. The Government stated that it “affirms its choice of dialog and rejects all forms of pressure and tension.” Justice Minister Azziman then met with some members of the ANDC. On July 5, the Group 314 hunger strikers ended their 28-day strike after a meeting with the Government, in which both sides pledged to engage in a substantive dialog (see Sections 1.c., 1.d., and 1.e.).

On July 26 in downtown Rabat, police violently dispersed disabled unemployed university graduates, who were protesting the denial of their right to employment. The protesters arrived in Rabat from throughout the country to meet the Secretary of State in charge of the disabled, whom they accused of reneging on promises to assist them. The police reportedly removed the disabled protesters to the Ain Atiq detention center, outside the capital. On September 12, police again used force to break up a protest by approximately 40 disabled graduates before the Parliament. There were reports of injured protesters and, according to a communique issued by an association of unemployed handicapped university graduates, police again removed uninjured handicapped protesters to the Ain Atiq detention center. Police reportedly attempted to remove forcibly camera equipment of one photojournalist covering the demonstration, and jostled and threatened other news correspondents on the scene. The SNPM issued a communique criticizing the police treatment of the journalists, claiming that it was not the first time security forces exhibited such behavior toward them (see Sections 1.c., 2.a., and 5).

On October 9 in Casablanca, police dispersed with tear gas 2,000 to 3,000 Islamists who were protesting the Israeli Government’s use of force against Palestinians in Israel, the West Bank, and Gaza in September and October. Islamist leaders had asked for and were refused permission to hold the demonstration.

On October 23, security forces used violent means to break up a demonstration by students preparing to begin a march to protest transportation problems at Has-

san I University in Settat (southeast of Casablanca). Police intervened when the students were gathering on the edges of the university for a march toward the Wilaya of Settat. The police arrested 10 students, some of whom reportedly were not participating in the march, and accused them of disobedience, inciting disobedience, violence, and contempt of public servants while exercising their functions. Numerous students reportedly were injured in the violence, as well as two policemen. Press reports indicated that security forces intervened once students belonging to the Justice and Charity Organization inserted themselves into the march and began chanting anti-Israeli and anti-American slogans. Security forces reportedly clubbed students indiscriminately with truncheons, even entering neighborhood cafes and cafeterias to do so. After two of its youth members were detained in the incident, the political bureau of the PPS political party issued a communique on October 27, in which it claimed that security forces acted with "unprecedented brutality" in pursuing and attacking students indiscriminately within university grounds and in neighboring streets, and in conducting "targeted arrests." At their trial on October 27, the 10 students were sentenced to between 3 and 5 months in prison (three were given suspended sentences); the students' sentences later were reduced on appeal (see Sections 1.c. and 1.e.).

On November 5, security forces reportedly used violent force to break up a sit-in by ANDC members in the southern city of TanTan. The local ANDC branch had called for a march to protest the lack of employment opportunities in the city, irregularities in the region's hiring practices, the lack of dialog with the authorities, and the local governor's abusive treatment of ANDC members. The police reportedly injured 25 demonstrators, 3 seriously, during the attack.

On November 21, security forces violently clashed with JCO students at Mohammedia University (in the Casablanca suburbs) as the latter prepared for annual student elections. According to news reports, over 100 students were injured and 14 arrested. Police claimed that they responded because the students illegally remained on campus overnight and committed acts of vandalism. The students were sentenced to 2 years' imprisonment and fines ranging from \$50 to \$150 (500 to 1,500 dirhams) (see Sections 1.c. and 1.e.). Other reports indicated that similar although less violent clashes occurred between security forces and JCO students at other university campuses around the country engaged in student elections.

On November 27, security forces reportedly used violent means to break up a 5-day sit-in strike at a canning factory in the southern city of Agadir. The attack reportedly resulted in the death of one worker and injuries to eight others (see Sections 1.a., 1.c., 1.d., and 6.a.).

During the weekend of December 9–11, security forces throughout the country used violent means to disperse human rights activists, members of the JCO, and unemployed graduates who gathered separately in Rabat and other large cities to demonstrate for different reasons. The three groups decided to gather despite a prior Interior Ministry statement that the gatherings were unauthorized and would be forbidden. On December 9, human rights activists from the AMDH and Forum for Truth and Justice (FMVE) gathered before the Parliament to demand trials for those responsible for past arbitrary detention, forced disappearance, and torture. Security forces violently attacked the demonstrators with truncheons and arrested about 40 persons. Security forces also reportedly confiscated journalists' photography equipment. After spending 1 night in jail, 39 of the detained protesters appeared before the court of first instance in Rabat the following day and were released that evening. The Government pressed charges against 33 of the demonstrators; the trial was scheduled for February 2001. The AMDH's president Abderrahmane Benameur, who was among those arrested and released, condemned the use of violence by security forces, characterizing such violence as "a step backward in human rights." On December 17, the AMDH filed a lawsuit in Rabat's administrative court against the Government for banning its demonstration. On December 10, the FIDH issued a communique, in which it expressed its "extreme concern" regarding the Government's suppression of peaceful gatherings.

Later during the weekend, in Rabat and other large cities, security forces again resorted to violent force to break up public gatherings by members of the JCO. The JCO had called for peaceful nationwide protests in large cities to demonstrate against the Government's banning of their newspapers and to demand the legalization of their organization. At the Rabat train station, security forces used truncheons to disperse violently assembled JCO members, and arrested dozens of persons. The authorities again confiscated photography equipment, including that of demonstrators and of a British Broadcasting Company journalist. The authorities charged 18 of those detained with holding an unauthorized demonstration. Their trial was scheduled to take place in January 2001. Security forces violently dispersed a similar demonstration in Casablanca on the same day, arresting hundreds

of additional JCO demonstrators; all of the Casablanca demonstrators had been released by year's end. Of the released demonstrators, 22 were scheduled to be tried in early 2001.

On December 11, security forces used force to arrest members of the ANDC who had gathered before the Parliament to protest against Government inactivity regarding their unemployment. Those arrested later were released.

During the year, there were no new developments related to the police excesses in the Western Saharan city of Laayoune in September and October 1999, in which police used brutal force to break up demonstrations organized by students, unemployed graduates, miners, and former Sahrawi political prisoners. Some who were detained during the police violence were subjected to systematic beatings and other forms of physical coercion. Most of those detained were released; however, 26 persons were charged and sentenced to between 10 and 15 years in prison on charges of destruction of property during the protests. Despite appeals lodged by defense lawyers during the year, none of the sentences were reduced or overturned.

In the aftermath of the September 1999 protests, King Mohammed VI immediately replaced the governor of the province, relieved the local police chief of his duties, and dispatched military security forces to the city to help restore order. A new royal commission was dispatched quickly to the city by King Mohammed VI to explain to local residents proposed new measures to decentralize authority in the region, which would allow local residents more of a choice in their affairs, and to propose elections to choose members to a royal advisory council on the Western Sahara.

Despite these actions taken to restore confidence and order and to lessen tensions, renewed violence broke out in late October 1999. There were credible reports that police provoked the violence and there were further credible reports that police authorities unlawfully entered homes to arrest persons associated with the demonstrations in September 1999. Thirty-one persons reportedly were detained. Of these persons, 10 reportedly were released within 24 hours and the remainder released within the following 2-week period.

No investigation has been initiated into the excessive use of force by the police, nor have any charges against police been filed. There also was no progress during the year on local elections to choose members to the proposed royal advisory council on the Western Sahara.

However, there also were numerous peaceful protests during the year. For example, on February 4, 60 Sahrawi students organized a sit-in protest in front of the Ministry of Human Rights to protest what they claimed to be the illegal detention of 3 Sahrawis who were detained in December 1999 and accused of espionage activities on behalf of the Polisario Front (see Sections 1.b. and 1.e.). The sit-in proceeded peacefully. On February 18 and 19, teachers who were members of two different trade unions protested without disruption for 2 consecutive days the freezing of family allowances and teacher promotions. On March 4, hundreds of supporters and members of the NGO Forum for Truth and Justice, which was created by former political prisoners and their survivors, staged a sit-in before the notorious *Derb Moulay Cherif* police station to demand an accounting for and details regarding over 30 years of forced disappearance and arbitrary arrest. Police did not intervene. On March 12, two large rallies took place in Rabat and Casablanca that collectively involved over 200,000 persons. The march in Rabat was called by civil society in observance of the international day for women. The march in Casablanca was a counterdemonstration organized by Morocco's two major Islamist groups. In spite of the large numbers of demonstrators and the political sensitivity of the marches, they both proceeded peacefully and without intervention by security forces (see Section 5). To protest government inaction on their behalf, 115 members of Group 314 staged a 48-hour hunger strike on March 17 and 18. The hunger strike proceeded peacefully, without any incidents or intervention by security forces. On May 3, journalists and human rights activists peacefully demonstrated in front of the Ministry of Communication against several cases of press censorship. On October 7, hundreds of former political prisoners, their families, and human rights activists peacefully demonstrated at Tazmamart, the notorious former secret detention center. On October 8, several tens of thousands of persons peacefully participated in a march in Rabat led by the Prime Minister to demonstrate their solidarity with Palestinians.

On November 5, 1999, Prime Minister Youssoufi revoked an order issued earlier in the year by former Interior Minister Driss Basri to ban all public meetings from government-owned facilities unless they otherwise were authorized by the Government. Basri's decision triggered protests by human rights activists who asserted that such tactics constituted a serious violation of freedom of expression. Amid the protests caused by Basri's order, government spokesman Khalid Alioua stated that the Interior Ministry's decision had been "badly interpreted," and applied only to

meetings in municipal council and administration buildings, not to the public halls that routinely are used by unions, parties, NGO's, and other groups.

According to Youssoufi's November 5, 1999 revocation, only a declaration of a public meeting would be necessary for public meetings to proceed. However, on November 25, 1999, several weeks following the Prime Minister's revocation of Basri's order, government spokesperson Khalid Alioua announced that—in apparent contradiction to the Prime Minister's revocation—both a declaration and authorization must be issued before public-venue meetings could proceed. Alioua attributed the Government's decision to a series of illegal sit-ins and protests in public spaces that had followed the revocation. Human rights organizations reacted negatively to the announcement. The OMDH issued a communique that criticized the decision as illegal. The OMDH cited the 1958 Public Liberties Code and Youssoufi's November directive in asserting that a declaration alone suffices to proceed with a public meeting, and that meetings may be prohibited only if deemed a threat to public order. Since the Government's November 25 announcement, local observers generally agree that the authorities indiscriminately apply the authorization rule, allowing those demonstrations to proceed that it considers inoffensive.

After violent police suppression of demonstrations in Rabat in October 1998, Basri agreed in December 1998 to recognize officially the ANDC, whose request for recognition had been pending for 7 years. Basri also agreed to grant members of the group 5,000 taxi licenses. Members of the ANDC also were invited by then-King Hassan II to a national conference on unemployment in December 1998. In June 1999, the Ministers of Interior and Employment toured the regions to instruct walis (regional and city leaders appointed by the Interior Ministry) and governors on how to take steps to reduce unemployment, and to listen to the needs of the unemployed. However, despite repeated meetings with the Ministers of Interior and Employment, the ANDC has not obtained official recognition, and the promised taxi licenses have not been issued.

The Constitution provides for freedom of association; however, the Government limits this right in practice. Under a 1958 decree, which was amended substantially in 1973 to introduce restrictions on civil society organizations, persons who wish to create an organization must obtain the approval of the Ministry of Interior before holding meetings. In practice the Ministry uses this requirement to prevent persons suspected of advocating causes opposed by the Government from forming legal organizations. Historically, extreme Islamist and leftist groups have encountered the greatest difficulty in obtaining official approval. Although there are over 20 active Islamist groups, the Government has prohibited membership in 2, the JCO and Jama'a Islamia, due to their perceived anti-Monarchy rhetoric. Political parties also must be approved by the Ministry of Interior, which has used this power to control participation in the political process. However, individual Islamists are not barred from participating in recognized political parties. The last known instance in which a proposed political party failed to receive such approval was in 1996, when an Islamist group's application was not approved. The group instead was permitted to present candidates for the 1997 elections under the banner of an existing party. One Islamist party, the Party for Justice and Development (PJD—formerly the Popular Democratic Constitutional Movement), won nine seats in Parliament in the 1997 elections. In by-elections held in August, the PJD won two additional seats in Parliament.

During the summer, the Government prevented members of the JCO from gaining access to campgrounds and beaches for group prayer sessions, and arrested and jailed some of the group's members (see Sections 1.d., 2.a., 2.c., and 2.d.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, only Islam, Christianity, and Judaism are tolerated in practice. The Constitution provides that Islam is the official religion, and designates the King as "Commander of the Faithful," with the responsibility of ensuring "respect for Islam." In 1996 a small foreign Hindu community received the right to perform cremations and to hold services, and other foreign communities enjoy similar religious privileges. However, Baha'is face restrictions on the practice of their faith. The Government monitors the activities of mosques.

The Government does not license or approve religions or religious organizations. The Government provides tax benefits, land and building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

Islamic law and tradition call for strict punishment for any Muslim who converts to another faith. Citizens who convert to Christianity and other religions sometimes face social ostracism, and in the past a small number have faced short periods of questioning by the authorities. Voluntary conversion is not a crime under the Criminal or Civil Codes; however, the authorities have jailed some converts on the basis of references to Koranic law. Any attempt to induce a Muslim to convert is illegal.

Foreign missionaries either limit their proselytizing to non-Muslims or conduct their work quietly. The Government cited the Penal Code prohibition on conversion in most cases in which courts expelled foreign missionaries.

The Ministry of Islamic Affairs monitors Friday mosque sermons and the Koranic schools to ensure the teaching of approved doctrine. The authorities sometimes suppress the activities of Islamists, but generally tolerate activities limited to the propagation of Islam, education, and charity. Security forces commonly close mosques to the public shortly after Friday services to prevent the use of the premises for unauthorized political activity. The Government strictly controls authorization to construct new mosques. Most mosques are constructed using private funds.

After 11 years of house arrest for refusing to acknowledge the religious authority of then-King Hassan II, Islamist dissident Sheikh Abdessalam Yassine was allowed to leave his Sale home on May 16. On May 17, Sheikh Yassine then received at his home leading council members of his Justice and Charity Organization, attended a Sale mosque prayer service on May 19, and gave a May 20 press conference that was attended widely by domestic and foreign media representatives. In February prior to Sheikh Yassine's release, the Government temporarily confiscated several newspapers that printed a 19-page memorandum addressed by Yassine to King Mohammed VI asking for the King to return to Moroccans the wealth that Yassine alleged the King's late father had stolen from them. On February 8 and 9, then-Communication Minister Larbi Messari claimed that the memorandum was not banned, that it was available on the Internet, and that the concerned newspapers were back in circulation. Messari stated that the confiscation was "incidental," and that censorship was absurd and no longer practiced. Four members of the JCO were arrested in February for distributing the memorandum in Tangiers and Ben Slimane (near Casablanca). All four were charged with violating the "sacred institution of the Monarchy." According to the AMDH, by February 7, the authorities had dropped the charges and released the four JCO members.

According to press reports in late May and early July, the authorities allegedly blocked the publication of two newspapers—*Al-Adl Wal Ihsane* and *Rissalat Al-Futuwa*—that were associated with the JCO, ordering printers to suspend their distribution. Yassine's books, articles, and audio cassettes were sold only at some bookstores, and editorials that had called for his release were published without impediment. The JCO has an active presence on university campuses and occasionally had organized protests of Yassine's house arrest. However, prominent members of the JCO are subject to constant surveillance and sometimes are unable to obtain passports and other necessary documents. During the summer, the Government prevented members of the JCO from gaining access to campgrounds and beaches for group prayer sessions, and arrested and jailed some of the group's members. In August two JCO members were sentenced to 3 months' imprisonment for their proselytizing activities on a beach in El-Jadida. During the same month, Interior Minister Ahmed Midaoui declared before Parliament that "we are one sole nation and nobody can impose upon others their own vision of Islam," and that "people go to beaches for recreational purposes and we do not have Islamic beaches." He also added that "we cannot tolerate the appearance of sectarianism in our society" (see Sections 1.d., 2.a., 2.b., and 2.d.).

The teaching of Islam in public schools benefits from discretionary funding in the Government's annual education budget, as do other curriculum subjects. The annual budget also provides funds for religious instruction to the parallel system of Jewish public schools. The Government has funded several efforts to study the cultural, artistic, literary, and scientific heritage of Moroccan Jews. In 1998, the Government created a chair for the study of comparative religions at the University of Rabat.

Since the time of the French protectorate (1912–1956), a small foreign Christian community has opened churches, orphanages, hospitals, and schools without any restriction or licensing requirement being imposed. Missionaries who conduct themselves in accordance with societal expectations largely are left unhindered. However, those whose proselytizing activities become public face expulsion.

The Government permits the display and sale of Bibles in French, English, and Spanish, but confiscates Arabic-language Bibles and refuses licenses for their importation and sale, despite the absence of any law banning such books. Nevertheless, Arabic Bibles reportedly have been sold in local bookstores. There were no known cases in which foreigners were denied entry into the country because they were carrying Christian materials, as occurred in the past.

The small Baha'i community has been forbidden to meet or participate in communal activities since 1983; however, there were no reports during the year that the Government summoned members of the Baha'i Faith for questioning or denied them passports, as had occurred in previous years.

There are two sets of laws and courts—one for Jews and one for Muslims—pertaining to marriage, inheritance, and family matters. The family law courts are run, depending on the law that applies, by rabbinical and Islamic authorities who are court officials. Parliament must authorize any changes to those laws. Non-Koranic sections of Muslim law on personal status are applied to non-Muslim and non-Jewish persons.

The Government organizes events to encourage tolerance and respect among religions. In April and May, the Government hosted the first meeting of the “Traveling Faculty of the Religions of the Book” at Al-Akhawayn University in Ifrane.

The Government annually organizes in May the “Fez Festival of Sacred Music,” which includes musicians from many religions. The Government has organized in the past numerous symposiums among local and international clergy, priests, rabbis, imams and other spiritual leaders to examine ways to reduce religious intolerance and to promote interfaith dialog. Each year during the Islamic holy month of Ramadan, the King hosts colloquiums of Islamic religious scholars to examine ways to promote tolerance and mutual respect within Islam and between Islam and other religions.

In late August, the King declared in a nationally televised speech that 100 mosques throughout the country would be used as teaching centers to fight illiteracy. In the first (and pilot) year of the announced program, 10,000 citizens between the ages of 15 and 45 were to receive literacy courses on Islam, civic education, and hygiene. If successful, the program was expected to be expanded to include a larger part of the population in subsequent years. The King designated 200 unemployed university graduates to administer the literacy courses during the program’s pilot stage, which began in September.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement; however, the Government restricts this right in certain areas. The gendarmerie maintains checkpoints throughout the country, at which drivers’ licenses and vehicle registrations are examined for validity. Although checkpoints have been maintained in the same places for years, the degree of inspections of motorists has relaxed, while the emphasis on inspecting trucks and buses continues. In addition while there are continuing allegations that gendarmes demand small bribes to clear vehicles, press reports indicate that gendarmes found guilty of such behavior are punished. In 1998 the Gendarmerie Royale began a campaign to combat such abuses within its ranks. In the Moroccan-administered Western Sahara, authorities restrict movement in areas regarded as militarily sensitive.

The Ministry of Interior restricts freedom to travel outside the country in certain circumstances. In addition all civil servants and military personnel must obtain written permission from their ministries to leave the country. The OMDH and AMDH have compiled lists of individuals who reportedly have been denied passports or who have passports but are denied permission to travel. In February the AMDH reported in the French-language weekly *Quotidien du Maroc* on 33 past and previous cases in which the Interior Ministry has blocked the issuance of passports to former political prisoners. On February 26, the OMDH issued a communique protesting a lack of governmental action on outstanding passport cases. The OMDH contended that the Government, in resorting to arbitrary administrative delays, continues to harass former political prisoners who seek to resume normal lives. The OMDH also alleged that some citizens were forbidden by the Government to leave Moroccan territory during the year. The communique listed no names.

In March the investigative French-language weekly *Le Journal* reported on two cases of former leftist political activists and political prisoners who were unable to renew their passports. Pardoned in 1992, Abdellah El-Harrif, the national secretary of a far-left political party unrecognized by the Government, discovered during a passport-renewal procedure that the authorities have sought his whereabouts since 1996. Despite numerous inquiries to the Government to determine the reason behind his particular status, El Harrif reportedly had not received a response by year’s end. However, he remained free to continue his professional and political life without hindrance, and is free to travel within the country. El Harrif’s deputy, Mostapha Brahma, reported similar difficulties. Brahma has been without a passport since 1994, the year of his pardon, and has received no answer from the Interior Ministry, Human Rights Ministry, or the CCDH regarding the nonissuance of his passport. According to press reports in November, a former prisoner who was convicted in 1996 for “threatening the sacred institution of the monarchy” and freed 3 years later, still was waiting to receive his passport a year after submitting a passport request.

According to press reports, before, during, and after their February 2 operation in the village of Tarmilet (48 miles from the capital) to remove striking workers

from a water-bottling factory, a reported 1,000 security forces encircled and sealed off the village. Gendarmes erected blockades and strictly controlled access to the village. According to the AMDH, security forces maintained checkpoints near the village well after the February 2 confrontation with workers. The operation, which involved a large-scale military presence and reportedly was led by senior military officers, took place after a court order in January had ruled in favor of the factory owners, who had charged the protesting workers with interruption of means of production and obstructing the freedom to work. Dozens of strikers and members of the security forces were injured during the operation, in which security forces used rubber bullets, tear gas, and water cannons to remove strikers and their supporters from the factory and access areas (see Sections 1.c., 1.d., 1.f., and 2.b.).

After 11 years of house arrest for refusing to acknowledge the religious authority of then-King Hassan II, Islamist dissident Sheikh Abdessalam Yassine was permitted to leave his Sale home on May 16 (see Sections 1.d., 2.a, and 2.c.).

Moroccans may not renounce their citizenship, but the King retains the power—rarely used—to revoke it. Tens of thousands of Moroccans hold more than one citizenship and travel on passports from two or more countries. While in Morocco, they are regarded as Moroccan citizens. Dual nationals sometimes complain of harassment by immigration inspectors.

The Government welcomes voluntary repatriation of Jews who have emigrated. Moroccan Jewish emigres, including those with Israeli citizenship, freely visit Morocco. The Government also encourages the return of Sahrawis who have departed Morocco due to the conflict in the Western Sahara, provided that they recognize the Government's claim to the region. The Government does not permit Western Saharan nationalists who have been released from prison to live in the disputed territory.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. While Morocco has from time to time provided political asylum to individuals, the issue of first asylum never has arisen. There were no reports of forced expulsion of persons with a valid claim to refugee status.

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

Constitutional provisions establishing periodic free elections notwithstanding, citizens do not have the full right to change their government. The King, as head of state, appoints the Prime Minister, who is the titular head of government. Constitutional changes in 1992, retained in the Constitution of 1996, authorize the Prime Minister to nominate all government ministers, but the King has the power to replace any minister at will. The Parliament has the theoretical ability to effect change in the system of government. However, the Constitution may not be changed without the King's approval. The Ministry of Interior appoints the provincial governors and local caids (district administrative officials). Municipal and regional councils are elected.

The Government of Prime Minister Abderrahmane Yousoufi is the first government formed from the political opposition since the late 1950's, and his 1998 appointment by then-King Hassan II marked a significant step toward increased democratization. With the support of the Monarchy, Yousoufi, who was sentenced to death in absentia in the 1970's but subsequently received a royal pardon in 1980, has declared his intention to modernize the administrative and judicial structures and to liberalize the economic and political system. Of the 41 cabinet-level posts in the Government that Yousoufi appointed in 1998, only 4 posts (Interior, Foreign Affairs, Justice, and Islamic Affairs) plus the Secretary General of the Government and the Minister-Delegate for Defense Administration were filled by holdovers from the former Government. In 1999 King Mohammed VI replaced one of the four holdovers, Interior Minister Driss Basri. In order to develop reforms, the King granted cabinet ministers a greater degree of responsibility for the management of their individual portfolios. In September Prime Minister Yousoufi consolidated his Cabinet to include fewer ministerial areas of responsibility. The Government now consists of 33 cabinet-level posts, but still contains 6 "sovereign" ministerial posts directly appointed by the King (Interior, Foreign Affairs, Justice, Islamic Affairs, Defense Administration, and Secretary General of the Government).

Morocco created a bicameral legislature in 1997. Fourteen parties have members in Parliament, and 7 are represented in the governing coalition. While opposition parties urged in 1996 and 1997 that all members of Parliament be elected directly by the citizenry, then-King Hassan II proposed in 1996 the creation of a bicameral legislature, in which all members of the lower house would be elected through uni-

versal suffrage and the upper house by various regional, local, and professional councils.

In June 1997, Morocco held municipal council elections, followed by balloting for regional professional councils. In the wake of the June 1997 elections, political parties accused each other of manipulation and vote-buying, and claimed government intervention on behalf of candidates. The Election Commission examined numerous petitions during the course of the electoral season in 1997 and recommended the reversal of over 60 municipal election results, including in Tangier, Khoribga, and Oujda, noted irregularities in four parliamentary races in Casablanca, Chefchaouen, and Fez, and called for the results to be set aside. The OMDH criticized the prominent role of the Interior Ministry in the June 1997 elections, as well as the numerous allegations of vote-buying, both by the Government and political parties, electoral list manipulation by the Government, and electoral card falsification.

In August 1997, then-King Hassan II convoked a special session of Parliament to ratify two laws creating a bicameral assembly, and, in the same month, Parliament unanimously approved these laws, which created a 325-seat lower house, the Chamber of Representatives, to be filled by direct elections, and a 270-seat upper house, the Chamber of Deputies, whose members would be elected by various directly elected professional and regional councils. There were widespread, credible allegations of votebuying and government manipulation in the November 1997 legislative elections. The fraud and government pressure tactics led most independent observers to conclude that the election results were heavily influenced, if not predetermined, by the Government. All opposition parties criticized the Government, and some called for a boycott of Parliament. Two winners renounced their seats, alleging unsolicited government interference on their behalf. The Election Commission concurred that irregularities had occurred in two Casablanca cases and recommended that new elections be held in those districts. After a long appeals process initiated by the losers of the seats, new elections for the seats were held on August 31, as well as elections for four other seats throughout the country. The new elections followed the formal invalidation of the six 1997 election results throughout the year by the Constitutional Council. Press reports indicate that the August 31 by-elections overall proceeded more fairly than in 1997, despite allegations that two of the races involved some cases of vote-buying. Also in August, the Constitutional Council invalidated an additional by-election held in the Casablanca-Mechouar district in June that allegedly involved vote-buying. Despite the invalidations by the Constitutional Council throughout the year, the body continued to attract criticism for the alleged slow pace of its deliberations.

On September 15, Morocco held indirect elections to replace, for the first time since the body's inception, one third of the 270 seats in the Chamber of Counselors. After the polls had closed, Interior Minister Midaoui reported in a nationally televised press conference that various political parties had engaged in votebuying and fraud. Criticizing the electoral corruption, Minister Midaoui claimed that his ministry had done everything it could to prevent fraudulent practices, including conducting investigations into 108 cases, at least 26 of which the Interior Ministry was certain involved fraud. The Interior Minister also reported that the Ministry had turned the cases over to the Justice Ministry for further action, and that the Government "is going to do its duty." However, by year's end, few of the cases involving electoral fraud had been presented before the courts and prosecuted. According to press reports, the Constitutional Council also had received several hundred grievances relating to the election from throughout the country.

Women are underrepresented in government and politics. There is 1 female minister delegate in the 33-member Cabinet. There are no women among the 325 members of the Chamber of Representatives, and only one woman in the 270-seat Chamber of Counselors. Women occupy only 84 out of 22,000 seats (or .34 percent) of local communal councils throughout the country.

In March for the first time in the country's history, King Mohammed VI appointed a female royal counselor. In August the King also appointed a woman to head the National Office of Oil Research and Exploration, an office created as part of the Government's efforts to exploit newly discovered hydrocarbon reserves in the east. In September the King confirmed the first-ever female ministerial appointment; she is to be responsible for a newly reorganized ministry overseeing the status of women, the first time a ministry has been charged explicitly with the issue. In October the King appointed the first woman to head the National Office of Tourism.

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

There are three nationally organized and officially recognized nongovernmental human rights groups: The Moroccan Organization for Human Rights, the Moroccan

League for the Defense of Human Rights (LMDDH), and the Moroccan Association for Human Rights. A fourth group, the Committee for the Defense of Human Rights (CDDH), was formed in 1992 by former AMDH members. There are also numerous regional human rights organizations. The Government maintains close and collaborative relations with all of these groups.

Founded in the 1979 and 1988, respectively, the AMDH and OMDH have spent years struggling to end human rights abuses. During this time, they were subjected to harassment and restrictions by the Government. Some of their former leaders now occupy high posts in the Youssoufi Government, particularly in the human rights field. In May the Government accorded the two organizations "public utility" status, which confers organizations financial benefits as recognition of their serving the public interest.

In October the OMDH hosted a regional congress on protecting human rights defenders and promoting democracy in the Arab world. The congress was attended by Arab jurists and the Human Rights Minister. The congress called for constitutional reforms throughout the Arab world that would protect democracy and ensure public freedoms.

During the weekend of December 9–11, security forces throughout the country used violent means to disperse human rights activists, members of the JCO, and unemployed graduates who separately gathered in Rabat and other large cities to demonstrate for different reasons. On December 9, human rights activists from the AMDH and FMVE gathered before the Parliament to demand trials for those responsible for past arbitrary detention, forced disappearance, and torture. Security forces violently attacked the demonstrators with truncheons and arrested about 40 persons. Security forces also reportedly confiscated journalists' photography equipment. After spending 1 night in jail, 39 of the detained protesters appeared before the court of first instance in Rabat the following day and were released that evening. The Government pressed charges against 33 of the demonstrators; the trial was scheduled for February 2001. The AMDH's president, Abderrahmane Benameur, who was among those arrested and released, condemned the use of violence by security forces, characterizing such violence as "a step backward in human rights." On December 17, the AMDH filed a lawsuit in Rabat's administrative court against the Government for banning its demonstration. On December 10, the FIDH issued a communique in which it expressed its "extreme concern" regarding the Government's suppression of peaceful gatherings (see Sections 1.c., 1.d., 1.e., 2.a., and 2.b.).

Two new prominent national human rights NGO's, the FMVE and the ONPM, were formed in 1999. Created by victims of forced disappearance and surviving family members, the FMVE's principal goal is to encourage the Government to address openly the issue of past forced disappearances and arbitrary detention. It also lobbies for reparations for former political prisoners that extend beyond financial compensation. Created by lawyers, doctors, journalists, former inmates, and entertainment personalities, the ONPM's main purpose is improving the treatment and living conditions of prisoners. ONPM also supports penal reform efforts. Both the FMVE and the ONPM maintained collaborative relations and fairly regular contact with government authorities throughout the year.

In March the Moroccan Barrister's Association opened a human rights center in Rabat. The Human Rights Minister and other government officials attended its opening. The barrister's association plans to use the center to train lawyers in human rights laws and standards. The center is to undertake studies on reforming existing legal texts to ensure harmonization with international human rights conventions. Additionally, the center intends to track and monitor court cases and verdicts with human rights implications.

On December 8, the Government signed an agreement with the Democratic Association of Moroccan Women (ADFM) to cooperate on gender equality programs.

Amnesty International has local chapters in Rabat, Casablanca, and Marrakech. These chapters participate in AI international letter-writing campaigns involving issues outside Morocco. In September AI held a national youth forum outside the capital that focused on human rights awareness training and children's rights. The Government hosted a visit by AI secretary general Pierre Sane in June 1999, during which Sane met with senior government officials and announced that AI would consider Morocco as a site for a regional office and would hold its International Congress in Marrakech later that year. However, later in June 1999, articles in the French and domestic press reported that the Government had decided not to host the conference, allegedly because of fears that AI delegates would organize protests in Rabat concerning the human rights situation in the Western Sahara. The conference was not held. Amnesty International chose Lebanon as the site for its regional office, which opened in the fall.

In the latter part of the year, the Government and Amnesty International discussed and signed two cooperation agreements on human rights education and public awareness. In September Human Rights Minister Aujjar received an Amnesty International delegation from Norway, which presented a draft 10-year program on cooperation for the country's new focus on human rights education. Amnesty International and the Government still were negotiating an official agreement on the draft program at year's end. The Government and the Moroccan chapter of Amnesty International signed a similar cooperation agreement on a human rights public awareness program on December 9, the 52nd anniversary of the U.N. Universal Declaration of Human Rights.

According to the MAP news agency, the Paris-based International Federation of Human Rights Leagues decided in March to hold its next world congress in Morocco, reportedly because of the country's progress in the area of human rights. FIDH officials visited the country in January to meet with Human Rights Minister Mohammed Aujjar, Prime Minister Youssef, and other government officials, and to discuss preparations for the congress, which was scheduled to take place in January 2001. The FIDH's world congress reportedly is the first to be held by an international human rights organization in the Arab world.

In Cairo in March, the Arab League Council chose the Moroccan academic and jurist Khalid Naciri as the next president of the Arab Commission for Human Rights. Naciri is to occupy the post for 2 years, heading the commission's review of human rights questions in the Arab world. Naciri was a founding member of the OMDH and once served as its president.

In October at its general assembly session held in Cairo, the Arab Human Rights Organization (OAH) elected two Moroccans to serve 3-year posts on the organization's Council of Secretaries. The two Moroccans also are active members of the OMDH. Also in October, the International Committee of the Red Cross, in collaboration with the Ministry of National Education and Boston University, conducted a pilot program to introduce the teaching of international humanitarian law to educators. The program is part of the Government's current efforts to reform the education system, including by integrating the teaching of human rights into the national curriculum.

In April U.N. High Commissioner for Human Rights Mary Robinson visited the country to attend an international conference on national human rights institutions and to open a U.N.-sponsored human rights information center. During her visit, her second in as many years, Robinson said that while there still were problems to resolve, particularly with respect to unemployment and the plight of women, the country had achieved "significant progress" in human rights during the past 2 years.

At the end of her stay, Robinson inaugurated the opening of a center for human rights documentation, training, and information. Cosponsored by the Human Rights Ministry, the U.N. Commission on Human Rights, and the U.N. Development Program, the center is intended to operate as an independent entity and to provide a framework for dialog between governmental and nongovernmental bodies concerned with human rights. The center's work is to be directed toward persons involved in the application and implementation of laws related to human rights, including police officers, judges, lawyers, and representatives of human rights advocacy NGO's.

Prime Minister Youssef chairs a human rights commission that reviews cases of past and present human rights issues. The commission is composed of members of the Government, including the Ministers of Justice, Human Rights, and Interior.

The Royal Consultative Council on Human Rights, a 10-year-old advisory body to the King, counsels the Palace on human rights issues, and was the organization charged by the King to resolve cases related to persons who had disappeared. The CCDH is composed of five working groups responsible for promoting the protection of human rights. They include groups on penal law; prison conditions; communications with human rights NGO's; inhuman conditions of refugees in Polisario-controlled camps in Tindouf, Algeria; and economic, social, and cultural rights. In his annual Throne Day speech on July 30 and again in a December 9 speech before the CCDH in commemoration of the 52nd anniversary of the Universal Declaration of Human Rights, King Mohammed announced plans to reform the Council's structures, responsibilities, and working methods. Critics of the CCDH welcomed the King's announcements on the recomposition of the Council, which they have long maintained lacks true independence and the political will to address openly and fairly sensitive human rights issues. None of the announced reforms of the CCDH had been instituted by year's end.

Throughout the year, the Human Rights Ministry held human rights awareness training sessions with educators and some police personnel. The sessions were directed at school inspectors at both the primary and secondary school levels. Up to

75 additional such training sessions are planned; the inspectors in turn are expected to transfer the training to teachers for integration into their teaching programs. Officials at the Human Rights Ministry state that some police officers and other enforcement officials also are being trained. The Government increased efforts to introduce human rights as a core subject of the national school curriculum during the year; in September Human Rights Minister Aujjar stated that the Government planned to establish an experimental phase-in program during the 2000–2001 school cycle, with plans for human rights to become a core component of the national curriculum within the next 2 years.

In September the country cohosted a human rights training seminar for representatives of Arab governments and nongovernmental organizations in the Arab world. The seminar included discussions on education in human rights, education in democracy, and the rights of women in the Arab world.

In January the Human Rights Ministry announced its intention to open, in collaboration with the Moroccan Barristers Association, a network of support centers charged with providing legal and psychological assistance to needy citizens. Targeted at children and women who have suffered physical or psychological violence, the centers are to be staffed by doctors, lawyers, psychologists, and teachers. Officials at the Human Rights Ministry say that the Ministry also intends to involve the participation of police officers at the centers. The primary mission of the centers is to provide quick, effective, and direct assistance to those in difficult situations, with an emphasis on clients' legal rights. The centers were scheduled to open in early 2001.

Also in January, Mohamed Said Saadi, then-Secretary of State for Social Protection, the Family, and Children, announced his department's plans, in collaboration with the European Union, to open a national center dealing with women's issues. The center would provide training, documentation, and information on women's issues. Saadi also announced the creation of bureaus within government ministries that would be responsible for overseeing the respect for equal employment and promotion opportunities for women.

At the end of October, the Ministry of Human Rights hosted a conference in Rabat on "Human Rights, Cultural Identities and Social Cohesion in the Mediterranean Region," which represented a follow-up to a dialog initiated in 1995. Attended by Morocco's human rights community and European leaders, such as former Portuguese President Mario Soares and former Spanish Prime Minister Felipe Gonzalez, the 2-day conference focused on issues in the Mediterranean region such as human rights, migration, culture, and the impact of economic development on human rights.

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

Although the Constitution states that all citizens are equal, non-Muslims and women face discrimination in the law and traditional practice.

Women.—Spousal violence is common. Although a battered wife has the right to file a complaint with the police, as a practical matter she would do so only if prepared to bring criminal charges. While physical abuse is a legal ground for divorce, a court only grants it if the woman is able to provide two witnesses to the abuse. Even medical certificates are not sufficient. If the court finds against the woman, she is returned to her husband's home. Consequently, few women report abuses to the authorities.

The Criminal Code provides for severe punishment for men convicted of rape or sexually assaulting a woman or a girl. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. While not provided for by law, victims' families may offer rapists the opportunity to marry their victims in order to preserve the honor of the family. The law is more lenient toward men with respect to crimes committed against their wives; for example, a light sentence may be accorded a man who murders his wife after catching her in the act of adultery. However, "honor crimes," a euphemism that refers to violent assaults with intent to commit murder against a female for her perceived immodest or defiant behavior, are extremely rare.

In February local police in the city of Azrou in the Middle Atlas region, initiated an operation against prostitution, which resulted in a series of arrests of prostitute, arraignments of brothel leaders, and closings of brothels that previously had been tolerated (see Section 6.f.).

Women suffer various forms of legal and cultural discrimination. The civil-law status of women is governed by the Code of Personal Status (sometimes referred to as the "Moudouwana"), which is based on the Malikite school of Islamic law. Al-

though the Code of Personal Status was reformed in 1993, women's groups still complain of unequal treatment, particularly under the laws governing marriage, divorce, and inheritance.

In order to marry, a woman generally is required to obtain the permission of her "tuteur," or legal guardian, usually her father. Only in rare circumstances may she act as her own "tuteur."

It is far easier for a man to divorce his wife than for a woman to divorce her husband. Under Islamic law and tradition, rather than asking for a divorce, a man simply may repudiate his wife outside of court. Under the 1993 reforms to the Code of Personal Status, a woman's presence in court is required in order for her husband to divorce her, although women's groups report that this law frequently is ignored. However, human rights activists reported that in one NGO-sponsored test in the late 1990's, officials refused to order a divorce without the wife being present, despite offers of bribes. Nevertheless, women's groups complain that men resort to ruses to evade the new legal restrictions. The divorce may be finalized even over the woman's objections, although in such cases the court grants her unspecified allowance rights.

A woman seeking a divorce has few practical alternatives. She may offer her husband money to agree to a divorce (known as a *khol'a* divorce). The husband must agree to the divorce and is allowed to specify the amount to be paid, without limit. According to women's groups, many men pressure their wives to pursue this kind of divorce. A woman also may file for a judicial divorce if her husband takes a second wife, if he abandons her, or if he physically abuses her. However, divorce procedures in these cases are lengthy and complicated. In November 1998, the Minister of Islamic Affairs proposed the institutionalization of additions to the basic marriage contract that would outline the rights and duties agreed upon between husband and wife and permit legal recourse for the enforcement of the contract.

Under the Criminal Code, women generally are accorded the same treatment as men, but this is not the case for family and estate law, which is based on the Code of Personal Status. Under the Code of Personal Status, women inherit only half as much as male heirs. Moreover, even in cases in which the law provides for equal status, cultural norms often prevent a woman from exercising those rights. For example, when a woman inherits property, male relatives may pressure her to relinquish her interest.

While many well-educated women pursue careers in law, medicine, education, and government service, few make it to the top echelons of their professions. Women constitute approximately 35 percent of the work force, with the majority in the industrial, service, and teaching sectors. In 1998 the Government reported that the illiteracy rate for women was 67 percent (83 percent in rural areas), compared with 41 percent for men (50 percent in rural areas). Women in rural areas suffer the most from inequality. Rural women perform difficult physical labor. Girls are much less likely to be sent to school than are boys, especially in rural areas, where the quality of schooling is inferior to urban areas and demands on girls' time for household chores often prevent school attendance. Some families also keep girls at home because of rural schools' lack of facilities. However, women who do earn secondary school diplomas have equal access to university education.

The Government and the King continued to promote their proposal to reform the Personal Status Code in order to advance women's rights. Islamists and some other traditional segments of society firmly opposed the proposal, especially with respect to its more controversial elements, such as reform of women's legal status in marriage and family law issues. On March 12, an estimated 50,000 demonstrators marched peacefully in Rabat in observance of the International Day for Women and in support of political reform in the area of women's rights. On the same day, Islamist groups organized a peaceful counterdemonstration in Casablanca that drew an estimated 150,000 to 200,000 persons protesting such reform (see Section 2.b.). In October the Denmark-based Euro-Mediterranean Human Rights Network repeated concerns expressed by domestic civil society organizations late in the year about the future of the proposal to reform the Personal Status Code. According to the EMHRN, the plan to integrate women into the development process that the Government prepared in its discussions with civil society "has been pushed to one side."

According to press reports and reliable sources, in early July, an unspecified number of imams of state-administered mosques sermonized against the social work of Aicha Ech-Chenna, president of the NGO Feminine Solidarity, and attacked her character; during prayer services, one of these imams allegedly threatened Ech-Chenna. Ech-Chenna's NGO primarily focuses on encouraging the social reintegration of marginalized and abandoned single mothers with illegitimate children. Some opposed to Ech-Chenna's work have characterized it as encouraging prostitution.

After the reported attack on EchChenna's character and other threats, a group of domestic NGO's issued a communique in late July that criticized "any attempt to use religion and mosques to subdue the voice of women." The communique also held the Government primarily "responsible for anything that occurs within mosques." According to reliable sources, the Ministry of Islamic Affairs took disciplinary actions against the imam who had threatened Ech-Chenna, stripping him of his position and removing him from the mosque. In early November, at the beginning of the third annual "Solidarity Campaign" to help impoverished and needy citizens, the King decorated Ech-Chenna for her social work.

In January Mohamed Said Saadi, then-Secretary of State for Social Protection, the Family, and Children, announced his department's plans, in collaboration with the European Union, to open a national center dealing with women's issues. The center would provide training, documentation, and information on women's issues. Saadi also announced the creation of bureaus within government ministries that would be responsible for overseeing the respect for equal employment and promotion opportunities (See Section 4). The national center was scheduled to open in Rabat in early 2001.

According to a 1997 government survey, 76 NGO's work to advance women's rights and to promote women's issues. Among these are the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights, which advocate enhanced political and civil rights, as well as numerous NGO's that provide shelters for battered women, teach women basic hygiene, family planning, and child care, and educate illiterate women.

Children.—The law provides for compulsory education for children between the ages of 7 and 13; however, not all children between these ages attend school due to family decisions and shortfalls in government resources, and the Government does not enforce the law. The Government conducts an annual campaign to vaccinate children against childhood diseases.

The Government has had difficulty addressing the problem of child labor (see Section 6.d.). Young girls in particular are exploited as domestic servants. Teenage prostitution in urban centers has been estimated in the thousands by NGO activists (see Section 6.f.). The clientele consists of both foreign tourists and citizens. More young girls than boys are involved; however, young boys also work as prostitutes (see Section 6.f.). The practice of adoptive servitude, in which urban families employ young rural girls and use them as domestic servants in their homes, is prevalent. Credible reports of physical and psychological abuse in such circumstances are widespread. Some orphanages have been charged as knowing accomplices in the practice. More often parents of rural girls "contract" their daughters to wealthier urban families and collect the salaries for their work as maids. Adoptive servitude is accepted socially, is unregulated by the Government, and has only recently begun to attract public criticism. However, at the end of the year, the Moroccan UNICEF chapter and the National Observatory of Children's Rights (ONDE), presided by Princess Lalla Meryem, began a human rights awareness campaign regarding the plight of child maids. The campaign received widespread and extensive media exposure, including coverage in official publications.

Another problem facing orphans of both sexes is their lack of civil status. Civil status is necessary to obtain a birth certificate, passport, or marriage license. In general men are registered at local government offices; their wives and unmarried children are included in this registration, which confers civil status. If a father does not register his child, the child is without civil status and the benefits of citizenship. It is possible for an individual to self-register; however, the process is long and cumbersome. While any child, regardless of parentage, may be registered within a month of birth, a court order is required if registration does not take place in that time. Abandoned children sometimes receive kafala (state-sponsored care).

Several NGO's, including the Bayti Association and the Moroccan League for the Protection of Children, work to improve legal protection for children and to help at-risk children. In December the French Government awarded Najat Mjid, Bayti's president of 17 years, France's prestigious Human Rights Award in recognition of her activism on behalf of Moroccan children. Also in December, the United Nations nominated Mjid for the post of Special Rapporteur on the Traffic and Exploitation of Children. There are several shelters in the major cities that provide food and lodging for street children, while other NGO's work to reduce the exploitation of street children and to cure those street children with drug addictions.

People with Disabilities.—A high incidence of disabling disease, especially polio, has resulted in a correspondingly high number of disabled persons. Current statistics from the Government estimate the number of disabled persons in Morocco at 2.2 million, or 7 percent of the population. While the Ministry of Social Affairs attempts to integrate the disabled into society, in practice this is left largely to private

charities. The annual budget for the ministerial department in charge of disabled affairs is only .01 percent of the overall annual budget. Even nonprofit special-education programs are priced beyond the reach of most families. Typically, disabled persons are supported by their families; some survive by begging. The Government continued a pilot training program for the blind sponsored in part by a member of the royal family. In March the Government created a special commission for the integration of the disabled, presided over by Prime Minister Youssoufi. The commission is responsible for developing programs that facilitate societal integration of disabled persons. Also in March, the Government organized a "National Day of the Disabled," which is aimed at increasing public awareness of issues affecting the disabled. On March 30, King Mohammed VI visited a center for disabled children in the Khemisset province and donated \$720,000 (7,200,000 dirhams) to a project to expand the center's activities. There are no laws mandating physical changes to buildings to facilitate access by the disabled.

On July 26 and again on September 12, police used force to break up protests by disabled, unemployed university graduates (see Sections 1.c., 2.a., and 2.b.).

National/Racial/Ethnic Minorities.—The Constitution affirms, and the Government respects, the legal equality of all citizens. The official language is Arabic. Both French and Arabic are used in the news media and educational institutions. Science and technical courses are taught in French, thereby precluding the large, monolingual Arabic-speaking population from participation in such programs. Educational reforms in the past decade have stressed the use of Arabic in secondary schools. Failure to transform the university system to a similar extent has led to the disqualification of many students from higher education in lucrative fields. This especially is true among the poor, for whom French training is not always affordable.

About 60 percent of the population claim Berber heritage. Berber cultural groups contend that Berber traditions and the Berber language (which consists of three dialects) rapidly are being lost. Their repeated requests to King Hassan II to permit the teaching of Berber languages in the schools led to a 1995 royal speech authorizing the necessary curriculum changes; however, such changes have not been implemented. Official media broadcast in the Berber language for limited periods each day.

In 1996 a number of Berber associations issued a communique petitioning the Government to recognize their language as an official language and to acknowledge their culture as a part of Moroccan society. These associations claimed that the Government refuses to register births for children with traditional Berber names, discourages the public display of the Berber alphabet, limits the activities of Berber associations, and continues to Arabize the names of towns, villages, and geographic landmarks. The Government thus far has made no response to the petition, although Prime Minister Youssoufi acknowledged Berber culture as an integral part of Moroccan identity in a speech before Parliament in 1998. A full page of a major national newspaper is devoted on a monthly basis to articles and poems on Berber culture, which are printed in the Berber language, although with Latin script.

On March 14, the Government prevented a sit-in before the Parliament by two Berber NGO's, Tamaynout and the Moroccan Association for Research and Cultural Exchange (AMREC). The two NGO's filed a declaration for the sit-in on March 13; however, they received a letter later the same day from the Wali of Rabat banning the sit-in on the grounds that it threatened public order and security.

In late 1999, Tamaynout published a report on violations of the cultural rights of Berber. As evidence the report cited the refusal of the authorities to recognize Berber names and to use the Berber language in commercial advertisements, and threats by the authorities of physical abuse if shop owners displayed such advertisements in their establishments. According to Tamaynout, Massinisa, a related NGO based in Tangiers, was contacted by government authorities and threatened on the evening before its congress. The report also stated that the government television channel 2M did not broadcast any Berber-language programs, despite the fact that Berbers pay taxes for the channel in the form of payments for other government-provided services. In its report, Tamaynout asked for government recognition of the Berber language and an end to harassment of Berber associations.

Section 6. Worker Rights

a. The Right of Association.—Although workers are free to establish and join trade unions, the unions themselves are not completely free from government interference. About half a million of the country's 9 million workers are unionized in 17 trade union federations. Three federations dominate the labor scene: The Union Marocaine du Travail (UMT), the Confederation Democratique du Travail (CDT), and the Union Generale des Travailleurs Marocains (UCTM). The UMT has no po-

litical party affiliation. The CDT is affiliated with the ruling Socialist Union of Popular Forces of Prime Minister Youssoufi, and the UGTM with the Istiqlal party, the second partner in the ruling coalition. It is widely believed that the Ministry of Interior has informants within the unions who monitor union activities and the election of officers. Sometimes union officers are subject to government pressure. Union leadership does not always uphold the rights of members to select their own leaders. There has been no case of the rank and file voting out its current leadership and replacing it with another.

Workers have the right to strike and do so. Work stoppages normally are intended to advertise grievances and last 24 to 72 hours or less. In May a report by the International Labor Organization (ILO) noted that there were allegations of violations of the right of association and threats to freedom of opinion and speech. The report cited arrests and jailings of union members as examples of violations of the right of association. The report also noted allegations that the Government hampered collective bargaining by its civil servants.

In addition to numerous short-term strikes intended to highlight grievances, there were a number of narrowly focused work stoppages during the year. During a February 2 operation in the village of Tarmilet (48 miles from the capital), security forces used force, including rubber bullets, tear gas, and water cannons, to remove striking workers who had blockaded a water bottling factory to protest layoffs of temporary workers. The operation, which involved a large-scale military presence and reportedly was led by senior military officers, took place after a court order in January had ruled in favor of the factory owners, who charged the protesting workers with interruption of means of production and obstructing the freedom to work. Dozens of strikers and members of the security forces were injured during the operation. Security forces also reportedly arrested random passersby in addition to more than a dozen factory workers. According to sources in the Government, the workers and passersby later were released without charge. The Democratic Confederation of Workers trade union, which is aligned politically with the ruling USFP party, reported that security forces also detained two of its regional delegates 2 weeks after the February 2 incident. The two officials reportedly were freed by royal pardon on May 1 (Moroccan Labor Day) while an investigation into the incident was still ongoing. The owner of the factory and others involved in the incident reportedly claimed that security forces resorted to force only after the protesters initiated violence against unarmed police (see Sections 1.c., 1.d., 1.f., 2.b., and 2.d.).

Arrested and jailed on charges of forming a criminal gang and setting a vehicle on fire during a national truckers strike in June 1999, Sadok El Kihal, a trucker and regional bureau member of the UGTM, contacted the AMDH after his May 4 release with accusations that he had been arrested, jailed, tortured, and falsely convicted by authorities (see Sections 1.c., 1.d., and 1.e.).

On November 27, security forces reportedly used violent means to break up a 5-day sit-in strike at a canning factory in the southern city of Agadir. The attack reportedly resulted in the death of one worker and injuries to eight others. Conflicting reports attributed the death to either police abuse or "natural causes." There were confirmed reports that police arrested 21 of the strikers, 17 of whom were women, and ransacked the striking workers' dormitories inside the canning facility. All but one of the strikers later was released. The strikers were protesting their employer's alleged negligence in failing to pay its social security contributions. According to press reports, the striking personnel reportedly obeyed Labor Code regulations in filing an intent-to-strike notification 5 days before the November 22 strike. Members of the striking workers' trade union and politicians affiliated with it called on the Prime Minister to initiate an immediate investigation into the incident and free those detained. According to the workers' trade union, within 1 week after the incident, the cannery already had hired 60 new workers to replace the strikers.

In August during labor unrest near Casablanca, the nephew of a private transportation company owner drove a bus into a crowd of striking workers, killing 3 persons and wounding 12, in an attempt to end the occupation and obstruction of the company's bus depot. The workers were demonstrating to have their salaries increased to the level of the new national minimum wage and to compel the company to make its contributions to the national social security administration, as required by law. Government security forces arrested the nephew and son of the owner, the owner himself, and local thugs the company allegedly hired to intimidate the strikers. The owner's daughter also was charged in the case. An investigation into the affair was opened, and the Palace announced that it would offer \$10,000 (100,000 dirhams) to the families of each of the victims. The AMDH and the OMDH issued a joint press release encouraging the Government to ensure due process and enforce the rule of law. Union leaders sent a letter to the King and the Cabinet criticizing the attack and seeking their intervention to salvage labor-management relations

throughout the country. There were no further developments in the ongoing investigation by year's end.

Unions may sue to have labor laws enforced, and employers may sue unions when they believe that unions have overstepped their authority.

Unions belong to regional labor organizations and maintain ties with international trade union secretariats. The UMT is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is implied in the constitutional provisions on the right to strike and the right to join organizations. Trade union federations compete among themselves to organize workers. Any group of eight workers may organize a union and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation.

In general the Government ensures the observance of labor laws in larger companies and in the public sector. In the informal economy, such as in the family workshops-dominated handicrafts sector, employers routinely ignore labor laws and regulations, and government inspectors lack the resources to monitor violations effectively.

The laws governing collective bargaining are inadequate. Collective bargaining has been a longstanding tradition in some parts of the economy, such as the industrial sector, and is becoming more prevalent in the service sector, including banking, health, and the civil service. The wages and conditions of employment of unionized workers generally are set in discussions between employer and worker representatives. However, wages for the vast majority of workers are set unilaterally by employers.

Employers wishing to dismiss workers are required by law to notify the provincial governor through the labor inspector's office. In cases in which employers plan to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal. Any worker who is dismissed for committing a serious infraction of work rules is entitled by law to a court hearing.

There is no law specifically prohibiting antiunion discrimination. Under the ostensible justification of "separation for cause," employers commonly dismiss workers for union activities that are regarded as threatening to employer interests. The courts have the authority to reinstate such workers, but are unable to enforce rulings that compel employers to pay damages and back pay. Ministry of Labor inspectors serve as investigators and conciliators in labor disputes, but they are few in number and do not have the resources to investigate all cases. Unions have resorted increasingly to litigation to resolve labor disputes.

Labor law reform is such a controversial issue that a draft revised labor code has remained under discussion among the social partners and in parliamentary committee for more than 20 years.

Labor law applies equally to the small Tangier export zone. The proportion of unionized workers in the export zone is about the same as in the rest of the economy, roughly 5 percent.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is prohibited by royal decree, and when authorities become aware of instances of forced labor, courts enforce the decree; however, in practice the Government lacks the resources to inspect all places of employment to ensure that forced labor is not being used, and forced labor persists in the practice of adoptive servitude.

The Government prohibits forced and bonded labor by children, but does not enforce this prohibition effectively. The practice of adoptive servitude, in which families employ young girls and use them as domestic servants, is socially accepted, and the Government does not regulate it. Credible reports of physical and psychological abuse in such cases are widespread (see Sections 5, 6.d., and 6.f.). Forced prostitution occurs, especially in cities with large numbers of tourists (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In October the Government ratified ILO Convention 182, which prohibits the worst forms of child labor. Abuse of child labor laws is common, particularly in the informal sector. Education is compulsory for children between the ages of 7 and 13, although not all children attend school. Special regulations pertain to the employment of children between the ages of 12 and 16. In practice children often are apprenticed before age 12, particularly in the informal handicraft industry. The use of minors is common in the small family-run workshops that produce rugs, ceramics, wood work, and leather goods. Children, particularly rural girls, also are employed informally as domestic servants and usually receive little or no wages. Safety and health conditions, as well as wages in businesses that employ children often are substandard. The law prohibits forced or bonded labor by children; however, the Government does

not enforce the law effectively (see Section 6.c.). The practice of adoptive servitude often is characterized by physical and psychological abuse (see Sections 5, 6.c., and 6.f.). The Ministry of Education, in cooperation with the Ministry of Health and with the support of UNICEF, is pursuing a strategy to ensure basic education and health services for child workers.

Ministry of Labor inspectors are responsible for enforcing child labor regulations, which generally are well observed in the industrialized, unionized sector of the economy. However, the inspectors are not authorized to monitor the conditions of domestic servants. The Government maintains that the informal handicrafts sector is difficult to monitor.

The Government lacks the resources to enforce laws against child labor, and there is general acceptance of the presumption that, to properly learn traditional handicraft skills, it is necessary for children to start working at a young age. In addition many citizens claim that having children working to learn a craft is better than having them live on the streets, where they sometimes turn to juvenile delinquency, prostitution, and substance abuse.

In September authorities in Fez announced plans to open four centers for the protection of children handicraft workers. Cosponsored by UNICEF, the centers are to provide children's rights education to child workers, their families, and employers. The centers are to take in street children and provide them with handicraft training and recreational opportunities. Health services for children also are planned for each center. One center opened in late September and three others were scheduled to open by the end of March 2001.

In 1997 the Government announced a new voluntary labeling system for carpet exports to certify that no child labor was involved in production. The system is cosponsored by German rug importers. However, the Government does not monitor nonparticipating handicraft producers that violate child labor laws.

e. Acceptable Conditions of Work.—The threat of a general strike in April led to negotiations among the Government, the Employers Association, and the labor confederations over increasing the minimum wage and improving health and social benefits. All three parties agreed to a 10 percent increase in the minimum wage effective July 1, raising it to approximately \$180 (1,800 dirhams) per month in the industrialized sector and to approximately \$9 (90 dirhams) per day for agricultural workers; however, not all private sector businesses had implemented the agreed-upon wage increase by year's end. Neither the minimum wage for the industrialized sector nor the wage for agricultural workers provides a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation. Unions continue to appeal unsuccessfully for a minimum wage of approximately \$200 (2,000 dirhams). In many cases, several family members combine their income to support the family. Most workers in the industrial sector earn more than the minimum wage. They generally are paid between 13 and 16 months' salary, including bonuses, each year.

The minimum wage is not enforced effectively in the informal and handicraft sectors. However, as a result of the agreement reached in the April negotiations, the Government no longer pays less than the minimum wage to workers at the lowest civil service grades. To increase employment opportunities for recent graduates, the Government allows firms to hire them for a limited period through a subsidized internship program at less than the minimum wage.

The law provides for a 48-hour maximum workweek with no more than 10 hours worked in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. As with other labor regulations and laws, these are not observed universally.

Occupational health and safety standards are rudimentary, except for a prohibition on the employment of women in certain dangerous occupations. Labor inspectors attempt to monitor working conditions and accidents, but lack sufficient resources. While workers in principle have the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment, there were no reports of any instances in which a worker attempted to exercise this right.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; under the Penal Code, perpetrators are prosecuted either as scam artists, corruptors of minors, or persons who force others into prostitution.

Prostitution is prevalent and forced prostitution occurs, particularly in cities with large numbers of tourists, as well as near towns with large military installations. In 1998 a case was reported in which a girl allegedly had been held against her will and forced to work for 5 years in a brothel in Hajeb until she escaped at age 19.

According to the Party of Progress and Socialism's French-language daily newspaper *Al-Bayane*, in February local police in the city of Azrou in the Middle Atlas region, initiated a surprise operation against prostitution there. Coming after the nomination of a new director to lead the Interior Ministry's regional security force, the operation resulted in a series of arrests of prostitute, arraignments of brothel leaders, and closings of brothels that previously were tolerated. Al-Bayane claimed that Azrou is home to numerous brothels that lure vulnerable women in desperate situations (see Section 5).

Forced prostitution involving Moroccans also occurs abroad. In 1999 a Moroccan woman who had been recruited to be a domestic servant in Saudi Arabia, escaped a prostitution ring there and informed police, which led to the arrest of her Moroccan handlers, an extended family group numbering about 40 persons. This same group of Moroccans had been involved in organizing similar such activities throughout the Persian Gulf region.

Voluntary teenage prostitution in urban centers has been estimated in the thousands by NGO activists. The clientele consists of both foreign tourists and citizens. More young girls than boys are involved; however, young boys also work as prostitutes (see Section 5).

The practice of adoptive servitude, in which families employ young girls and use them as indentured servants, is prevalent and accepted socially, and the Government does not regulate it. Reports of physical and psychological abuse in such cases are widespread; reports of sexual abuse are less frequent. Some orphanages have been charged as knowing accomplices in providing these young child maids; however, more often, parents of rural girls "contract" their daughters as maids to wealthier urban families and collect their salaries (see Sections 5 and 6.d.).

Several domestic NGO's, as well as a branch of Terre Des Hommes, a Swiss-based international NGO, help victims of trafficking by assisting and rehabilitating street children, educating delinquents and runaways, assisting single mothers to become financially independent, educating youths and prostitutes about the dangers of unprotected sex, and advocating women's rights issues.

WESTERN SAHARA

The sovereignty of the Western Sahara remains the subject of a dispute between the Government of Morocco and the Polisario Front, an organization seeking independence for the region. The Moroccan Government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew from the area in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. The Moroccan Government has undertaken a sizable economic development program in the Western Sahara as part of its long-term efforts to strengthen Moroccan claims to the territory.

Since 1973 the Polisario Front has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a U.N. peace-keeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice issued an advisory opinion on the status of the Western Sahara. The Court held that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and the Kingdom of Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the decolonization of the territory, and, in particular, the principle of self-determination for its people. Most Sahrawis (as the majority of persons living in the territory are called) live in the area controlled by Morocco, but there is a sizable refugee population near the border with Morocco in Algeria, and, to a lesser extent, in Mauritania. The majority of the Sahrawi population lives within the area delineated by a Moroccan-constructed berm, which encloses most of the territory.

Efforts by the Organization of African Unity (OAU) to resolve the sovereignty question collapsed in 1984 when the OAU recognized the Saharan Arab Democratic Republic, the civilian arm of the Polisario Front. Morocco withdrew from the OAU in protest.

In 1988 Morocco and the Polisario Front accepted the U.N. plan for a referendum that would allow the Sahrawis to decide between integration with Morocco or independence for the territory. The referendum was scheduled for January 1992, but was postponed because the parties were unable to agree on a common list of eligible voters—despite the previous acceptance by both parties of an updated version of the

Spanish census of 1974 as the base for voter eligibility. A complicated formula for determining voter eligibility ultimately was devised and, in August 1994, MINURSO personnel began to hold identification sessions for voter applicants.

The initial U.N. voter identification effort ended in December 1995 and, after several fruitless efforts to persuade the two parties to cooperate, the U.N. Security Council formally suspended the identification process in 1996. The United Nations and friendly governments continued to urge the two parties to seek a political solution to the conflict. In March 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine possible approaches for a peaceful settlement. Baker visited the region, and negotiations between the Moroccan Government and the Polisario began in May 1997. In September 1997, representatives of Morocco and the Polisario met in Houston in the United States and consented to a series of compromise agreements on the 1991 U.N. settlement plan to hold a referendum under U.N. auspices. According to the Houston Accords, the identification of potential voters, the referendum campaign, and the vote were to take place by December 1998; however, operational considerations again delayed the scheduled referendum, and Annan's latest reports to the Security Council during the year expressed doubt that the referendum could be held before 2002.

In August 1998, MINURSO completed identification of voters in all uncontested tribal groupings. In November 1998, the U.N. Secretary General visited the region to examine ways to achieve compromise on several contested elements of the settlement plan in order to move the referendum process forward. After his consultations, the Secretary General proposed a series of measures in December 1998 to both parties. The measures proposed were aimed at establishing procedures among the parties to allow MINURSO to begin the identification process of three "contested tribes." After agreement between the parties was reached on the contested tribes, MINURSO began the identification process of an additional 65,000 potential voters. The identification process of the three contested tribes was completed in December 1999. Only 4 percent of the applicants in this phase of the identification process were deemed eligible to vote in the referendum. Roughly 80,000 appeals also have been registered by those who were deemed ineligible to vote after the first round of the identification process. Approximately 50,000 additional appeals were filed after the completion of the identification process for the 3 "contested tribes," bringing the total number of appeals to nearly 130,000. MINURSO has not yet begun to adjudicate appeals from the identification process, due to continuing differences between the parties over who should be eligible to appeal, on what grounds, and by what process.

As the end of MINURSO's mandate drew near in February, U.N. Secretary General Kofi Annan urged a review of the situation. Annan requested Baker to consult the parties to explore ways to achieve an "early, durable and peaceful" settlement to their dispute. Baker visited Algeria, Morocco, and the Western Sahara in April to consult with all of the interested parties. Baker sought to reconcile differences over the U.N. Settlement Plan or find other approaches that might resolve the dispute. He returned without a consensus and described the process as being in the same position as in 1997 and 1998. At the invitation of Annan, the Government of Morocco and the Polisario met in London in May and again in June in an attempt to resolve the parties' longstanding differences over the settlement plan, and to explore other avenues to resolve their dispute over the territory; however, little progress was made. In June Baker called on the parties to meet again, emphasizing that consideration should be given to finding a solution that reached a compromise between full independence for the territory and its full integration with Morocco. A technical meeting of the parties in Geneva in July to discuss the appeals process, confidence-building measures in the territory, and the fate of more than 1,600 Moroccan prisoner's of war (POW's) still held by the Polisario also failed to produce any breakthroughs. Annan made clear in three reports to the U.N. Security Council during the year that disputes between the parties over various issues in the Settlement Plan likely would delay the holding of the referendum for the foreseeable future.

Since 1977 the Saharan provinces of Layounne, Smara, and Boujdour have participated in local elections that are organized and controlled by the Moroccan Government. The southern province of Oued Ed-Dahab has participated in Moroccan-controlled elections since 1983. Sahrawis whose political views are aligned with the Moroccan Government fill all the seats allotted to the Western Sahara in the Moroccan Parliament.

The civilian population living in the Western Sahara under Moroccan administration is subject to Moroccan law. U.N. observers and foreign human rights groups maintain that Sahrawis have difficulty obtaining Moroccan passports, that the Government monitors the political views of Sahrawis more closely than those of Moroc-

can citizens, and that the police and paramilitary authorities react especially harshly against those suspected of supporting independence and the Polisario Front. The Moroccan Government limits access to the territory, and international human rights organizations and impartial journalists sometimes have experienced difficulty in securing admission.

After years of denying that Sahrawis were imprisoned in Morocco for Polisario-related military or political activity, the Government of Morocco released more than 300 such prisoners in 1991. Entire families, and Sahrawis who had disappeared in the mid-1970's, were among those released. The Government of Morocco has failed to conduct a public inquiry or to explain how and why those released spent up to 16 years in incommunicado detention without charge or trial. The former Sahrawi detainees have formed an informal association whose principal objective is to seek redress and compensation from the Government of Morocco for their detention. A delegation of this association continued to meet with various government officials, human rights organizations, members of the press, and diplomatic representatives in both Rabat and in Laayoune during the year. They reported that little progress has been made in gaining the Moroccan Government's recognition of their grievances. However, in July the Government, through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), began distributing preliminary compensation payments to Sahrawis who had disappeared or been detained in the past, and their family members. The Government announced that it intended such initial payments to be provisional funds for Sahrawis with urgent medical or financial needs who had appealed for compensation by December 31, 1999, and that more compensation could be distributed pending the results of the Commission's review of petitions by Sahrawi claimants. However, only a small number of those Sahrawis who formerly had disappeared or been detained have filed compensation claims because of their perceptions that the process is flawed administratively and one-sided in favor of the Government.

In December 1999, Moroccan security forces that reportedly were dispatched from Rabat detained one Sahrawi in the Western Saharan city of Laayoune and two Sahrawis in the southern Moroccan cities of Tan-Tan and Agadir. The Government alleged that the three were spies for the Polisario Front. They reportedly were held for 8 days before their appearance in an Agadir court and before their families were informed of their detention. Family members and the Moroccan Association for Human Rights (AMDH) claimed that the arrests were a violation of human rights and due process, and proof that forced disappearances still occur in Morocco. A public trial was convened abruptly on May 30 after a lengthy and largely unpublicized police investigation that originally was to have culminated in a proceeding before a military tribunal. However, the case ultimately was tried in Agadir's court of first instance, and the three Sahrawis were convicted of threatening the internal security of the State and sentenced to 3 to 4 years in prison. According to a lawyer who represented the Sahrawis, during the trial the three defendants denied any relations with the Polisario Front, contradicting government allegations that the three confessed during their postarrest detention. During an appellate hearing on July 5, at the request of the public prosecutor all three were given 4-year sentences. On September 27, security forces in civilian dress detained a fourth Sahrawi at the Laayoune airport as he was about to board a flight to the Canary Islands. According to the Sahrawi's daughter, who witnessed the incident, two members of the security forces drove away with her father in a car with Casablanca license plates. Almost 10 days later, the Sahrawi reappeared in Agadir and was charged before the court of first instance for spying for the Polisario Front. Two days later, the fourth Sahrawi was sentenced to 4 years in prison for threatening the internal security of the State.

On April 5, a Moroccan civil court in the Western Sahara city of Laayoune sentenced five Sahrawi youth to prison terms of between 5 and 10 years for the "formation of a criminal association" after their alleged participation in a March 4 stone-throwing incident in Laayoune. Reliable sources said that the incident was spontaneous, unorganized, and lasted only 5 minutes.

The stone-throwing demonstration followed similar protests by Sahrawi students in several southern Moroccan and Western Sahara cities at the end of February and in early March, which security forces brutally dispersed in violent clashes. The February and March demonstrations came in response to the December 1999 incarceration of three Sahrawis accused of spying for the Polisario Front. Attendees at the trial, human rights activists, and an attorney for the five defendants criticized the handling of the trial, particularly the court's refusal to hear witnesses for the defense who allegedly could corroborate claims by at least two of the defendants that they were not present at the demonstrations. The court allegedly based its judgment on police reports and the testimony of two witnesses, one of whom reportedly could

not identify positively the accused; the other was not present at the trial, but claimed that he saw in his rear view mirror a youth throwing a bottle at his car. The prosecution reportedly did not present a bottle as evidence nor did it present a witness who could testify that any of the five accused had thrown the bottle. The authorities claimed that the youths threw rocks at several vehicles, including one belonging to peacekeepers from the MINURSO contingent based in Laayoune, and attempted to set fire to a truck. However, the youths were acquitted of the arson charge during the trial. An attorney for the youths, who maintained that the prosecution produced no evidence of an incriminating act, stated that "the verdict had nothing to do with justice." The attorney also alleged that the judicial police investigating the affair committed several illegal acts by unlawfully entering homes of the accused and detaining them, torturing them during their detention, and forcing them under duress to sign police reports, which they were not allowed to read and which contained falsehoods. The decision was appealed before the court of appeals in Laayoune, which reportedly sent it to the Supreme Court in Rabat. A hearing on the case had not been held by year's end. Families of the five youths also sent a letter to the Moroccan royal palace in May requesting a royal pardon; however, the King took no action by year's end.

In its annual human rights report released in June, Amnesty International noted that some members of the Moroccan security forces in Morocco and the Western Sahara who were involved in several cases of torture were arrested and prosecuted. However, the organization also noted that "in the majority of cases, investigations were either not opened into complaints and allegations of torture ... or were opened but dismissed without adequate investigation."

During the year, there were no new developments related to police abuses committed in the Western Sahara city of Laayoune in September and October 1999, when police authorities there used brutal force to break up demonstrations organized by students, unemployed graduates, miners, and former Sahrawi political prisoners who were protesting a variety of social grievances. Police detained roughly 150 persons during the protests in September 1999 and 31 in October 1999. Police subjected some of those who were detained during violence in September 1999 to systematic beatings and other forms of physical coercion. Most of those detained were released; however, 26 persons were charged and sentenced to 10 to 15 years in prison on charges of destruction of property during the protests. Despite appeals lodged by defense lawyers during the year, none of these sentences were reduced or overturned.

In the aftermath of the September 1999 protests, King Mohammed VI immediately replaced the governor of the province, relieved the local police chief of his duties, and dispatched military security forces to the city to help restore order. A new royal commission was dispatched quickly to Laayoune in early October 1999 to explain to local residents proposed new measures to decentralize authority in the region, which would allow local residents more choice in their affairs, and to announce a new election to choose members to a proposed new royal advisory council on the Western Sahara.

Despite the actions taken to restore confidence and order and to lessen tensions, renewed violence broke out in late October 1999. There were credible reports that the police provoked the violence, and there were further credible reports that police authorities unlawfully entered homes to arrest persons associated with the demonstrations in September 1999. Police reportedly detained 31 persons. Of these individuals, 10 persons reportedly were released within 24 hours and the remainder released within the following 2-week period. There was no investigation during the year into the excessive use of force by the police during either September 1999 or October 1999. There was also no progress during the year on local elections to choose members to the proposed new royal advisory council on the Western Sahara that the King had announced in October 1999.

A number of other Sahrawis remain imprisoned for peaceful protests supporting Saharan independence. Youths released in previous years report that the Moroccan police continue to monitor them closely.

The Polisario Front claims that the Moroccan Government continues to hold several hundred Sahrawis as political prisoners and approximately 300 as POW's. However, the Government of Morocco formally denies that any Sahrawi former combatants remain in detention. Representatives of the International Committee of the Red Cross (ICRC) have stated that Morocco indeed has released all Polisario former combatants. A committee that represents former Sahrawi prisoners also believes that the Government of Morocco no longer holds any of those Sahrawis who were detained illegally during the 1970's and 1980's. The committee based this determination on interviews with family members of individuals who had been detained during that period.

The Government of Morocco claims that 30,000 Sahrawi refugees are detained against their will by the Polisario in camps around Tindouf, Algeria. The Polisario denies this charge. According to credible reports, the number of refugees in Tindouf far exceeds 30,000, but the allegation that they wish to leave remains unsubstantiated.

The ICRC reported that the Polisario now holds 1,481 Moroccan POW's. A group of 185 POW's was repatriated to Morocco in a humanitarian airlift conducted under ICRC auspices in November 1995. In April 1997, Polisario leaders offered to release 85 Moroccan POW's as a good will gesture during U.N. envoy Baker's first meetings in Tindouf, but Morocco and the Polisario could not agree on the conditions of their release. On February 25, the Polisario released 186 Moroccan POW's, many of whom had been in detention for more than 20 years. Another 201 were released to the ICRC and repatriated to Morocco on December 14. The U.N. settlement plan calls for the release of all POW's after the voter identification process is complete. Foreign diplomats and representatives of international organizations privately urged the Polisario throughout the year to release the remaining Moroccan POW's, and emphasized that their continued detention 9 years after the cessation of hostilities was a violation of their human rights. During visits to the POW camps outside Tindouf, Algeria in April and November, the ICRC determined that all the Moroccan POW's were in extremely bad health. There also are credible reports that the Polisario authority used the POW's in forced labor. The Polisario leadership has refused to comply with repeated requests that all of the POW's be released on humanitarian grounds, despite the fact that most of the POW's have been in detention for more than 20 years and that their health was deteriorating seriously due to the poor conditions under which they are held.

There were no new cases of disappearance for the fourth consecutive year in that part of the Western Sahara under Moroccan administration. While the forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades, the Government in 1998 pledged to ensure that such policies do not recur, and to disclose as much information as possible on past cases. Many of those who disappeared were Sahrawis or Moroccans who challenged the Government's claim to the Western Sahara, or other government policies. Many of those who disappeared were held in secret detention camps. Although the Government released more than 300 such detainees in June 1991 and in October 1998 issued an announcement on those who had disappeared, hundreds of Sahrawi and Moroccan families still do not have any information about their missing relatives, many of whom disappeared over 20 years ago (see Section 2.b. of the Morocco report). On July 17, the Paris-based International Federation of Human Rights Leagues (FIDH) published a communique in which it claimed that disappearances of Sahrawis in the Western Sahara could number up to 1,500, although conditions in the territory prevented full confirmation of this figure.

Freedom of expression and freedom of peaceful assembly and association remain very restricted in the Western Sahara. According to Amnesty International, Moroccan authorities continue to deny the registration of the independent newspaper *Sawt Al-Janoub*.

Freedom of movement within the Western Sahara is limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces sometimes subject travelers to arbitrary questioning. There were no reports of detention for prolonged periods during the year.

During the year, Amnesty International and news articles in Morocco-based media highlighted the deteriorating situation in Polisario Front camps near Tindouf in southwestern Algeria, where freedom of expression, peaceful assembly, association, and movement remain very restricted.

There is little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco are applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions are present in the Moroccan-controlled Western Sahara but are not active. The 15 percent of the territory outside Moroccan control does not have any major population centers or economic activity beyond nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, is not active in the Western Sahara.

A group of phosphate miners participated in the demonstrations in Layoune in September and October 1999. They claimed that the government-owned phosphate company, for which they work, has failed to respect a contract that had been negotiated between the miners and the company's former Spanish management when Spain withdrew from the territory and relinquished control of the mines to Morocco. The miners stated that they held a series of meetings in late 1999 with officials of the government-owned phosphate company after the demonstrations, but that no

agreement was reached about enforcement of what they believed to be their contractually protected rights.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members are employees of the Moroccan Government or state-owned organizations. They are paid 85 percent more than their counterparts outside the Western Sahara as an inducement to Moroccan citizens to live there. Workers in the Western Sahara were exempt from income and value-added taxes and received subsidies on such commodities as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibits forced labor, which does not appear to exist in the Western Sahara.

Regulations on the minimum age of employment are the same as in Morocco. Child labor appears to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug-knotting and other traditional handicrafts. A government work program for adults, the Promotion Nationale, provides families with enough income that children need not be hired out as domestic servants. Children in the few remaining nomadic groups presumably work as shepherds along with other group members.

The minimum wage and maximum hours of work are the same as in Morocco. However, in practice workers in some fish processing plants may work as many as 12 hours per day, 6 days per week, well beyond the 10-hour day, 48-hour week maximum stipulated in Moroccan law. Occupational health and safety standards are the same as those enforced in Morocco. They are rudimentary, except for a prohibition on the employment of women in dangerous occupations.

OMAN

The Sultanate of Oman is a monarchy that has been ruled by the Al Bu Sa'id family since the middle of the 18th century. It has no political parties, but does have one representative institution, which is directly elected by voters selected by the Government. The current Sultan, Qaboos Bin Sa'id Al Sa'id, acceded to the throne in 1970. Although the Sultan retains firm control over all important policy issues, he has brought tribal leaders—even those who took up arms against his family's rule—and other notables into the Government. In accordance with tradition and cultural norms, much decisionmaking is by consensus among these leaders. In 1991 the Sultan established a 59-seat Consultative Council, or Majlis Al-shura, which replaced an older advisory body. Beginning with the September elections, Council members are chosen directly by the vote of 175,000 government-selected electors. The Council was expanded to 83 seats for the September elections. The Council has no formal legislative powers but may question government ministers, even during unrehearsed televised hearings, and recommend changes to new laws on economic and social policy, which sometimes leads to amendments to proposed decrees. In December 1997, the Sultan appointed 41 persons as members of the new Council of State (Majlis Al-Dawla), which with the current Consultative Council forms the bicameral body known as the Majlis Oman (Council of Oman). In late 1996, the Sultan promulgated by decree the country's "Basic Charter" (also known as the Basic Law), which provides for citizens' basic rights in writing for the first time. The courts are subordinate to the Sultan and subject to his influence.

The internal and external security apparatus falls under the authority of the Royal Office, which coordinates all intelligence and security policies. The Internal Security Service investigates all matters related to internal security. The Royal Oman Police, whose head also has cabinet status, performs regular police duties, provides security at airports, serves as the country's immigration agency, and maintains a small coast guard. In the past, there were credible reports that security forces occasionally abused detainees.

Since 1970 Oman has used its modest oil revenue to make impressive economic progress and improve public access to health care, education, and social services. The economy is mixed, with significant government participation in industry, transportation, and communications. The Government seeks to diversify the economy and stimulate private investment.

The Government generally respected its citizens' human rights in some areas; however, its record was poor in other areas, particularly with respect to citizens' rights to change or criticize the Government. Human rights abuses have included mistreatment of detainees, arbitrary arrest, prolonged detention without charge, and the denial of due process; however, there were no reports of such abuses during the year. The Government restricted freedom of expression and association and did not ensure full rights for women and workers.

The 1996 Basic Charter provides for many basic human rights, such as an independent judiciary, and freedoms of association, speech, and the press. The Basic Charter states that the Government was to strive to issue all enabling laws within 2 years of November 1996; however, this has not occurred. Only certain laws pertaining to the legal code for family and interpersonal relationships, to judicial reform, and to aspects of the Finance Ministry, had been enacted by year's end. There has been no public statement made by the Government noting the end of the 2-year period since issuance of the Basic Charter and proposing a new target date for implementation.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There have been allegations in the past that the security forces abused some detainees, particularly during interrogation. The abuse does not appear to have been systematic and often varied depending upon the social status of the victim, the official involved, and the location of the incident (for example, whether the abuse occurred in a rural or an urban area). The authorities have made efforts to prevent such abuse, and there were no confirmed incidents of such abuse in recent years. Unlike in previous years, there were no reports that detainees sometimes were left in isolation with promises of release or improved treatment as a means to elicit confessions or information. Judges have the right to order investigations of allegations of mistreatment. The 1996 Basic Charter, which has not yet been implemented in this area, specifically prohibits "physical or moral torture" and stipulates that all confessions obtained by such methods are to be considered null and void. There were no reports of torture during the year.

On one or two occasions the police used tear gas and physical force to control demonstrations and some arrests were made.

Prison conditions appear to meet minimum international standards. In the past, access to some prisoners was restricted severely.

The Government does not permit independent monitoring of prisons.

d. Arbitrary Arrest, Detention, or Exile.—The police may obtain warrants prior to making arrests but are not required by law to do so. However, within 24 hours of arrest, the authorities must obtain court orders to hold suspects in pretrial detention, and the police are required to file charges or ask a magistrate judge to order continued detention. However, in practice the police do not always follow these procedures. Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. There is a system of bail. The 1996 Basic Charter provides for certain legal and procedural rights for detainees; however, these provisions have yet to be implemented.

Police handling of arrests and detentions constitutes incommunicado detention in some instances. The police do not always notify a detainee's family or, in the case of a foreign worker—the worker's sponsor—of the detention. Sometimes notification is made only just prior to the detainee's release. The authorities post the previous week's trial results (including the date of the trial, the name of the accused, the claim, and the sentence) near the magistrate court building in Muscat. The police do not always permit attorneys and family members to visit detainees. Judges occasionally intercede to ensure that security officials allow such visits.

On one or two occasions the police used tear gas and physical force to control demonstrations and some arrests were made.

The Government does not practice exile as a form of punishment. The 1996 Basic Charter prohibits exile; however, the provisions concerning exile have yet to be implemented.

e. Denial of Fair Public Trial.—The 1996 Basic Charter affirms the independence of the judiciary; however, the various courts are subordinate to the Sultan and subject to his influence. The Sultan appoints all judges, acts as a court of final appeal, and intercedes in cases of particular interest, especially in national security cases. However, there have been no reported instances in which the Sultan has overturned a decision of the magistrate courts or the commercial courts.

The judiciary comprises the magistrate courts, which adjudicate misdemeanors and criminal matters; the Shari'a (Islamic law) courts, which adjudicate personal status cases such as divorce and inheritance, and which are administered by the Ministry of Justice; the commercial courts; the Labor Welfare Board; and the Rent Dispute Committee, which hears tenant-landlord disputes.

The magistrate court system was established by royal decree in 1984 to take over all criminal cases from the Shari'a courts; it is independent and its president reports directly to the Sultan. Regional courts of first instance handle misdemeanor cases, which are heard by individual judges. All felonies are adjudicated at the Central Magistrate Court in Muscat by a panel made up of the President of the Magistrate Court and two judges. All rulings of the felony panel are final except for those in which the defendant is sentenced to death. Death sentences must be approved by the Sultan.

The Criminal Appeals Panel also is presided over by the President of the Magistrate Court in Muscat, and includes the court's vice president and two judges. This panel hears appeals of rulings made by all courts of first instance. In the past, specially trained prosecutors from the Royal Oman Police (ROP), all of whom are trained as policemen as well as prosecutors carried out the role of public prosecutor in criminal cases; however, as a step toward implementing a November 1999 Royal decree affirming the independence of the judiciary, prosecutors were made independent of the ROP.

The Criminal Code does not specify the rights of the accused. There are no written rules of evidence, codified procedures for entering cases into the criminal system, or any legal provision for a public trial. Criminal procedures have developed by tradition and precedents in the magistrate courts. In criminal cases, the police provide defendants with the written charges against them; defendants are presumed innocent and have the right to present evidence and confront witnesses. The prosecution and the defense direct questions to witnesses through the judge, who is usually the only person to question witnesses in court. A detainee may hire an attorney but has no explicit right to be represented by counsel.

The 1996 Basic Charter affirms both right to counsel and government-funded legal representation for indigents; however, these provisions have yet to be implemented, and the Government does not pay for the legal representation of indigents. Judges often pronounce the verdict and sentence within 1 day of the completion of a trial. Defendants may appeal jail sentences longer than 3 months and fines over the equivalent of \$1,300 (480 rials) to a three-judge panel. Defendants accused of national security offenses and serious felonies do not have the right of appeal.

A State Security Court tries cases involving national security and criminal cases that the Government decides require expeditious or especially sensitive handling. Magistrate court judges have presided over trials in the State Security Court. Defendants tried by the Security Court are not permitted to have legal representation present. The timing and the location of the Court's proceedings are not disclosed publicly. The Court does not follow legal procedures as strictly as the magistrate courts, although prominent civilian jurists form the panel. The Sultan has exercised his powers of leniency, including in political cases.

The Shari'a courts are administered by the Ministry of Justice, and apply Shari'a law as interpreted under the Ibadhi school of Islamic jurisprudence. Preliminary courts of first instance are located in each of the 59 "wilayats," and are presided over by a single judge, or qadi. Appeals of the rulings of the courts of first instance involving prison sentences of 2 weeks or more or fines greater than \$270 (100 rials) must be brought within 1 month before the Shari'a Court of Appeals in Muscat. Panels of three judges hear appeals cases. Court of Appeal rulings themselves may be appealed, within a 1-month period, to the Supreme Committee for Complaints, which is composed of four members, including the Minister of Justice and the Grand Mufti of the Sultanate.

In 1997 the Government promulgated into law the provisions of the 1996 Basic Charter pertaining to "family law," i.e., law that falls under the purview of the Shari'a courts. The effect of this new law has been to regularize the nature of the cases and the range of corresponding judgments within the Shari'a court system.

The Authority for the Settlement of Commercial Disputes (ASCD), better known as the commercial courts system, was established by royal decree in 1981 to decide all cases related to commercial matters. Subsequent decrees have empowered the commercial courts to decide labor disputes referred to it by government departments, commercial disputes to which the Government is a party, and arbitration cases involving private parties. The ASCD is financially and administratively independent of the Ministry of Justice and reports directly to the Minister of Commerce and Industry. The ASCD is made up of the Chairman, Deputy Chairman, a number of judges appointed by royal decree, and members of the Oman Chamber of Commerce and Industry. Cases are heard in regional courts for suits involving not more than \$27,000 (10,000 rials).

In November 1999, the Sultan issued several royal decrees to establish a law on judicial authority and to affirm the independence of the judiciary as called for in the 1996 Basic Charter. The decrees formally established the judiciary as an inde-

pendent, hierarchical system composed of a Supreme Court, an appeals court, primary courts (one located in each region), and, within the primary courts, divisional courts. Within each of the courts there are to be divisions to handle commercial, civil, penal, labor, taxation, general, and personal cases (the latter under Shari'a). The general prosecutor, which currently falls under the Royal Omani Police Chief Inspector, is to become an independent legal entity. Implementation of these decrees is expected to take place in early 2001.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The police are not required by law to obtain search warrants. There is a widespread belief that the Government eavesdrops on both oral and written communications, and citizens are guarded in both areas. Citizens must obtain permission from the Ministry of Interior to marry foreigners, except nationals of the Gulf Cooperation Council (GCC) countries. Such permission is not granted automatically. Delays or denial of permission have resulted in secret marriages within Oman. Marriages in foreign countries can lead to denial of entry into Oman of the foreign spouse and prevent a legitimate child from claiming citizenship rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law prohibits criticism of the Sultan in any form or medium. The authorities tolerate criticism of government officials and agencies, but such criticism rarely receives media coverage. The announced 1996 Basic Charter provides for freedom of opinion expressed in words, writing, or all other media within the limits of the law; however, these provisions have yet to be implemented.

The 1984 Press and Publication Law authorizes the Government to censor all domestic and imported publications. Ministry of Information censors may act against any material regarded as politically, culturally, or sexually offensive. Journalists and writers generally censor themselves to avoid government harassment. Editorials generally are consistent with the Government's views, although the authorities tolerate some criticism on foreign affairs issues. The Government discourages in-depth reporting on controversial domestic issues and seeks to influence privately owned dailies and periodicals by subsidizing their operating costs.

In late 1997, the Government began to permit the entry onto the market of foreign newspapers and magazines containing reports or statements deemed critical of Oman, including articles critical of the Sultan. The lifting of the boycott against Israel in December 1994 eliminated prohibitions on publications from or about Israel that otherwise meet censorship standards. However, in August 1999, the Ministry of Information stopped distribution of a London-based, Arabic-language magazine that contained an interview with a representative of the Israeli trade mission in Oman. Customs officials sometimes confiscate video cassette tapes and erase offensive material despite the fact that there are no published guidelines on what is viewed as "offensive." The tapes may or may not be returned to their owners. Government censorship decisions are changed periodically without apparent reason. There is a general perception that the confiscation of books and tapes at the border from private individuals and restrictions on popular novels have eased somewhat; however, it reportedly has become more difficult to obtain permission to distribute in the local market books that censors decide have factual errors about Oman (including outdated maps).

The Government controls the local radio and television companies. They do not air any politically controversial material. The Government does not allow the establishment of privately owned radio and television companies. However, the availability of satellite dishes has made foreign broadcast information accessible to the public. The Government, through its national telecommunications company, provides full, uncensored Internet access to citizens and foreign residents; however, as use of the Internet to express views not normally permitted in other media has grown, the Government has taken some steps to monitor and control its use. Warnings have appeared on web sites that criticism of the Sultan or personal criticism of government officials is likely to be censored; however, at least some of these sites have operated without apparent interference.

The appropriate government authority, such as Sultan Qaboos University, the police, or the relevant ministry, must approve public cultural events, including plays, concerts, lectures, and seminars. Most organizations avoid controversial issues due to fear that the authorities may cancel their events.

Academic freedom is restricted, particularly regarding controversial matters, including politics. Professors may be dismissed for going beyond acceptable boundaries.

b. Freedom of Peaceful Assembly and Association.—The law does not ensure freedom of assembly; all public gatherings require government sponsorship. The authorities do not always enforce this requirement, and gatherings sometimes take place without formal government approval. Over the course of 8 days in October, rare public demonstrations in support of the Palestinians and against Israeli and United States policies took place at Sultan Qaboos University and other venues. Most demonstrators were young men, and most demonstrations were peaceful. Some demonstrations included rock throwing and vandalism of private vehicles. On one or two occasions the police used tear gas and physical force to control demonstrations and some arrests were made. The Government, after 8 days of demonstrations, took quiet action to prohibit further demonstrations. Regulations implemented in 1994 restricting most types of public gatherings remain in effect. The 1996 Basic Charter provides for limited freedom of assembly, but these provisions have not yet been implemented.

The law states that the Ministry of Social Affairs, Labor, and Vocational Training must approve the establishment of all associations and their bylaws; however, some groups are allowed to function without formal registration. The Government uses the power to license associations to control the political environment. It does not license groups regarded as a threat to the predominant social or political views of the Sultanate. Formal registration of foreign associations is limited to a maximum of one association for any nationality. The 1996 Basic Charter's provisions in this area—not yet in effect—regulate the formation of associations. In February a royal decree was promulgated that allowed for the formation of nongovernmental organizations (NGO's) in the area of services for women, children, and the elderly.

c. Freedom of Religion.—Islam is the state religion, which is affirmed by the 1996 Basic Charter. The 1996 Basic Charter provides that Shari'a is the basis for legislation and preserves the freedom to practice religious rites, in accordance with tradition, provided that such freedom does not breach public order. Discrimination against individuals on the basis of religion or sect is prohibited. Implementing decrees for the 1996 Basic Charter in this area have not yet been established. Non-Muslim religious organizations must be registered with the Government and the Government restricts some of their activities.

Most citizens are Ibadhi or Sunni Muslims, but there is also a minority of Shi'a Muslims. Non-Muslims are free to worship at churches and temples built on land donated by the Sultan. There are many Christian denominations, which utilize two plots of donated land on which two Catholic and two Protestant churches have been built. Hindu temples also exist on government-provided land. Land has been made available to Catholic and Protestant missions in Sohar and Salalah.

In June the departure from the country of a foreign Baha'i due to termination of his employment may have been hastened by the proselytizing activities of his wife. The authorities requested members of the Baha'i community to sign statements that they will not proselytize, in accordance with the country's law and custom.

The Government prohibits non-Muslims from proselytizing. It also prohibits non-Muslim groups from publishing religious material, although religious material printed abroad may be brought into the country. Members of all religions and sects are free to maintain links with coreligionists abroad and undertake foreign travel for religious purposes.

The police monitor mosque sermons to ensure that the preachers do not discuss political topics and stay within the state-approved orthodoxy of Islam. The Government expects all imams to preach sermons within the parameters of standardized texts distributed monthly by the Ministry of Awqaf and Religious Affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not restrict travel by citizens within the country except to military areas. Foreigners other than diplomats must obtain a government pass to cross border points. To obtain a passport and depart the country, a woman must have authorization from her husband, father, or nearest male relative. However, a woman having an Omani identity card (which also must be authorized by a male relative) may travel to certain Gulf Cooperation Council countries without a passport.

Until the promulgation of the Basic Charter, the Government did not have a policy on refugees or a tradition of harboring stateless or undocumented aliens. The 1996 Basic Charter prohibits the extradition of political refugees; however, this provision has not yet been implemented. The issue of the provision of first asylum did not arise during the year. Oman offered temporary refuge to several thousand Yemenis displaced by a civil war in 1994. They returned to Yemen after the war. Tight control over the entry of foreigners into the country effectively has screened out would-be refugees.

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

Oman is an autocracy in which the Sultan retains the ultimate authority on all important foreign and domestic issues. The country has no formal democratic political institutions, and its citizens do not have the ability peacefully to change their leaders or the political system.

The Sultan promulgated the country's first defacto written constitution, known as the Basic Charter, in November 1996. Although it has immediate force of law, most laws and regulations to implement its provisions have not yet been enacted; it is expected that this process may take until 2001 or beyond to be completed. The law does not provide for political parties or direct elections. Citizens have indirect access to senior officials through the traditional practice of petitioning their patrons, usually the local governor, or wali, for redress of grievances. Successful redress depends on the effectiveness of the patron's access to appropriate decisionmakers. The Sultan appoints the governors. The Sultan makes an annual 3-week tour of the country, accompanied by his ministers. The tour allows the Sultan to listen directly to his subjects' concerns.

In 1991 Sultan Qaboos established a Consultative Council, or Majlis Al-shura. In 1994 he expanded the number of Council seats to 80 from the original 59, which resulted in the allocation of 2 members for districts with a population of more than 30,000. Due to the population increase from 1994 to 2000, the number of seats was expanded further to 82 for the 1997 elections and to 83 for the September elections. Unlike in 1999, when the Government selected the Council members from several nominees who were elected only by prominent persons in each district, the Government established a new system beginning with the September elections under which council members, male and female, are elected directly by receiving the most votes from eligible voters in their districts. In the October 1997 elections, 55,000 men and women, 3 percent of the total population, were eligible to nominate Council members in all districts throughout the country. In the September elections, the Government selected more than 175,000 men and women to register to vote, of whom 114,000 registered and 100,000 voted. The number of eligible female voters increased from 5,000 to 52,000. In August a royal decree abolished the prior procedure under which voters (or electors) had volunteered as candidates for Council seats, had their police records checked by the Government, and relied on government approval of their decision to run. If the Sultan decided not to appoint them, the nominees with the most votes did not win appointment to the Council. Under the new procedures, candidates are not subject to government scrutiny, and the Sultan no longer ratifies winning candidates. At least two sitting members of the Council were excluded from standing for reelection in September because of their criticism of ministers during previous council sessions.

The Council has no formal legislative powers, which remain concentrated in the Sultan's hands; however, it serves as a conduit of information between the people and the government ministries. No serving government official is eligible to be a Council member. The Council may question government ministers in public or in private, review all draft laws on social and economic policy, and recommend legislative changes to the Sultan, who makes the final decision. During the year, the membership of the Majlis Al-Dawla (Council of State), which was established in 1997, was increased from 41 to 48 members. The precise responsibilities of the Council of State and its relationship to the existing Consultative Council have yet to be clarified. The Council of State and the Consultative Council together form the Majlis Oman, or Council of Oman. A royal directive issued in April prohibited members of the Council of Oman from serving more than two 3-year terms.

The Sultan publicly has advocated a greater role for women in both the public and private sectors; however, women remained underrepresented in government and politics. In the 1997 elections, the Government selected two women from among the nominees to serve on the Consultative Council. In December 1997, the Sultan appointed 4 women to the 41-member Majlis Al-Dawla; during the year he appointed 5 women to the now 48-member body. In 1999 the Sultan, for only the second time, appointed a woman to the Oman Chamber of Commerce and Industry (OCCI) board.

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

The Government prohibits the establishment of human rights groups. The existing restrictions on the freedom of speech and association do not permit any activity or speech critical of the Government. There were no known requests by international human rights organizations to visit.

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

The 1996 Basic Charter prohibits discrimination on the basis of sex, ethnic origin, race, religion, language, sect, place of residence, and social class; however, decrees to implement its provisions have not been promulgated. Institutional and cultural discrimination based on gender, race, religion, social status, and disability exists.

Women.—There is no evidence of a pattern of spousal abuse although observers say that allegations of such abuse in the Shari'a courts are not uncommon. Definitive information is scant and difficult to collect. Doctors do not have a legal responsibility to report either spouse or child abuse cases to the courts. Battered women may file a complaint with the police but more often seek family intervention to protect them from violent domestic situations. Likewise, families seek to intervene to keep such problems out of public view. There have been reports that employers or male coworkers have sexually harassed foreign women employed in such positions as domestic servants and hospital nurses. Foreign women employed as domestic servants and garment workers have complained that their employers have withheld their salaries and that government officials have been unresponsive to their grievances, due to investigative procedures that disadvantage the victim. Individuals known to be abusing domestic servants are not always brought to account for their actions. In the past, several foreign women have had to ask their governments' embassies for shelter to escape abuse (see Section 6.e.).

Most women live within the confines of their homes. They continue to face many forms of discrimination. Illiteracy among older women hampers their ability to own property, participate in the modern sector of the economy, or even inform themselves of their rights. Government officials frequently deny women land grants or housing loans and prefer to conduct business with a woman's husband or other male relative. Women require permission from a male relative to leave the country (see Section 2.b.).

Some aspects of Islamic law and tradition as interpreted in the country also discriminate against women. Shari'a favors male heirs in adjudicating inheritance claims. Many women are reluctant to take an inheritance dispute to court for fear of alienating the family.

Since 1970 conditions for women have improved dramatically in several areas. Whereas in 1970 no schools existed for girls, the most recent figures available from the Ministry of Education report an enrollment rate nearing 90 percent for all girls eligible for elementary school. In the 1997-98 school year, female students constituted approximately 50 percent of the total number of students attending public schools. Women constitute roughly half of the 5,000 students at Sultan Qaboos University. In November 574 women and 497 men received bachelor's degrees as members of the 11th graduating class, while 2 women and 9 men received master's degrees. The university has a quota system with the apparent goal of increasing the number of men studying certain specialties. Reportedly, women are being limited to 50 percent of the seats in the medical department. Restrictions on women studying engineering and archeology were lifted in September 1998. The quota system is expected to allow women to constitute a majority in some other departments.

Women also have made gains in the work force. Some educated women have attained positions of authority in government, business, and the media. Approximately 30 percent of all civil servants are women; of these, 59 percent are citizens. In both the public and private sectors, women are entitled to maternity leave and equal pay for equal work. The government bureaucracy, the country's largest employer of women, observes such regulations, as do many private sector employers. Many educated women still face job discrimination because prospective employers fear that they might resign to marry or raise families. In the past, several female employees in the Government have complained that they have been denied promotion in favor of less capable men. Unlike the case in previous years, when government grants for study abroad were limited almost exclusively to males, such grants are now awarded based on merit, and in 1999 were divided evenly between men and women.

Within the Government, women's affairs are the responsibility of the Ministry of Social Affairs, Labor, and Vocational Training. The Ministry provides support for women's affairs through support for and funding of the Oman Women's Association (OWA) and local community development centers (LCDC's). The OWA consists of 25 chapters with an active membership of more than 3,000 women. Typical OWA activities include sponsoring health or sociological lectures, kindergarten services, and handicraft training programs. The OWA also provides an informal counseling and support role for women with divorce-related difficulties, girls forced to marry against their will, and women and girls suffering from domestic abuse. The main purpose of the 50 LCDC's located throughout the country is to encourage women to improve the quality of life for their families and to improve their contributions to the com-

munity. LCDC activities focus on health and sociology lectures, child care issues, and agricultural and traditional handicraft training programs.

Children.—The Government has made the health, education, and general welfare of children a budgetary priority. Primary school education is free and universal but not compulsory. Most children attend school through secondary school, to age 18. No significant sectors or groups within the population are prevented from receiving an education. The infant mortality rate continues to decline, and comprehensive immunization rates have risen. There is no pattern of familial or other child abuse. Government officials have publicly called for greater awareness and prevention of child abuse.

A few communities in the interior and in the Dhofar region still practice female genital mutilation (FGM). FGM is condemned widely by international health experts as damaging to both physical and psychological health. Experts believe that the number of such cases is small and declining annually.

People with Disabilities.—The Government has mandated parking spaces and some ramps for wheelchair access in private and government office buildings and shopping centers. Compliance is voluntary, yet widely observed. Students in wheelchairs have easy access to Sultan Qaboos University. The Government has established several rehabilitation centers for disabled children. Disabled persons, including the blind, work in government offices. While the Government now charges a small fee to citizens seeking government health care, the disabled generally are not charged for physical therapy and prosthetics support.

Religious Minorities.—Some members of the Shi'a Muslim minority claim that they face discrimination in employment and educational opportunities. However, some members of this same community occupy prominent positions in both the private and public sectors.

National/Racial/Ethnic Minorities.—In the past, citizens of east African origin complained that they frequently faced job discrimination in both the public and private sectors. Some public institutions reportedly favor hiring members of one or another regional, tribal, or religious group. However, no group is banned from employment.

Section 6. Worker Rights

a. The Right of Association.—The current law stipulates that “it is absolutely forbidden to provoke a strike for any reason.” The Government has not yet promulgated a new labor law that was first drafted by the Ministry of Social Affairs and Labor in 1994. In the last quarter of 1996, the Consultative Council recommended some changes to the draft, but the Government has not yet issued the new law. Government officials have stated that the new labor law is to be consistent with international labor standards.

Labor unrest is rare. There have not been any known job actions within the last 7 years.

b. The Right to Organize and Bargain Collectively.—The current law does not provide for the right to collective bargaining; however, it requires that employers of more than 50 workers form a joint labor-management committee as a communication forum between the two groups. The implementation of this provision is uneven, and the effectiveness of these committees is questionable. In general the committees discuss such matters as the living conditions at company-provided housing. They are not authorized to discuss wages, hours, or conditions of employment. Such issues are specified in the work contracts signed individually by workers and employers and must be consistent with the guidelines of the Ministry of Social Affairs and Labor.

The current law defines conditions of employment for some citizens and foreign workers. It covers domestic servants and construction workers but not temporary workers or those with work contracts that expire within 3 months. Foreign workers constitute at least 50 percent of the work force and as much as 80 percent of the modern-sector work force.

Work rules must be approved by the Ministry of Social Affairs and Labor and posted conspicuously in the workplace by employers of 10 or more workers. Similarly any employer with 50 or more workers must establish a grievance procedure. Regardless of the size of the company, any employee, including foreign workers, may file a grievance with the Labor Welfare Board. Sometimes worker representatives file collective grievances, but most grievances are filed by individual workers. Lower paid workers use the procedure regularly. Plaintiffs and defendants in such cases may be represented by legal counsel.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The 1973 Labor Law prohibits forced or bonded labor, and although the enabling laws have not yet been imple-

mented, the 1996 Basic Charter affirms that forced or bonded labor for any person is prohibited; however, governmental investigative and enforcement mechanisms are lacking. Foreign workers sometimes find themselves in situations amounting to forced labor. In such cases, employers withhold letters of release (documents that release workers from employment contracts), which allow them to change employers. Without such a letter, a foreign worker must continue to work for his current employer or become technically unemployed, which is sufficient grounds for deportation. Many foreign workers are not aware of their right to take such disputes before the Labor Welfare Board. Others are reluctant to file complaints for fear of retribution from unscrupulous employers. In most cases, the Board releases the worker from service and awards compensation for time worked under compulsion. Employers face no other penalty than to reimburse the worker's back wages.

The law prohibits forced or bonded labor by children, and instances of forced or bonded child labor are unknown.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1973 Labor Law prohibits children under the age of 13 from working. The Ministry of Social Affairs and Labor enforces this prohibition; however, in practice the enforcement often does not extend to some small family businesses that employ underage children, particularly in the agricultural and fisheries sectors. Children between 13 and 16 years of age may be employed but must obtain the Ministry's permission to work overtime, at night, on weekends or holidays, or perform strenuous labor. Child labor does not exist in any industry.

Although primary school education is not compulsory, most children attend school to age 18 (see Section 5).

The law specifically prohibits forced or bonded labor by children and it is not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Social Affairs and Labor issues minimum wage guidelines for various categories of workers. In July 1998, the Government raised the minimum wage for most citizens to about \$270 (100 rials) per month, plus \$54 (20 rials) for transportation and housing. Minimum wage guidelines do not apply to a variety of occupational categories, including small businesses that employ fewer than five persons, the self-employed, domestic servants, dependent family members working for a family firm, and some categories of manual labor. Many foreigners work in occupations that are exempt from the minimum wage law, and the Government is lax in enforcing minimum wage guidelines, where applicable, for foreign workers employed in menial jobs. However, highly skilled foreign workers frequently are paid more than their Omani counterparts.

The minimum wage is sufficient to provide a decent standard of living for a worker and family. The compensation for foreign manual laborers and clerks is sufficient to cover living expenses and to permit savings to be sent home.

The private sector workweek is 40 to 45 hours and includes a rest period from Thursday afternoon through Friday. Government workers have a 35-hour workweek. While the law does not designate the number of days in a workweek, it requires at least one 24-hour rest period per week and mandates overtime pay for hours in excess of 48 per week. Government regulations on hours of employment are not always enforced. Employees who have worked extra hours without compensation may file a complaint before the Labor Welfare Board, but the Board's rulings are not binding.

Every worker has the right to 15 days of annual leave during the first 3 years of employment and 30 days per year thereafter. Employers provide many foreign nationals, including domestic servants, with annual or biannual round trip tickets to their countries of origin.

All employers are required by law to provide first aid facilities. Work sites with over 100 employees must have a nurse. Employees covered under the Labor Law may recover compensation for injury or illness sustained on the job through employer-provided medical insurance. The health and safety standard codes are enforced by inspectors from the Department of Health and Safety of the Directorate of Labor. As required by law, they make regular onsite inspections.

There have been reports that employers or male coworkers have sexually harassed and abused foreign females employed in such positions as domestic servants and hospital nurses. Foreign women employed as domestic servants and garment workers have complained that their employers have withheld their salaries and that government officials have been unresponsive to their grievances, due to investigative procedures that disadvantage the victim. Individuals known to be abusing foreign domestic servants are not always held accountable for their actions. In the past, several foreign women have had to ask their governments' embassies for shelter to escape abuse (see Section 5).

The law states that employers must not place their employees in situations involving dangerous work; however, the law does not specifically grant a worker the right to remove himself from dangerous work without jeopardy to his continued employment.

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

QATAR

Qatar, an Arab state on the Persian Gulf, is a monarchy with no constitution or political parties. Qatar is governed by the ruling Al-Thani family through its head, the Amir. The current Amir, Sheikh Hamad bin Khalifa Al-Thani, took power from his father in June 1995 with the support of leading branches of the Al-Thani family, and in consultation with other leading Qatari families. This transition of authority did not represent a change in the basic governing order. The Amir holds absolute power, the exercise of which is influenced by religious law, consultation with leading citizens, rule by consensus, and the right of any citizen to gain access to the Amir to appeal government decisions. The Amir generally legislates after consultation with leading citizens, an arrangement institutionalized in an appointed advisory council that assists the Amir in formulating policy. In 1999 the Amir convened a constitutional committee to draft a permanent constitution that would provide for parliamentary elections. The committee has met regularly and is projected to complete its recommendations by 2002. In March 1999, citizens were permitted to participate in the election of a national body, the Central Municipal Council, for the first time. The judiciary is nominally independent, but most judges hold their positions at the Government's pleasure.

The country has efficient police and security services. The civilian security force, controlled by the Interior Ministry, comprises two sections: The police and the General Administration of Public Security and the investigatory police (Mubahathat), which is responsible for sedition and espionage cases. The Interior Ministry has a special state security investigative unit (Mubahith) that performs internal security investigations and gathers intelligence. In addition, there is an independent civilian intelligence service (Mukhabarat). There were one or two allegations that members of the security forces tortured civilians in detention.

The State owns most basic industries and services, but the retail and construction industries are in private hands. Oil is the principal natural resource, but the country's extensive natural gas resources are playing an increasingly important role. Rapid development in the 1970's and 1980's created an economy in which foreign workers, mostly South Asian and Arab, outnumber citizens by a ratio of 4 or 5 to 1. The Government has embarked on a program of "Qatarization," which is aimed at reducing the number of foreign workers. Many government jobs are offered only to citizens and private sector businesses are encouraged to recruit citizens as well.

The Government generally respected its citizens' human rights in many areas, and there were improvements in freedom of expression; however, its record was poor in areas, such as citizens' right to change the Government. Citizens do not have the right to change their government. There were one or two allegations that members of the security forces tortured civilians in detention during the year. Arbitrary detention in security cases, and restrictions on the freedoms of speech, press, assembly, association, religion, and on workers' rights, continued to be problems. However, the Government continued to take some steps to ease restrictions on the practice of non-Muslim religions. Despite female suffrage, in practice women's rights are restricted by social customs. Domestic servants are mistreated and sometimes abused. Noncitizens, who make up the majority of the residents of the country, face discrimination in the workplace.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Government officially proscribes torture; however, there were one or two reports of alleged torture. There were unconfirmed allegations in previous years that some of the defendants in the trial of the 1996 coup plotters (see Sections 1.d. and 1.e.)

had been tortured while in police custody; government officials have denied the allegations. The Government administers most corporal punishment prescribed by Islamic law but does not allow amputation.

Prison conditions generally meet minimum international standards.

The Government does not permit domestic human rights groups to exist, and no international human rights organization has asked to visit the country or its prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest; however, the police have the discretion to arrest persons based on a low level of suspicion, and arbitrary detention in security cases remains a problem. The authorities generally charge suspects within 48 hours. Suspects generally are presented to the Attorney General within 24 hours of arrest. The Attorney General decides whether to hold the suspect up to a maximum of 4 days, after which time the suspect is presented before a judge, who may order the suspect released or remanded to custody to await trial. The accused is entitled to legal representation throughout this process. Suspects who are detained in security cases generally are afforded access to counsel; however, they may be detained indefinitely while under investigation. There were no known cases of incommunicado detention during the year.

In 1998 Ministry of Education official Abdulrahman Al-Nuaimi distributed a letter criticizing the Amir's decision to allow women to vote and run for office in the Municipal Council elections as well as other purportedly anti-Islamic actions. The Amir ordered the arrest of Abdulrahman Al-Nuaimi, and he remains in detention.

In September 33 of the persons arrested and tried for involvement in a February 1996 coup attempt, including Sheikh Hamad Bin Jassim Bin Hamad Al-Thani, who was named as the prime suspect in the coup bid, were found guilty and sentence to life in prison; 85 were acquitted. The 33 found guilty have appealed. Prosecutors had called for the death penalty for all those accused.

The Government has used forced exile on rare occasions. There were no reported cases this year.

e. Denial of Fair Public Trial.—The judiciary is nominally independent; however, most judges are foreign nationals who hold residence permits granted by the civil authorities, and thus hold their positions at the Government's pleasure. The number of citizen judges is increasing.

The judiciary deals with the bureaucracies of three ministries. Civil (or Adlea) courts are subordinate to the Ministry of Justice, and Shari'a (Islamic law) courts fall under the Ministry of Endowments and Islamic Affairs. The prosecutors fall under the Ministry of Interior.

There are two types of courts: The civil courts, which have jurisdiction in civil and commercial matters, and the Shari'a courts, which have jurisdiction in family and criminal cases. There are no permanent state security courts; however, although there have been no cases before these courts since the Amir assumed power, they have not been abolished formally by law and remain an option. Defendants tried by all courts have the right to appeal. The original case and the appeal in Shari'a courts are no longer heard by the same judge, and procedural loopholes that permitted this practice in the past are to be closed as part of a pending judicial reform package.

The legal system is biased in favor of citizens and the Government. A Muslim litigant may request the Shari'a courts to assume jurisdiction in commercial or civil cases. Non-Muslims are not allowed to bring suits as plaintiffs in the Shari'a courts; however, they may file suit in the civil courts. This practice prevents non-Muslim residents from obtaining full legal recourse. Trials in the civil courts are public, but in the Shari'a courts only the disputing parties, their relatives, associates, and witnesses are allowed in the courtroom. Lawyers do not play a formal role except to prepare litigants for their cases. Although non-Arabic speakers are provided with interpreters, foreigners are disadvantaged, especially in cases involving the performance of contracts. However, provided that the foreign defendant's sponsor or embassy agree, the defendant is entitled to legal representation throughout the trial and pretrial process.

Defendants appear before a judge for a preliminary hearing within 7 days of their arrest. Judges may extend pretrial detention for 1 week at a time to allow the authorities to conduct investigations. Lengthy pretrial detention is not known to occur. Defendants in the civil courts have the right to be represented by defense attorneys but are not always permitted to be represented by counsel in the Shari'a courts.

Shari'a trials usually are brief. Shari'a family law trials often are held without counsel. After both parties have stated their cases and examined witnesses, judges usually deliver a verdict after a short deliberation. Criminal cases normally are tried within 2 to 3 months after suspects are detained. Suspects are entitled to bail, except in some instances, such as in cases of violent crime. Bail may be provided

by citizens or noncitizens. Foreigners who are charged with minor crimes may be released to a citizen sponsor. They are prohibited from departing the country until the case is resolved.

After a public trial of persons arrested for involvement in the 1996 coup attempt, trial judges sentenced 33 defendants to life imprisonment. Nine of them were tried in absentia. Another 85 defendants were acquitted on all charges. A decision regarding the convicted defendants' appeal was pending at year's end. The trial was considered fair.

There are no known political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Traditional attitudes of respect for the sanctity of the home and the privacy of women provide a great deal of protection against arbitrary intrusion for most citizens and residents. A warrant must be obtained before police may search a residence or business, except in cases involving national security or emergencies. Search warrants are issued by judicial authorities. There were no reports of unauthorized searches of homes during the year. The police and security forces are believed to monitor the telephone calls of suspected criminals, of those considered to be security risks, and of selected foreigners.

With prior permission, which is usually granted, citizens may marry foreigners of any nationality and apply for residence permits or citizenship for their spouses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Government reduced restrictions on freedom of speech and of the press in 1996 and permitted a noticeable expansion of press freedom, some restrictions still remain. The Government lifted formal censorship of the media in 1995, and since then the press has been essentially free of government interference. However, journalists continue to practice self-censorship, due to real or perceived social and political pressures. Some journalists reportedly were subjected to pressure by the Government during the year after they published articles critical of the Government. Although explicit criticism of citizens' public or private affairs is not common, a number of such reports have been noted in local newspapers, especially Arabic-language newspapers. One Arabic-language newspaper even polled its readers to determine the most popular and least popular ministers. The Minister of Education was a frequent target of criticism; other criticism tended to be targeted at organizations rather than individuals.

There were no reports of instances of political censorship of foreign news media or broadcasts of foreign programs on local television over the past year. The Censorship Office in the Ministry of Information was abolished (together with the Ministry) in 1996. Pornography and expressions deemed hostile to Islam still are subject to censorship, and censors still work at broadcast media under the overall supervision of the Ministry of Religious Endowments.

Citizens enjoy broad freedom of speech but are restricted by the social and family restraints of a very traditional society. There is no apparent fear of government monitoring of private speech. However, the larger foreign population does not believe it enjoys the same freedoms and acts accordingly.

Television and radio are state owned, but the privately owned satellite television channel Al-Jazeera operates freely. During the year, radio and television call-in programs and talk shows criticized the Amir for meeting with the Israeli Prime Minister at the U.N. Millennium Summit in September, and the Government was criticized for allowing the Israeli Trade Office to remain open prior to the November Islamic Summit. Various government ministers are regularly criticized on a popular radio talk show.

A Ministry of Education official who wrote a letter in 1999 critical of the Amir's decision to allow women to vote and run for office in the Municipal Council elections remains in custody (see Section 1.d.).

Customs officials screen imported print media, videocassettes, and other such items for pornography, but have stopped blocking the importation of non-Muslim religious items (see Section 2.c.).

A growing number of citizens and residents have access to the Internet, which is provided through the state-owned telecommunications monopoly. Internet service is censored for pornographic content through a proxy server, which blocks those web sites containing certain key words and phrases. A user who believes that a site is censored mistakenly may submit the web address to the Internet service provider to have the site reviewed for suitability. The Government is responsive to such submissions.

There is no legal provision for academic freedom. Most instructors at the University of Qatar exercise self-censorship.

b. Freedom of Peaceful Assembly and Association.—The Government severely limits freedom of assembly. The Government generally does not allow political demonstrations; however, it permitted one peaceful demonstration of about 3,000 participants in October, under the aegis of the Central Municipal Council, that protested the Israeli Government's actions against Palestinians in Israel, the West Bank, and Gaza.

The Government severely limits freedom of association. The Government does not allow political parties or membership in international professional organizations critical of the Government or of any other Arab government. Private social, sports, trade, professional, and cultural societies must be registered with the Government. Security forces monitor the activities of such groups.

c. Freedom of Religion.—There is no constitutional protection for freedom of religion. The state religion is Islam, as interpreted by the conservative Wahhabi order of the Sunni branch. The Government officially prohibits public worship by non-Muslims; however, it tolerates and protects services conducted privately with prior notification to the authorities. The Government allows Shi'a Muslims to practice their faith freely; however, community leaders have agreed to refrain from certain public practices, such as self-flagellation.

The Government and ruling family are inextricably linked to the practice of Islam. The Ministry of Islamic Affairs controls the construction of mosques, the administration of clerical affairs, and instruction in the Koran. The Minister of Islamic Affairs is a member of the Amir's cabinet and participates in policymaking at the highest level. The only official government holidays aside from the independence day are the Eid Al-Fitr, following the holy month of Ramadan, and the Eid Al-Adha, which commemorates the end of the Hajj. The Amir participates in widely publicized "Eid prayers" and each year personally finances the Hajj pilgrimages of many who cannot afford to travel to Mecca.

During the year, the Catholic, Anglican, and Orthodox churches in effect received de facto official recognition. However, formal recognition apparently has not yet been granted. There reportedly is a verbal commitment by the Government to allow the churches to operate openly in a manner that apparently reflects de facto government recognition. For example, priests of the three churches have been asked to wear their clerical garb and may apply to be sponsors for visitor visas for other church representatives. In addition, church representatives may import reasonable amounts of Bibles and other religious literature for use by their congregations. In February the Government identified a parcel of land on which it plans to allow the construction of three churches, one each for the Catholic, Anglican, and Orthodox communities. Officials from the Ministry of Foreign Affairs and the Ministry of Municipal Affairs and Agriculture met with diplomats and representatives of the churches to discuss initial design plans. The Government recognizes and allows marriages between non-Muslims to be conducted by the Roman Catholic Church. Such progress for Christians is due, in large part, to their status as "people of the book" in that the Koran accords special status to Christians and Jews. The Government intends to permit Hindus and Buddhists neither to worship openly nor to establish temples because it claims that there is no Koranic justification for tolerance of polytheistic religions.

Non-Muslims may not proselytize, and conversion from Islam is theoretically a capital offense. However, there is no record of an execution for such a conversion since independence in 1971.

The Government formally prohibits the publication, importation, and distribution of Bibles and other non-Islamic religious literature. However, in practice individuals generally are not prevented from importing Bibles and other religious items for personal use. In previous years, there were sporadic reports of confiscation of such materials by customs officials. During the year, some Christian worship groups reported having no trouble importing instructional materials (i.e., Sunday school materials and devotionals) for use by the groups. Police provide traffic control for authorized Catholic masses, which may be attended by 1,000 or more persons at Easter and Christmas.

There are no restrictions on non-Muslims providing religious instruction to their children; however, the public schools provide compulsory instruction in Islam. The public schools generally are closed to foreigners, most of whose children attend private schools.

Practice of Islam confers advantage in civil life. For example, non-Muslims do not have the right to bring suit in the Shari'a (Islamic law) courts. These courts are utilized to settle the majority of civil claims; thus, non-Muslims are at a distinct disadvantage.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—There are no restrictions on internal travel, except around sensitive

military and oil installations. In general, women do not require permission from male guardians to travel. However, men may prevent female relatives from leaving the country by providing their names to immigration officers at ports of departure. Technically, women employed by the Government must obtain official permission to travel abroad when requesting leave, but it is not known to what extent this regulation is enforced. Citizens critical of the Government face restrictions on their right to travel abroad.

All citizens have the right to return. Foreigners are subject to immigration restrictions designed to control the size of the local labor pool. Foreign workers must have the permission of their sponsor (usually their employer) to enter and depart the country, but their dependents may leave the country without restriction. Foreign women who are married to citizens are granted residence permits and may apply for citizenship; however, they are expected to relinquish their foreign citizenship.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. Those attempting to enter illegally, including persons seeking asylum from nearby countries, are refused entry. Asylum seekers who are able to obtain local sponsorship or employment are allowed to enter and may remain as long as they are employed.

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

Citizens do not have the right to change their government or the political system peacefully. The political institutions combine the characteristics of a traditional Bedouin tribal state and a modern bureaucracy. Under the amended Provisional Constitution, the Amir must be chosen from and by the adult males of the Al-Thani family. There are no political parties or organized opposition groups. However, in 1999 citizens had the opportunity for the first time to choose officials for the Central Municipal Council in free and fair elections.

The Amir exercises most executive and legislative powers, including appointment of cabinet members. On March 8, 1999, citizens elected a 29-member Central Municipal Council. For the first time, men and women age 18 and older were permitted both to vote and to run as candidates. The Council is a nonpartisan body that addresses issues such as street repair, green space, trash collection, and public works projects. Its role is to advise the Minister of Municipalities and Agriculture. The Council cannot change policy on its own.

In November 1998, the Amir announced his intention to form a constitutional committee to draft a permanent constitution that would provide for democratic parliamentary elections. The constitutional committee was inaugurated in July 1999 and includes a number of government officials, academics, and prominent business leaders. In addition to subcommittees on the legislature, executive, and judiciary, it includes a subcommittee on human rights. The committee has met regularly and is projected to complete its recommendations by 2002. The Amir reiterated in his remarks to the committee members that he expects their efforts to lead to the establishment of an elected parliamentary body.

Women are underrepresented in government and politics. Women have the right to vote and run as candidates for the Central Municipal Council; none were elected to the Council in the 1999 elections.

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

The Government does not permit local human rights organizations to exist. No international human rights organizations are known to have asked to investigate conditions in the country. However, Amnesty International and foreign embassies were invited to send observers to sessions of the public trial of those accused in the 1996 coup attempt. Foreign observers attended the trial sessions held during the year.

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

The law proscribes discrimination in the workplace; however, institutional, cultural, and legal discrimination based on gender, race, religion, social status, and disability exists.

Women.—According to the Family Development Center, the country's leading nongovernmental organization (NGO) on women's issues, violence against women is not widespread. Some foreign domestic servants, especially those from South Asia and the Philippines, have been mistreated by employers. In most cases, the mistreatment involves late or nonpayment of wages (see Section 6.c.), but also includes allegations of rape and physical abuse (see Section 6.e.). Foreign embassies provide shelter for maids who have left their employers as a result of abuse or disputes. Ac-

cording to Shari'a, all forms of physical abuse are illegal. The maximum penalty for rape is death. The police actively investigate reports of violence against women. In the last few years, the Government demonstrated an increased willingness to arrest and punish offenders, whether citizens or foreigners. Offenders who are citizens usually receive lighter punishments than do foreigners. Abused domestic workers usually do not press charges for fear of losing their jobs.

The legal system allows leniency for a man found guilty of committing a "crime of honor," a euphemism that refers to a violent assault against a woman for perceived immodesty or defiant behavior; however, such honor killings are rare. In 1999 a former minister and Gulf War hero, Ali Saeed Al-Khayareen, was accused of killing his two half-sisters for their alleged sexual misconduct. Al-Khayareen was held for a few months at the Al-Rayyan detention center, but eventually the women's family decided to accept monetary compensation, and he was released late in 1999.

The activities of women are restricted closely both by law and tradition. For example, a woman is prohibited from applying for a driver's license unless she has permission from a male guardian. This restriction does not apply to noncitizen women. The Government adheres to Shari'a as practiced in the country in matters of inheritance and child custody. Muslim wives have the right to inherit from their husbands. However, they inherit only one-half as much as male relatives. Non-Muslim wives inherit nothing, unless a special exception is arranged. In cases of divorce, Shari'a is followed; younger children remain with the mother and older children with the father. Both parents retain permanent rights of visitation. However, local authorities do not allow a noncitizen parent to take his or her child out of the country without permission of the citizen parent. Women may attend court proceedings but generally are represented by a male relative; however, women may represent themselves. According to Shari'a, the testimony of two women equals that of one man, but the courts routinely interpret this on a case-by-case basis.

Women largely are relegated to the roles of mother and homemaker, but some women are now finding jobs in education, medicine, and the news media. Women appear to receive equal pay for equal work; however, they often do not receive equal allowances. These allowances generally cover transportation and housing costs. Increasingly, women receive government scholarships to pursue degrees at universities overseas. The Amir has entrusted his second wife, who is the mother of the Heir Apparent, with the high-profile task of establishing a university in Doha. In 1996 the Government appointed its first female undersecretary, in the Ministry of Education, and in March a woman was appointed vice president of Qatar University. Although women legally are able to travel abroad alone (see Section 2.d.), tradition and social pressures cause most to travel with male escorts. There also have been complaints that citizen husbands take their foreign spouses' passports and, without prior approval, turn them in for Qatari citizenship documents. The husbands then inform their wives that the wives have lost their former citizenship. In other cases, foreign wives report being forbidden by their husbands or in-laws to visit or to contact foreign embassies.

There is no independent women's rights organization, nor has the Government permitted the establishment of one.

Children.—The Government demonstrates its commitment to children's rights through a well-funded, free public education system (elementary through university) and a complete medical protection program for the children of citizens. However, children of most foreigners are denied free education and have only limited medical coverage.

Very young children, usually of African or South Asian background, have been used as jockeys in camel races. Little information is available on wages and working conditions for these children (see Sections 6.c. and 6.d.).

There is no societal pattern of abuse of children.

People with Disabilities.—The Government has not enacted legislation or otherwise mandated provision of accessibility for the disabled, who also face social discrimination. The Government maintains a hospital and schools that provide high-quality, free services to the mentally and physically disabled.

Religious Minorities.—Shi'a Muslims fill many positions in the bureaucracy and are prominent in business. However, they experience discrimination in employment in some sensitive areas, such as security.

National/Racial/Ethnic Minorities.—The Government discriminates against some citizens of non-Qatari origin. In the private sector, many citizens of Iranian origin occupy some of the highest positions. However, they rarely are found in senior decisionmaking positions in government.

Section 6. Worker Rights

a. The Right of Association.—The right of association is limited strictly, and all workers, including foreigners, are prohibited from forming labor unions. Despite this restriction, almost all workers have the right to strike after their case has been presented to the Labor Conciliation Board and ruled upon. Employers may close a place of work or dismiss employees once the Conciliation Board has heard the case. The right to strike does not exist for government employees, domestic workers, or members of the employer's family. No worker in a public utility or health or security service may strike if such a strike would harm the public or lead to property damage. Strikes by expatriate workers are rare but do occur. The Conciliation Board is widely perceived to be objective, particularly with regard to the most common complaints of expatriate workers, the nonpayment of wages, and poor living conditions. The press reports work actions and grievances over these issues.

The Labor Law provides for the establishment of joint consultative committees composed of representatives of the employer and workers. The committees do not discuss wages but may consider issues such as organization and productivity, conditions of employment, training of workers, and safety measures and their implementation.

Since 1995 the country has been suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards.

b. The Right to Organize and Bargain Collectively.—Workers are prohibited from engaging in collective bargaining. In general wages are set unilaterally by employers without government involvement. Local courts handle disputes between workers and employers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. Three-quarters of the work force are foreign workers, who are dependent on a single employer for residency rights. This leaves them vulnerable to abuse. For instance, employers must give consent before exit permits are issued to any foreign employee seeking to leave the country. Some employers temporarily withhold this consent to force foreign employees to work for longer periods than they wish. Some unskilled workers and domestic servants are vulnerable to late payment of wages; it is government policy to assist laborers, usually through the Labor Board, under such circumstances. The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively; however, some very young children work as jockeys in camel races (see Sections 5 and 6.d., 6.e., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Minors between the ages of 15 and 18 may be employed with the approval of their parents or guardians and some children may work in small, family-owned businesses. However, child labor is rare. Education is compulsory for citizens through the age of 15. Very young children, usually of African or South Asian background, are used as jockeys in camel races (see Sections 5, 6.c., and 6.f.). Little information is available on wages and working conditions for these children. The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively with respect to citizen children (see Section 6.c.).

Minors may not work more than 6 hours a day or more than 36 hours a week. Employers must provide the Ministry of Labor with the names and occupations of their minor employees. The Ministry may prohibit the employment of minors in jobs that are judged dangerous to the health, safety, or morals of minors. Employers also must obtain permission from the Ministry of Education to hire a minor.

e. Acceptable Conditions of Work.—There is no minimum wage, although a 1962 law gives the Amir authority to set one. The average wage provides a decent standard of living for workers and their families. The law prescribes a 48-hour workweek with a 24-hour rest period, although most government offices follow a 36-hours-per-week work schedule. Employees who work more than 48 hours per week, or 36 hours per week during the Muslim month of Ramadan, are entitled to overtime pay. This law is adhered to in government offices and major private sector companies. It is not observed with respect to domestic and personal employees. Domestic servants frequently work 7 days per week, and more than 12 hours per day with few or no holidays, and have no effective way to redress grievances against their employers.

The Government has enacted regulations concerning worker safety and health, but enforcement, which is the responsibility of the Ministry of Energy and Industry, is lax. The Department of Public Safety oversees safety training and conditions, and the state-run petroleum company has its own set of safety standards and procedures. The Labor Law of 1964, as amended in 1984, lists partial and permanent dis-

abilities for which compensation may be awarded, some connected with handling chemicals and petroleum products or construction injuries. The law does not specifically set rates of payment and compensation. Laborers who suffer work-related sickness or injuries receive free medical treatment provided by the Government.

Foreign workers may enter the country on a visitors visa and then convert this visa to a work visa once in the country. A sponsor is needed to convert a visitor's visa to a work visa, and the worker must have their sponsor's permission to depart the country. Any worker may seek legal relief from onerous work conditions, but domestic servants generally accept their situations in order to avoid repatriation. The Government also penalizes citizen employers who violate residence and sponsorship laws. Some foreign domestic servants have been mistreated by their employers. Such mistreatment normally involves the nonpayment or late payment of wages but also may involve rape and physical abuse (see Section 5). It is not known if workers have the right to remove themselves from hazardous work conditions without fear of dismissal.

f. Trafficking in Persons.—The law prohibits trafficking in persons.

On January 19, the Government arrested and repatriated several women from the former Soviet Union who were transported to the country to work as prostitutes.

Very young children, usually of African or South Asian background, have been used as jockeys in camel races (see Sections 5 and 6.d.).

SAUDI ARABIA

Saudi Arabia is a monarchy without elected representative institutions or political parties. It is ruled by King Fahd Bin Abd Al-Aziz Al Saud, a son of King Abd Al-Aziz Al Saud, who unified the country in the early 20th century. Since the death of King Abd Al-Aziz, the King and Crown Prince have been chosen from among his sons, who themselves have had preponderant influence in the choice. A 1992 royal decree reserves for the King exclusive power to name the Crown Prince. Crown Prince Abdullah has played an increasing role in governance since King Fahd suffered a stroke in 1995. The Government has declared the Islamic holy book the Koran, and the Sunna (tradition) of the Prophet Muhammad, to be the country's Constitution. The Government bases its legitimacy on governance according to the precepts of a rigorously conservative form of Islam. Neither the Government nor society in general accepts the concept of separation of religion and state. The Government prohibits the establishment of political parties and suppresses opposition views. In 1992 King Fahd appointed a Consultative Council, or Majlis Ash-Shura, and similar provincial assemblies. The Majlis, a strictly advisory body, began holding sessions in 1993 and was expanded in 1997. The judiciary is generally independent but is subject to influence by the executive branch and members of the royal family.

Police and border forces under the Ministry of Interior are responsible for internal security. The Mutawwa'in, or religious police, constitute the Committee to Prevent Vice and Promote Virtue, a semiautonomous agency that enforces adherence to Islamic norms by monitoring public behavior. The Government maintains general control of the security forces. However, members of the security forces committed human rights abuses.

The oil industry has fueled the transformation of Saudi Arabia from a pastoral, agricultural, and commercial society to a rapidly urbanizing one, characterized by large-scale infrastructure projects, an extensive social welfare system, and a labor market comprised largely of foreign workers. Oil revenues account for around 55 percent of the gross domestic product (GDP) and 80 percent of government income. Agriculture accounts for only about 6 percent of GDP. Government spending, including spending on the national airline, power, water, telephone, education, and health services, accounts for 24 percent of GDP. About 40 percent of the economy is nominally private, and the Government is promoting further privatization of the economy. In 1995 the Government began an aggressive campaign to increase the number of Saudi nationals represented in the public and private work forces. The campaign has restricted employment of some categories of foreign workers by limiting certain occupations to Saudis only, increasing fees for some types of work visas, and setting minimum wages for some job categories in order to increase the cost to employers of non-Saudi labor. In August 1998, the Government announced that citizens had to constitute at least 5 percent of the work force in private sector companies by October 1998, an amount that, according to a 1995 ministerial decree, should be 15 percent. Despite a crackdown on illegal workers and the citizens who employ or

house them, the program has continued to fall short of its goal of increasing the Saudi percentage of the work force by 5 percent each year.

The Government's human rights record remained generally poor in a number of areas; however, its record showed limited improvement in some areas. Citizens have neither the right nor the legal means to change their government. Security forces continued to abuse detainees and prisoners, arbitrarily arrest and detain persons, and facilitate incommunicado detention; in addition there were allegations that security forces committed torture. Prolonged detention without charge is a problem. Security forces committed such abuses, in contradiction to the law, but with the acquiescence of the Government. Mutawwa'in (religious police, who constitute the Committee to Promote Virtue and Prevent Vice) continued to intimidate, abuse, and detain citizens and foreigners. The Government infringes on citizens' privacy rights. The Government prohibits or restricts freedom of speech, the press, assembly, association, religion, and movement. However, during the year the Government tolerated a wider range of debate and criticism in the press concerning domestic issues. Other continuing problems included discrimination and violence against women, discrimination against ethnic and religious minorities, and strict limitations on worker rights. The Government views its interpretation of Islamic law as its sole source of guidance on human rights and disagrees with internationally accepted definitions of human rights. However, during the year, the Government initiated limited measures to participate in international human rights mechanisms. For example, it invited to the country the U.N. Special Rapporteur on the Independence of Judges and Lawyers and acceded to (with reservations) the U.N. Convention on the Elimination of All Forms of Discrimination Against Women.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political killings.

In November 1998, several Mutawwa'in attacked and killed an elderly Shi'a prayer leader in Hofuf for repeating the call to prayer twice (a traditional Shi'a practice). Attempts by Mutawwa'in to cover up the killing were unsuccessful. After investigating the incident, the Government stated that medical reports indicated that the man's death resulted from a drop in his blood pressure because of old age. The Government stated that the death was not a criminal incident.

The investigation of the 1996 Al-Khobar bombing, which killed 19 U.S. servicemen, continued. The Government has not yet issued a report of its findings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There were credible reports that the authorities abused detainees, both citizens and foreigners. Ministry of Interior officials are responsible for most incidents of abuse, including beatings and sleep deprivation. In addition, there were allegations of torture. Although the Government has ratified the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, it has refused to recognize the authority of the Committee Against Torture to investigate alleged abuses. In 1998 the Government pledged to cooperate with U.N. human rights mechanisms, and it announced in April the establishment of a committee to investigate allegations of torture pursuant to its obligations under the convention (see Section 4). However, although the Government asks for details of reports of torture and other human rights abuses made by international human rights groups, it does not permit international observers to investigate such reports. The Government's general refusal to grant members of diplomatic missions access to the Ministry of Interior detention facilities, or allow members of international human rights groups into the country, hinders efforts to confirm or discount reports of abuses. The Government's past failure to criticize human rights abuses has contributed to the public perception that security forces may commit abuses with impunity.

The Mutawwa'in continued to intimidate, abuse, and detain citizens and foreigners of both sexes (see Sections 1.d., 1.f., and 2.c.).

The Government punishes criminals according to its interpretation of Shari'a (Islamic law). Punishments include flogging, amputation, and execution by beheading, stoning, or firing squad. The authorities acknowledged 120 executions during the year, an increase from 100 in 1999. Executions included 62 persons convicted of murder, 21 convicted of narcotics-related offenses, 22 convicted of rape, and 10 convicted of armed robbery. The executions also included two women for murder and three for drug trafficking. The men were executed by beheading and the women were executed by firing squad. The government of Nigeria criticized Saudi Arabia for the execution of seven Nigerians convicted of bank robbery. In accordance with

Shari'a, the authorities may punish repeated thievery by amputation of the right hand. There were 27 reports of amputations, including 7 reports of multiple amputations (right hand, left leg) for the crime of highway robbery during the year. Persons convicted of less serious offenses, such as alcohol-related offenses or being alone in the company of an unrelated person of the opposite sex, sometimes were punished by flogging with a cane.

On April 16, the Associated Press reported that 5 persons had been sentenced to 2,600 lashes and 6 years in prison, and 4 persons to 2,400 lashes and 5 years' imprisonment, for "deviant sexual behavior." Amnesty International reported in July that six men were executed on charges of deviant sexual behavior, some of which were related to their sexual orientation. Amnesty International was uncertain whether the six men who were executed were among the nine who were sentenced to flogging and imprisonment in April.

During the year, a court ordered that the eye of an Egyptian man be removed as punishment for an attack 6 years ago in which he was convicted of throwing acid on another Egyptian man. The victim, who lost his eye in the attack and suffered other disfigurement, had urged the court to implement Al-Qisas, the Shari'a provision stipulating that the punishment be commensurate with the crime. Press accounts stated that the convicted man's eye was removed at a hospital in August.

Prison and jail conditions vary throughout the Kingdom. Prisons generally meet internationally accepted standards and provide air-conditioned cells, good nutrition, regular exercise, and careful patrolling by prison guards. However, some police station jails are overcrowded and unsanitary. Authorities generally allowed family members access to detainees.

Boards of Investigation and Public Prosecution, organized on a regional basis, were established by King Fahd in 1993. The members of these boards have the right to inspect prisons, review prisoners' files, and hear their complaints. However, the Government does not permit human rights monitors to visit prisons or jails. The Government does not allow impartial observers of any type access to specialized Ministry of Interior prisons, where it detains persons accused of political subversion.

Representatives of the United Nations High Commissioner for Refugees (UNHCR) are present at the Rafha refugee camp, which houses former Iraqi prisoners of war and civilians who fled Iraq following the Gulf War. According to UNHCR officials, there was no systematic abuse of refugees by camp guards. When isolated instances of abuse have surfaced in the past, the authorities have been responsive and willing to investigate allegations and reprimand offending guards. The camp receives a high level of material assistance and is generally comfortable and well-run. However, the Government generally confines refugees to the camp, except in the event of approved emigration.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest; however, some officers make arrests and detain persons without following explicit legal guidelines. There are few procedures to safeguard against abuse, although the Government claims that it punishes individual officers who violate regulations. There have been few publicized cases of citizens successfully obtaining judicial redress for abuse of the Government's power of arrest and detention.

In accordance with a 1983 Ministry of Interior regulation, authorities usually detain suspects for no longer than 3 days before charging them. However, serious exceptions have been reported. The regulation also has provisions for bail for less serious crimes. Also, authorities sometimes release detainees on the recognizance of a patron or sponsoring employer without the payment of bail. If they are not released, authorities typically detain accused persons for an average of 2 months before sending the case to trial or, in the case of some foreigners, summarily deporting them. There is no established procedure providing detainees the right to inform their family of their arrest.

The Mutawwa'in have the authority to detain persons for no more than 24 hours for violations of the strict standards of proper dress and behavior. However, they sometimes exceeded this limit before delivering detainees to the police (see Section 1.f.). Current procedures require a police officer to accompany the Mutawwa'in at the time of an arrest. Mutawwa'in generally complied with this requirement. During the year, in the more conservative Riyadh district, the number of reports received of Mutawwa'in accosting, abusing, arresting, and detaining persons alleged to have violated dress and behavior standards was comparable to 1999. The Jeddah district also received a similar number of reports as in the previous year.

In January the Government arrested 16 Filipino Christians during a raid on a prayer service. Government officials maintained that the religious service was attended by such a large number of persons that it could not be considered private. All of the detainees subsequently were released and deported to the Philippines (see Section 2.c.). According to Amnesty International, Hashim Al-Sayyid Al-Sada, a

Shi'a cleric suspected of political or religious dissent, was arrested in his home in April and reportedly has been held incommunicado since then (see Section 2.c.). In June the Government arrested an Indian Christian for possession of a videotape of a religious event. He was released after spending 2 months in jail and was deported to India (see Section 2.c.). On November 30, the police detained five Christian worshippers for about an hour for questioning regarding their activities (see Section 2.c.). In December the authorities raided a worship service and arrested six Filipino citizens; three remained in custody at year's end (see Section 2.c.).

Political detainees who are arrested by the General Directorate of Investigation (GDI), the Ministry of Interior's security service, commonly are held incommunicado in special prisons during the initial phase of an investigation, which may last weeks or months. The GDI allows the detainees only limited contact with their families or lawyers.

The authorities may detain without charge persons who publicly criticize the Government or may charge them with attempting to destabilize the Government (see Sections 2.a. and 3). In January the Government announced that it had released, under its annual Ramadan amnesty, 4,637 prisoners and detainees, including 1,807 foreigners. It is unclear whether there were any political detainees or prisoners among those released.

There is no reliable information about the total number of political detainees.

Since beginning the investigation of the 1996 bombing of a U.S. military facility in Saudi Arabia, authorities have detained, interrogated, and confiscated the passports of a number of Shi'a Muslims suspected of fundamentalist tendencies or Iranian sympathies. The Government reportedly still holds in jail an unknown number of Shi'a arrested in the aftermath of the bombing. Government security forces reportedly arrest Shi'a on the smallest suspicion, hold them in custody for lengthy periods, and then release them without explanation (see Section 2.c.).

The Government did not use forced exile, and there were no reports that it revoked citizenship for political purposes during the year. However, it previously has revoked the citizenship of opponents of the Government who reside outside the country (see Section 3).

e. Denial of Fair Public Trial.—The independence of the judiciary is prescribed by law and usually is respected in practice; however, judges occasionally accede to the influence of the executive branch, particularly members of the royal family and their associates, who are not required to appear before the courts. Moreover, the Ministry of Justice exercises judicial, financial, and administrative control of the courts.

The legal system is based on Shari'a. Shari'a courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance. These courts base judgments largely on a code derived from the Koran and the Sunna, another Islamic text. Cases involving relatively small penalties are tried in Shari'a summary courts; more serious crimes are adjudicated in Shari'a courts of common pleas. Appeals from Shari'a courts are made to the courts of appeal.

Other civil proceedings, including those involving claims against the Government and enforcement of foreign judgments, are held before specialized administrative tribunals, such as the Commission for the Settlement of Labor Disputes and the Board of Grievances.

The Government permits Shi'a Muslims to use their own legal tradition to adjudicate noncriminal cases within their community.

The military justice system has jurisdiction over uniformed personnel and civil servants who are charged with violations of military regulations. The Minister of Defense and Aviation and the King review the decisions of courts-martial.

The Supreme Judicial Council is not a court and may not reverse decisions made by a court of appeals. However, the Council may review lower court decisions and refer them back to the lower court for reconsideration. Only the Supreme Judicial Council may discipline or remove a judge. The King appoints the members of the Council.

The Council of Senior Religious Scholars is an autonomous body of 20 senior religious jurists, including the Minister of Justice. It establishes the legal principles to guide lower-court judges in deciding cases.

The law grants defendants the right to a lawyer and translator; however, defendants usually appear without an attorney before a judge, who determines guilt or innocence in accordance with Shari'a standards. The courts generally do not provide foreign defendants with translators. Defense lawyers may offer their clients advice before trial or may attend the trial as interpreters for those unfamiliar with Arabic. Public defenders are not provided. Individuals may choose any person to represent

them by a power of attorney filed with the court and the Ministry of Justice. Most trials are closed.

A woman's testimony does not carry the same weight as that of a man. In a Shari'a court, the testimony of one man equals that of two women. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge almost always are required for criminal conviction—a situation that repeatedly has led prosecuting authorities to coerce confessions from suspects by threats and abuse. Female parties to court proceedings such as divorce and family law cases generally must deputize male relatives to speak on their behalf.

Sentencing is not uniform. Laws and regulations state that defendants should be treated equally; however, foreign residents sometimes receive harsher penalties than citizens. Under Shari'a as interpreted and applied in Saudi Arabia, crimes against Muslims receive harsher penalties than those against non-Muslims. In the case of wrongful death, the amount of indemnity or "blood money" awarded to relatives varies with the nationality, religion, age, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran.

Provincial governors have the authority to exercise leniency and reduce a judge's sentence. In general members of the royal family and other powerful families are not subject to the same rule of law as ordinary citizens (see Sections 1.a. and 3). For example, judges do not have the power to issue a warrant summoning any member of the royal family.

The King and his advisors review cases involving capital punishment. The King has the authority to commute death sentences and grant pardons, except for capital crimes committed against individuals. In such cases, he may request the victim's next of kin to pardon the murderer—usually in return for compensation from the family or the King.

There is insufficient information to determine the number of political prisoners. The Government does not provide information on political prisoners or respond to inquiries about them. It does not allow access to political prisoners by international humanitarian organizations. Moreover, the Government conducts closed trials for persons who may be political prisoners and in other cases has detained persons incommunicado for long periods while they are under investigation. Amnesty International estimates the number of political prisoners to be between 100 and 200.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Government infringes on these rights. The sanctity of family life and the inviolability of the home are among the most fundamental of Islamic precepts. Royal decrees announced in 1992 include provisions calling for the Government to defend the home from unlawful intrusions, while laws and regulations prohibit officials from intercepting mail and electronic communication except when necessary during criminal investigations. Nonetheless, there are few procedural safeguards against government interference with one's privacy, family, home, or correspondence.

The police generally must demonstrate reasonable cause and obtain permission from the provincial governor before searching a private home; however, warrants are not required.

Customs officials routinely open mail and shipments to search for contraband, including material deemed pornographic and non-Muslim religious material. Customs officials confiscated or censored materials considered offensive, including Christian Bibles and religious videotapes (see Section 2.c.). The authorities also open mail and use informants and wiretaps in internal security and criminal matters. Security forces used wiretaps against foreigners suspected of alcohol-related offenses. Informants (known as "mukhbir") and ward bosses (known as "umdas") report "seditious ideas" or antigovernment activity in their neighborhoods to the Ministry of the Interior.

The Government enforces most social and Islamic religious norms, which are matters of law (see Section 5). Women may not marry noncitizens without government permission; men must obtain approval from the Ministry of Interior to marry women from countries outside the six states of the Gulf Cooperation Council. In accordance with Shari'a, women are prohibited from marrying non-Muslims; men may marry Christians and Jews, as well as Muslims.

Mutawwa'in practices and incidents of abuse varied widely in different regions of the country but were most numerous in the central Nejd region. In certain areas, both the Mutawwa'in and religious vigilantes acting on their own harassed, assaulted, battered, arrested, and detained citizens and foreigners (see Section 1.d.). The Government requires the Mutawwa'in to follow established procedures and to offer instruction in a polite manner; however, Mutawwa'in did not always comply with the requirements. The Government has not criticized publicly abuses by Mutawwa'in and religious vigilantes but has sought to curtail such abuses.

Mutawwa'in enforcement of strict standards of social behavior included the closing of commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places. Mutawwa'in frequently reproached citizen and foreign women for failure to observe strict dress codes, and arrested men and women found together who were not married or closely related.

Some professors believe that informers monitor comments made in university classrooms (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government severely limits freedom of speech and the press. However, the authorities allow the press some freedom to criticize governmental bodies and social policies through editorial comments and cartoons.

The authorities do not permit criticism of Islam or the royal family, and criticism of the Government is limited. However, during the year the authorities tolerated increasing criticism of governmental bodies and social policies in editorial comments and cartoons. For example, some newspapers published criticism of specific cabinet ministries and ministers for their handling of a disease outbreak, while another published a column criticizing the Minister of Finance for lack of transparency in the Government's spending of oil revenues. One newspaper published a column in support of allowing women to drive by disputing the arguments of a member of the Council of Senior Islamic Scholars who opposes such actions. The press also carried an extensive discussion on human rights following the publication of an Amnesty International report critical of government human rights practices. While nearly all media reports concurred with the Government's dismissive response to the Amnesty International report, one editorial that circulated widely called on regional governments to listen to criticism and review their human rights practices (see Section 4). Persons whose criticisms align them with an organized political opposition are subject to arrest and detention until they confess to a crime or sign a statement promising not to resume such criticisms, which is tantamount to a confession. Writer Zuheir Kutbi claims that he has been imprisoned six times for his writings. Due to his imprisonment, Kutbi has been deprived of employment and his passport, and lives under government surveillance.

The print media are privately owned but publicly subsidized. A 1982 media policy statement and a 1965 national security law prohibit the dissemination of criticism of the Government. The media policy statement urges journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve the cultural heritage of the country. The Ministry of Information appoints, and may remove, the editors in chief. It also provides guidelines to newspapers on controversial issues. The Government owns the Saudi Press Agency (SPA), which expresses official government views.

In November the Government approved a wide-ranging new press law that would permit the creation of professional journalism societies and permit the publication of foreign newspapers in the Kingdom. The new law states that local publications will be subject to censorship only in emergencies and pledges to protect free expression of opinion; however, the law obliges authorities to censor foreign publications that defame Islam and harm the interests of the state or the "ethics of the people." It is not yet clear whether the implementation of the new law will change current practices regarding freedom of expression.

Newspapers typically publish news on sensitive subjects, such as crime or terrorism, only after it has been released by the SPA or when it has been authorized by a senior government official. Two Saudi-owned, London-based dailies, Ash-Sharq Al-Awsat and Al-Hayat, are widely distributed and read in the country. Both newspapers tend to practice self-censorship in order to comply with government restrictions on sensitive issues. The authorities continue to censor stories about the country in the foreign press. Censors may remove or blacken the offending articles, glue pages together, or prevent certain issues of foreign publications from entering the market. However, the Ministry of Information continued to relax its blackout policy regarding politically sensitive news concerning the country reported in the international media, although press restrictions on reporting of domestic news remain very stringent. The Government's policy in this regard appears to be motivated in part by pragmatic considerations: Saudi access to outside sources of information, such as Arabic and Western satellite television channels and the Internet, is increasingly widespread.

In February Information Minister Fuad Al-Farsi imposed a ban of 1 week on the daily sports newspaper Ar-Reyadi because of a column by a popular sports journalist, Prince Abdulrahman bin Saud, that attacked another sports journalist. The ban was lifted after 2 days.

The editors of two Yemeni newspapers, Al-Wahdawi and Al-Ihya Al-Arabi, claimed that actions taken against the newspapers by the Yemeni Ministry of Information, including filing a lawsuit, detaining a journalist, and suspending publication of one of the newspapers, were a direct result of pressure applied by the Saudi Government after the newspapers had published articles critical of Saudi Arabia.

In December a newspaper reported that while one of its reporters was investigating a story about the illegal slaughtering of animals by a restaurant, local police arrested, fingerprinted, interrogated, and then released the reporter. In a front-page commentary, the newspaper stated that local police were protecting the restaurant's owners.

The Government tightly restricts the entry of foreign journalists into the Kingdom.

The Government owns and operates the country's television and radio companies. Government censors remove any reference to politics, religions other than Islam, pork or pigs, alcohol, and sex from foreign programs and songs. There are well over 1 million satellite receiving dishes in the country, which provide citizens with foreign broadcasts. The legal status of these devices is ambiguous. The Government ordered a halt to their importation in 1992 at the request of religious leaders who objected to foreign programming being made available on satellite channels. In 1994 the Government banned the sale, installation, and maintenance of dishes and supporting devices; however, the number of dishes continues to increase, and residents legally may subscribe to satellite decoding services that require a dish.

In December the Council of Senior Islamic Scholars ruled that watching the popular Ramadan television series "Tash Ma Tash" was contrary to proper Islamic conduct. The program, which was broadcast on a government channel, mildly parodied bureaucratic delays and social problems. The Government did not publicize the Council's ruling nor did it stop airing the program.

The Government bans all books, magazines, and other materials that it considers sexual or pornographic in nature. The Ministry of Information compiles and updates a list of publications that are prohibited from being sold in the country.

Access to the Internet is available legally only through Saudi servers, which are monitored heavily by the Government. Some citizens attempt to circumvent this control by accessing the Internet through servers in other countries. The Government attempts to block all web sites that it deems sexual, pornographic, politically offensive, or "unIslamic." However, such web sites are accessible from within the country. According to Human Rights Watch, in April the Government closed a women-only Internet cafe in Mecca after a court complaint that the cafe was being used for "immoral purposes."

The Government censors all forms of public artistic expression and prohibits cinemas and public musical or theatrical performances, except those that are considered folkloric.

Academic freedom is restricted. The authorities prohibit the study of evolution, Freud, Marx, Western music, and Western philosophy. Some professors believe that informers monitor their classroom comments and report to government and religious authorities.

b. Freedom of Peaceful Assembly and Association.—The Government strictly limits freedom of assembly. It prohibits public demonstrations as a means of political expression. Public meetings are segregated by sex. Unless meetings are sponsored by diplomatic missions or approved by the appropriate governor, foreign residents who seek to hold unsegregated meetings risk arrest and deportation. The authorities monitor any large gathering of persons, especially of women. The Mutawwa'in dispersed groups of women found in public places, such as restaurants. Government policy permits women to attend cultural and social events at diplomatic chanceries and residences only if they are accompanied by a father, brother, or husband. However, in practice police often implement the policy in an arbitrary manner. On many occasions during the year, authorities actively prohibited women from entering diplomatic chanceries or residences to attend cultural events and lectures. However, for several years authorities have allowed unescorted Saudi women to attend women-only cultural events hosted at a diplomatic mission.

In October citizens took part in a number of illegal demonstrations protesting the Israeli Government's actions against Palestinians in Israel, the West Bank, and Gaza in the fall. According to media accounts, the authorities did not interfere with two demonstrations conducted by women at universities and another outside a mosque; however, the authorities dispersed several other small, apparently spontaneous public demonstrations against Israel in Riyadh, AlJawf province, and elsewhere.

The Government strictly limits freedom of association. It prohibits the establishment of political parties or any type of opposition group (see Section 3). By its power

to license associations, the Government ensures that groups conform to public policy. The Government licenses a large number of humanitarian organizations and tribal and professional societies, such as the Saudi Chemists Society and the Saudi Pharmacists Society. The Government claims that such groups operate without government interference because they are not detrimental to public security.

c. Freedom of Religion.—Freedom of religion does not exist. Islam is the official religion and all citizens must be Muslims. The Government prohibits the public practice of other religions. Private worship by non-Muslims generally is permitted.

Saudi Arabia is an Islamic monarchy and the Government has declared the Islamic holy book, the Koran, and the Sunna (tradition) of the Prophet Muhammad, to be the country's Constitution. The Government bases its legitimacy on governance according to the precepts of the rigorously conservative and strict interpretation of the Hanbali school of the Sunni branch of Islam and discriminates against other branches of Islam. Neither the Government nor society in general accepts the concepts of separation of religion and state, and such separation does not exist.

Islamic practice generally is limited to that of the Wahabi order, which adheres to the Hanbali school of the Sunni branch of Islam as interpreted by Muhammad Ibn Abd Al-Wahab, an 18th century Arabian religious reformer. Practices contrary to this interpretation, such as visits to the tombs of renowned Muslims, are discouraged. The practice of other schools of Sunni Islam is discouraged, and there is institutionalized discrimination against adherents of the Shi'a branch of Islam. The Government supervises almost all mosques in the country and funds their construction, maintenance, and operations.

The Ministry of Islamic affairs directly supervises, and is a major source of funds for, the construction and maintenance of almost all mosques in the country. The Ministry pays the salaries of imams (prayer leaders) and others who work in the mosques. A governmental committee is responsible for defining the qualifications of imams. The Mutawwa'in are government employees, and the president of the Mutawwa'in holds the rank of cabinet minister. The spreading of Muslim teachings not in conformance with the officially accepted interpretation of Islam is prohibited. Writers and other individuals who publicly criticize this interpretation, including both those who advocate a stricter interpretation and those who favor a more moderate interpretation than the Government's, reportedly have been imprisoned and faced other reprisals.

The Shi'a Muslim minority (roughly 900,000 persons) lives mostly in the eastern province, in which Shi'a constitute about one-third of the population. Members of the Shi'a minority are the objects of officially sanctioned political and economic discrimination. Prior to 1990, the Government prohibited Shi'a public processions during the Islamic month of Muharram and restricted other processions and congregations to designated areas in the major Shi'a cities. Since 1990 the authorities have permitted the celebration of the Shi'a holiday of Ashura in the eastern province city of Qatif, provided that the celebrants do not undertake large, public marches or engage in self-flagellation (a traditional Shi'a practice). The celebrations are monitored heavily by the police. No other Ashura celebrations are permitted in the Kingdom, and many Shi'a travel to Qatif or to Bahrain to participate in Ashura celebrations.

Early in the year, a Shi'a sheikh was taken into custody, and three other sheikhs were arrested for unknown reasons near the border with Jordan. Human Rights Watch reported that at least seven additional Shi'a religious leaders reportedly remained in detention for violating restrictions on Shi'a religious practices.

According to Amnesty International, Hashim Al-Sayyid Al-Sada, a Shi'a cleric suspected of political or religious dissent, was arrested in his home in April and reportedly has been held incommunicado since then (see Section 1.d.).

The Government seldom permits private construction of Shi'a mosques. Shi'a have declined government offers to build statesupported mosques because the Government would prohibit the incorporation and display of Shi'a motifs in any such mosques. The Government actively discourages Shi'a travel to Iran to visit pilgrimage sites, although Shi'a citizens are permitted to visit holy sites in Iraq.

Since the 1979 Iranian revolution, authorities have detained, interrogated, and confiscated the passports of a number of Shi'a suspected of subversion (see Sections 1.d. and 2.d.). The Government reportedly still holds in jail an unknown number of Shi'a who were arrested in the aftermath of the Al-Khobar bombing. Government security forces reportedly arrest Shi'a on the smallest suspicion, hold them in custody for lengthy periods, and then release them without explanation (see Section 1.d.).

In April in the city of Najran, in the southwest region bordering Yemen, rioting by members of the Makarama Ismaili Shi'a eventually led to an attack by an armed group of Shi'a on a hotel that contained an office of the regional governor. Security forces responded, leading to extended gun battles between the two sides. Some press

reports indicated that the rioting followed the arrest of a Makarama Ismaili Shi'a imam and some of his followers on charges of "sorcery." Various other reports attributed the unrest to the closure of two Ismaili Shi'a mosques and the provincial governor's refusal to permit Ismailis to hold public observances of the Shi'a holiday of Ashura. Still other reports attributed the unrest to a local crackdown on smuggling and resultant tribal discontent. Officials at the highest level of the Government stated that the unrest in Najran was not the result of Shi'a-Sunni tension or religious discrimination. After the unrest ended the Government stated that 5 members of the security forces were killed, and Ismaili leaders claimed that as many as 40 Ismaili tribesmen were killed. There was no independent confirmation of these claims.

Magic is widely believed in and sometimes practiced, often in the form of fortune-telling and swindles. However, under Shari'a the practice of magic is regarded as the worst form of polytheism, an offense for which no repentance is accepted, and which is punishable by death. There are an unknown number of detainees held in prison on the charge of "sorcery," or the practice of "black magic" or "witchcraft." In a few cases, self-proclaimed "miracle workers" have been executed for sorcery involving physical harm or apostasy. In 1999 the Al-Bilad newspaper reported that the Interior Ministry ordered the execution of a Sudanese man convicted of practicing magic in Jeddah for 3^o years. The man claimed to be an herbal medicine expert and had treated a number of women with tonics and potions; he reportedly possessed 16 spell books and related paraphernalia. The man reportedly confessed to conspiring with Jinns (beings made of fire that coexist with humans) in "efforts to separate wives from their husbands."

During the year, foreign imams were barred from leading worship during the most heavily attended prayer times and prohibited from delivering sermons during Friday congregational prayers. The Government claims that its actions were part of its "Saudiization" plan to replace foreign workers with citizens.

Under Shari'a conversion by a Muslim to another religion is considered apostasy. Public apostasy is a crime punishable by death if the accused does not recant.

The Government prohibits public non-Muslim religious activities. Non-Muslim worshippers risk arrest, lashing, and deportation for engaging in overt religious activity that attracts official attention.

During the year, senior officials in the Government publicly reaffirmed the right of non-Muslims to engage in private religious worship. In an address to the 56th session of the U.N. Committee on Human Rights in April, Prince Turki bin Muhammad bin Saud Al-Kabir, Director of the International Organizations Department of the Ministry of Foreign Affairs, stated that "non-Muslims enjoy full freedom to engage in their religious observances in private" (see Section 4). The media widely disseminated Prince Turki's speech and the media increasingly acknowledges the right to private non-Muslim worship. Such private non-Muslim worship occurs on a wide scale throughout the country, including on the premises of several foreign embassies.

Other high-level officials have confirmed that the Government does not sanction investigation or harassment of such private worship services. These officials ascribe any residual harassment of private worship services or seizure of personal religious materials such as Bibles or icons to individuals and organizations acting on their own authority and in contradiction of government policy. Representatives of Christian denominations present in the country report that the Government is not interfering with private worship services as long as those services remain discreet.

However, in January the Government arrested 16 Filipino Christians during a raid on a prayer service. Government officials maintained that the religious service was attended by such a large number of persons that it could not be considered private. After 6 weeks of detention, all of the detainees were released and deported to the Philippines. On November 30, religious police broke up a worship service of about 60 Christians. Police seized Bibles, musical instruments, and documents relating to other Christian activities. Police detained five of the worshippers for questioning, then released them after they signed a confession. None of the worshippers was arrested. In June the Government arrested an Indian Christian for possession of a videotape of a religious event. He was released in August after spending 2 months in jail and then deported to India (see Section 1.d.). On December 8 in Riyadh, the authorities raided a gathering of 12 Filipino Christians after a worship service. The authorities arrested six of the individuals; two were released the same day, one subsequently was released, and three remained in custody at year's end.

Proselytizing by non-Muslims is illegal, although there were no reports during the year of arrests for proselytizing. Persons wearing religious symbols of any kind in public risk confrontation with the Mutawwa'in. This general prohibition against religious symbols also applies to Muslims. A Christian wearing a crucifix or a Muslim

wearing a Koranic necklace in public would be admonished. In certain areas, both the Mutawwa'in and vigilantes acting on their own harassed, assaulted, battered, arrested, and detained citizens and foreigners (see Sections 1.c., 1.d., and 1.f.).

Customs officials routinely open mail and shipments to search for contraband, including material that is deemed pornographic, and non-Muslim religious material. Customs officials confiscated or censored materials considered offensive, including Bibles and religious videotapes.

Islamic religious education is mandatory in public schools at all levels. All children receive religious instruction, which generally is limited to that of the Hanbali school of Islam.

In accordance with Shari'a, Saudi women are prohibited from marrying non-Muslims, but Saudi men may marry Christians and Jews, as well as Muslims.

The Government requires noncitizens to carry Iqamas, or legal resident identity cards, which contain a religious designation for "Muslim" or "non-Muslim."

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts the travel of Saudi women, who must obtain written permission from their closest male relative before the authorities allow them to board domestic public transportation or to travel abroad (see Section 5). In 1999 the Ministry of Interior announced that preparations were underway to issue identity cards to women, which would have been a step toward allowing women to establish independent legal identities from men and to secure greater rights in many areas, including travel. However, the Ministry announced in August that the current identification document system for women would be maintained for another 3 years and thus identity cards would not be issued. Men may travel anywhere within the country or abroad.

Foreigners typically are allowed to reside or work in the country only under the sponsorship of a citizen or domestic business. The Government requires foreign residents to carry identification cards. It does not permit foreigners to travel outside the city of their employment or change their workplace without their sponsor's permission. Foreign residents who travel within the country may be asked by the authorities to show that they possess letters of permission from their employer or sponsor.

Sponsors generally retain possession of foreign workers' passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors are involved in a commercial or labor dispute with foreign employees, they may ask the authorities to prohibit the employees from departing the country until the dispute is resolved. Some sponsors use this as a pressure tactic to resolve disputes in their favor or to have foreign employees deported. There were numerous reports of the Government prohibiting foreign employees involved in labor disputes from departing the country until the dispute was resolved (see Section 5).

The Government seizes the passports of all potential suspects and witnesses in criminal cases and suspends the issuance of exit visas to them until the case is tried or otherwise concluded. As a result, some foreign nationals are forced to remain in the country for lengthy periods against their will. The authorities sometimes confiscate the passports of suspected oppositionists and their families. The Government actively discourages Shi'a from traveling to Iran to visit pilgrimage sites. The Government still punishes Shi'a who travel to Iran without permission from the Ministry of the Interior, or those suspected of such travel, by confiscating passports for up to 2 years (see Section 5).

Citizens may emigrate, but the law prohibits dual citizenship. Apart from marriage to a Saudi national, there are no provisions for foreign residents to acquire citizenship. However, foreigners are granted citizenship in rare cases, generally through the advocacy of an influential patron.

The 1992 Basic Law provides that "the state will grant political asylum if the public interest mitigates" in favor of it. The language does not specify clear rules for adjudicating asylum cases. In general the authorities regard refugees and displaced persons like other foreign workers: They must have sponsors for employment or risk expulsion. Of the 33,000 Iraqi civilians and former prisoners of war given refuge in the country at the end of the Gulf War, none has been granted permanent asylum; however, the Government has underwritten the entire cost of providing safe haven to the Iraqi refugees and continues to provide excellent logistical and administrative support to the UNHCR and other resettlement agencies.

Approximately 27,000 of the original 33,000 Iraqi refugees had been resettled in other countries or voluntarily repatriated to Iraq at year's end. Most of the approximately 5,400 remaining refugees, as well as 160 Afghan refugees, are restricted to the Rafha refugee camp. The UNHCR has monitored over 3,000 persons voluntarily returning to Iraq from Rafha since December 1991 and found no evidence of forcible repatriation (see Section 1.c.).

The Government has allowed some foreigners to remain temporarily in the country in cases where their safety would be jeopardized if they were deported to their home countries.

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

Citizens do not have the right to change their government. There are no formal democratic institutions, and only a few citizens have a voice in the choice of leaders or in changing the political system. The King rules on civil and religious matters within certain limitations established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders.

The King is also the Prime Minister, and the Crown Prince serves as Deputy Prime Minister. The King appoints all other ministers, who in turn appoint subordinate officials with cabinet concurrence. In 1992 the King appointed 60 members to a Consultative Council, or Majlis Ash-Shura. This strictly advisory body began to hold sessions in 1993. In 1997 the King expanded the council to 90 members. There are two Shi'a on the Council. The Council engages in debates that, while closed to the general public, provide advice and views occasionally contrary to the Government's proposed policy or recommended course of action. The Government usually incorporates the Majlis' advice into its final policy announcements or tries to convince it that the Government's policy is correct.

The Council of Senior Islamic Scholars is another advisory body to the King and the Cabinet. It reviews the Government's public policies for compliance with Shari'a. The Government views the Council as an important source of religious legitimacy and takes the Council's opinions into account when promulgating legislation.

In June the press reported on the first meeting of a newly established "Royal Family Council," which is composed of the Crown Prince and representatives of major branches of the extended royal family. The Council's stated purpose is to consider "major decisions regarding the family." Its role in government, if any, is not clear.

Communication between citizens and the Government usually is expressed through client-patron relationships and by affinity groups such as tribes, families, and professional hierarchies. In theory, any male citizen or foreign national may express an opinion or air a grievance at a majlis, an open-door meeting held by the King, a prince, or an important national or local official. However, as governmental functions have become more complex, time-consuming, and centralized, public access to senior officials has become more restricted. Since the assassination of King Faisal in 1975, Saudi kings have reduced the frequency of their personal contacts with the public. Ministers and district governors more readily grant audiences at a majlis.

Typical topics raised in a majlis are complaints about bureaucratic delay or insensitivity, requests for personal redress or assistance, and criticism of particular acts of government affecting family welfare. Broader "political" concerns—social, economic, or foreign policy—rarely are raised. Complaints about royal abuses of power are not entertained. In general journalists, academics, and businessmen believe that institutionalized avenues of domestic criticism of the regime are closed. Feedback is filtered through private personal channels and has affected various policy issues, including the Middle East peace process, unemployment of young Saudi men, and the construction of new infrastructure.

The Committee for the Defense of Legitimate Rights (CDLR), an opposition group, was established in 1993. The Government acted almost immediately to repress it. In 1994 one of its founding members, Mohammed Al-Masari, fled to the United Kingdom, where he sought political asylum and established an overseas branch of the CDLR. In 1996 internal divisions within the CDLR led to the creation of the rival Islamic Reform Movement (IRM), headed by Sa'ad Al-Faqih. Al-Masari expressed the CDLR's "understanding" of two fatal terrorist bombings of U.S. military facilities in 1995 and 1996 and sympathy for the perpetrators. The IRM implicitly condoned the two terrorist attacks as well, arguing that they were a natural outgrowth of a political system that does not tolerate peaceful dissent. Both groups continue to criticize the Government, using computers and facsimile transmissions to send newsletters back to Saudi Arabia.

Women play no formal role in government and politics and are actively discouraged from doing so. Participation by women in a majlis is restricted, although some women seek redress through female members of the royal family.

Two of the 90 members of the Majlis Ash-Shura are Shi'a.

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

There are no publicly active human rights groups, and the Government has made it clear that none critical of government policies would be permitted. Both Amnesty International and Human Rights Watch reported that they have received no responses to their requests for access to the country. However, the press carried an extensive discussion on human rights following the publication in March of an Amnesty International report critical of the Government's human rights practices. While nearly all media reports concurred with the Government's dismissive response to the report, one editorial that circulated widely called on regional governments to listen to human rights criticism and review their human rights practices (see Section 2.a.).

The Government generally does not permit visits by international human rights groups or independent monitors. The Government disagrees with internationally accepted definitions of human rights and views its interpretation of Islamic law as the only necessary guide to protect human rights. The Government generally ignores or criticizes as attacks on Islam citations by international monitors or foreign governments of government human rights abuses.

However, during the year the Government initiated limited measures to participate in international human rights mechanisms, such as inviting the U.N. Special Rapporteur on the Independence of Judges and Lawyers to visit the country and acceding to the U.N. Convention on the Elimination of All Forms of Discrimination Against Women, with reservations regarding aspects of the convention that it considers contrary to Shari'a law (see Section 5). In an address to the 56th session of the committee in April, Prince Turki bin Muhammad bin Saud Al-Kabir, Director of the International Organizations Department of the Ministry of Foreign Affairs, stated that the Government welcomed the role of international human rights mechanisms. The media widely disseminated Prince Turki's speech.

Although the Government has established a committee to investigate allegations of torture in the country pursuant to its obligations under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, it has refused to recognize the authority of the Committee Against Torture to investigate alleged abuses (see Section 1.c.).

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

There is legal and systemic discrimination based on sex and religion. The law forbids discrimination based on race, but not nationality. The Government and private organizations cooperate in providing services for the disabled. The Shi'a religious minority suffers social, legal, and sectarian discrimination.

Women.—The Government does not keep statistics on spousal abuse or other forms of violence against women. However, based on the information available regarding physical spousal abuse and violence against women, such violence and abuse appear to be common problems. Hospital workers report that many women are admitted for treatment of injuries that apparently result from spousal violence. Some foreign women have suffered physical abuse from their Saudi husbands. A Saudi man may prevent his wife and any child or unmarried adult daughter from obtaining an exit visa to depart the country (see Section 2.d.). Foreign embassies continued to receive many reports that employers abuse foreign women working as domestic servants. Some embassies of countries with large domestic servant populations maintain safehouses to which their citizens may flee to escape work situations that include forced confinement, withholding of food, beating and other physical abuse, and rape. Often the reported abuse is at the hands of female citizens. In general the Government considers such cases family matters and does not intervene unless charges of abuse are brought to its attention. It is almost impossible for foreign women to obtain redress in the courts, due to the courts' strict evidentiary rules and the women's own fears of reprisals. Few employers have been punished for such abuses. There are no private support groups or religious associations to assist such women.

By religious law and social custom, women have the right to own property and are entitled to financial support from their husbands or male relatives. However, women have few political or social rights and are not treated as equal members of society. There are no active women's rights groups. Women legally may not drive motor vehicles and are restricted in their use of public facilities when men are present. Women must enter city buses by separate rear entrances and sit in specially designated sections. Women risk arrest by the Mutawwa'in for riding in a vehicle driven by a male who is not an employee or a close male relative. Women are not admitted to a hospital for medical treatment without the consent of a male rel-

ative. By law and custom, women may not undertake domestic or foreign travel alone (see Section 2.d.). In 1999 the Ministry of Interior announced that preparations were underway to issue identity cards to women, which would have been a step toward allowing women to establish independent legal identities from men. However, the Ministry announced in August that the current identification document system for women would be maintained for another 3 years, and that identity cards therefore would not be issued.

In public a woman is expected to wear an abaya (a black garment that covers the entire body) and to cover her head and face. The Mutawwa'in generally expect women from Arab countries, Asia, and Africa to comply more fully with Saudi customs of dress than they do Western women; nonetheless, in recent years they have instructed Western women to wear the abaya and cover their hair as well. During the year, Mutawwa'in continued to admonish and harass women to wear their abayas and cover their hair.

Some government officials and ministries still bar accredited female diplomats in the country from official meetings.

Women also are subject to discrimination under Shari'a as interpreted in Saudi Arabia, which stipulates that daughters receive half the inheritance awarded to their brothers. In a Shari'a court, the testimony of one man equals that of two women (see Section 1.e.). Although Islamic law permits polygyny, with up to four wives, it is becoming less common due to demographic and economic changes. Islamic law enjoins a man to treat each wife equally. In practice such equality is left to the discretion of the husband. Some women participate in Al-Mesyar (or "short daytime visit") marriages, in which the women relinquish their legal rights to financial support and nighttime cohabitation. Additionally, the husband is not required to inform his other wives of the marriage, and any children resulting from such a marriage have no inheritance rights. The Government places greater restrictions on women than on men regarding marriage to non-Saudis and non-Muslims (see Section 1.f.). While Shari'a provides women with a basis to own and dispose of property independently, women often are constrained from asserting such rights because of various legal and societal barriers, especially regarding employment and freedom of movement.

Women must demonstrate legally specified grounds for divorce, but men may divorce without giving cause. In doing so, men are required to pay immediately an amount of money agreed upon at the time of the marriage, which serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce still are entitled to this alimony. If divorced or widowed, a Muslim woman normally may keep her children until they attain a specified age: 7 years for boys, 9 years for girls. Children over these ages are awarded to the divorced husband or the deceased husband's family. Numerous divorced foreign women continued to be prevented by their former husbands from visiting their children after divorce.

Women have access to free but segregated education through the university level. They constitute over 58 percent of all university students but are excluded from studying such subjects as engineering, journalism, and architecture. Men may study overseas; women may do so only if accompanied by a spouse or an immediate male relative.

Women make up approximately 5 percent of the formal work force and own about 4 percent of the businesses, although they must deputize a male relative to represent the business. Most employment opportunities for women are in education and health care, with lesser opportunity in business, philanthropy, banking, retail sales, and the media. Despite limited educational opportunities in many professional fields, some female citizens are able to study abroad and return to work in professions such as architecture and journalism. Many foreign women work as domestic servants and nurses. In 1997 the Government authorized women to work in a limited capacity in the hotel industry. Women who wish to enter nontraditional fields are subject to discrimination. Women may not accept jobs in rural areas if there are no adult male relatives present with whom they may reside and who agree to take responsibility for them. Most workplaces in which women are present are segregated by sex. Frequently, contact with male supervisors or clients is allowed only by telephone or fax machine. In 1995 the Ministry of Commerce announced that women no longer would be issued business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal on a regular basis with government officials. However, in hospital settings and in the oil industry, women and men work together, and, in some instances, women supervise male employees.

In September Crown Prince Abdullah signed the U.N. Convention on the Elimination of All Forms of Discrimination Against Women, with reservations regarding aspects of the Convention that the Government considers contrary to Shari'a law.

Children.—The Government provides all children with free education and medical care. Children are not subject to the strict social segregation faced by women, although they are segregated by sex in schools, beginning at the age of 7. In more general social situations, boys are segregated at the age of 12 and girls at the onset of puberty.

It is difficult to gauge the prevalence of child abuse, since the Government currently keeps no national statistics on such cases. One major hospital has begun a program to detect, report, and prevent child abuse. In general Saudi culture greatly prizes children, and initial studies show that severe abuse and neglect of children appear to be rare.

Trafficking in children for forced begging persists (see Sections 6.c., and 6.f.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced among some foreign workers from East Africa and the Nile Valley. It is not always clear whether the procedure occurred in Saudi Arabia or the workers' home countries. There is no law specifically prohibiting FGM.

People with Disabilities.—The provision of government social services increasingly has brought the disabled into the public mainstream. In October Riyadh governor Prince Salman Bin Abd Al-Aziz announced that the Government was implementing new regulations designed to integrate disabled persons into the mainstream of society; the regulations had not been implemented by year's end. The media carry features lauding the accomplishments of disabled persons and sharply criticizing parents who neglect disabled children. The Government and private charitable organizations cooperate in education, employment, and other services for the disabled. The law provides hiring quotas for the disabled. There is no legislation that mandates public accessibility; however, newer commercial buildings often include such access.

Foreign criminal rings reportedly bought and imported disabled children for the purpose of forced begging (see Sections 5, 6.c. and 6.f.).

Police generally transport mentally ill persons found wandering alone in public to their families or a hospital. However, there were reports that police pick up mentally ill persons for minor violations, detain them for a few weeks, and then release them, only to detain them again later for similar violations. Police officials recognize the problem but claim that according to Islam, family members should be taking care of such individuals.

Religious Minorities.—Shi'a citizens are discriminated against in government and employment, especially in national security jobs. Several years ago the Government subjected Shi'a to employment restrictions in the oil industry and has not relaxed them. Since the 1979 Iranian revolution, some Shi'a who are suspected of subversion have been subjected periodically to surveillance and limitations on travel abroad. Since beginning the investigation of the 1996 bombing of a U.S. military installation, authorities have detained, interrogated, and confiscated the passports of a number of Shi'a Muslims, including Shi'a returning to the country following their travel to Iran (see Sections 1.d. and 2.d.).

In April in the city of Najran, riots took place that led to members of the Makarama Ismaili Shi'a community engaging in gun battles with security forces that reportedly resulted in a number of deaths. Conflicting unconfirmed reports attributed the unrest to religious differences, smuggling, or land seizures (see Section 2.c.).

Under Saudi law, children of Saudi fathers are considered Muslim, regardless of the country or the religious tradition in which they may have been raised. In some cases, children raised in other countries and in other religious traditions later taken by their Saudi fathers to Saudi Arabia reportedly were coerced to conform to their fathers' interpretation of Islamic norms and practices.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, there is substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia are subject to various forms of formal and informal discrimination and have the most difficulty in obtaining justice for their grievances. For example, pay scales for identical or similar labor or professional services are set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties receive varied compensation based on their nationalities (see Section 6.b.).

Section 6. Worker Rights

a. The Right of Association.—Government decrees prohibit the establishment of labor unions, and strikes are prohibited; however, several work stoppages were staged in Jeddah during the year by foreign hospital, food processing, and construction workers who had not been paid.

In 1995 Saudi Arabia was suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is forbidden. Foreign workers comprise about two-thirds of the work force. There is no minimum wage; wages are set by employers and vary according to the type of work performed and the nationality of the worker (see Section 5).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor pursuant to a 1962 royal decree that abolished slavery. Ratification of the International Labor Organization (ILO) Conventions 29 and 105, which prohibit forced labor, gives them the force of law. However, employers have significant control over the movements of foreign employees, which results in situations that sometimes involve forced labor, especially in remote areas where workers are unable to leave their place of work.

Some sponsors prevented foreign workers from obtaining exit visas to pressure them to sign a new work contract or to drop claims against their employers for unpaid salaries (see Section 2.d.). Some sponsors also pressure foreign workers by refusing to provide them with a "letter of no objection" that would allow them to be employed by another sponsor.

The labor laws, including those designed to limit working hours and regulate working conditions, do not apply to foreign domestic servants, and such domestic servants may not seek the protection of the labor courts. There were credible reports that female domestic servants sometimes were forced to work 12 to 16 hours per day, 7 days per week. There were numerous confirmed reports of maids fleeing employers and seeking refuge in their embassies (see Section 5). The authorities often forced runaway maids to return to their places of employment.

There have been many reports of workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. Foreign workers with such grievances, except domestic servants, have the right to complain before the labor courts, but few do so because of fear of deportation. The labor system is conducive to the exploitation of foreign workers because enforcement of work contracts is difficult and generally favors employers. Labor courts, while generally fair, may take many months to reach a final appellate ruling, during which time an employer may prevent the foreign laborer from leaving the country. An employer also may delay a case until a worker's funds are exhausted and the worker is forced to return to his home country.

The law does not specifically prohibit forced or bonded labor by children. Nonetheless, with the rare exception of criminal begging rings, and the possible exceptions of family businesses, forced or bonded child labor does not occur (see Section 6.d.). Children, mainly of South Asian and African origin, frequently are used for the purpose of organized begging, particularly in the vicinity of the Grand Mosque in Mecca during Islamic holidays (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 13 years, which may be waived by the Ministry of Labor with the consent of a juvenile's guardian. There is no minimum age for workers employed in family-oriented businesses or in other areas that are construed as extensions of the household, such as farming, herding, and domestic service. The law does not prohibit specifically forced or bonded labor by children, but it is not a problem, with the rare exception of forced child begging rings, and possibly family businesses (see Section 6.c.).

Children under the age of 18 and women may not be employed in hazardous or harmful industries such as mining or industries that use power-operated machinery. While there is no formal government entity responsible for enforcing the minimum age for employment of children, the Ministry of Justice has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators. However, in general children play a minimal role in the work force.

e. Acceptable Conditions of Work.—There is no legal minimum wage. Labor regulations limit the work week to 48 hours, including no more than 8 hours a day and no more than 5 hours without a break for rest, prayer, and food. The regulations allow employers to require up to 12 additional hours of overtime per workweek at time-and-a-half pay. Labor law provides for a 24-hour rest period, normally on Fridays, although the employer may grant it on another day. The average wage generally provides a decent standard of living for a worker and family.

The ILO has stated that the Government has not formulated legislation implementing the ILO Convention on Equal Pay, and that regulations that segregate work places by sex, or limit vocational programs for women, violate ILO Convention 111.

Some foreign nationals who have been recruited abroad have complained that after their arrival in Saudi Arabia they were presented with work contracts that specified lower wages and fewer benefits than originally promised. Other foreign workers reportedly have signed contracts in their home countries and later were pressured to sign less favorable contracts upon arrival. Some employees report that at the end of their contract service, their employers refuse to grant permission to allow them to return home. Foreign employees involved in disputes with their employers may find their freedom of movement restricted (see Section 2.d.). A large number of female domestic servants often were subjected to abuse (see Sections 5 and 6.c.).

"Saudiization" is the Government's attempt to decrease the number of foreigners working in certain occupations and to replace them with Saudi workers. To accomplish this goal, the Government has taken several long-term steps, most notably limiting employment in certain fields to citizens, prohibiting renewal of existing contracts, and requiring that 5 percent of the work force in private sector companies be filled by citizen workers. The Government also requires firms to increase the proportion of citizen workers by 5 per cent each year. There is a limited number of persons, both influential and otherwise, who attempted to circumvent the requirements of the law. For example, employers have altered job descriptions or hired foreigners for nominally low-level positions but in fact had them fill positions reserved for citizens. In Jeddah fruit and vegetable vending jobs at a large open-air market were Saudiized in late 1999. However, by early in the year, the newly hired Saudi sellers had hired back many of the fired foreigners to run the stalls for them at lower wages than they had earned before the Saudiization occurred. Influential persons effectively may circumvent the law because the Ministry of Labor is reportedly unwilling to confront them.

The ongoing campaign to remove illegal immigrants from the country has done little to Saudiize the economy because illegal immigrants largely work in low-income positions, which most Saudis consider unsuitable. In some cases, the campaign may have resulted in enhanced job security and wage stability for some legally employed immigrants in low-income positions. The Government is carrying out the campaign by widely publicizing its enforcement of existing laws against illegal immigrants and citizens who employ or sponsor illegal immigrants. In addition to deportation for illegal workers and jail terms and fines for citizens hiring illegal workers, the Government announced in 1998 that houses rented to illegal aliens would be ordered closed. In 1997 the Government offered an amnesty of several months' duration, which allowed illegal immigrants and their employers or sponsors to avoid the possibility of prosecution by voluntarily seeking expeditious repatriation. As of September 1999, as many as 1.1 million persons departed the country under terms of the amnesty or were deported for violating residence and labor laws. During this process, the Government yielded to domestic pressure and granted grace periods and exemptions to certain categories of illegal immigrants (such as domestic servants, drivers, and shepherds), thereby allowing many illegal immigrants to legalize their status without leaving the country. The Government announced in April that the grace period would expire in June and that anyone staying illegally could be subject to imprisonment, a fine, and questioning regarding who was assisting them. Illegal immigrants generally are willing to accept lower salaries and fewer benefits than legally employed immigrants. The departure or legalization of illegal workers reduced the competition for certain jobs and thereby reduced the incentive for legal immigrants to accept lower wages and fewer benefits as a means of competing with illegal immigrants.

Labor regulations require employers to protect most workers from job-related hazards and disease. Foreign nationals report frequent failures to enforce health and safety standards. Farmers, herdsman, domestic servants, and workers in family-operated businesses are not covered by these regulations. Workers risk losing employment if they remove themselves from hazardous work conditions.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, the law prohibits slavery and the smuggling of persons into the country.

Children, mainly of South Asian and African origin, frequently are used for the purpose of organized begging, particularly in the vicinity of the Grand Mosque in Mecca during Islamic holidays. There were reports that some of these children were smuggled into the country by organized rings.

There were unconfirmed reports that women were trafficked into the country to work as prostitutes.

SYRIA

Despite the existence of some institutions of democratic government, the political system places virtually absolute authority in the hands of the President. Former President Hafiz Al-Asad died on June 10 after 30 years in power. Immediately following Al-Asad's death, the Parliament amended the Constitution, reducing the mandatory minimum age of the President from 40 to 34 years old, which allowed his son, Bashar Al-Asad to be legally eligible for nomination by the ruling Ba'th party. On July 10, Bashar was elected by referendum in which he ran unopposed, and received 97.29 percent of the vote. Key decisions regarding foreign policy, national security, internal politics, and the economy are made by the President, with counsel from his ministers, high-ranking members of the ruling Ba'th Party, and a relatively small circle of security advisers. Although the Parliament is elected every 4 years, the Ba'th Party is ensured a majority. The Parliament cannot initiate laws, but only assesses and sometimes modifies those proposed by the executive branch. The Constitution provides for an independent judiciary, but this is not the case in the exceptional (state of emergency) security courts, which are subject to political influence. The regular courts display independence, although political connections and bribery can influence verdicts. In general all three branches of government are influenced to varying degrees by leaders of the Ba'th Party, whose primacy in state institutions is mandated by the Constitution.

The powerful role of the security services in government, which extends beyond strictly security matters, stems in part from the state of emergency that has been in place almost continuously since 1963. The Government justifies martial law because of the state of war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies, while General Security, State Security, and Political Security come under the purview of the Ministry of Interior. The branches of the security services operate independently of each other and outside the legal system. Their members commit serious human rights abuses.

The economy is based on commerce, agriculture, oil production, and government services. There is a generally inefficient public sector, a private sector, and a mixed public/private sector. The still-dominant state role in the economy, a complex bureaucracy, overarching security concerns, endemic corruption, currency restrictions, a lack of modern financial services and communications, and a weak legal system hamper economic growth. The Government has sought to promote the private sector through investment incentives, exchange rate consolidation, and deregulation, especially with regard to financial transactions governing imports and exports. However, in recent years, diminished foreign aid, drought, fluctuating prices for oil and agricultural commodities, and regional recession have hurt the economy. Uncertainty about the Middle East peace process and sporadic tension over Iraq has diminished investor confidence in the region. Consequently, Syria posted negative gross domestic product (GDP) rates of 4.4 percent in 1997, 1.2 percent in 1998, and an estimated 2 percent in 1999. A high population growth rate of 3.3 percent continues to erode whatever economic gains are made. It is estimated that real per capita GDP again decreased in 1999. However, the Government has been very successful in controlling the money supply, with inflation remaining in the 2 percent range in 1998. Despite a 25 percent wage increase for public and private sector employees and a 20 percent increase for pensions, wage and benefits increases generally have not kept pace with cost of living increases. The gap between the rich and poor remained, with many public sector workers relying on second jobs to make ends meet.

The human rights situation remained poor, and the Government continues to restrict or deny fundamental rights, although there were improvements in some areas. The Ba'th Party dominates the political system, as provided for by the Constitution, and citizens do not have the right to change their government. The Government uses its vast powers so effectively that there is no organized political opposition, and there have been very few antiregime manifestations. Serious abuses include the widespread use of torture in detention; poor prison conditions; arbitrary arrest and detention; prolonged detention without trial; fundamentally unfair trials in the security courts; an inefficient judiciary that suffers from corruption and, at times, political influence; infringement on citizens' privacy rights; denial of freedom of speech and of the press, despite a slight loosening of censorship restrictions; denial of freedom of assembly and association; some limits on freedom of religion; and limits on freedom of movement.

The Government does not officially allow independent domestic human rights groups to exist; however, there were reports that several domestic human rights organizations and civil society groups began meeting regularly during the year. Vio-

lence and societal discrimination against women are problems. The Government discriminates against the stateless Kurdish minority, suppresses worker rights, and child labor occurs. In November the Government declared an amnesty for 600 political prisoners and detainees and a general pardon for some nonpolitical prisoners and closed the Mazzah prison, which reportedly held numerous political prisoners and detainees. In December the Government transferred 54 Lebanese prisoners from Syrian to Lebanese custody.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings during the year.

In November security forces killed 4 Bedouins during the Government's intervention in armed clashes between Bedouin shepherds and Druze residents of Suwayda Province (see Sections 1.c. and 5). In October 1999, government forces moved against a residential compound and boat dock owned by President Asad's brother, Rifat Al-Asad. A number of Rifat's supporters, including military guards, were sequestered in the compound, and the clash resulted in an unconfirmed number of deaths, including government forces. The Government reportedly claimed that the clash was the consequence of enforcing "legal measures" that were taken against Rifat and his supporters because of "violations of civil and military laws."

There were reports in 1999 of corporal punishment of army recruits that led to injury or death (see Section 1.c.).

In 1998 3 policemen were convicted in 1998 and sentenced to 10 years of hard labor by the Aleppo criminal court for the torture and killing of a 50-year-old man accused of heroin dealing, marking the first time since 1994 that members of the security forces were held accountable for their actions.

There were no reports of deaths in detention; however, such deaths have occurred in the past. Previous deaths in detention have not been investigated by the Government, and the number and identities of prisoners who died in prisons since the 1980's remain unknown.

In 1998 Lebanon's military prosecutor charged 18 members of the Lebanese Forces, an outlawed rightwing Christian militia, with carrying out the December 1996 bombing of a bus in Damascus. Eleven of the 18 persons charged were in custody. There were no further developments in the case during the year.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances. Despite inquiries by international human rights organizations and foreign governments, the Government offered little new information on the welfare and whereabouts of persons who have been held incommunicado for years or about whom no more is known other than the approximate date of their detention, including Palestinians and Jordanian and Lebanese citizens who reportedly were abducted from Lebanon during and after Lebanon's civil war (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture. Former prisoners and detainees report that torture methods include administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim is suspended from the ceiling; hyperextending the spine; and using a chair that bends backwards to asphyxiate the victim or fracture the victim's spine. Although torture may occur in prisons, torture is most likely to occur while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are trying to extract a confession or information about an alleged crime or alleged accomplices.

The Government has denied the use of torture and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse. Past victims of torture have identified the officials who beat them, up to the level of brigadier general. If allegations of excessive force or physical abuse are to be made in court, the plaintiff is required to initiate his own civil suit against the alleged abuser.

Courts do not order medical examinations for defendants who claim that they were tortured (see Section 1.e). There were reports in 1999 of the corporal punishment of army recruits that led to injury or death (see Section 1.a.).

There were credible reports of torture during the year, including one prisoner who alleged he had been tortured while held in solitary confinement for 3 months. The Government reportedly tortured some of the Islamist prisoners who were detained during the large-scale arrests in late 1999 and early 2000 (see Sections 1.d. and 2.c.).

In October police used teargas and batons to disperse several large demonstrations directed against diplomatic missions and international agencies in reaction to the Israeli Government's use of force against Palestinians in Israel, the West Bank, and Gaza; an indeterminate number of demonstrators and police personnel were injured (see Section 2.b.).

In November 200 persons were injured during clashes in Suwayda province involving Druze residents, Bedouin shepherds, and security forces (see Sections 1.a. and 5).

Prison conditions vary but generally are poor and do not meet minimum international standards for health and sanitation. Facilities for political or national security prisoners generally are worse than those for common criminals. The prison in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions. At some prisons, authorities allow visitation, but in other prisons, security officials demand bribes from family members who wish to visit incarcerated relatives. Overcrowding and the denial of sufficient nourishment occurs at several prisons. According to Human Rights Watch, prisoners and detainees are held without adequate medical care, and some prisoners with significant health problems reportedly are denied medical treatment. Some former detainees have reported that the Government prohibits reading materials, even the Koran, for political prisoners.

The Government does not permit independent monitoring of prison or detention center conditions.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Emergency Law, which authorizes the Government to conduct preventive arrests, overrides Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. Officials contend that the Emergency Law is applied only in narrowly defined cases. Nonetheless, in cases involving political or national security offenses, arrests generally are carried out in secret, and suspects may be detained incommunicado for prolonged periods without charge or trial and are denied the right to a judicial determination for the pretrial detention. Some of these practices are prohibited by the state of emergency, but the authorities are not held to these strictures.

The Government has been known to detain relatives of detainees or of fugitives in order to obtain confessions or the fugitive's surrender (see Section 1.f.).

Defendants in civil and criminal trials have the right to bail hearings and the possible release from detention on their own recognizance. There is no bail option for those accused of national security offenses. Unlike defendants in regular criminal and civil cases, security detainees do not have access to lawyers prior to or during questioning.

Detainees have no legal redress for false arrest. Security forces often do not provide detainees' families with information on their welfare or location while in detention. Consequently, many persons who have disappeared in past years are believed to be in long-term detention without charge or possibly to have died in detention. It appears that the number of new disappearances has declined in recent years, although this circumstance may be due to the Government's success in deterring opposition political activity rather than a loosening of the criteria for detention. Many detainees brought to trial have been held incommunicado for years, and their trials often have been unfair (see Section 1.e.). There were reliable reports that the Government did not notify foreign governments when their citizens were arrested or detained.

Pretrial detention may be lengthy, even in cases not involving political or national security offenses. The criminal justice system is backlogged. Many criminal suspects are held in pretrial detention for months and may have their trials extended for additional months. Lengthy pretrial detention and drawn-out court proceedings are caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining (see also Section 1.e.).

It is not known whether any Turkomen from among hundreds detained in 1996 remain in detention.

There were reports of large-scale arrests of Syrian and Palestinian Islamists between late December 1999 and February. Hundreds of persons allegedly were arrested in the cities of Damascus, Hama, Aleppo, and Homs. Most of those arrested reportedly were released after signing an agreement not to participate in political activities; however, some may remain in detention.

There were reliable reports that security forces arrested several minors on unspecified political charges during the year. The minors reportedly were held in adult facilities for 6 months, had no access to legal counsel, and were not allowed visits from family members.

There were unconfirmed reports that a large number of Jordanian prisoners were released between May and July. However, according to Amnesty International (AI), only three of the released Jordanians had been held for political reasons.

In May there were media reports that Communist Action Party leaders Aslan 'Abd Al-Karim and Fateh Jamous and oppositionist Randa Ayoubi were released from prison; they reportedly were not required to agree to abstain from participating in political activities. In August Sheikh Hashim Mingara, a leader of the Islamic Tawheed Movement who was arrested in Lebanon in 1985 reportedly was released.

In November the Government declared an amnesty for 600 political prisoners and detainees and a general pardon for some nonpolitical prisoners, including some who were held under the Economic Penal Code. The amnesty was covered in the media and reportedly was the first time that the Government acknowledged that it held persons for political reasons. There are credible reports that the 600 detainees, including members of the Muslim Brotherhood, the Islamic Salvation Party, the Communist Action Party, and some Kurds, are being released incrementally. The Government also closed the Mazzah prison in November, which reportedly held numerous political prisoners and detainees.

In December the Government transferred 54 Lebanese political prisoners and detainees from Syrian to Lebanese custody (see Section 1.e.).

A prisoner amnesty that was announced in July 1999 is believed to have benefited some political prisoners and detainees. While the total number of those released is unknown, AI identified six prisoners held for political reasons who were released. Unconfirmed reports suggest that as many as 600 prisoners may have been released. According to AI, hundreds of persons held for political reasons also were released in 1998. Prior to the 1998–2000 releases, the last significant release of political detainees took place in late 1995, with approximately 2,200 to 3,000 persons believed to have been released. Some former prisoners reportedly were required to sign loyalty oaths or admissions of guilt as a condition of their release. Most of those arrested in a mass crackdown in 1980 have been released; however, some may remain in prolonged detention without charge. Some union and professional association officials detained in 1980 may remain in detention (see Sections 2.b. and 6.a.). AI reported in 1998 that “hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over two decades ago, and remain in prolonged and often secret detention.”

The number of remaining political detainees is unknown. In June prior to the November prison amnesty, AI estimated that there were approximately 1,500 political detainees in the country; many of the detainees reportedly are suspected supporters of the Muslim Brotherhood and the pro-Iraqi wing of the Ba'th party. There also are Jordanian, Lebanese, and Palestinian political detainees. According to Amnesty International, security forces also detain family members of suspected oppositionists (see Section 1.f.). Estimates of detainees are difficult to confirm because the Government does not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or whether detainees subsequently are sentenced to prison (see Section 1.e.).

In October 1998, the Jordanian Government requested that the Syrian Government account for 429 named Jordanian nationals, 239 of whom Jordan claims have been missing since they entered Syria, and 190 of whom Jordan claims are imprisoned in Syria. Families of missing Jordanians allege that there are more than 700 Jordanians in Syrian detention. According to press reports, government sources stated that the names provided by Jordan were being examined and that the Government would respond officially. To date there has been no published official response.

Former prisoners are subject to a so-called “rights ban,” which begins from the day of sentencing and lasts until 10 years after the expiration of the sentence. Persons subject to this ban are not allowed to vote, run for office, or work in the public sector; they often also are denied passports.

The Government has exiled citizens in the past, although the practice is prohibited by the Constitution. The Government refuses to reissue the passports of citizens who fled the country in the 1980's; such citizens consequently are unable to return to the country.

There were no known instances of forced exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, but the two exceptional courts dealing with alleged security cases are not independent of executive branch control. The regular court system displays considerable independence in civil cases, although political connections and bribery sometimes influence verdicts.

The judicial system is composed of the civil and criminal courts, military courts, security courts, and religious courts, which adjudicate matters of personal status such as divorce and inheritance. The Court of Cassation is the highest court of ap-

peal. The Supreme Constitutional Court is empowered to rule only on the constitutionality of laws and decrees; it does not hear appeals.

Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts are entitled to the legal representation of their choice; the courts appoint lawyers for indigents. Defendants are presumed innocent; they are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants may appeal their verdicts to a provincial appeals court and ultimately to the Court of Cassation. Such appeals are difficult because the courts do not provide verbatim transcripts of cases—only summaries prepared by the presiding judges. There are no juries.

Military courts have the authority to try civilians as well as military personnel. The venue for a civilian defendant is decided by a military prosecutor. There were continuing reports that the Government operates military field courts in locations outside established courtrooms. Such courts reportedly observe fewer of the formal procedures of regular military courts.

The two security courts are the Supreme State Security Court (SSSC), which tries political and national security cases, and the Economic Security Court (ESC), which tries cases involving financial crimes. Both courts operate under the state of emergency, not ordinary law, and do not observe constitutional provisions safeguarding defendants' rights.

Charges against defendants in the SSSC often are vague. Many defendants appear to be tried for exercising normal political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," "shaking the confidence of the masses in the aims of the revolution," or attempting to "change the economic or social structure of the State." Nonetheless the Government contends that the SSSC tries only persons who have sought to use violence against the State.

Under SSSC procedures, defendants are not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Trials usually are closed to the public. Lawyers are not ensured access to their clients before the trial and are excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submit written defense pleas rather than oral presentations. The State's case often is based on confessions, and defendants have not been allowed to argue in court that their confessions were coerced. There is no known instance in which the court ordered a medical examination for a defendant who claimed that he was tortured. The SSSC reportedly has acquitted some defendants, but the Government does not provide any statistics on the conviction rate. Defendants do not have the right to appeal verdicts, but sentences are reviewed by the Minister of Interior, who may ratify, nullify, or alter sentences. The President also may intervene in the review process.

Accurate information on the number of cases heard by the SSSC is difficult to obtain, although hundreds of cases are believed to pass through the court annually. Many reportedly involved charges relating to membership in various banned political groups, including the Party of Communist Action and the pro-Iraqi wing of the Ba'th Party. Sentences as long as 15 years have been imposed in the past. The Government permitted delegates from AI to attend a session of the SSSC in 1997; however there have been no visits by human rights nongovernmental organizations (NGO's) since then (see Section 4).

The Economic Security Court (ESC) tries persons for alleged violations of foreign exchange laws and other economic crimes. The prosecution of economic crimes is not applied uniformly, as some government officials or business persons with close connections to the Government likely have violated the country's strict economic laws without prosecution. Like the SSSC, the ESC does not ensure due process for defendants. Defendants may not have adequate access to lawyers to prepare their defenses, and the State's case usually is based on confessions. Verdicts may be influenced by high-ranking government officials. Those convicted of the most serious economic crimes do not have the right of appeal, but those convicted of lesser crimes may appeal to the Court of Cassation. A significant prisoner amnesty for individuals convicted of economic crimes was announced in July 1999. Theoretically this amnesty may have benefited thousands of persons. In May late president Hafiz Al-Asad amended the Economic Penal Code to allow defendants in economic courts to be released on bail. The bail provision does not extend to those accused of forgery, counterfeiting, or auto theft; however, the amendment is intended to provide relief for those accused of other economic crimes, many of whom have been in pretrial detention for long periods of time. These amendments to the Economic Penal Code also limit the categories of cases that can be tried in the ESC. In November the Government approved a general pardon for nonpolitical prisoners and a reduction of sentences by one-third for persons convicted of economic crimes, with a provision to

commute sentences entirely for persons who return embezzled funds to investors within 1 year of the law's effective date.

Prisoner amnesties in July 1999 and November are believed to have benefited some political prisoners and detainees. The Government also transferred 54 Lebanese political prisoners and detainees from Syrian to Lebanese custody in December (see Section 1.d.).

The Government has released virtually all of those arrested at the time President Asad took power in 1970. However, at least two persons arrested during that period may remain in prison, despite the expiration of one of the prisoners' sentences.

The Government in the past denied that it held political prisoners, arguing that, although the aims of some prisoners may be political, their activities, including subversion, were criminal. The official media reported that the 600 beneficiaries of the November amnesty were political prisoners and detainees; this reportedly was the first time that the Government acknowledged that it held persons for political reasons. Nonetheless, the Emergency Law and the Penal Code are so vague, and the Government's power so broad, that many persons were convicted and are in prison for the mere expression of political opposition to the Government.

The exact number of political prisoners is unknown.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although laws provide for freedom from arbitrary interference, the Emergency Law authorizes the security services to enter homes and conduct searches with warrants if security matters, very broadly defined, are involved. The security services selectively monitor telephone conversations and fax transmissions. The Government sometimes opens mail destined for both citizens and foreign residents. It also prevents the delivery of human rights materials. In August 1999, authorities repealed a 5-year ban on entry of Jordanian newspapers (also see Section 2.a.).

The Government continues its practice of threatening or detaining the relatives of detainees or of fugitives in order to obtain confessions, minimize outside interference, or prompt the fugitive's surrender (see Section 1.d.). There have been reports that security personnel force prisoners to watch relatives being tortured in order to extract confessions. According to AI, security forces also detain family members of suspected oppositionists (see Section 1.d.).

Security checkpoints continue to exist, although primarily in military and other restricted areas. There are few police checkpoints on main roads and in populated areas. Generally, the security services set up checkpoints to search for smuggled goods, weapons, narcotics, and subversive literature. The searches take place without warrants. In the past, the Government and the Ba'th Party monitored and attempted to restrict some citizens' visits to foreign embassies and cultural centers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for right to express opinions freely in speech and in writing, but the Government restricts these rights significantly in practice. The Government strictly controls the dissemination of information and permits no written or oral criticism of the President, the President's family, the Ba'th Party, the military, or the legitimacy of the regime. The Government also does not permit sectarian issues to be raised. Detention and beatings for individual expressions of opinion that violate these unwritten rules sometimes occur, although not as frequently as in the past.

The Emergency Law allows the Government broad discretion in determining what constitutes illegal expression. It prohibits the publishing of "false information," which opposes "the goals of the revolution" (see Section 1.e.). In the past, the Government has imprisoned journalists for failing to observe press restrictions. In May 1999, a defamation case filed against a journalist was reported widely in the press. The case was believed to be the first in which a journalist was tried for what he had published; he was cleared of guilt by the court. State security services are known to threaten local journalists, including with the removal of credentials, for articles printed outside the country. There were reports that journalists temporarily lost their credentials during the year after they allegedly reported on issues deemed sensitive by the military. For example, in September authorities revoked temporarily the credentials of a local journalist who wrote an article that the Government deemed politically sensitive.

The Ministry of Information and the Ministry of Culture and National Guidance censor the domestic and foreign press. They usually prevent publication or distribution of any material deemed threatening or embarrassing by the security services to high levels of the Government. Censorship usually is stricter for materials in Arabic. Commonly censored subjects include: The Government's human rights record; Islamic fundamentalism; allegations of official involvement in drug trafficking; aspects of the Government's role in Lebanon; graphic descriptions of sexual activity;

material unfavorable to the Arab cause in the Middle East conflict; and material that is offensive to any of the country's religious groups. In addition most journalists and writers practice self-censorship to avoid provoking a negative government reaction.

Recent trends toward a modest relaxation of censorship increased during the year. In his July inaugural speech, President Bashar Al-Asad emphasized the principle of media transparency. Since July both the print and electronic media at times have been critical of Ba'th Party and government performance and have reported openly on a range of social and economic issues. While this relaxation of censorship did not extend to domestic politics or foreign policy issues, it was a notable departure from past practice. Damascus-based correspondents for regional Arab media also were able to file reports on internal political issues, such as rumored governmental changes, new political discussion groups, and the possible introduction of new parties to the Ba'th Party-dominated National Progressive Front. In November the Ba'th Party Regional Command voted to amend the press law to allow constituent parties of the National Progressive Front to publish newspapers and to open party headquarters. In November the Prime Minister rescinded a 1986 ban on the printing of publications by public institutions without prior approval from the Prime Minister.

A group of 99 Syrian intellectuals published a petition in a Lebanese newspaper in September calling for lifting martial law, ending the state of emergency in effect since 1963, releasing political prisoners, and expanding civil liberties in accordance with the provisions of the Constitution. The Government did not respond directly to the petition by year's end; however, the Government did take several of the steps called for in the petition (see Section 1.d.). The Government did not take action against any of the intellectuals who signed the petition by year's end. In December a local human rights organization published an open letter in a Lebanese newspaper calling for the closure of the notorious Tadmur prison.

The media broadened somewhat their reporting on regional developments, including the Middle East peace process. The media covered some peace process events factually, but other events were reported selectively to buttress official views. The government-controlled press increased its coverage of official corruption and governmental inefficiency. There are no privately owned newspapers, although foreign-owned, foreign-published newspapers circulate relatively freely. In August 1999, authorities repealed a 5-year ban on entry of Jordanian newspapers (also see Section 1.f.).

The Government or the Ba'th Party owns and operates the radio and television companies and the newspaper publishing houses. The Ministry of Information closely monitors the radio and television news programs to ensure adherence to the government line. The Government does not interfere with broadcasts from abroad. Satellite dishes have proliferated throughout all regions and in neighborhoods of all social and economic categories, and in July the Government officially approved regulations permitting the importation of satellite receivers. Cellular telephone service was introduced early in the year, although prohibitive cost severely limits the number of subscribers. Internet access and access to e-mail is limited, although efforts are underway to provide greater Internet access, especially to universities and businesses. The Government blocks access to selected Internet sites that contain information deemed politically sensitive or pornographic in nature. The Government also blocks access to servers that provide free e-mail services. In 1999 and in September, telephone service to the offices and residences of several European embassies and the home of an American officer was disrupted, allegedly because the lines had been used to access Internet providers outside the country. Telephone service in 1999 was restored in response to diplomatic protest by the European embassies; however, diplomats and citizens continue to experience regular disruptions of telephone service. The Ministry of Culture and National Guidance censors fiction and nonfiction works, including films. It also determines which films may not be shown at the cultural centers operated by foreign embassies. The Government prohibits the publication of books and other materials in Kurdish; however, there are credible reports that Kurdish language materials are available in the country (see Section 5).

The Government restricts academic freedom. Public school teachers are not permitted to express ideas contrary to government policy, although authorities allow somewhat greater freedom of expression at the university level.

b. Freedom of Peaceful Assembly and Association.—Freedom of assembly does not exist under the law. Citizens may not hold demonstrations unless they obtain permission from the Ministry of Interior. Most public demonstrations are organized by the Government or the Ba'th Party. The Government selectively applied the law during the year, permitting some demonstrations. The Government applies the re-

strictions on public assembly in Palestinian refugee camps, where controlled demonstrations have been allowed.

In October there were numerous demonstrations, most of which were permitted or organized by the Government, and some of which were directed against diplomatic missions and international agencies in reaction to the Israeli Government's use of force against Palestinians in Israel, the West Bank, and Gaza. On October 4, police did not take adequate steps to protect diplomatic property during a violent demonstration. However, during a subsequent violent demonstration on October 6, police used tear gas, shields, batons, and threats of lethal force to disperse rock-throwing demonstrators and protect diplomatic property. Observers stated that the police acted with restraint. About 50 police personnel and numerous demonstrators were injured in the demonstration (see Section 1.c.). The Government subsequently permitted additional demonstrations with a significant security force presence; such demonstrations remained peaceful.

In November there were large demonstrations in Suwayda province following violent clashes between Bedouin shepherds and Druze residents of the province (see Sections 1.a., 1.c., and 5).

The Government restricts freedom of association. Private associations must be registered with the Government in order to be considered legal. Some groups have not been able to register, presumably because the Government views them as political, even though the groups presented themselves as cultural or professional associations. Unregistered groups generally may not hold meetings; however, there are credible reports that several domestic human rights organizations and civil society groups held regular meetings during the year. The Government usually grants registration to groups not engaged in political or other activities deemed sensitive. The authorities do not allow the establishment of independent political parties.

In 1980 the Government dissolved, and then reconstituted under its control, the executive boards of professional associations after some members staged a national strike and advocated an end to the state of emergency. The associations have not been independent since that time and generally are led by members of the Ba'th Party, although nonparty members may serve on their executive boards. It is not known whether any persons detained in 1980 crackdowns on union and professional association officials remain in detention (see Sections 1.d. and 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, it imposes restrictions in some areas. The only advantage given to a particular religion by the Constitution is the requirement that the President be a Muslim. There is no official state religion; Sunni Muslims constitute the majority of the population.

All religions and orders must register with the Government, which monitors fund raising and requires permits for all meetings by religious groups, except for worship. Recognized religious groups receive free utilities and are exempt from real estate taxes and taxes on official vehicles. There is a strict de facto separation of church and state. Religious groups tend to avoid any involvement in internal political affairs. The Government, in turn, generally refrains from becoming involved in strictly religious issues.

The Government considers militant Islam a threat to the regime and follows closely the practice of its adherents. The Government has allowed many new mosques to be built; however, sermons are monitored and controlled, and mosques are closed between prayers.

There were credible reports of large-scale arrests of Syrian and Palestinian Islamists affiliated with the Muslim Brotherhood and the Islamic Salvation Party in late 1999 and early 2000. Some of the Islamist prisoners reportedly were tortured in detention. A number of these prisoners reportedly were released during the year (see Sections 1.c. and 1.d.).

Although the law does not prohibit proselytizing, the Government discourages such activity in practice, particularly when it is deemed a threat to the generally good relations among religious groups. Foreign missionary groups are present but operate discreetly. The Government banned Jehovah's Witnesses as a politically-motivated Zionist organization in 1964.

Officially all schools are government-run and nonsectarian, although some schools are run in practice by Christian, Druze, and Jewish minorities. There is mandatory religious instruction in schools, with government-approved teachers and curriculums. Religion courses are divided into separate classes for Muslim, Druze, and Christian students. Jews have a separate primary school, which offers religious instruction in Judaism, in addition to traditional subjects. Although Arabic is the official language in public schools, the Government permits the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean in some schools on the basis that these are "liturgical languages."

Religious groups are subject to their respective religious laws on marriage, divorce, child custody, and inheritance (see Section 5).

Government policy officially disavows sectarianism of any kind. However, in the case of the Alawis, religion can be a contributing factor in determining career opportunities. For example, members of the President's Alawi sect hold a predominant position in the security services and military, well out of proportion to their percentage of the population, which is estimated to be 12 percent (see Section 3).

For primarily political rather than religious reasons, Jews generally are barred from government employment and do not have military service obligations. Jews also are the only religious minority group whose passports and identity cards note their religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government limits freedom of movement. The Government restricts travel near the Golan Heights. Travel to Israel is illegal. In November 1999, the Government eased many of its travel restrictions, which made it easier for most citizens to travel abroad. In December the Government lifted the ban on travel to Iraq. Exit visas generally no longer are required for women, men over 50 years old, and citizens living abroad. In the past, individuals have been denied permission to travel abroad on political grounds, although government officials deny that this practice occurs. The authorities may prosecute any person found attempting to emigrate or travel abroad illegally, or who is suspected of having visited Israel. Women over the age of 18 have the legal right to travel without the permission of male relatives. However, a husband may file a request with the Ministry of Interior to prohibit his wife's departure from the country (see Section 5). The Government's use of police checkpoints has been reduced (see Section 1.f.).

In July the Government announced that emigres who did not complete mandatory military service can pay a fee to avoid being conscripted while visiting the country.

In November the Government temporarily sealed access to parts of Suwayda province for several weeks to nonresidents following violent clashes between resident Druze and Bedouin shepherds (see Section 5).

As of June 383,199 Palestinian refugees were registered with the United Nations Relief and Works Agency (UNRWA) in the country. In general Palestinian refugees no longer report unusual difficulties travelling in and out of the country, as was the case in the past. The Government restricts entry by Palestinians who are not resident in the country. The Government does not allow Palestinian residents of Gaza to visit the country.

Citizens of any Arab country may enter the country without a visa. However, citizens of Iraq, Sudan, and Somalia must demonstrate that they have an invitation from a business or individual citizen.

There are no laws with provisions for dealing with refugees and asylees in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government cooperates on a case-by-case basis with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum but is selective about extending protection to refugees; approximately 2,455 persons sought asylum through the UNHCR during the first 9 months of the year. Although the Government denied any forced repatriation of those who may have had a valid claim to refugee status, in 1998 it apparently forcibly repatriated Iraqi, Somali, Algerian, and Libyan refugees. As of August 1999, there were an estimated 21,319 non-Palestinian refugees in the country, of whom about 3,962 were receiving assistance from the UNHCR, including 1,315 refugees of Iraqi origin.

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

Although citizens ostensibly vote for the President and Members of Parliament, they do not have the right to change their government. The late President Hafiz Al-Asad was confirmed by unopposed referenda five times after taking power in 1970. His son, Bashar Al-Asad, also was confirmed by an unopposed referendum in July. Political opposition to the President is not tolerated. The President and his senior aides, particularly those in the military and security services, ultimately make most basic decisions in political and economic life, with a very limited degree of public accountability. Moreover, the Constitution mandates that the Ba'th Party is the ruling party and is ensured a majority in all government and popular associations, such as workers' and women's groups. Six smaller political parties also are permitted and, along with the Ba'th Party, make up the National Progressive Front (NPF), a grouping of parties that represents the sole framework of legal political party participation for citizens. While created ostensibly to give the appearance of a multiparty system, the NPF is dominated by the Ba'th Party and does not change

the essentially one-party character of the political system. Non-Ba'th Party members of the NPF exist as political parties largely in name only and conform strictly to Ba'th Party and government policies. There were reports in the regional Arab media that the Government is considering legislation to expand the NPF to include new parties and several parties previously banned.

The Ba'th Party dominates the Parliament, which is known as the People's Council. Although parliamentarians may criticize policies and modify draft laws, the executive branch retains ultimate control over the legislative process. Since 1990 the Government has allowed independent non-NPF candidates to run for a limited allotment of seats in the 250-member People's Council. The current number of non-NPF deputies is 83, ensuring a permanent absolute majority for the Ba'th Party-dominated NPF. Elections for the 250 seats in the People's Council last took place in 1998.

The Government is headed by a Cabinet, which the President has the discretion to change. In March former President Hafez Al-Asad accepted the resignations of all of the members of his Cabinet who resigned because the late President reportedly believed that the change would improve government and economic performance. On March 13, the late President appointed a new Cabinet consisting of 36 ministers; 26 Ba'th Party members, 6 NPF ministers, and 4 "independents" aligned with the Government.

Persons who have been convicted by the State Security Court may be deprived of their political rights after they are released from prison. Such restrictions include a prohibition against engaging in political activity, the denial of passports, and a bar on accepting government jobs and some other forms of employment. The duration of such restrictions may last from 10 years to the remainder of the former prisoner's life. The Government contends that this practice is mandated by the Penal Code; it has been in effect since 1949.

Women and minorities, with the exception of the Jewish population and stateless Kurds (see Section 5), participate in the political system without restriction. Nonetheless, women are underrepresented in Government. There are 2 female cabinet ministers and 26 female Members of Parliament.

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

The Government does not allow the existence of local human rights groups. One or two human rights groups once operated legally but subsequently were banned by the Government. However, there are credible reports that several domestic human rights organizations and civil society groups met regularly during the year.

Amnesty International (AI) visited Syria for 2 weeks in 1997, the second major visit by an international human rights organization (after a Human Rights Watch visit in 1995). These were the first such meetings held by government officials with an international human rights organization. There have been no such meetings since.

As a matter of policy, the Government in its exchanges with international groups denies that it commits human rights abuses. It has not permitted representatives of international organizations to visit prisons. The Government states that it now responds in writing to all inquiries from NGO's regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee established expressly for that purpose. Human Rights Watch reported in 1997 that the Government had not responded to its request to account publicly for the possibly thousands of citizens who were executed at Tadmur prison in the 1980's. The Government usually responds to queries from human rights organizations and foreign embassies on specific cases by claiming that the prisoner in question has violated national security laws.

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

The Constitution provides for equal rights and equal opportunity for all citizens. In practice membership in the Ba'th Party or close familial relations with a prominent party member or government official can be important for economic, social, or educational advancement. Party or government connections can pave the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the Government, the military, and the security services. Certain prominent positions, such as that of provincial governor, are reserved solely for Ba'th Party members. Apart from some discrimination against Kurds, there are no apparent patterns of systematic government discrimination based on race, sex, religion, disability, language, or social status. However, there are varying degrees of societal discrimination in each of these areas.

Women.—Violence against women occurs, but there are no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases likely are unreported, and victims generally are reluctant to seek assistance outside the family. There are no laws against spousal rape. One preliminary academic study suggested that domestic violence is the largest single reason for divorces, and that such abuse is more prevalent among the less-educated and person who live in rural areas. Battered women have the legal right to seek redress in court, but few do so because of the social stigma attached to such action. The Syrian Women's Federation offers services to battered wives to remedy individual family problems. The Syrian Family Planning Association also attempts to deal with this problem. Some private groups, including the Family Planning Association, have organized seminars on violence against women, which were reported by the government press. There are no specifically designated shelters or safe havens for battered women who seek to flee their husbands.

The Constitution provides for equality between men and women and equal pay for equal work. Moreover, the Government has sought to overcome traditional discriminatory attitudes toward women and encourages women's education. However, the Government has not yet changed personal status, retirement, and social security laws that discriminate against women. Christians, Muslims, and other religious groups are subject to their respective religious laws on marriage, divorce, and inheritance (see Section 2.c.). In addition some secular laws discriminate against women. For example, under criminal law, the punishment for adultery is twice that as for the same crime committed by a man. "Honor" crimes (a euphemism that refers to violent assaults with intent to murder against a female by a male for alleged sexual misconduct) do occur.

For Muslims personal status law on divorce is based on Shari'a (Islamic law), and some of its provisions discriminate against women. For example, husbands may claim adultery as grounds for divorce, but wives face more difficulty in presenting the same argument. If a woman requests a divorce from her husband, she may not be entitled to child support in some instances. In addition under the law a woman loses the right to custody of boys when they reach age 9 and girls at age 12.

Inheritance for Muslims is based on Shari'a. Accordingly Muslim women usually are granted half of the inheritance share of male heirs. However, Shari'a mandates that male heirs provide financial support to the female relatives who inherit less. For example, a brother who inherits an unmarried sister's share from their parents' estate is obligated to provide for the sister's well-being. If the brother fails to do so, she has the right to sue.

Polygyny is legal but is practiced only by a small minority of Muslim men.

A husband may request that his wife's travel abroad be prohibited (see Section 2.d.). Women generally are barred from travelling abroad with their children unless they are able to prove that the father has granted permission for the children to travel.

Women participate actively in public life and are represented in most professions, including the military. Women are not impeded from owning or managing land or other real property. Women constitute approximately 7 percent of judges, 10 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

Children.—There is no legal discrimination between boys and girls in school or in health care. Education is compulsory for all children, male or female, between the ages of 6 and 12. According to the Syrian Women's Union, about 46 percent of the total number of students through the secondary level are female.

Nevertheless, societal pressure for early marriage and childbearing interferes with girls' educational progress, particularly in rural areas, where dropout rates for female students remain high.

The law emphasizes the need to protect children, and the Government has organized seminars on the subject of child welfare. Although there are cases of child abuse, there is no societal pattern of abuse against children. The law provides for severe penalties for those found guilty of the most serious abuses against children.

People with Disabilities.—The law prohibits discrimination against the disabled and seeks to integrate them into the public sector work force. However, implementation is spotty. Regulations reserving 2 percent of government and public sector jobs for the disabled are not implemented rigorously. The disabled do not have recourse to the courts regarding discrimination. There are no laws that mandate access to public buildings for the disabled. The Minister of Social Affairs announced plans during the year to offer vocational training for disabled persons through local NGO's and to mandate that the Government hire 4 percent of its workforce from the disabled population.

Religious Minorities.—Although there is significant religious tolerance, religion or ethnic affiliation can be a contributing factor in determining career opportunities. For example, members of the President's Alawi sect hold a predominant position in the security services and military, well out of proportion to their percentage of the population. Nevertheless, government policy officially disavows sectarianism.

There generally is little societal discrimination or violence against religious minorities, including Jews. However, on October 12, a group of Palestinians threw bricks, stones, and Molotov cocktails at a synagogue in Damascus, apparently in reaction to the Israeli Government's use of force against Palestinians in the occupied territories. No one was injured in the attack; however, the synagogue was damaged slightly and was closed for approximately 1 month. The Government took immediate steps to ensure that the Jewish community would be protected from further attacks, including arresting the perpetrators and posting guards around synagogues and the Jewish quarter of Damascus.

National/Racial/Ethnic Minorities.—The Government generally permits national and ethnic minorities to conduct traditional, religious, and cultural activities. However, the Government's attitude toward the Kurdish minority is a significant exception to this policy. Although the Government contends that there is no discrimination against the Kurdish population, it has placed limits on the use and teaching of the Kurdish language. It also restricts the publication of books and other materials written in Kurdish (see Section 2.a.), Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. The Government tacitly accepts the importation and distribution of Kurdish language materials, particularly in the northeast region in which most of the Kurds in the country reside. Some members of the Kurdish community have been tried by the Supreme State Security Court for expressing support for greater Kurdish autonomy or independence. Although the Asad Government stopped the previous practice of stripping Kurds in Syria of their Syrian nationality (some 120,000 lost Syrian nationality under this program in the 1960's), it never restored their nationality. As a result, those who had lost their nationality and their children have been unable to obtain Syrian nationality and passports, or even identification cards and birth certificates. Without Syrian nationality, these stateless Kurds, who according to UNHCR estimates number about 200,000, are unable to own land, are not permitted to practice as doctors or engineers or be employed by the Government, are ineligible for admission to public hospitals, and have no right to vote, according to Human Rights Watch. They also encounter difficulties in enrolling their children in school. Stateless Kurdish men legally may not marry Syrian citizens.

In November there were violent clashes in Suwayda province, reportedly stemming from a longstanding dispute between Bedouin shepherds and Druze residents over grazing and property rights. There were large demonstrations following the killings (see Section 2.b.). The Government deployed 5,000 army troops and sealed off the area with military checkpoints, temporarily preventing nonresidents from entering the Suwayda province (see Section 2.d.). A number of Druze, Bedouin, and security force personnel were killed and injured during the clashes.

Section 6. Worker Rights

a. The Right of Association.—Although the Constitution provides for this right, workers are not free to establish unions independent of the Government. All unions must belong to the General Federation of Trade Unions (GFTU), which is dominated by the Ba'th Party and is in fact a part of the State's bureaucratic structure. The GFTU is an information channel between political decisionmakers and workers. The GFTU transmits instructions downward to the unions and workers but also conveys information to decisionmakers about worker conditions and needs. The GFTU provides the Government with opinions on legislation, organizes workers, and formulates rules for various member unions. The GFTU president is a senior member of the Ba'th Party. He and his deputy may attend cabinet meetings on economic affairs. The GFTU controls nearly all aspects of union activity.

The law does not prohibit strikes, except in the agricultural sector. Nevertheless, workers are inhibited from striking because of previous government crackdowns on strikers. In 1980 the security forces arrested many union and professional association officials who planned a national strike. Some of them are believed to remain in detention, either without trial or after being tried by the State Security Court (see Sections 1.d. and 2.b.).

The GFTU is affiliated with the International Confederation of Arab Trade Unions.

In 1992 Syria's eligibility for tariff preferences under the U.S. Generalized System of Preferences was suspended because the Government failed to take steps to afford internationally recognized worker rights to workers.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively does not exist in any meaningful sense. Government representatives are part of the bargaining process in the public sector. In the public sector, unions do not normally bargain collectively on wage issues, but there is some evidence that union representatives participate with representatives of employers and the supervising ministry in establishing minimum wages, hours, and conditions of employment. Workers serve on the boards of directors of public enterprises, and union representatives always are included on these boards.

The law provides for collective bargaining in the private sector, but any such agreement between labor and management must be ratified by the Minister of Labor and Social Affairs, who has effective veto power. The Committee of Experts of the International Labor Organization (ILO) has long noted the Government's refusal to abolish the Minister's power over collective contracts.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and may ask for binding arbitration. In practice labor and management representatives settle most disputes without resort to legal remedies or arbitration. Management has the right to request arbitration, but this right seldom is exercised. Arbitration usually occurs when a worker initiates a dispute over wages or severance pay.

Since the unions are part of the Government's bureaucratic structure, they are protected by law from antiunion discrimination. There were no reports of antiunion discrimination.

There are no unions in the seven free trade zones. Firms in the zones are exempt from the laws and regulations governing hiring and firing, although they must observe some provisions on health, safety, hours, and sick and annual leave.

c. Prohibition of Forced or Compulsory Labor.—There is no law prohibiting forced or compulsory labor, including that performed by children. There were no reports of forced labor involving children or foreign or domestic workers. Forced labor has been imposed as a punishment for some convicted prisoners.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1959 Labor Law protects children from exploitation in the workplace. Independent information and audits on government enforcement are not available. Although it is not prohibited by law, there were no reports of coerced or bonded labor (see Section 6.c.) due to the relative ease with which a work permit may be obtained. In December the Parliament approved legislation that raises the private sector minimum age for employment from 12 to 15 years for most types of nonagricultural labor, and from 16 to 18 years for heavy work. In all cases, parental permission is required for children under the age of 16. The law prohibits children from working at night. However, all these laws apply only to children who work for a salary. Those who work in family businesses and are not technically paid a salary—a common phenomenon—do not fall under the law. The Government claims that the expansion of the private sector has led to more young children working. Education is compulsory for all children, male or female, between the ages of 6 and 12.

The Ministry of Labor and Social Affairs monitors employment conditions for persons under the age of 18, but it does not have enough inspectors to ensure compliance with the laws. The Ministry has the authority to specify the industries in which children 15 and 16 years of age may work. The majority of children under age 16 who are working do so for their parents in the agricultural sector without remuneration. The ILO report found that 10.5 percent of children under the age of 18 participate in the labor force, which amounts to 4.7 percent of the total work force. Working hours for youths of legal age to work do not differ from those established for adults. Children under the age of 16 are prohibited by law from working in mines, at petroleum sites, or in other dangerous fields. Children are not allowed to lift, carry, or drag heavy objects. The exploitation of children for begging purposes also is prohibited. The Labor Inspection Department performs unannounced spot checks of employers on a daily basis to enforce these regulations; however, the scope of these checks is unknown.

e. Acceptable Conditions of Work.—The Minister of Labor and Social Affairs is responsible for enforcing minimum wage levels in the public and private sectors. In August the Government increased public sector minimum wages by 25 percent to \$57 (2,664 Syrian pounds) per month, plus other compensation (for example, meals, uniforms, and transportation). In October the Government increased private sector minimum wages by 25 percent to \$53 (2,425 Syrian pounds) per month in urban areas and \$49 (2,237 Syrian pounds) in rural areas. These wages still do not provide a decent standard of living for a worker and family. As a result, many workers in both the public and private sectors take additional jobs or are supported by their extended families. In the past, a committee of labor, management, and government

representatives submitted recommended changes in the minimum wage to the Minister, and private sector salary increases matched those in the public sector.

The statutory workweek for administrative staff is 6 days of 6 hours each, and laborers work 6 days a week of 8 hours each. In some cases a 9-hour workday is permitted. The laws mandate 1 24-hour rest day per week. Rules and regulations severely limit the ability of an employer to dismiss employees without cause. Even if a person is absent from work without notice for a long period, the employer must follow a lengthy procedure of trying to find the person and notify him, including through newspaper notices, before he is able to take any action against the employee. Dismissed employees have the right to appeal before a committee of representatives from the union, management, the Ministry of Labor and Social Affairs, and the appropriate municipality. Such committees usually find in favor of the employee. Dismissed employees are entitled to 80 percent of salary benefits while the dispute is under consideration. No additional back wages are awarded should the employer be found at fault, nor are wage penalties imposed in cases where the employer is not found at fault. The law does not protect temporary workers who are not subject to regulations on minimum wages. Small private firms and businesses employ such workers to avoid the costs associated with hiring permanent employees.

The law mandates safety in all sectors, and managers are expected to implement them fully. In practice there is little enforcement without worker complaints, which occur infrequently despite government efforts to post notices on safety rights and regulations. Large companies, such as oil field contractors, employ safety engineers.

The ILO noted in August 1998 that a provision in the Labor Code allowing employers to keep workers at the workplace for as many as 11 hours a day might lead to abuse. However, there have been no reports of such abuses. Officials from the Ministries of Health and Labor inspect work sites for compliance with health and safety standards. Such inspections appear to be haphazard, apart from those conducted in hotels and other facilities that cater to foreigners. The enforcement of labor laws in rural areas also is more lax than it is in urban areas, where inspectors are concentrated. Workers may lodge complaints about health and safety conditions, with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, or from the country. Standard labor laws would be applied in the event of allegations of trafficking.

TUNISIA

Tunisia is a republic dominated by a single political party. President Zine El-Abidine Ben Ali and his Constitutional Democratic Rally (RCD) party have controlled the Government, including the legislature, since 1987. This dominance was reaffirmed in an overwhelming RCD victory in the October 1999 legislative and presidential elections, although 1999 revisions to the Constitution allowed two opposition candidates to run against Ben Ali in presidential elections, the first multi-candidate presidential race in the country's history. Approximately 20 percent of representation in the Chamber of Deputies is reserved for opposition parties (34 of 182 seats), up from approximately 12 percent (19 of 163 seats) in the previous Chamber, which was elected in 1994. The President appoints the Prime Minister, the Cabinet, and the 24 governors. The executive branch and the President strongly influence the judiciary, particularly in sensitive political cases.

The police share responsibility for internal security with a paramilitary National Guard. The police operate in the capital and a few other cities. In outlying areas, their policing duties are shared with, or ceded to, the National Guard. Both forces are under the control of the Minister of Interior and the President. The security forces continued to be responsible for serious human rights abuses.

Tunisia has made substantial progress toward establishing an export-oriented market economy based on manufactured exports, tourism, agriculture, and petroleum. The per capita gross national product for 2000 was estimated to be \$2,800, while real per capita income grew by an estimated 2.7 percent. Over 60 percent of citizens are in the middle class and enjoy a comfortable standard of living. The Government reported that only 6.2 percent of citizens fell below the poverty line, and that more than 80 percent of households owned their own homes. The country has a high level of literacy (91.1 percent of adults between the ages of 15 and 24 in 1999), low population growth rates (under 1.2 percent in 1999), and wide distribu-

tion of basic health care. The Government devotes over 60 percent of the budget to social and development goals.

The Government generally respected the rights of its citizens in some areas, particularly regarding the rights of women and children, and it also took modest steps to allow a greater diversity of views in the media; however, the Government's record remained poor in other areas, and significant problems remain. There are significant limitations on citizens' right to change their government. The ruling RCD Party is firmly intertwined with government institutions throughout the country, making it extremely difficult for opposition parties to compete on a level playing field. The October 1999 presidential and legislative elections marked a modest step toward democratic development, with opposition presidential candidates allowed to run for the first time, and opposition parties generally freer to campaign; however, while observers agree that the outcome of the elections generally reflected the will of the electorate, the campaign and election processes greatly favored the ruling party, and there was wide disregard for the secrecy of the vote, in which Ben Ali won 99.44 percent of the ballots cast for President.

There were reports of two extrajudicial killings by police. Members of the security forces tortured and physically abused prisoners and detainees. The Government asserts that police officials who commit abuses are disciplined, but there have been no documented cases in which security officials were disciplined for such abuse. Prison conditions range from Spartan to poor. Security forces arbitrarily arrest and detain persons. Lengthy pretrial detention and incommunicado detention are problems. Provisions enacted in 1999 to lower the maximum incommunicado detention period and require authorities to notify family members at the time of arrest are not enforced evenly. The judiciary is subject to executive branch control, lengthy delays in trials are a problem, and due process rights are not always observed; however, in July the Government set up a new court to oversee the proper administration of sentences. The Government infringed on citizens' privacy rights, including by intercepting mail and interfering with Internet communication. Security forces also monitored the activities of government critics and at times harassed them, their relatives, and associates.

The Government continued to impose significant restrictions on freedom of speech and of the press, although there was limited easing of press restrictions during the year. Journalists practice selfcensorship. The Government demonstrated a pattern of intolerance of public criticism, using criminal investigations, judicial proceedings, and travel controls (including denial of passports) to discourage criticism and limit the activities of human rights activists. The Government continued to use the mandatory prescreening of publications and control of advertising revenue as a means to discourage newspapers and magazines from publishing material that it considered undesirable. The Government regularly seized editions of foreign newspapers containing articles that it considered objectionable. However, the Government eased its restrictions somewhat in a few areas; several foreign journals returned to newsstands during the year after being banned from sale following articles critical of the October 1999 presidential and legislative elections. The Government also improved access to the Internet and continued to broadcast a monthly public affairs program that permitted citizens to debate issues with government officials. The Government restricts freedom of assembly and association. The Government limits partially the religious freedom of members of the Baha'i faith. The Government does not permit proselytizing. The Government continued to restrict the freedom of movement of government critics and their family members. The Government subjected members of the Tunisian Human Rights League (LTDH) and other human rights activists to harassment, interrogation, property loss or damage, and denial of passports. The Government closed the headquarters of the LTDH on November 27 and replaced its board with a judicial administrator pending a scheduled January 2001 hearing. Four LTDH members filed a complaint that the LTDH's national congress elections that were held in October did not follow LTDH by-laws and were illegal. The Government barred meetings by LTDH board members in the interim. The Government continued to meet with the LTDH, but still refused to approve the registration of the National Council for Liberties (CNLT) nongovernmental organization (NGO) and continued to prosecute CNLT members. CNLT spokesman Moncef Marzouki was sentenced to a 1-year prison term for maintaining an illegal organization and distribution of false news for writing a paper for a human rights conference held in Morocco that criticized the Government's National Solidarity Fund charity for lack of transparency. The Government permitted observers from several international human rights groups to attend trials of human rights activists. Violence against women occurs. The Government continued to demonstrate its strong support for the rights of women and children; however, legal discrimination against women continued to exist in certain areas, such as property and inheritance law, which is gov-

erned by Shari'a (Islamic law), and societal discrimination exists in areas such as private sector employment. The Government took strong measures to reduce official discrimination, including equal opportunity for women as a standard part of its audits of all governmental entities and state-owned enterprises; however, such measures are not extended to the private sector. Child labor persists. Child labor continues to decline, due principally to government efforts to address the problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, there were reports of a few extrajudicial killings by members of the security forces.

According to the LTDH, on August 9 motorcycle police officers kicked and beat Chaker Azouzi to death for failure to stop for police. The Government stated that the police officer implicated in Azouzi's death is being held pending a judicial investigation.

According to an LTDH communique, Riadh Ben Mohamed J'day was beaten to death while he was held in police detention on September 17. The Government claimed that J'day committed suicide by hanging himself by his shirt from the bars in his cell, and that he died on the way to the hospital.

The LTDH reported that El-Aid Ben Salah's cellmates beat him to death on June 10 and that, despite his cries, prison guards did nothing to save him. The Government stated that it has opened an investigation into Ben Salah's death.

There was no progress in the investigation of the 1999 case of Tahar Jelassi, who reportedly died as a result of torture by prison guards for refusing to take off his clothes during a routine search at Grombalia prison.

There were no developments during the year in the case of former Islamist Tijani Dridi, who allegedly died in police custody in 1998. The Government maintains that Dridi died on July 21 from injuries sustained the previous day in a motorcycle collision.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits the use of torture and other cruel, inhuman, or degrading treatment or punishment; however, security forces routinely used various methods of torture to coerce confessions from detainees. The forms of torture included electric shock; submersion of the head in water; beatings with hands, sticks, and police batons; cigarette burns; and food and sleep deprivation. Police also reportedly utilized the "rotisserie" method: Stripping prisoners naked, manacled their wrists behind their ankles, and beating the prisoners while they were suspended from a rod. A 1999 CNLT report on prison conditions described other forms of torture, including the falaqa, which consists of suspending a prisoner by the feet and severely beating the soles of the feet; suspension of a prisoner from the metal door of his cell for hours on end until the prisoner loses consciousness; and confinement of the prisoner to the "cachot," a tiny, unlit cell. LTDH vice president Khemais Ksila, who was released from prison in 1999, and the CNLT both reported cases in which prisoners committed self-mutilation in prisons to protest conditions and then, as punishment, prison authorities sutured the prisoners' self-inflicted wounds without anesthesia and put them into isolation or into "cachot." In the April 28 trial of Jallel Ben Brik Zoghlami, the brother of journalist Taoufik Ben Brik, presiding judges did not incorporate allegations of police brutality in their summary statements (which serve as the trial record), and refused to open an investigation into Zoghlami's claim that on April 26 police officers beat Zoghlami (breaking his nose), Sihem Bensedrine, Taieb Nooman, and Ali Ben Salem while holding them in detention (see Sections 1.d. and 1.e.). The four claimed that they were made to lay prostrate at a police station in the El-Manar suburb of Tunis while police stomped and kicked them, and that they subsequently filed a complaint of police brutality, which the judge refused to accept.

According to Amnesty International (AI) and defense attorneys, the courts routinely fail to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted under torture. In the April trial of Ahmed Amari and 23 others for membership in the illegal Islamist organization An-Nahda, the presiding judges refused to investigate the claim by defendants that their confessions were extracted under torture, including a claim by Amari's attorney that he still bore physical signs of torture (see Sections 1.d. and 1.e.).

In a November 1998 report, the U.N. Committee Against Torture recommended that the Government reduce the prearrest detention period from 10 days to 48 hours, noting that most abuses occur during incommunicado detention. In August 1999, in order to address U.N. concerns, the Government enacted

amendments to the Penal Code, which adopted the U.N. definition of torture, instructed police to inform detainees of their rights, including, notably, the right of a defendant to demand a medical examination while in detention, and increased the maximum penalty for those convicted of committing acts of torture from 5 to 8 years. In 1999 the Government also shortened the maximum allowable period of prearrest detention from 10 to 6 days and added a requirement that the police notify suspects' families on the day of their arrest. However, credible sources claimed that the Government rarely enforces the new provisions. In its annual report for 2000, Human Rights Watch stated that despite the reduction of incommunicado detention from 10 to 6 days, torture continued to be a problem, due to a climate of impunity "fostered by a judiciary that ignored evidence of torture and routinely convicted defendants on the basis of coerced confessions." In its March 2000 report on torture, the CNLT stated that "torture continues to be practiced on a large scale" and affects not only political prisoners but common criminals as well.

Human rights advocates maintain that charges of torture and mistreatment are difficult to substantiate because government authorities often deny medical examinations until evidence of abuse has disappeared. The Government maintained that it investigates all complaints of torture and mistreatment filed with the prosecutor's office and claimed that alleged victims sometimes publicly accused authorities of acts of abuse without taking the steps required to initiate an investigation. However, the CNLT stated in its March report on torture that police often refuse to register complaints and judges dismiss complaints lodged by alleged victims of torture with little or no investigation. For example, Abdelmounim Belanas, who was convicted in 1999 of membership in the Tunisian Communist Workers Party (PCOT) and was released in June, claimed that he filed two complaints against the Government for torture that he was subjected to in 1995, 1997, and 1999, but that both of his complaints were dismissed (see Sections 1.e., 2.b. and 4). Absent a formal complaint, the Government may open an administrative investigation but is unlikely to release the results to the lawyers of affected prisoners. There have been no documented cases in which security officials were disciplined for such abuse.

Eight alleged members of the Islamist organization Ansar were convicted on November 24 and received sentences ranging from 3 to 17 years, largely on the basis of confessions that they claimed had been extracted under torture and on the testimony of a single government witness (see Section 1.d.).

There were reports that security forces severely beat students during demonstrations in the south in February (see Section 2.b.). Credible sources reported that security forces beat university students during pro-Palestinian demonstrations in the greater Tunis area in October (see Sections 2.b.).

Credible sources reported that plainclothes policemen beat French, Algerian, and Moroccan journalists when they attempted to attend a press conference at the home of journalist Taoufik Ben Brik in April (see Section 2.a.). On April 25, police attacked human rights activists and attorneys as they left the Saint Augustin Clinic where Ben Brik was holding a hunger strike (see Sections 1.d., 2.a., and 4). Police beat LTDH vice presidents Fadhel Ghedamsi and Khemais Ksila, Ksila's wife Fatma, attorney Chawki Tabib, and CNLT member Omar Mestiri in the attack. Khemais Ksila suffered a fractured vertebra and his wife suffered bruises to her back as she attempted to stop police from beating her husband, who was knocked unconscious from blows to the top of his spinal column. Attorneys claimed that they filed a complaint but that the judge refused to accept it. PCOT member Mohamed Hedi Sassi claimed that security police attacked and beat him in July outside his home and again in August after stopping his car. CNLT members Omar Mestiri and Mohamed Bechir claimed that in December plainclothes policemen beat them in front of the Ministry of Health, where they attempted to lodge a formal protest of CNLT spokesman Moncef Marzouki's July dismissal. Mestiri claimed that policemen drove him 60 kilometers from Tunis and dropped him by the side of the road without money, papers, or his glasses, and left him to return on foot. Sources also claimed that Nejib Hosni and Raouf Ayadi had been hit and slapped by plainclothes police, who prevented them from entering the CNLT headquarters in December (see Sections 1.f. and 4).

According to defense attorneys and former prisoners, prison conditions ranged from Spartan to poor and, in some cases, did not meet minimum international standards. Credible sources reported that overcrowding continued to be a serious problem, with 40 to 50 prisoners typically confined to a single 194-square-foot cell, and up to 140 prisoners held in a 323-square-foot-cell. In a September 19 trial of 36 defendants who were charged with belonging to the illegal Islamist organization An-Nahda, Zouar Yacoub stated that during his 3.5 year pretrial detention, he was confined with 270 inmates, who shared 1 toilet and 1 sink, in a 323-square-foot cell

(see Section 1.d.). Defense attorneys reported that prisoners in the 9th of April prison in Tunis were forced to share a single water and toilet facility with their cellmates, creating serious sanitation problems, and credible sources report that prison barbers use a single razor blade to shave every 10 prisoners.

There were credible reports that conditions and prison rules were harsher for political prisoners than for the general prison population. One credible report alleged the existence of special cell blocks and prisons for political prisoners, in which they might be held in solitary confinement for months at a time. Another credible source reported that high-ranking leaders of the illegal An-Nahda Islamist movement have been held in solitary confinement since 1991. Other sources alleged that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for the prisoners' families to deliver food to the prisoners. One prisoner reported that he was moved 3 times while serving his 6-month sentence; another reported serving his sentence in 10 different jails in 3 years. The wife of Taoufik Chaieb (who was released following a presidential pardon in August after serving a 4-year prison term for membership in the illegal An-Nahda party) claimed that her husband was transferred to five prisons during his 4-year prison term. The CNLT report alleged that inmates are instructed to isolate newly arrived political prisoners and are punished severely for any contact with them. Fethi Chemki, the president of the Assembly for an Alternative to International Development (RAID), who was convicted in June of defamation for printing a CNLT report on prisons, claimed that he was confined to a bunk bed located besides the cell's lavatories and isolated by other prisoners, except those prisoners who were instructed to provoke fights (see Sections 1.e, 2.a. and 4). Other prisoners, including LTDH vice president Khemais Ksila, alleged that the authorities limited the quantity and variety of food that families of political prisoners could bring to supplement prison fare.

Former National High Commissioner for Human Rights Rachid Driss, whose former organization is government-funded, had conducted bimonthly, unannounced prison inspections since 1996. Although Driss has declared that prison conditions and prisoner hygiene were "good and improving," details of his inspections were not made public. Driss was replaced in December by Zakaria Ben Mustapha, a former Minister of Cultural Affairs.

The Government does not permit international organizations or the media to inspect or monitor prison conditions. The LTDH announced in a 1999 communique that it had been granted permission to resume prison visits; however, it made no visits during the year, and the Government's willingness actually to allow such visits remained uncertain.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. The law authorizes the police to make arrests without warrants in the cases of suspected felons or crimes in progress. A 1999 Penal Code amendment, provides for a maximum 3-day detention period, renewable once (for a maximum of 6 days) by the prosecutor, thus reducing from 10 days to 6 the time that the Government may hold a suspect incommunicado following arrest and prior to arraignment. The 1999 amendments also require arresting officers to inform detainees of their rights and detainees' families of the arrest at the time of arrest, and to make a complete record of the times and dates of such notifications. Credible sources stated that the new law rarely is enforced with respect to either common criminals or political detainees. Detainees have the right to be informed of the grounds for arrest before questioning and may request a medical examination. However, they do not have a right to legal representation during the 6-day incommunicado detention period. Attorneys, human rights monitors, and former detainees maintain that the authorities illegally extend the maximum limit of pre-arraignment detention by falsifying the date of arrest. Ahmed Amari and 23 other defendants who were extradited from Libya in July 1997 did not appear before a judge until April (see Sections 1.c. and 1.e.).

On April 8, police arrested RAID members Fethi Chemki and Mohamed Chouarbi, as well as Iheb El-Hani, the owner of a photocopy shop, and charged the three with defamation, distribution of false news, disturbing the public order, and belonging to an unrecognized association in connection with their photocopying of the CNLT's March report on torture. The Government reportedly detained hundreds of secondary-level students and other youths in connection with two demonstrations held in February and April (see Sections 2.a. and 2.b.). On April 25, the police arrested CNLT members Jallel Ben Brik Zoghalmi, Sihem Bensedrine, Ali Ben Salem, and Taieb Nooman during an altercation between police and foreign journalists (see Sections 1.c. and 1.e.). The Government subjected the family members of Islamist activists to arbitrary arrest (see Sections 1.f., 2.a., 2.d., 4, and 6.a.).

Detainees have a right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining

magistrate may decide to release the accused or remand him to pretrial detention. The law permits the release of accused persons on bail, which may be paid by a third party. In cases involving crimes for which the sentence exceeds 5 years or that involve national security, preventive detention may last an initial period of 6 months and be extended by court order for two additional 4-month periods. For crimes in which the sentence may not exceed 5 years, the court may extend the initial 6-month pretrial detention by an additional 3 months only. During this period, the court conducts an investigation, hears arguments, and accepts evidence and motions of both parties. In August 1999, the Government approved a law that gives persons indicted for criminal acts the right to appeal their indictment before the case comes to trial; previously, this right was granted in civil cases only.

A case proceeds from investigation to a criminal court, which sets a trial date. There is no legal limit to the length of time the court may hold a case over for trial, nor is there a legal basis for a speedy hearing. Complaints of prolonged detention of persons awaiting trial were common, and President Ben Ali publicly has encouraged judges to make better use of release on bail and suspended sentences. In a September 19 trial, the attorney for Zouer Yacoub and 35 other defendants extradited from Libya in 1997 and charged with belonging to the illegal Islamist organization An-Nahda claimed that they had been held in pretrial detention for 3.5 years (see Section 1.c.). Detainees Abdelatif Bouhajila, Yassin Ben Zarti, Ridha Ben Ahmed, Fehra Fethi, Sofiane Ben Hamida, Yousef Mourru, and two others charged with conspiring with a foreign Islamist group (Ansar), held 3-month hunger strikes to protest their 26-month long pretrial detentions. All eight were convicted on November 24 and received sentences ranging from 3 to 17 years, largely on the basis of confessions that they claimed had been extracted under torture and on the testimony of a single government witness (see Section 1.c.).

Human rights activists reported that security forces arbitrarily imposed administrative controls on former prisoners following their release from prison. Although the Penal Code contains provisions for the imposition of administrative controls following completion of a prison sentence, only judges have the right to order a former prisoner to register at a police station, and the law limits registration requirements to 5 years. Human rights activists allege that these requirements often are unreasonable and prevent former prisoners from being able to hold a job. Numerous Islamists released from prison in recent years have been subjected to these types of requirements. Radhia Aouididi, who served a 3-year prison sentence for possession of a fraudulent passport (having been refused a passport in 1996 because of her fiancé's membership in An-Nahda), was released from all administrative controls in August. She had been subject to a requirement to sign in daily at a police headquarters 9 miles from her village for a 5-year period following her 1999 release (see Section 2.d.). Defense attorneys reported that some clients must sign in four or five times daily, at times that are determined only the previous evening. When the clients arrive at the police station, they may be forced to wait hours before signing in, making employment impossible and child care difficult. A new court, created by a 1999 law to oversee the proper administration of sentences, began functioning in September. The law allows judges to substitute community service for jail sentences in minor cases in which the sentence would be 6 months or less.

There likely are a sizable number of political detainees, although there is no reliable estimate due to arbitrary government detention practices and the lack of publicly available records of arrests.

The Constitution prohibits forced exile, and the Government observes this prohibition. According to reliable sources, some political opponents in self-imposed exile have been prevented from obtaining or renewing their passports in order to return. However, a Government official stated in June that the Government had returned 200 passports and would return another 600 of citizens living abroad, many of whom have been without a passport for years (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch and the President strongly influence the judiciary. In practice the judicial branch is part of the Ministry of Justice and the executive branch appoints, assigns, grants tenure to, and transfers judges. In addition the President is head of the Supreme Council of Judges. This situation renders judges susceptible to pressure in politically sensitive cases.

The court system comprises the regular civil and criminal courts, including the courts of first instance; the courts of appeal; and the Court of Cassation, the nation's highest court; as well as the military tribunals within the Defense Ministry.

Military tribunals try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge from the Supreme Court and four military judges. Defendants may appeal the tribunal's verdict to the Court of Cassation.

The Code of Procedure is patterned after the French legal system. By law the accused has the right to be present at trial, be represented by counsel, question witnesses, and appeal verdicts. However, in practice judges do not always observe these rights. The law permits trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts. Defendants may request a different judge if they believe that a judge is not impartial; however, in practice judges do not always permit this. For example, lawyers for Nejib Hosni, who was convicted in December for violating a courtordered 5-year suspension from practicing law, requested that the trial judge recuse himself because, attorneys claimed, he no longer was impartial because he already had found Hosni in violation of the court order the week before. The judge refused the defense's request. The Court of Cassation, which considers arguments on points of law as opposed to the facts of a case, is the final arbiter.

Trials in the regular courts of first instance and in the courts of appeals are open to the public. The presiding judge or panel of judges dominates a trial, and defense attorneys have little opportunity to participate substantively. Defense lawyers contend that the courts often fail to grant them adequate notice of trial dates or allow them time to prepare their cases. Some also reported that judges restricted access to evidence and court records, requiring in some cases, for example, that all attorneys of record examine the court record on one specified date in judges' chambers, without allowing attorneys to copy material documents. For example, in the case of RAID president Fethi Chemki and two others, defense attorneys said that they initially were not permitted access to documents that were the basis of the Government's charge of defamation, then later were permitted to view documents only in the judge's chambers (see Sections 1.c., 2.a., and 4). Defense lawyers also claimed that the judges sometimes refused to allow them to call witnesses on their clients' behalf, or to question key government witnesses. In the trials of both Jallel Ben Brik Zoghlami and Fethi Chemki, judges refused to permit defense attorneys to call witnesses or present evidence on their clients' behalf (see Sections 1.c., 1.d., 2.a., and 4). Lengthy delays in trials also are a problem (see Section 1.d.).

Throughout the year, the Government permitted observers from Amnesty International, the International Human Rights Federation, and other international human rights organizations to monitor trials. The observers reported that the Government permitted them to conduct their work freely (see Section 4). According to credible sources, throughout the year the Government brought correspondents of foreign press services in for questioning for attending and reporting on political trials, and for writing articles critical of the Government in the foreign press (see Section 2.a.).

Amnesty International and defense attorneys report that courts routinely fail to investigate allegations of torture and mistreatment, and have accepted as evidence confessions extracted under torture (see Section 1.c.). In the April trial of Ahmed Amari and 23 others charged with membership in the illegal organization Islamist An-Nahda, the presiding judge refused to investigate allegations of torture, despite defendants' testimony that their confessions were extracted under torture (see Sections 1.c. and 1.d.). Defense lawyers and human rights activists claim that the length of court sessions sometimes prevents reasoned deliberation.

There is no definitive information on the number of political prisoners. Human Rights Watch reported that there might be hundreds of political prisoners convicted and imprisoned for membership in the Islamist group An-Nahda and the Communist Workers Party, for disseminating information produced by these banned organizations, and for aiding relatives of convicted members. Reliable sources estimate that between 600 and 1,400 political prisoners were held in the prisons at the beginning of the year. The Government releases prisoners on national holidays, such as Independence Day or the anniversary of President Ben Ali's accession to power. Several political prisoners were released during the year, including PCOT members Fahem Boukkadous and Abdelmounim Belanas (released on June 10), An-Nahda member Taoufik Chaieb (released on August 30), RAID president and members Fethi Chemki and Mohamed Chouarbi (released conditionally in May after serving 30 days in detention), and Jallel Ben Brik Zoghlami, brother of journalist Taoufik Ben Brik (released in May after serving 19 days in detention) (see Sections 1.c., 1.d., 2.a., 2.b., and 4). However, the Government does not provide details on the numbers or types of prisoners released. President Ben Ali stated in a July 28 speech to members of the RCD ruling party that all prisoners are common criminals convicted of crimes in accordance with the law.

The Government does not permit international humanitarian organizations to visit prisons. In his February report, U.N. Special Rapporteur Abid Hussein stated that the Government did not permit him to visit any prisoners in the 9th of April prison in Tunis but permitted him to visit former Social Democratic Movement

(MDS) secretary general Mohammed Moaada, who at the time was under house arrest and police surveillance pending a government investigation of an alleged meeting between Moaada and An-Nahda leaders in Europe in 1997.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government infringed on citizens' privacy rights. The Constitution provides for the inviolability of the person, the home, and for the privacy of correspondence, "except in exceptional cases defined by law." The law requires that the police obtain warrants to conduct searches; however, police sometimes ignore the requirement if authorities consider that state security is at stake or that a crime is in progress. For example, human rights activist Mohamed Hedi Sassi claimed that his home was ransacked in January while he was held in police custody for failing to stop for an unmarked police car.

Authorities may invoke state security interests to justify telephone surveillance. There were numerous reports of government interception of fax and computer-transmitted communications. The law does not authorize explicitly these activities, although the Government has stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experience frequent and sometimes extended interruptions of residential and business telephone and fax services. Human rights activists accuse the Government of using the 1998 Postal Code, with its broad but undefined prohibition against mail that threatens the public order, to interfere with their mail and interrupt the delivery of foreign publications. Local phone, fax, and copy shops require persons to turn over their identification cards when requesting to send faxes. Lawyers and activists stated that the Government has increased its practice of cutting off telephone service to activists; telephone service to the offices, homes, and relatives of prominent human rights lawyers and other activists frequently was cut off, sometimes for long periods. Human rights lawyer Nejib Hosni claimed that his telephone service has been disrupted since 1994 and human rights lawyer Radhia Nasraoui claimed that her telephone service was disrupted numerous times throughout the year (see Section 4). However CNLT member Moncef Marzouki and journalist Taoufik Ben Brik, who were without telephone service for prolonged periods, reported that their service was reinstated in May.

The security forces monitor the activities of political critics, and sometimes harass, follow, question, or otherwise intimidate their relatives and associates. Members of the CNLT claimed that in December plainclothes police prevented persons from entering the building in which their headquarters were located, including neighbors who lived there (see Sections 1.c. and 4). Police place journalists who write articles critical of the Government, or who are active in human rights organizations, under surveillance (see Section 2.a.).

Human rights activists, lawyers, and other political activists also reported that they were under police surveillance. Lawyer Radhia Nasraoui complained that police frequently follow and intimidate her children. LTDH vice president Khemais Ksila reported that he continued to be subjected to government surveillance and harassment since his release in 1999. Although Ksila's telephone service was reconnected in May, he reported that his mail was monitored and only bills were delivered, and that he has been unable to work since 1996 (see Section 4). On April 10, the Government closed CNLT member Sihem Bensedrine's publishing house, Aloes, and reopened it July 11. The Government stated that it closed the publishing house because it provided a venue for "disruptive activities" when Bensedrine held a meeting in which Taoufik Ben Brik announced his hunger strike to protest his indictment for defamation for articles critical of the Government that he had written and published in the foreign press (see Sections 2.a. and 4). Bensedrine's telephone service was reconnected in July, after being out of service for 15 months, but again was disrupted the week before the December 25 LTDH hearing (see Section 4). Bensedrine reported that her home and family still are under surveillance, but that her children had not recently been the target of government harassment, as had been the case in the past.

Human rights activists alleged that the Government subjected the family members of Islamist activists to arbitrary arrest, reportedly utilizing charges of "association with criminal elements" to punish family members for crimes committed by the activists. For example, one female medical doctor claimed that she has been unemployed since 1997 because police pressure hospitals not to hire her because her husband was convicted of membership in An-Nahda. One man claimed that for 8 years, the Government refused to issue him a passport because his brother was prosecuted for membership in An-Nahda. Human rights activists also alleged that the relatives of Islamist activists who are in jail or living abroad were subjected to police surveillance and mandatory visits to police stations to report their contact with relatives. The Government maintained that the Islamists' relatives were members or associ-

ates of the outlawed An-Nahda movement and that they were correctly subjected to legitimate laws prohibiting membership in or association with that organization. The Government also reportedly refused to issue passports to the family members of some human rights activists, including the wife and children of human rights lawyer Nejib Hosni.

Human rights activists allege that security forces arbitrarily imposed administrative controls on prisoners following their release from prison (see Section 1.d.) and confiscated national identity cards from numerous former prisoners. For example, one man claimed that his national identity card was confiscated when he left prison in June. A credible source claimed that the Government confiscated the national identity cards of as many as 10,000 persons who were either former prisoners convicted of membership in An-Nahda or relatives of An-Nahda members and their sympathizers.

Police presence is heavy throughout the country and traffic officers routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents (see Section 2.d.). The Government regularly prohibited the distribution of some foreign publications (see Section 2.a.). The security forces often question citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists (see Section 2.a.). For example, police attempted to remove one man from a public trial for translating for a foreign observer.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press; however, in practice, the Government restricts freedom of speech and of the press. The Government relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also uses the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who express dissenting opinions. In his February 2000 report, U.N. Special Rapporteur Abid Hussain stated that the Government “still has a long way to go to take full advantage of its favorable economic context—and in particular the right to freedom of opinion and expression,” and cited concern over the State’s “control of the national radio and television broadcasting system and the major dailies.” The Government responded to the Special Rapporteur’s report in a May/June *Jeune Afrique* article, stating that the Special Rapporteur’s report “infringes on the rules of ethics that are supposed to preside over missions executed within the framework of special procedures,” and that “the contents of the report confirm the clear impression, even the certainty, that the Special Rapporteur only reproduced allegations propagated by fringe political extremist and Islamic fundamentalist parties.” In a speech before the RCD in July, President Ben Ali stated that although the Government must protect the right of citizens to hold dissenting opinions, those citizens who criticize the country in the international media were “traitors” who would be prosecuted to the full extent of the law.

The Government convicted RAID president Fethi Chemki and member Mohamed Chouarbi of defamation under the Press Code for photocopying a report published by the CNLT (see Sections 1.c., 1.e., 2.a., and 4). Mustapha Ben Jaafar, secretary general of the Democratic Forum, was investigated and detained for questioning in August on charges of defamation and belonging to an unrecognized organization for a communique that he distributed by e-mail, which criticized the Government (see Section 4). The criminal investigation of CNLT members Omar Mestiri and Moncef Marzouki, who were indicted in July 1999 for belonging to an illegal organization, remains pending (see Sections 2.d. and 4). Charges brought against Marzouki in November and December 1999 for defamation, belonging to an unrecognized organization, causing a public disturbance, and dissemination of false information, arising out of Marzouki’s publishing and distributing two communiqués on behalf of the CNLT, remained pending at year’s end (see Section 4). In a separate case, Marzouki was sentenced to a 1-year prison term on December 30 for maintaining an illegal organization and distribution of false news for a paper that he wrote for a human rights conference in Morocco in September, which criticized the Government’s National Solidarity Fund charity for lack of transparency (see Section 4). The criminal investigation of ousted MDS president Mohamed Moaada, which opened in 1997, is ongoing.

The Government imposed a media blackout on coverage of student protests and related arrests in February and in April (see Section 2.a.).

Although several independent newspapers and magazines—including several opposition party journals—exist, the Government relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Primary among these methods is “depot legal,” the requirement that printers and pub-

lishers provide copies of all publications to the Chief Prosecutor, Ministry of Interior, and Ministry of Culture prior to distribution. The Government has not permitted the Tunisian Bar Association to publish its internal bulletin since July 1999. The Government delayed release from depot legal numerous editions of the biweekly magazine *Jeune Afrique* for periods of up to 9 days, and prohibited the sale of the October 24 issue, which contained an article by noted historian and Islamic scholar Mohamed Talbi in which Talbi described dissident journalist Taoufik Ben Brik as a "national hero."

The Government since 1994 has refused to allow Amnesty International's Tunisia chapter to distribute textbooks on human rights written for high school students. However, the RSP party's sporadically published newspaper issued two editions with critical and extensive coverage of human rights issues. In a May statement in *Jeune Afrique*, the Government claimed that depot legal is a "simple formality to preserve national cultural heritage" and is not at all used to prevent all "undesirable publications."

Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and various ministries prior to their public release. While publishers need not wait for an authorization, they must obtain a receipt of deposit before distribution. On occasion such receipts reportedly are withheld, sometimes indefinitely. Without a receipt, publications may not be distributed legally. For example, publisher Sihem Bensedrine claimed that she deposited a request for publication of *Kalima* magazine in December 1999 and is still awaiting a receipt of filing. The Press Code contains broad provisions prohibiting subversion and defamation, neither of which is defined clearly. The code stipulates fines and confiscation for failure to comply with these provisions. The Government routinely utilized this method to prevent distribution of editions of foreign newspapers and magazines that contained articles critical of the country. For example, the Government prevented distribution of the French publications *Figaro* and *L'Observateur*, which were embargoed until February. *Le Monde*, *Le Canard Enchaîné*, *Le Point*, and *Liberation*, which were banned in October 1999, once again were permitted to distribute copies in August. The *Frankfurter Allgemeine Zeitung* and the *Financial Times* have been banned periodically since the October 1999 elections. The Government also reportedly withheld depot legal to remove from circulation books that it deemed critical of the Government. In addition the Government provided official texts on major domestic and international events and reportedly reprimanded publishers and editors for failing to publish these statements.

The Government also relies on indirect methods, such as newsprint subsidies and control of public advertising revenues, to encourage self-censorship in the media. There were credible reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles that the Government deemed offensive. According to credible sources, *Le Temps* and *As-Sabbah* were forced to cease publication for 2 weeks in August due to financial problems resulting from the Government's withholding advertising orders.

The Government exerted further control over the media by threatening to impose restrictions on journalists, such as refusing permission to travel abroad, withholding press credentials, and imposing police surveillance on those who wrote articles critical of the Government. Members of the security forces also reportedly questioned journalists regarding the nature of press conferences and other public functions hosted by foreigners that the journalists attended. According to credible sources, the Government throughout the year brought correspondents of foreign press services in for questioning for attending and reporting on political trials, and for writing articles critical of the Government in the foreign press (see Section 1.e.). The Government indicted journalist Taoufik Ben Brik in April for defamation for publishing articles critical of the Government in the foreign press. Charges subsequently were dropped in May after Ben Brik held a 6-week hunger strike (see Sections 1.d., 1.f., 2.a., and 4). Other journalists active in human rights organizations reported that they were under police surveillance for weeks at a time (see Section 1.f.). Two journalists reported that they were fired in July due to government pressure after they wrote articles that the Government deemed offensive.

On May 23, *Le Monde's* Tunisia correspondent, Riadh Ben Fadhl, was shot twice in the shoulder at 6 a.m., the morning after he published an article in *Le Monde* that was critical of President Ben Ali. The official news agency, TAP, reported the shooting in all major newspapers in an article that emphasized discrepancies in Ben Fadhl's testimony, implying that the shooting was a failed suicide attempt. On May 30, President Ben Ali appeared in a front-page photo with Ben Fadhl, accompanied by an article in which Ben Fadhl asked the president to open an official investigation into the shooting. The Government had not announced the result of its investigation by year's end.

Several journalists from Al-Fajr, the publication associated with the outlawed An-Nahda movement, remained in jail, serving sentences that were imposed in the early 1990's. The Government maintains that the arrests, indictments, and convictions were carried out in full accordance with the law.

Visiting foreign journalists sometimes complain of being followed by security officials. The Government confiscated cassette tapes of interviews, notebooks, and the address book of French journalist Daniel Mermet in February as he was departing the country after a week of interviews with members of the human rights community. The Government claimed that Mermet had failed to register his materials upon entering the country. Reliable sources alleged that plainclothes policemen beat French, Algerian, and Moroccan journalists and confiscated cameras and film when the journalists attempted to attend a press conference at the home of journalist Taoufik Ben Brik in April (see Sections 1.c., 1.d., 1.e., and 1.f.).

On May 3, for the third year in a row, the Committee to Protect Journalists named President Ben Ali as one of its "10 worst enemies of the press." In its Report 2000, Reporters Sans Frontieres stated that "journalists have adopted a habit of self-censorship and those who venture to be independent pay a high price." Both reports focused on the presence of a restrictive atmosphere that leads to self-censorship and control exercised through advertising revenues. The Tunisian Newspaper Association remained expelled from the World Association of Newspapers (WAN). The WAN expelled the Association in 1997 for its failure to oppose repression of freedom of the press.

The Government owns and operates the Tunisian Radio and Television Establishment (ERTT). The ERTT's coverage of government news is taken directly from the official news agency, TAP. The Government banned the broadcast of the April 8 funeral of former President Habib Bourguiba; television and radio stations broadcast foreign soccer games and shows about wildlife instead. In May 1998, the ERTT began broadcasting a live public debate program entitled "Face to Face," which gave ordinary citizens the opportunity to debate public affairs issues with government officials. Human rights activists described the program as progress toward greater freedom of expression. There are several government-owned regional radio stations and one national television channel. Bilateral agreements with France and Italy permit citizens to receive the French television channel France 2 and the Italian Rai-Uno; however, the broadcast of France 2 has remained suspended since October 1999 because of its critical coverage of the 1999 elections. The Government stated that the broadcast was terminated as part of a long-term plan to provide more broadcast time to Tunisian programming. Recent estimates place the number of satellite dishes (which have been legal since 1996) in the country at well over 100,000. The Government regulates their sale and installation.

The Government encouraged greater use of the Internet and lowered Internet user fees and telephone connection fees again during the year. There are no customs duties on computers. By September 1, the Government reported that there were 35,000 subscribers (almost three times the number reported in 1999) and an estimated 250,000 users of the Internet. The Government used the Internet widely, with most government ministries and agencies posting information on readily accessible web sites. Some previously blocked sites, such as for the French journal *Le Monde*, became available during the year. However, web sites containing information critical of the Government posted by international NGO's and foreign governments frequently are blocked, including a report on Internet use in Tunisia by Human Rights Watch. The only two Internet service providers in the country remain under the control of the Tunisian Internet Agency, which was created in 1996 and which regularly must provide lists of subscribers to the Government. Human rights activists allege that the Agency regularly interferes with and intercepts their Internet communications. The Press Code, including the requirement that advance copies of publications be provided to the Government, applies to information shared on the Internet (see Section 4).

The Government limits academic freedom. Like journalists, university professors indicated that they sometimes practiced self-censorship by avoiding classroom criticism of the Government or statements supportive of the An-Nahda movement. Professors alleged that the Government utilized the threat of tax audits, control over university positions, and strict publishing rules to encourage self-censorship. The presence of police on campuses also discouraged dissent. A 1996 regulation requires professors to inform the Ministry of Higher Education in advance of any seminars, including the list of participants and subjects to be addressed. Copies of papers to be presented in university settings or seminars must be provided to the Ministry in advance. In February police arrested secondary school students and others demonstrating in the south, and in April 40 other secondary students were arrested in Tunis (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government imposes some restrictions on this right. Groups that wish to hold a public meeting, rally, or march must obtain a permit from the Ministry of Interior by applying no later than 3 days in advance of the proposed event and submitting a list of participants. The authorities routinely approve such permits for groups that support government positions, but often refuse permission for groups that express dissenting views. The Government permitted the Tunisia chapter of Amnesty International in May to hold a public conference in conjunction with the LTDH, the Association of Democratic Women (ATFD), and the Young Lawyers Association (AJA) in commemoration of International Freedom of the Press Day, to hold a public meeting in Sfax in June, and to hold its annual congress in July. However, on two separate occasions in March and April, police forcibly broke up a seminar that AI attempted to hold in its Tunis headquarters regarding human rights violations in Saudi Arabia, physically abusing AI members (see Section 4). The Government claimed that AI failed to submit the appropriate request. The Progressive Socialist Assembly (RSP) opposition party reported that on July 1, it was refused permission to hold a conference on Liberty and Democracy at a Tunis hotel; it held the conference at RSP headquarters instead. According to the LTDH, secondary students, joined by other youths, held strikes during the second week of February in the southern towns of Jbeniana, El-Amra, Zarzis, and El-Hamma. The strikes began in schools, developed into marches and demonstrations, and in some cases resulted in confrontations with security forces. The Government reportedly arrested as many as 400 students in connection with the demonstrations, including some minors who were placed in juvenile detention centers (see Section 1.d.). The LTDH claimed that numerous persons reported to the presiding magistrate that they were victims of police brutality during detention (see Section 1.c.). Students involved in the February demonstrations were charged with damaging property and taking part in hostile demonstrations, and received sentences ranging from 1 to 6 months. Some were acquitted, nine received presidential pardons, and the remaining students served out their sentences. All had been released by year's end. The protests and arrests never were reported by the press.

Over a 3-day period in April, the Government arrested a reported 40 additional secondary-level students, mostly in the greater Tunis area, for protesting a communique issued by the Government that announced a change in the final exam week schedule. The Government later denied that the communique had existed and restored the original exam schedule. The students were released several hours later without charge. During a March 28 to 29 hunger strike held by Sihem Bensedrine and Fatma Ksila at ATFD headquarters to protest the confiscation of passports, security officials posing as municipal workers closed off the street to traffic and pedestrians, claiming that the building was off limits due to a gas leak. The Government also cut off the phone and fax lines to ATFD headquarters. Credible sources reported that security forces beat university students during pro-Palestinian demonstrations in the greater Tunis area in October (see Section 1.c.).

Although the Constitution provides for freedom of association, the Government restricts this right by barring membership in political parties organized by religion, race, or region. On these grounds, the Government prosecutes members of the Islamist movement An-Nahda. For example, in an April trial, and five September trials, the Government indicted an estimated 75 alleged An-Nahda members, most of whom were extradited from Libya in 1997 and had been held in pretrial detention for over 3 years. In a September 19 trial, the presiding judge indicted Ahmed Amari, Yousef Khirri, and Choukri Gargouri on multiple counts of the same charge of membership in An-Nahda. The trial ultimately was postponed until February 2001 to allow attorneys to interview their clients and to have access to the Government's case against the defendants. Human rights activists alleged that the Government extended its prosecution of Islamist activists to include family members who were not politically active (see Sections 1.c., 1.d., and 1.e.). A criminal investigation against former MDS party leader Mohamed Moaada remained open, a result of his alleged 1997 meeting with An-Nahda leaders in Europe (see Section 1.e.).

The Government bans organizations that threaten disruption of the public order and uses this proscription to prosecute members of the PCOT. In July 1999, the courts convicted 17 students, professors, and labor activists of membership in the PCOT. The Government released 16 of the PCOT members in 1999. The remaining PCOT prisoner, Fahem Boukkadous, along with Abdelmounin Belanas, who was convicted of PCOT membership in a separate trial in 1999, were released on June 10 after holding a 4-week hunger strike. Three other PCOT members, Hamma Hammami, Abdeljabbar Madouri, and Samir Taamallah, who were convicted and given 9-year sentences in absentia, remain in hiding (see Section 1.c.).

c. Freedom of Religion.—Islam is the state religion. The Constitution provides for the free exercise of other religions that do not disturb the public order, and the Government generally observes and enforces this right; however, it does not permit proselytizing and partially limits the religious freedom of Baha'is.

The Government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although the Government permits Christian churches to operate freely, only the Catholic Church has formal recognition from the post-independence Government. The other churches operate under land grants signed by the Bey of Tunis in the 18th and 19th centuries, which are respected by the post-independence Government.

The Government controls and subsidizes mosques and pays the salaries of prayer leaders. The President appoints the Grand Mufti of the Republic. The 1988 Law on Mosques provides that only personnel appointed by the Government may lead activities in mosques, and stipulates that mosques must remain closed except during prayer times and other authorized religious ceremonies, such as marriages or funerals. New mosques may be built in accordance with national urban planning regulations but become the property of the State. According to human rights lawyers, the Government regularly questioned Muslims who were observed praying frequently in mosques.

The Government allows the Jewish community freedom of worship and pays the salary of the Grand Rabbi. It also partially subsidizes restoration and maintenance costs for some synagogues. In October 1999, the provisional Jewish community elected a new board of directors, its first since independence in 1956, which is awaiting approval from the governor of Tunis. Once approval is obtained from the governor, which reportedly is only a formality, the committee is expected to receive permanent status. The governor of Tunis still had not granted the committee permanent status by year's end. The acting board has changed its name to the Jewish Committee of Tunisia. The Government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Jerba to split their academic day between secular public schools and private religious schools. The Government also encourages Jewish emigres to return for the annual Jewish pilgrimage to the historic El-Ghriba Synagogue on the island of Jerba.

The Government regards the Baha'i Faith as a heretical sect of Islam and permits its adherents to practice their faith only in private. Although the Government permits Baha'is to hold meetings of their National Council in private homes, it reportedly has prohibited them from organizing local councils. The Government reportedly pressures Baha'is to eschew organized religious activities. There are credible reports that prominent Baha'is periodically are called in by police for questioning. The Government unofficially denied Baha'i requests during the year for permission to elect local assemblies. The Government also does not permit Baha'is to accept a declaration of faith from persons who wish to convert to the Baha'i Faith. There were credible reports that four members of the Baha'i Faith were interrogated by Ministry of Interior officials in 1999 and pressured to sign a statement that they would not practice their religion and would not hold meetings in their homes.

In general the Government does not permit Christian groups to establish new churches, and proselytizing is viewed as an act against the public order. Foreign missionary organizations and groups do not operate in the country. Authorities ask foreigners suspected of proselytizing to depart the country and do not permit them to return; however, there were no reported cases of official action against persons suspected of proselytizing during the year.

Islamic religious education is mandatory in public schools; however, the religious curriculum for secondary school students also includes the history of Judaism and Christianity. The Zeitouna Koranic School is part of the Government's national university system.

Both religious and secular NGO's are governed by the same law and administrative regulations on association that impose some restrictions on freedom of assembly. For example, all NGO's are required to notify the Government of meetings to be held in public spaces at least 3 days in advance and to submit lists of all meeting participants to the Ministry of Interior. There were credible reports that two Christian religious organizations did not attempt to register because they believed that their applications would be rejected, although they were able to function freely under the auspices of their respective churches. Neither group believed that it was a victim of religious discrimination. A third group, composed of foreign Christians mostly from Sweden and the United Kingdom, is active in providing medical and social services in the city of Kasserine in the west. Despite its ambiguous legal status, this group (with 15 to 20 members) reports that it has been free to pursue its social and medical work without interference and states that it does not believe that it has been subject to religious discrimination.

Religious groups are subjected to the same restrictions on freedom of speech and the press as secular groups. Primary among these restrictions is “depot legal,” the requirement that printers and publishers provide copies of all publications to the Chief Prosecutor, the Ministry of Interior, and the Ministry of Culture prior to publication (see Section 2.a.). Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and various ministries prior to their public release. Although Christian groups reported that they were able to distribute previously approved religious publications in European languages without difficulty, they claimed that the Government generally did not approve either publication or distribution of Arabic-language Christian material. Moreover, authorized distribution of religious publications was limited to existing religious communities, because the Government views public distribution of both religious and secular documents as a threat to the public order and hence an illegal act.

There was a credible report of a Muslim couple in Bizerte who had converted to Christianity, and since 1998 have not been permitted to renew their passports as a result of their conversion. Muslim women are not permitted to marry outside their religion. Marriages of Muslim women to non-Muslim men abroad are considered common-law, which are prohibited and thus void when the couple returns to the country. Non-Muslim women who marry Muslim men are not permitted to inherit from their husbands, nor may the husbands and any children (who are considered to be Muslim) from the marriage inherit from the non-Muslim wife.

Although civil law is codified, judges are known to override codified law with Shari’a (Islamic law) if codified law conflicts with Shari’a. For example, codified laws provide women with the legal right to custody over minor children; however, judges have refused to grant women permission to leave the country with minor children, holding that Shari’a appoints the father as the head of the family who must grant children permission to travel.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and persons are free to change their place of residence or work at will; however, in practice the Government restricts the freedom of movement and foreign travel of those critical of it.

Amendments to the passport law in October 1998 transferred power for canceling passports from the Ministry of Interior to the courts; however, the amended law contains broad provisions that permit passport seizure on undefined national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges’ decision. The Ministry of Interior must submit requests to seize or withhold a citizen’s passport through the Public Prosecutor to the courts.

The Government arbitrarily withholds passports from citizens (see Section 1.f.); however, it issued passports to numerous persons during the year who had been denied them in the past. The Government returned passports to a number of citizens, including high-profile members of the human rights and Islamist communities, such as Sihem Bensedrine, Moncef Marzouki, Mustapha Ben Jaafar, Radhia Nasraoui, Khemais Ksila, Fatma Ksila, Mohamed Hedi Sassi, Iman Darwiche, Radhia Aouididi, Saida Charbati, and Rachida Ben Salem (see Sections 1.d. and 4). According to reliable sources, there are many others who still have not received passports, including human rights lawyer Nejib Hosni, PCOT student Nourredine Ben N’tiche, as well as many members of the Islamist community. According to credible sources, some political opponents in self-imposed exile have been prevented from obtaining or renewing their passports in order to return (see Section 1.d.). However, the Government stated that it had returned passports to approximately 200 citizens living abroad (see Section 1.d.).

The Government restricts internal travel during criminal investigations. The Government dropped travel injunctions against human rights lawyer Radhia Nasraoui, who traveled abroad in June, CNLT member Moncef Marzouki, who traveled abroad in June and September, LTDH vice president Khemais Ksila, who traveled abroad in June, and CNLT member Sihem Bensedrine. In October the Government lifted a court-ordered travel injunction from a 1998 criminal indictment on CNLT secretary general Omar Mestiri, which had prevented him from traveling outside Tunis city limits. The investigation into the 1998 indictment remains ongoing. In October Mestiri traveled abroad without hindrance. However, Mestiri claimed that upon his return to Tunis in November, customs officers searched him and confiscated all the books and documents in his possession, including a recently released book on torture in Tunisia, published by the Paris-based organization, the Committee for the Respect of Human Rights and Freedom in Tunisia (CRDHLT) (see Sections 2.a. and 4).

Police routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents (see Section 1.f.).

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged the UNHCR's determination of refugee status, which was accorded to 450 individuals during the year. Approximately 20 cases await determination by the UNHCR. The Government provides first asylum for refugees based on UNHCR recommendations. There is no pattern of abuse of refugees. Although a few refugees were deported during the year, none were forced to return to countries where they feared persecution. The Constitution provides for the grant of asylum and/or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

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

The Constitution provides that the citizenry shall elect the President and members of the legislature for 5-year terms; however, there still are some significant limitations on citizens' right to change their government. In October 1999, President Ben Ali was reelected for a third 5-year term in the country's first multiparty presidential elections, winning 99.44 percent of the vote. According to the Constitution, this is to be his last term in office. The ruling RCD party won all 148 directly elected seats in the legislative elections. Observers agree that the outcome of the presidential and legislative elections generally reflected the will of the electorate; however, the campaign and election processes greatly favored the ruling party and there was widespread disregard for the secrecy of the vote. The ruling RCD party so dominates all levels of political activity that credible electoral challenges have been extremely difficult. Nonetheless, the results also reflected the general satisfaction of the vast majority with President Ben Ali's rule, which derives in large part from his success in promoting economic and social well-being. Opposition presidential candidates were allowed to run for the first time and opposition parties were able to campaign freely within the limits dictated by the Government; however, given the overwhelming dominance of the RCD, the playing field for the elections was not level. A presidentially appointed independent election monitoring group presented a confidential report to the President on the election process, which reportedly uncovered numerous irregularities alleged by opposition parties. In response, the Government enacted a law in April, just before the May municipal elections, that requires voters to bring copies of all party ballots (not just the ballot with ruling-party candidates) into the voting booth, in order to help preserve the secrecy of the vote.

The RCD party and its direct predecessor parties have controlled the political arena since independence in 1956. The RCD dominates the Cabinet, the Chamber of Deputies, and regional and local governments. The President appoints the Cabinet and the 24 governors. The Government and the party are integrated closely; the President of the Republic also is the president of the party, and the party's secretary general holds the rank of minister.

The Government amended the Constitution and Electoral Code in July 1999 to allow party presidents who have been in office for at least 5 years and whose parties were represented in the 1994 to 1999 Chamber of Deputies (and who met other requirements such as those regarding age and nationality) to run in the October 1999 presidential elections. These criteria were a one-time alternative to the more restrictive standing requirement that candidates for president must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run, and paved the way for the first multiparty presidential elections, as Mohamed Belhaj Amor, secretary general of the Popular Unity Front (PUP), and Abderrahman Tlili, secretary general of the Union of Democratic Unionists party (UDU), entered the race. Both candidates acknowledged flaws in the Electoral Code and criticized the fact that the narrowly written criteria made only two persons eligible to run against Ben Ali. At the same time, they stated that they wanted to advance pluralism by seizing the opportunity to run. However, after the elections, there were opposition complaints that, despite some progress in liberalizing the electoral process, problems remained, especially with regard to protection of the secrecy of the ballot and the accuracy of the vote totals.

The 182-seat Chamber of Deputies does not function as a counterweight to the executive branch; rather, it serves as an arena in which the executive's legislative proposals are debated prior to virtually automatic approval. Debate within the Chamber is often lively and government ministers are summoned to respond to deputies' questions, although heated exchanges critical of government policy are not reported fully in the press. Regardless of the debate, the Chamber has a history of approving all government proposals. The Chamber that emerged from the October 1999 parliamentary elections was more pluralistic than the Chamber in place from 1994 to 1999, as October 1998 changes in the Electoral Code reserved 20 percent

of the seats for the opposition parties, distributed on a proportional basis to those parties that did not win directly elected district seats. Five opposition parties currently hold 34 of 182 seats, or nearly 19 percent, compared with 4 opposition parties with 19 of 163 seats, or 12 percent, in the previous Parliament. The remaining 81 percent of the seats were contested in winner-take-all, multiseat district races, in which the ruling party won all 148 directly elected seats, up from 144 in the previous Parliament. Opposition politicians recognized that the electoral changes ensured them more seats than they could have won in a popular election. However, they also argue that the winner-take-all, multi-seat district system permanently favors the RCD and essentially freezes the opposition at the 20 percent level.

All six legally recognized opposition parties fielded parliamentary candidates in the October 1999 elections. The Government provided public financing to political parties, as called for in legislation adopted in 1997. Under the legislation, each party represented in the Chamber of Deputies received an annual public subsidy of approximately \$54,000 (60,000 dinars), plus an additional payment of \$4,500 (5,000 dinars) per deputy. The Government also provided campaign financing that corresponded to the number of district lists that each party presented. Opposition politicians argued that the subsidy system reinforces the favored position of the ruling party because its dominance in the Parliament means that it receives the great majority of the government funding. Moreover, with funding based on the number of seats in Parliament, the opposition parties had no interest in forming coalitions against the RCD, but concentrated instead on competing with each other for the largest possible share of the 20 percent of seats reserved for the opposition. During the elections, opposition parties found independent fundraising impossible, and those that published newspapers or magazines faced difficulties in obtaining paid advertisers.

In the May municipal elections, the RCD won an overwhelming majority nationwide and retained the large majority of seats (and thus the mayoralty) in each of 257 municipal councils, although the number of opposition seats on the councils also increased significantly. The RCD won all seats in the 192 districts where it ran uncontested, and 94 percent of the 4,128 seats nationwide. Opposition parties and independent lists won a total of 243 seats in 60 municipalities, up from a total of 10 seats nationwide in the 1996 elections. Opposition representation on the councils was enhanced by 1998 Electoral Code amendments, which provided that any party winning more than 3 percent of the vote in a district would win or share 20 percent of the seats on that council.

Opposition parties noted improvements in the administration of the elections and conduct of the campaigns, although some opposition party members claimed that they did not receive voting cards from local authorities. The RCD campaign was far more restrained than in the October 1999 legislative elections, and press coverage of opposition parties was broader. The secrecy of the ballot generally was respected under a new law requiring voters to enter a voting booth, although some problems continued in that regard. While the Government's voter turnout estimates appeared to be inflated, the percentages won by opposition parties appeared credible, and opposition parties did well in a few areas, including traditional RCD party strongholds.

Women participate in politics, but they are underrepresented in senior government positions. Twenty-one of the 182 Deputies elected in October 1999 were women, up from 13 of 163 deputies in the previous Chamber. There are four women in the Cabinet: Two full ministers (the Minister of Environment and Land Management and the Minister for Women and Family Affairs) and two junior ministers (the Secretary of State for Housing and the Secretary of State for Public Health).

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

The Tunisian Human Rights League is the most active independent advocacy organization, with 41 branches located throughout many parts of the country. The organization receives and researches complaints and protests individual and systemic abuses. The Government continued to maintain the regular contact with the LTDH that it established in 1999. Minister of Interior Abdullah Kallel met with LTDH president Taoufik Bouderbala and other representatives of the League to address issues such as the return of passports and the release of PCOT prisoners Abdelmounim Belanas and Fahem Boukkadous (see Sections 1.c., 1.e., and 2.b.). However, LTDH officials reported that the Government still has not provided any written responses to LTDH inquiries since 1994.

Although the Government permitted the League to hold meetings in its offices, it continued to place significant obstacles in the way of the League's effective operation. LTDH members and other human rights activists reported government har-

assment, interrogation, property loss or damage, unauthorized home entry, and denial of passports. Several of the League's communiques appeared in independent newspapers during the year and its 2000 National Congress was discussed in a local weekly magazine, *Realites*, and independent daily journals. In January the LTDH hosted human rights training for secondary school teachers in conjunction with the Arab Institute for Human Rights. In May the LTDH attended a conference on freedom of the press with Amnesty International (see Section 2.b). However, in November a Tunis judge ordered closed the LTDH headquarters and replaced the newly elected board of directors with a judicial administrator pending the hearing of a complaint filed by four LTDH members, who claimed that the National Congress elections did not follow the League's by-laws and therefore were illegal. Since the closure of their headquarters, LTDH members claim that they have been under heavy police surveillance and that plainclothes police have prevented them from entering private homes, public restaurants, and buildings to meet. On December 25, the Government held a hearing and postponed the LTDH's civil trial until January 2001. On December 25, LTDH vice president Slahedine Jouchi was interrogated by the Public Prosecutor regarding a press release he published on December 11, but no charges had been filed against him by year's end.

Although LTDH vice president Khemais Ksila was released in September 1999, he claims he still is harassed and under constant surveillance (see Section 1.f.). In a statement published in the May issue of the biweekly magazine *Jeune Afrique*, the Government claimed that it had completed its investigation of the February 1998 ransacking and burglary of the law office of human rights activist Radhia Nasraoui and had brought the perpetrators to justice. Human rights activists believe that security forces carried out the 1998 ransacking and burglary because some of the documents that the Government presented in the 1999 PCOT trial were among the documents stolen from Nasraoui's office. Although Nasraoui received a 6-month suspended sentence in the PCOT trial, she was prevented from leaving the country in May to attend an Amnesty International conference in Belgium. The Government claimed that she still was under a travel injunction from her 1999 suspended sentence. After verifying that Nasraoui's travel injunction had lapsed, the Government gave her permission to travel the following day, although Nasraoui ultimately decided not to travel because she already had missed the conference (see Section 2.d.). Nasraoui was permitted to travel out of the country in June.

The Government continued to refuse to authorize the Tunisian National Council for Liberties to register as an NGO. The CNLT initially applied for authorization in 1998. The court has not yet acted on the March 1999 administrative appeal filed by the CNLT's founders. The Government stated that the case was submitted to a court of justice, and that the situation requires that the Government leave the matter to the judiciary. Although not recognized by the Government, the CNLT issued statements criticizing government human rights practices. The CNLT published a report in March describing a broad range of human rights abuses, and proclaimed 2000 as "the year for the eradication of torture and the conquest of liberty." Government officials stated that, by publishing communiques in the name of an unregistered NGO, CNLT members violated the Publications Code (which requires that advance copies be provided to the Government), belonged to an illegal organization, and threatened public order. In June the Government convicted RAID president Fethi Chemki and member Mohamed Chouarbi of defamation for reproducing the CNLT's March report. Iheb El-Hani, a photocopy shop owner, who also was indicted in case, was acquitted of all charges (see Sections 1.c., 1.e., and 2.a.).

There were no developments in the Government's 1999 criminal investigation of the leader of the Tunisian Association of Young Lawyers for meeting with CNLT members in his office. A court indicted both CNLT members Omar Mestiri and Moncef Marzouki in July 1999, and Marzouki again in November and December 1999, on several charges, including belonging to an illegal organization, violating the Publications Code, and spreading false information. There were no results during the year in the Government's investigation into the charges, and a trial had not begun by year's end (see Section 2.a.). In a separate case based on a September indictment, Marzouki was sentenced on December 30 to a 1-year prison term for maintaining an illegal organization and distribution of false news for writing a paper used at a human rights conference held in Morocco that criticized the Government's National Solidarity Fund charity for lack of transparency. Marzouki had 10 days to file an appeal of the ruling and had not been imprisoned by year's end. Marzouki and CNLT member Mustapha Ben Jaafar, both doctors, allege that the Government prohibits them from treating patients in retaliation for their human rights activism. In July the Minister of Health fired Marzouki from his job as a doctor and professor at the Faculty of Medicine at Sousse University. The Government claimed that Marzouki submitted a fraudulent medical certificate to be excused for

time off from his position when he traveled abroad in June. Marzouki claimed that he was fired because he made statements abroad that were critical of the Government. Marzouki's family also claims to have suffered from Marzouki's activism. Security police took CNLT member Mustapha Ben Jaafar briefly into custody in August for interrogation. The Government also interrogated other persons who entered the CNLT headquarters throughout the year. On the weekend of December 10, plainclothes police barred entry to CNLT headquarters. Omar Mestiri claimed that the police struck lawyers Nejib Hosni and Raouf Ayadi in front of the headquarters when they attempted to enter.

The Government issued passports to CNLT members Sihem Bensedrine, Moncef Marzouki, and Mustapha Ben Jaafar; however, other CNLT members were unable to obtain passports (see Sections 1.f., 2.a., and 2.d.).

The Arab Institute for Human Rights, headquartered in Tunis, was founded in 1989 by the LTDH, the Arab Organization for Human Rights, and the Union of Arab lawyers. It is an information, rather than an advocacy, organization, and the Government supports its activities.

Amnesty International continued to maintain a Tunisian chapter. Its members complained that the Tunis office suffered repeated loss of telephone and fax service. Persons who were considering joining AI's Tunisia chapter report that security officials discouraged them from doing so. AI officials reported that they were under periodic police surveillance. The Government denied two requests, one in March and another in April, for AI to hold a seminar on human rights in Saudi Arabia. The Government stated that AI had not submitted the appropriate request. On July 11, the Government refused entry to AI researcher Donatella Rovera, FIDH president Patrick Baudouin, and France-section AI president Hassina Giraud upon their arrival at Tunis-Carthage Airport. Although the Government gave no official explanation why the three were refused entry, government officials have accused Amnesty International of exaggerating reports of human rights violations in Tunisia. However, the Government permitted AI to hold a public meeting in Tunis in May in celebration of International Freedom of the Press Day and a public meeting in Sfax in June, and to hold its annual meeting in July (see Section 2.b.). The Government permitted numerous foreign members of AI to enter the country and attend the July meeting.

Throughout the year, the Government permitted observers from AI, the International Human Rights Federation, and other international human rights organizations to monitor trials. The observers reported that the Government permitted them to conduct their work freely (see Section 1.e.). However, the Government reportedly blocked access to the Internet web sites produced by some of these organizations and those produced by the Committee to Protect Journalists (see Section 2.a.). Human rights activists and lawyers complain of frequently interrupted postal and telephone services (see Section 1.f.).

Human rights offices in certain ministries and a governmental body, the Higher Commission on Human Rights and Basic Freedoms, address and sometimes resolve human rights complaints. The Higher Commission submits confidential reports directly to President Ben Ali. There is a Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies, which is within the Prime Minister's office and is headed by Minister Afif Hendaoui. The first Minister for Human Rights, Daly Jazi, was dismissed on April 5 after less than 5 months in the position. The Government gave no reason for Jazi's dismissal. However, Jazi subsequently was appointed as an advisor to the President.

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

The Constitution provides that all citizens shall have equal rights and responsibilities and be equal under the law, and the Government generally upholds these rights in practice. Legal or societal discrimination is not prevalent, apart from that experienced by women in certain areas, such as inheritance, which is governed by Shari'a. Shari'a provides that daughters receive only half the amount left to sons.

Women.—Violence against women occurs, but there are no comprehensive statistics to measure its extent. According to one family court judge, women file 4,000 complaints of domestic violence each year, but later drop approximately half of those complaints. The Tunisian Democratic Women's Association operates the country's only counseling center for women who are victims of domestic violence. The center, located in Tunis, assists approximately 20 women per month. Instances of rape or assault by someone unknown to the victim are rare. Battered women first seek help from family members. Police intervention often is ineffective because police officers and the courts tend to regard domestic violence as a problem to be handled by the family. Nonetheless, there are stiff penalties for spouse abuse. Both the fine and im-

prisonment for battery or violence committed by a spouse or family member are double those for the same crimes committed by an individual not related to the victim. Although previously treated as a taboo subject by the media, the Government in April presented a televised panel discussion on domestic violence and in August President Ben Ali ordered an investigation into the extent of domestic violence. The Government had not released a report by year's end.

Women enjoy substantial rights and the Government has made serious efforts to advance those rights, especially in the areas of property-ownership practices and support to divorced women. The 1956 Personal Status Code outlawed polygamy. A 1998 presidential decree created a national fund to protect the rights of divorced women, ensuring that the State would provide financial support to women whose former husbands refused to make child support and alimony payments. The Government has processed over 5,600 requests providing divorced women over \$8 million (11 million dinars) since the fund's inception. Legislation requires civil authorities to advise couples on the merits of including provisions for joint property in marriage contracts. Nonetheless, most property acquired during marriage, including property acquired solely by the wife, still is held in the name of the husband. Inheritance law, based on Shari'a and tradition, discriminates against women, and women still face societal and economic discrimination in certain areas, such as private sector employment. The Government took strong measures to reduce official discrimination, including adding equal opportunity for women as a standard part of its audits of all governmental entities and state-owned enterprises; however, it did not extend such measures to the private sector.

Women are entering the work force in increasing numbers, employed particularly in the textile, manufacturing, health, and agricultural sectors. According to 1999 government statistics, women constituted 29 percent of the work force; there are an estimated 2,000 businesses headed by women. Women constitute 37.1 percent of the civil service, employed primarily in the fields of health, education, and social affairs, at the middle or lower levels. Women constitute 60 percent of all judges in the capital and 24 percent of the nation's total jurists. Approximately 50.4 percent of university students enrolled in the 1999–2000 academic year were women. The law explicitly requires equal pay for equal work. The Government includes equal opportunity for women as a standard part of its audits of all government ministries, agencies, and state-owned enterprises. On the other hand, while the rate of illiteracy has dropped markedly in both rural and urban areas, the rate of female illiteracy in all categories is at least double that of men. Among 10- to 14-year-old children, 5.5 percent of urban girls are illiterate, compared with 2.2 percent of urban boys, and 27 percent of rural girls compared with less than 7 percent of rural boys.

Several active NGO's focus, in whole or in part, on women's advocacy, or research women's issues, and a cadre of attorneys represent women in domestic cases. Media attention focuses on women's economic and academic accomplishments, and usually omits reference to culturally sensitive issues. The Government funded several studies and projects designed to improve the role of women in the media. According to a government study, women represented 25.2 percent of professional journalists in 1998.

There is a separate Ministry for Women and Family Affairs, with a relatively large budget to support its mission to ensure the legal rights and improve the socio-economic status of women. The Government supports and provides funding to the National Women's Union, women's professional associations, and the Government's Women's Research Center.

Children.—The Government demonstrates a strong commitment to public education, which is compulsory until age 16. Primary school enrollment for the 1999–2000 scholastic year was slightly less than the preceding year's, reflecting a decline in the birth rate; secondary school enrollment showed an increase of 8 percent. The Government reported that 99.1 percent of children attend primary school full-time. The Government offers a maternal and child health program, providing prenatal and postnatal services. It sponsors an immunization program targeting preschool age children, and reports that over 95 percent of children are vaccinated.

In 1995 the Government promulgated laws as part of a code for the protection of children. The code proscribes child abuse, abandonment, and sexual or economic exploitation. Penalties for convictions for abandonment and assault on minors are severe. There is no societal pattern of abuse of children. There is a Ministry for Children and Youths and a Presidential Delegate to Safeguard the Rights and Welfare of Children.

People with Disabilities.—The law prohibits discrimination based on disability and mandates that at least 1 percent of the public and private sector jobs be reserved for the disabled. All public buildings constructed since 1991 must be accessible to physically disabled persons. Many cities, including the capital, have begun to install

wheelchair access ramps on city sidewalks. There is a general trend toward making public transportation more accessible to disabled persons. The Government issues special cards to the disabled for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts.

Indigenous People.—The Government estimates that the small Amazigh (Berber) minority constitutes less than 3 percent of the population. Some older Amazighs have retained their native language, but the younger generation has been assimilated into Tunisian culture through schooling and marriage. Amazighs are free to participate in politics and to express themselves culturally.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code stipulate the right of workers to form unions. The Tunisian General Federation of Labor is the country's only labor federation. About 15 percent of the work force, including civil servants and employees of state-owned enterprises, are members, and a considerably larger proportion of the work force is covered by union contracts. There is no legal prohibition against the establishment of other labor federations. A union may be dissolved only by court order.

The UGTT and its member unions legally are independent of the Government and the ruling party, but operate under regulations that restrict their freedom of action. The UGTT's membership includes persons associated with all political tendencies, although Islamists have been removed from union offices. There are credible reports that the UGTT receives substantial government subsidies to supplement modest union dues and funding from the National Social Security Account. While regional and sector-specific unions operate with more independence, the central UGTT leadership follows a policy of cooperation with the Government on its economic reform program.

Unions, including those representing civil servants, have the right to strike, provided they give 10 days' advance notice to the UGTT and it approves of the strike. However, this advance approval rarely is sought in practice. There were numerous short-lived strikes over pay and conditions, and over efforts by employers to impede union activities. While the majority of these technically were illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were covered objectively in the press. The International Confederation of Free Trade Unions has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. The law prohibits retribution against strikers, but there have been cases of employers punishing strikers nevertheless, which forces the strikers to pursue costly and time-consuming legal remedies to protect their rights.

Labor disputes are settled through conciliation panels in which labor and management are represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

Unions are free to associate with international bodies.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is protected by law and observed in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions and employers. Forty-seven collective bargaining agreements set standards for industries in the private sector and cover 80 percent of the total private sector workforce. Each accord is negotiated by representatives of unions and employers in the area the accord encompasses. The Government's role in the private sector negotiations is minimal, consisting mainly of lending its good offices if talks appear to be stalled. However, the Government must approve (but may not modify) the agreements. When approved the agreements set standards for all employees, both union and nonunion, in the areas that they cover. The UGTT also negotiates wages and work conditions of civil servants and employees of state-owned enterprises. The Government is the partner for such negotiations. The 1999 triennial negotiation ended in February 2000. The agreements signed provided for annual wage increases ranging from 4 to 6 percent.

The law prohibits antiunion discrimination by employers. However, the UGTT is concerned about antiunion activity among private sector employers, especially the firing of union activists and the use of temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers account for a large majority of the work force. The Labor Code protects temporary workers, but enforcement is more difficult than in the case of permanent workers. The 1999 discussions on this issue between the UGTT and the Government failed to achieve any results. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General of the Ministry of Social Affairs, and including a labor representative and an employers' association representative, approves all worker dismissals.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor by either adults or children, and it is not known to occur. The Government abolished forced and compulsory labor in 1989.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. The minimum age for light work in the non-industrial and agricultural sectors is 13 years. The law also requires children to attend school until age 16. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 in nonagricultural sectors may work no more than 2 hours per day. The total time that they spend in school and work may not exceed 7 hours per day. The minimum age for hazardous work is 18. Inspectors of the Ministry of Social Affairs examine the records of employees to verify that employers comply with the minimum age law. Nonetheless, young children often perform agricultural work in rural areas and work as vendors in urban areas, primarily during the summer vacation from school.

Observers have expressed concern that child labor continues to exist disguised as apprenticeship, particularly in the handicraft industry, and in the cases of teenage girls whose families place them as household domestics in order to collect their wages. There are no reliable statistics on the extent of this phenomenon; however, an independent lawyer who conducted a study of the practice concluded that hiring of underage girls as household domestics has declined with increased government enforcement of school attendance and minimum work age laws. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code provides for a range of administratively determined minimum wages, which are set by a commission of representatives from the Ministries of Social Affairs, Planning, Finance, and National Economy, in consultation with the UGTT and the Employers' Association. The President approves the commission's recommendations. On May 1, the industrial minimum wage was raised by 6.32 dinars to \$138 (186.992 dinars) per month for a 48-hour workweek and \$121 (163.798 dinars) per month for a 40-hour workweek. The agricultural minimum wage is \$4.30 (5.809 dinars) per day. When supplemented by transportation and family allowances, the minimum wage provides for a decent standard of living for a worker and family, but nothing more, as it covers only essential costs. The Labor Code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week. The few foreign workers have the same protections as citizen workers.

Regional labor inspectors are responsible for enforcing standards. They inspect most firms about once every 2 years. However, the Government often encounters difficulty in enforcing the minimum wage law, particularly in nonunionized sectors of the economy. Moreover, more than 240,000 workers are employed in the informal sector, which falls outside the purview of labor legislation.

The Ministry of Social Affairs has responsibility for enforcing health and safety standards in the workplace. There are special government regulations covering such hazardous occupations as mining, petroleum engineering, and construction. Working conditions and standards tend to be better in firms that are export oriented than in those producing exclusively for the domestic market. Workers are free to remove themselves from dangerous situations without jeopardizing their employment, and they may take legal action against employers who retaliate against them for exercising this right.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, it prohibits slavery and bonded labor. There were no reports that persons were trafficked to, from, within, or through the country.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven emirates established in 1971. None has any democratically elected institutions or political parties. Traditional rule in the emirates generally has been patriarchal, with political allegiance defined in terms of loyalty to the tribal leaders. Political leaders in the emirates are not elected, but citizens may express their concerns directly to their leaders via traditional mechanisms, such as the open majlis, or council. In accordance with the 1971 Constitution, the seven emirate rulers constitute a Federal Supreme Council, the highest legislative and executive body. The Council selects a President and Vice President from its membership; the President in turn appoints the Prime Minister and Cabinet. The Constitution requires the Council to meet annually, although indi-

vidual leaders meet frequently in more traditional settings. The Cabinet manages the Federation on a day-to-day basis. A consultative body, the Federal National Council (FNC), consisting of advisors appointed by the emirate rulers, has no legislative authority but questions government ministers in open sessions and makes policy recommendations to the Cabinet. Each emirate retains control over its own oil and mineral wealth, some aspects of internal security, and some regulation of internal and external commerce. The federal Government asserts primacy in matters of foreign and defense policy, some aspects of internal security, and increasingly in matters of law and the supply of some government services. The judiciary generally is independent, but its decisions are subject to review by the political leadership.

Each emirate maintains its own independent police force. While all emirate internal security organs theoretically are branches of one federal organization, in practice they operate with considerable independence.

The UAE has a free market economy based on oil and gas production, trade, and light manufacturing. The Government owns the majority share of the petroleum production enterprise in the largest emirate, Abu Dhabi. The Emirate of Dubai is likewise an oil producer, as well as a growing financial and commercial center in the Gulf. The remaining five emirates have negligible petroleum or other resources and therefore depend in varying degrees on federal government subsidies, particularly for basic services such as health care, electricity, water, and education. The economy provides citizens with a high per capita income, but it is heavily dependent on foreign workers, who constitute at least 80 percent of the general population.

The Government generally respected its citizens' rights in some areas and continued to improve in other areas; however, its record was poor in other areas, particularly with respect to its denial of citizens' right to change their government and its placement of limitations on the labor rights of foreign workers. The Government denied citizens the right to change their government. The Government at times abused persons in custody, denied citizens the right to a speedy trial and legal counsel during police investigations, and restricted the freedoms of speech, press, assembly, association, and religion. The press continued to avoid direct criticism of the Government and exercised self-censorship. Women continue to make progress in education and in the work force. In April the Ministry of Foreign Affairs issued a directive allowing for the inclusion of women in the diplomatic corps. However, some discrimination against women persists, including informal restrictions on their ability to register businesses. The Government limits worker rights, and abuse of foreign domestic servants is a problem. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture or degrading treatment, and there were no confirmed reports of torture; however, there are consistent but unconfirmed reports from foreign prisoners of beatings and coerced confessions by police during initial detention. The Government conducted internal investigations of these reports, and maintained that they were groundless. According to unconfirmed sources, in March a Qatari journalist reportedly was subjected to sleep deprivation and physical abuse during his 2-week detention after the authorities arrested him for publishing a series of satirical columns in the Dubai newspaper Gulf News (see Sections 1.d. and 2.a.).

Shari'a (Islamic law) courts frequently impose flogging (except in Dubai) on Muslims found guilty of adultery, prostitution, and drug or alcohol abuse. In practice flogging is administered in accordance with Shari'a in order as to prevent major or permanent injuries. The individual administering the lashing swings the whip using the forearm only. According to press accounts, punishments for adultery and prostitution have ranged from 39 to 200 lashes. Individuals convicted of drunkenness have been sentenced to 80 lashes. The federal Supreme Court ruled in 1993 that convictions in the Shari'a courts do not necessarily require the imposition of Shari'a penalties on non-Muslims, but such sentences have been carried out in a few cases.

In February an Indonesian woman convicted of adultery by the Shari'a court in the Emirate of Fujairah, was sentenced to death by stoning after she purportedly insisted on such punishment. The sentence was commuted on appeal to 1 year in prison, followed by deportation. In June 1998, the Shari'a court in Fujairah sentenced three Omani nationals convicted of robbery to have their right hands ampu-

tated. The Fujairah prosecutor's office instead commuted the sentence to a term of imprisonment.

In central prisons that hold long-term inmates, prisoners are provided with food, medical care, and adequate sanitation facilities, but sleep on slabs built into cell walls or on the floor. Each prisoner is provided with four blankets. Only some blocks of the central prisons are air-conditioned during the intense heat and humidity of the summer. The Government gradually is phasing air conditioning into the prisons. Currently, prisoners with medical conditions are placed in airconditioned rooms during the summer months. Prisoners not under investigation and not involved in drug cases may receive visitors up to three times each week and may also make occasional local telephone calls. In Dubai Emirate, most prisoners are allowed family visits and a number of telephone calls.

The Government does not permit independent monitoring of prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arrest, search, detention, or imprisonment, except in accordance with the law, and authorities generally respect these provisions in practice. The law prohibits arrest or search without probable cause.

Under the Criminal Procedures Code, the police must report arrests within 48 hours to the Attorney General, who must determine within the next 24 hours whether to charge, release, or order further detention pending an investigation. The Attorney General may order that detainees be held for up to 21 days without charge. After that time, the authorities must obtain a court order for further detention without charge.

Although the code does not specify a right to a speedy trial, authorities bring detainees to trial in reasonable time with the exception of drug-related cases, for which the authorities must inform the Office of the President in the Abu Dhabi Emirate (also known as the Diwan) of the charges. Trials may last a substantial period of time, depending on the seriousness of the charges, number of witnesses, and availability of judges. There is no formal system of bail, but the authorities temporarily may release detainees who deposit money or an important document such as a passport. The law permits incommunicado detention, but there is no evidence that it is practiced. Defendants in cases involving loss of life, including involuntary manslaughter, may be denied release in accordance with the law. However, bail usually is permitted, after a payment of "diya," a form of financial compensation for death or injury cases.

Review of criminal cases by the office of the President in Abu Dhabi and bureaucratic delays in processing prisoners or releasing them sometimes result in detainees serving additional, unnecessary time in the central prisons (see Section 1.e.). Some bureaucratic delays have kept prisoners incarcerated for as long as several months beyond their court-mandated release dates.

According to unconfirmed sources, in March a Qatari journalist was subjected to sleep deprivation and physical abuse during his 2-week detention after the authorities arrested him for publishing a series of satirical columns in the Dubai newspaper Gulf News (see Sections 1.c. and 2.a.).

The Crown Prince of Dubai in August granted an amnesty for 200 citizen and 300 foreigner prisoners convicted of drug-related offenses. The foreign prisoners were deported upon release. To celebrate the success of the surgery performed in August on the President, the ruler of the Emirate of Ras Al-Khaimah ordered the release of 119 prisoners who had been convicted on charges relating to financial crimes. The release was followed by the issuance of amnesty orders by the ruler of Umm Al-Quwain, which allowed for the release of an unspecified number of prisoners, and by the Abu Dhabi Crown Prince, ordering the release of 150 prisoners convicted of financial crimes.

The Constitution prohibits exile, and it is not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, its decisions are subject to review by the political leadership.

There is a dual system of Shari'a and civil courts. The civil courts generally are part of the federal system and are answerable to the federal Supreme Court, located in Abu Dhabi, which has the power of judicial review as well as original jurisdiction in disputes between emirates or between the federal Government and individual emirates. Courts and other elements of the judicial system in the Emirate of Dubai tend to maintain independence from the federal system.

The Shari'a courts are administered by each emirate but also must answer to the federal Supreme Court. In 1994 the President decreed that the Shari'a courts, and not the civil courts, would have the authority to try almost all types of criminal cases. The decree did not affect the emirates of Dubai and Ras Al-Khaimah, which

have lower courts independent of the federal system. Dubai has a special Shi'a council to act on matters pertaining to Shi'a family law (see Section 5).

Legal counsel may represent defendants in both court systems. Under the new Criminal Procedures Code, the accused has a right to counsel in all cases involving a capital crime or possible life imprisonment. Only the Emirate of Dubai has a public defender's office. If the defendant is indigent, the Government will provide counsel. However, in Dubai the Government provides indigents counsel only in felony cases. The Supreme Court ruled in 1993 that a defendant in an appeals case has a "fundamental right" to select his attorney and that this right supersedes a judge's power to appoint an attorney for the defendant.

The right to legal counsel is interpreted to provide that the accused is entitled to an attorney only after the police have completed their investigation. Thus, the police may question accused persons—sometimes for days or weeks, as in narcotics cases—without the benefit of legal counsel.

Defendants are presumed innocent until proven guilty. There are no jury trials. The number of judges sitting for a case depends on the type of crime alleged; three judges normally sit for criminal cases. All trials are public, except national security cases and those deemed by the judge likely to harm public morality. Most judges are foreign nationals, primarily from other Arab countries; however, the number of citizens serving as public prosecutors and judges, particularly at the federal level, continued to grow.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the emirate in which the offense was committed or to the President of the Federation. Non-Muslims who are tried for criminal offenses in Shari'a courts may receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims may be overturned or modified by a higher court.

The Diwan, following the traditional prerogatives of a local ruler, maintains the practice of reviewing many types of criminal and civil offenses (such as alcohol use, drug-related cases, firearm use, cases involving personal injury, and cases affecting tribal harmony) before cases are referred to the prosecutor's office. However, this practice is not as prevalent as in past years, and such cases usually are referred directly to the prosecutor's office. The Diwan also reviews sentences passed by judges and reserves the right to return cases to the courts on appeal. The Diwan's involvement leads to long delays prior to and following the judicial process, causing prisoners to remain in prison after they have completed their sentence. Although there are reports of intervention by other emirates' rulers in specific cases of personal interest, intervention does not appear to be routine.

The military has its own court system based on Western military judicial practice. Military tribunals try only military personnel. There is no separate national security court system. In Dubai convicted criminals are eligible for executive pardon, often based on humanitarian grounds, once they have served at least half of their sentence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits entry into homes without the owner's permission, except in accordance with the law. Only police officers and public prosecutors carrying a warrant are permitted entry into homes. If the authorities enter a home without a warrant, their actions are considered illegal. In an August case in Dubai, a judge suppressed evidence that was obtained by police without a warrant. Officers' actions in searching premises are subject to review, and officers are subject to disciplinary action if they act irresponsibly. Local custom and practice place a high value on privacy, and entry into private homes without the owner's permission is rare. There is no known surveillance of private correspondence. However, foreigners have received sealed publications, such as magazines, through the international mail in which pictures of the naked human figure have been blackened over with a marking pen.

Family law for Muslims is governed by Shari'a and the local Shari'a courts. As such, Muslim women are forbidden to marry non-Muslims. Such a marriage may result in both partners being arrested and tried.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech; however, the Government limits this right in practice. Most persons, especially foreign nationals, refrain from criticizing the Government in public.

All published material is subject to Federal Law 15 of 1988, which stipulates that all publications, whether books or periodicals, should be licensed by the Ministry of Information. The law also governs content and contains a list of proscribed subjects. Mindful of these provisions, journalists censor themselves when reporting on gov-

ernment policy, the ruling families, national security, religion, and relations with neighboring states. However, following an October 1999 interview with the semiofficial daily newspaper *Al-Ittihad*, in which Deputy Prime Minister Sultan Bin Zayid Al-Nahyan stated that uncovering inefficiencies in government was one of the duties of the press, newspapers began publishing articles critical of alleged inefficiencies in the delivery of services by the Ministries of Health, Education, and Electricity and Water. In August the English-language daily newspaper *Gulf News* featured a two-part expose on life in the Dubai women's central prison. A rare look into a women's correctional facility, the series included interviews with citizen and foreign prisoners, describing in depth a typical day in the prison. In December a new Arabic-language newspaper, *Akhbar Al-Arab*, owned by a member of the Al-Nahyan ruling family, was established in Abu Dhabi.

However, in March the Ministry of Information and Culture filed a lawsuit against the Dubai newspaper *Gulf News* in response to a series of sharply satirical columns that it published by Qatari journalist Abdul-Wahed Al-Mawlawi, which featured selfdeprecatory humor regarding stereotypes of alleged shortcomings of Gulf Arabs. The Government considered the articles to be offensive to Gulf citizens in general and to the country's citizens in particular. According to unconfirmed sources, the Government also arrested Al-Mawlawi about 1 week after the publication of the last of the columns, reportedly subjected him to sleep deprivation and physical abuse during his 2-week detention, then expelled him to Qatar (see Sections 1.c. and 1.d.). The Ministry withdrew the lawsuit after the editor of the newspaper agreed to publish on the front page of the *Gulf News* a one-page apology for having caused any offense. In September the Government briefly banned 10 prominent citizens, including 4 university professors, from publishing opinion pieces in the country's Arabic- and English-language press. The Ministry of Information imposed the ban after the writers took up the cause in the press of over 100 employees who had been laid off by the government-financed Emirates Media Corporation. No official justification was given for the ban, which was lifted against all 10 citizens by late October.

In September 1999, Emirates Media, which publishes *Al-Ittihad* and owns Abu Dhabi's radio and television stations, issued a directive forbidding all its employees, including journalists, from speaking with representatives of foreign diplomatic missions without prior approval. Also in 1999, Dubai Emirate announced plans to open a press club as part of its effort to promote Dubai as a major regional communications hub. The club provides facilities for the international press, including access to information, and serves as a site for open discussions between political figures and journalists. The country's three English-language newspapers are privately owned, as are three out of its six Arabic-language newspapers; however, privately owned newspapers receive government subsidies. Foreign publications routinely are subjected to censorship before distribution.

All television and radio stations, with the exception of Ajman Emirate's local television station, are government owned and conform to government reporting guidelines. These unpublished guidelines are not always applied consistently. In July 1999, Emirates Media purchased Ajman Emirate's satellite television station. Satellite receiving dishes are widespread and provide access to international broadcasts without apparent censorship. Censors at the Ministry of Information and Culture review imported newspapers, periodicals, books, films, and videos and ban any material considered pornographic, violent, derogatory to Islam, supportive of certain Israeli positions, unduly critical of friendly countries, or critical of the Government or the ruling families. In June the state telephone and Internet monopoly substantially lowered Internet prices for the third time in 3 years and sought to encourage greater use of the Internet. The Internet monopoly uses a proxy server that appears aimed, in most instances, at blocking material regarded as pornographic or as promoting radical Islamic ideologies. In most cases, the proxy server does not appear to block news services or political expression unrelated to radical Islam, or material originating from specific countries. However, the Internet monopoly solicits suggestions from users regarding "objectionable" sites and sometimes has responded by briefly blocking some politically oriented sites, which were, after an apparent review, later unblocked. In October following the increase in violence in Israel, the West Bank, and Gaza, Etislat established a web page depicting images of the dead and injured, and containing a discussion forum and bulletin boards, in which persons accessing the page could post their opinions.

The unwritten but generally recognized ban on criticism of the Government also restricts academic freedom, although in recent years academics have been more open in their criticism. Academic materials destined for schools in the country are subject to censorship. At Zayid University, the female students are banned from

reading texts in which the human body is pictured or sexuality is featured (see Section 5).

b. Freedom of Peaceful Assembly and Association.—The Government tightly restricts the freedom of peaceful assembly. Organized public gatherings require a government permit. Each emirate determines its own practice on public gatherings. Some emirates are relatively tolerant of seminars and conferences on sensitive subjects. Citizens normally confine their political discussions to the numerous gatherings or majlis, which are held in private homes. There are no restrictions on such gatherings.

In October the Government issued permits for demonstrations throughout the country to protest the Israeli Government's actions against Palestinians in Israel, the West Bank, and Gaza during the fall. These public marches, in which both citizens and foreigners participated, were peaceful in nature. Demonstrations, many of which were organized by female students, also took place at universities.

The Government tightly restricts freedom of association. Unauthorized political organizations are prohibited. All private associations, including children's clubs, charitable groups, and hobby associations, must be approved and licensed by local authorities; however, this requirement is enforced only loosely in some emirates. Private associations must follow the Government's censorship guidelines if they publish any material.

c. Freedom of Religion.—The federal Constitution designates Islam as the official religion, and Islam is also the official religion of all seven of the individual emirates of the federal union. The federal Constitution also provides for the freedom to exercise religious worship in accordance with established customs, provided that it does not conflict with public policy or violate public morals, and the Government generally respects this right in practice; however, the Government controls all Sunni mosques and prohibits proselytizing.

Virtually all Sunni mosques are government funded or subsidized; about 5 percent of Sunni mosques are entirely private, and several large mosques have large private endowments. The federal Ministry of Awqaf and Religious Affairs distributes weekly guidance to both Sunni and Shi'a sheikhs regarding religious sermons and ensures that clergy do not deviate frequently or significantly from approved topics in their sermons. All Sunni imams are employees of either the federal Ministry of Awqaf and Religious Affairs or individual emirate ministries. In 1993 the Emirate of Dubai placed private mosques under the control of its Department of Islamic Affairs and Endowments. This change gave the Government control over the appointment of preachers and the conduct of their work.

The Shi'a minority, which is concentrated in the northern emirates, is free to worship and maintain its own mosques. All Shi'a mosques are considered private and receive no funds from the Government. The Government does not appoint sheikhs for Shi'a mosques. Shi'a Muslims in Dubai may pursue Shi'a family law cases through a special Shi'a council rather than the Shari'a courts.

In April the Ras Al-Khaimah Shari'a court ruled that anyone found guilty of employing a magician to cast a spell on others would be sentenced to death. The ruling followed the sentencing of a citizen to 4 months' imprisonment for allegedly hiring a magician to cast a spell on her former husband and sister.

The Government does not recognize all non-Muslim religions. In those emirates that officially recognize and thereby grant a legal identity to non-Muslim religious groups, only a limited number of Christian groups are granted this recognition. While recognizing the difference between Roman Catholic, Eastern Orthodox, and Protestant Christianity, the authorities make no legal distinction between Christian groups, particularly Protestants. Several often-unrelated Christian congregations are required to share common facilities because of official limitations on the number of Christian denominations that are recognized officially. Non-Muslim and non-Christian religions are not recognized legally in any of the emirates. Partly as a result of emirate policies regarding recognition of non-Muslim denominations, facilities for Christian congregations are far greater in number and size than those for non-Christian and non-Muslim groups, despite the fact that Christians are a small minority of non-Muslim foreigners.

Major cities have Christian churches, some that were built on land donated by the ruling families of the emirates in which they are located. In Sharjah a new Catholic church was opened in 1997 and a new Armenian Orthodox church in 1998, both with public ceremonies. The Government of Dubai Emirate donated a parcel of land in Jebel Ali in 1998 for the construction of a facility to be shared by four Protestant congregations and a Catholic congregation. Also in 1998, land was designated in Jebel Ali for the construction of a second Christian cemetery, and Abu Dhabi Emirate donated land for the expansion of existing Christian burial facilities.

In 1999 land was designated in Ras Al-Khaimah Emirate for the construction of a new Catholic church.

Dubai permits one Hindu temple and two Sikh temples to operate. There are no such temples elsewhere in the country. There are no Buddhist temples; however, Buddhists, along with Hindus and Sikhs in cities without temples, conduct religious ceremonies in private homes without interference. In 1998 Abu Dhabi Emirate donated land for the establishment of the country's first Baha'i cemetery. There are only two operating cremation facilities and associated cemeteries for the large Hindu community, one in Dubai and one in Sharjah. Official permission must be obtained for their use in every instance, posing a hardship for the large Hindu community, and neither accepts Hindus who have died in other parts of the country for cremation or burial. The remains of Hindus who die outside Dubai and Sharjah in all cases must be repatriated to their home country at considerable expense.

Non-Muslims in the country are free to practice their religion but may not proselytize publicly or distribute religious literature. The Government follows a policy of tolerance towards non-Muslim religions and in practice interferes very little in the religious activities of non-Muslims. Apparent differences in the treatment of Muslim and non-Muslim groups often have their origin in the dichotomy between citizens and noncitizens rather than religious difference.

The Government permits foreign clergy to minister to foreign populations, and non-Muslim religious groups are permitted to engage in private charitable activities and to send their children to private schools. Apart from donated land for the construction of churches and other religious facilities, including cemeteries, non-Muslim groups are not supported financially or subsidized by the Government. However, they are permitted to raise money from among their congregants and to receive financial support from abroad. Christian churches are permitted to advertise openly certain church functions, such as memorial services, in the press.

The conversion of Muslims to other religions is regarded with extreme antipathy. While there is no law against missionary activities, authorities have threatened to revoke the residence permits of persons suspected of such activities, and customs authorities have questioned the entry of large quantities of religious materials (Bibles, hymnals, etc.) that they deemed in excess of the normal requirements of existing congregations, although in most instances the questions have been resolved and the items have been admitted.

There have been reports that customs authorities are less likely to question the importation of Christian religious items than other non-Muslim religious items, although in virtually all instances importation of the material in question eventually has been permitted.

Although emirate immigration authorities routinely ask foreigners to declare their religious affiliation, the Government does not collect or analyze this information, and religious affiliation is not a factor in the issuance or renewal of visas or residence permits.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—There are no limitations on freedom of movement or relocation within the country, except for security areas such as defense and oil installations.

Unrestricted foreign travel and emigration are permitted to male citizens, except those involved in financial disputes under adjudication. A husband may bar his wife and children from leaving the country. All citizens have the right to return. There is a small population of stateless residents, many of whom have lived in the country for more than one generation. Many stateless residents are originally from Iran and South Asia; other stateless residents include Bedouins or the descendants of Bedouins who are unable to prove that they are of UAE origin. There is no formal procedure for naturalization, although foreign women receive citizenship by marriage to a citizen, and anyone may receive a passport by presidential fiat. Because they are not of the original tribal groups, naturalized citizens may have their passports and citizenship status revoked for criminal or politically provocative actions. Such revocations are rare.

Citizens are not restricted in seeking or changing employment. However, foreign nationals in specific occupations, primarily professional, may not change employers without first leaving the country for 6 months. During 1997 in an effort to liberalize employment regulations, the federal Government removed the 6-month ban from some of these professions. Some foreign nationals involved in disputes with employers, particularly in cases in which the employee has signed a contract containing a clause not to compete, may be blacklisted by the employer with immigration authorities, effectively preventing their return for a specified period of time.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. It may detain persons seeking refugee status, particularly non-Arabs, while they await resettlement in a third country.

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

There are no democratically elected institutions, and citizens do not have the right to change their government or to form political parties. Although there are consultative councils at the federal and emirate levels, most executive and legislative power is in the hands of the Federal Supreme Council. The seven emirate rulers, their extended families, and those persons and families to whom they are allied by historical ties, marriage, or common interest wield most political power in their respective emirates. Decisions at the federal level are generally made by consensus among the sheikhs of the seven emirates and leading families.

A federal consultative body, called the Federal National Council, consists of advisers appointed by the rulers of each emirate. The FNC has no legislative authority but may question ministers and make policy recommendations to the Cabinet. Its sessions usually are open to the public.

The choice of appointing a new emirate ruler falls to the ruling family in consultation with other prominent tribal figures. By tradition rulers and ruling families are presumed to have the right to rule, but their incumbency ultimately depends on the quality of their leadership and their responsiveness to their subjects' needs. Emirate rulers are accessible, in varying degrees, to citizens who have a problem or a request.

Tradition rather than the law limits the political role of women. Women are free to hold government positions, but there are few women in senior positions. There are no female members of the FNC. In December President Zayid's wife, Sheikha Fatima, who is chairwoman of the Women's Federation, renewed her call for women to participate in the country's political life. In 1998 Sheikha Fatima had announced the Government's intention to appoint a number of women as special observers at the FNC. These observers are to learn the procedures of the FNC, and it is expected that some later may be appointed as members. The observers have not been named yet. In a number of press interviews, Sheikha Fatima has stated that women participate in the preparation of legislation dealing with social issues through recommendations made by the Women's Federation, and that women are only "steps away" from full political participation. At the same time, she emphasized her view that the eventual appointment of women to the FNC and other government positions would be "a responsibility rather than an honor," requiring careful prior preparation. Although the small Shi'a minority has enjoyed commercial success, few Shi'a Muslims have top positions in the federal Government.

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

There are no independent human rights groups. Government restrictions on freedom of the press and public association make it difficult for such groups to investigate and publicly criticize the Government's human rights restrictions. A human rights section exists within Dubai Emirate's police force to monitor allegations of human rights abuses. Informal public discussions of human rights, press reports of international human rights forums' activities, and media coverage of selected local human rights problems, such as foreign workers' conditions, are increasing public awareness of human rights.

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

The Constitution provides for equality before the law with regard to race, nationality, religious beliefs, or social status. However, there is institutional and cultural discrimination based on sex, nationality, and religion.

Women.—There are reported cases of spousal abuse. Police units are stationed at major public hospitals so that victims of abuse may file complaints, or attending physicians may call upon the police to interview suspected victims of abuse. However, women sometimes are reluctant to file formal charges for social, cultural, and economic reasons. When abuse is reported to the local police, authorities may take action to protect women. The laws protect women from verbal abuse or harassment from men, and violators are subject to criminal action. There continue to be credible reports of abuse of female domestic servants by some local and foreign employers (see Section 6.e.).

Prostitution has become an increasingly open phenomenon in recent years, particularly in Dubai. Although no accurate statistics are available, substantial numbers of women appear to be arriving from the states of the former Soviet Union for temporary stays during which they engage in prostitution and possibly other activities connected with organized crime. Substantial numbers of prostitutes also appear to come from Africa and Central and South Asia. In 1999 Dubai police established

special patrols in areas frequented by prostitutes in an effort to control the phenomenon. There were credible reports of trafficking in women (see Section 6.f.).

Women play a subordinate role in this family-centered society because of early marriages and traditional attitudes about women's duties. There are no legal prohibitions against women owning property or businesses; however there are restrictions against female ownership. Women must inherit property or businesses from a father or husband, or, if unmarried, receive a grant of land from the ruling family in the emirate in which they reside. In the case of women who are married, the land must be granted to the husbands. Husbands may bar their wives and children from leaving the country (see Section 2.d.), and a married woman may not accept employment without her husband's written consent, although such permission usually is granted. Shari'a, according to the Maliki school of jurisprudence, is applied in cases of divorce. Women are granted custody of female children until they reach the age of maturity and are granted temporary custody of male children until they reach the age of 12. If the mother is deemed unfit, custody reverts to the next able female relative on the mother's side. A woman who remarries may forfeit her right to the custody of children from a previous marriage. Shari'a permits polygyny. In November the Government issued a new ruling granting a woman a divorce if it can be proved that her husband has deliberately stayed away from her for 3 months and has not paid for her upkeep, or for the maintenance of her children.

There are no legal prohibitions against a woman owning her own business. Traditionally, professional women, including doctors, architects, and lawyers, have not faced restrictions in licensing businesses in their names. However, there are credible reports that women attempting to license businesses in the import-export sector, particularly in the Emirate of Dubai, encounter greater scrutiny than men. The Abu Dhabi Chamber of Commerce operates occasional programs to encourage small business entrepreneurship on the part of women. A woman's property is not commingled with that of her husband. Women who work outside the home do not receive equal benefits, such as housing, and may face discrimination in promotion. A draft 1998 law that would entitle women to maternity leave of up to 2 months, compared with the 45 days granted under the current law, has yet to be approved by the Government. A number of women's groups have been pressing the Government to grant mothers 3 months of maternity leave at full pay and to provide day care facilities at the workplace.

Opportunities for women have grown in government service, education, private business, and health services. Women constitute 15 percent of the national workforce. The federal Government publicly has encouraged women to join the work force, ensuring public sector employment for all who apply. In April the Minister of State for Foreign Affairs mandated the employment of women in the diplomatic corps. According to the available statistics, women constitute 100 percent of nursery school teachers, 55 percent of primary school teachers, 65 percent of intermediate and secondary school teachers, 54.3 percent of health care workers, and 39.8 percent of all government employees. Women also constitute 4 percent of the military. Cultural barriers and the lack of economic necessity have limited female participation. A symposium promoting the rights of women in the labor force was held in 1996. Participants called for increasing the rights granted to women, including the elimination of the requirement that a husband give approval before his wife may work.

Women continue to make rapid progress in education. They constitute over 75 percent of the student body at the National University in Al-Ain, largely because women, unlike men, rarely study abroad. In 1998 the Government established Zayid University, a second state-run university, with campuses in Abu Dhabi and Dubai, exclusively for women. However, academic materials are subject to censorship, and female students are banned from reading texts in which the human body is pictured or sexuality is featured (see Section 2.a.).

Women officially are encouraged to continue their education, and government-sponsored women's centers provide adult education and technical training courses. The federal armed forces accept female volunteers, who may enroll in a special training course that was started after the Gulf War. The Dubai Police College recruits women, many of whom are deployed at airports, immigration offices, and women's prisons. Over 200 women have graduated from the College so far.

The law prohibits cohabitation by unmarried couples. The Government may imprison and deport noncitizen women if they bear children out of wedlock. In the event that the courts sentence women to prison for such an offense, local authorities, at the request of the prisoner, may hold the newborn children in a special areas within the confines of the prison or place them with a relative. In rare cases, children are held in other facilities until the mother's release. In Dubai Emirate, unmarried pregnant women must marry the father of the child; both parties are subject to arrest for fornication.

Children.—The Government is committed to the welfare of children. Children who are citizens receive free health care and education, and are ensured housing. A family also may be eligible to receive aid from the Ministry of Labor and Social Welfare for sons and daughters who are under the age of 18, unmarried, or disabled. There is no pattern of societal child abuse.

People with Disabilities.—There is no federal legislation requiring accessibility for the disabled. However, the Ministry of Labor and Social Affairs sponsors centers that provide facilities and services to the disabled. Services range from monthly social aid funds, special education, and transportation assistance, to sending a team to the Special Olympics.

National/Racial/Ethnic Minorities.—Discrimination based on national origin, while not legally sanctioned, is prevalent. Employment, immigration, and security policy, as well as cultural attitudes towards foreign workers, are conditioned by national origin.

Section 6. Worker Rights

a. The Right of Association.—There are no unions and no strikes. The law does not grant workers the right to organize unions or to strike. Foreign workers, who make up the bulk of the work force, risk deportation if they attempt to organize unions or to strike.

Since 1995 the UAE has been suspended from the U.S. Overseas Private Investment Corporation insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards.

b. The Right to Organize and Bargain Collectively.—The law does not grant workers the right to engage in collective bargaining, and it is not practiced. However, some professional associations are granted greater freedom to raise work-related concerns, to lobby the Government for redress, or to file a grievance with the Government. Workers in the industrial and service sectors normally are employed under contracts that are subject to review by the Ministry of Labor and Social Affairs. The Ministry of Interior's Naturalization and Residency Administration is responsible for reviewing the contracts of domestic employees as part of residency permit processing. The purpose of the review is to ensure that the pay satisfies the employee's basic needs and secures a means of living. For the resolution of work-related disputes, workers must rely on conciliation committees organized by the Ministry of Labor and Social Affairs or on special labor courts.

Labor laws do not cover government employees, domestic servants, and agricultural workers. The latter two groups face considerable difficulty in obtaining assistance to resolve disputes with employers. While any worker may seek redress through the courts, this process puts a heavy financial burden on those in lower income brackets.

In Dubai's Jebel Ali Free Zone, the same labor laws apply as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is illegal. However, some unscrupulous employment agents bring foreign workers to the country under conditions approaching indenture. There are credible reports that some women from Central Europe and Central and South Asia, who are brought to the country for service sector employment, later are forced into prostitution (see Section 6.f.). The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively. However, the use of small children as camel jockeys is a problem. In September the Abu Dhabi police took into protective custody and repatriated a 10-year-old Pakistani boy who allegedly had been kidnapped from his village in Pakistan and brought to the UAE to work as a jockey in camel races. In 1999 authorities acting on information provided by the Pakistani Embassy, located and repatriated an 8-year-old Pakistani boy who allegedly had been kidnapped to work as a camel jockey. Police reportedly are investigating several such cases; however, to date no charges have been filed. There continue to be credible reports that hundreds of underage boys from South Asia, mainly between the ages of 4 and 10, continue to be used as camel jockeys (See Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor regulations prohibit employment of persons under the age of 15 and have special provisions for employing those 15 to 18 years of age. The Department of Labor enforces the regulations. Other regulations permit employers to engage only adult foreign workers. In 1993 the Government prohibited the use of children under the age of 15 as camel jockeys and the use of jockeys who do not weigh more than 99 pounds. The Camel Racing Association is responsible for enforcing these rules. However, credible sources report that almost all camel jockeys are children under the minimum employment age (see Section 6.f.). Relevant labor laws sometimes are enforced against criminal trafficking rings, but not against those who own racing cam-

els and employ the children, because such owners come from powerful local families that are in effect above the law. According to credible sources, there were at least 20 cases during the year of underage camel jockeys who were repatriated to their countries of origin. In September the Abu Dhabi police took into protective custody and repatriated a 10-year-old Pakistani boy who allegedly had been kidnaped from his village in Pakistan and brought to the country to work as a camel jockey. Reports of underage camel jockeys continued to surface in the local press during the year. In 1999 authorities, acting on information provided by the Pakistani Embassy, located and repatriated an 8-year-old Pakistani boy who allegedly had been kidnaped to work as a camel jockey. Also in 1999, a 4-year-old boy from Bangladesh, who had been used as a camel jockey, was found wandering in the desert after being abandoned there by his handlers. In 1998 a local newspaper reported the hospitalization of a 5-year-old, 44-pound (20-kilogram) abandoned Bangladeshi child who had been used as a jockey and whose leg had been broken by a camel. Police reportedly are investigating several of these cases; however, no charges have ever been filed.

Otherwise, child labor is not tolerated. The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively (see Section 6.c.). The Government does not issue visas for foreign workers under the age of 16 years. Education is compulsory through the intermediate levels (approximately 13 to 14 years' old).

e. Acceptable Conditions of Work.—There is no legislated or administrative minimum wage. Supply and demand determine compensation. However, according to the Ministry of Labor and Social Affairs, there is an unofficial, unwritten minimum wage rate that would afford a worker and family a minimal standard of living. The Labor and Social Affairs Ministry reviews labor contracts and does not approve any contract that stipulates a clearly unacceptable wage (see Section 6.b.).

The standard workday and workweek are 8 hours per day, 6 days per week; however, these standards are not enforced strictly. Certain types of workers, notably domestic servants, may be obliged to work longer than the mandated standard hours. The law also provides for a minimum of 24 days per year of annual leave plus 10 national and religious holidays. In addition manual workers are not required to do outdoor work when the temperature exceeds 112 degrees Fahrenheit.

Most foreign workers receive either employer-provided housing or housing allowances, medical care, and homeward passage from their employers. Most foreign workers do not earn the minimum salary of \$1,090 per month (or \$817 per month, if a housing allowance is provided in addition to the salary) required to obtain residency permits for their families. Employers have the option to petition for a 6-month ban from the work force against any foreign employee who leaves his job without fulfilling the terms of his contract.

The Ministry of Health, the Ministry of Labor and Social Affairs, municipalities, and civil defense units enforce health and safety standards. The Government requires every large industrial concern to employ a certified occupational safety officer. An injured worker is entitled to fair compensation. Health standards are not observed uniformly in the housing camps that are provided for foreign workers. Workers' jobs are not protected if they remove themselves from what they consider to be unsafe working conditions. However, the Ministry of Labor and Social Affairs may require employers to reinstate workers who were dismissed for not performing unsafe work. All workers have the right to lodge grievances with Ministry officials, who make an effort to investigate all complaints. However, the Ministry is understaffed and underbudgeted; complaints and compensation claims are backlogged.

Rulings on complaints may be appealed within the Ministry and ultimately to the courts. However, many workers choose not to protest for fear of reprisals or deportation. The press periodically carries reports of abuses suffered by domestic servants, particularly women, at the hands of some employers. Allegations have included excessive work hours, nonpayment of wages, and verbal and physical abuse.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, and there were reports that it occurred; however, child smuggling, prostitution, and pornography are crimes.

South Asian boys, generally from Pakistan and Bangladesh, are smuggled into the country by small, organized groups to be used as camel jockeys. Some of the smuggled children reportedly are kidnaped from their families in South Asia, but some apparently are sold to the smugglers by their parents. Hundreds of underage camel jockeys currently work in the country, many of them in the Abu Dhabi Emirate. The largest camel-racing tracks (and associated stables and training facilities) are in Al-Ain and Ghantoot in Abu Dhabi. The gangs provide the stables with the youths, who generally are between the ages of 4 and 10. In May local authorities, working on information provided by the Pakistani Embassy, broke up a smuggling ring involved in illegally transporting underage Pakistani boys into the country to work

as camel jockeys. Local authorities prosecuted the foreign smugglers in this case; however, the authorities did not investigate the citizens involved in the scheme. In September the Abu Dhabi police took into protective custody and repatriated a 10-year-old Pakistani boy who allegedly had been kidnaped from his village in Pakistan and brought to the country to work as a camel jockey. In November the Abu Dhabi police rescued two young Pakistani boys, aged 4 and 6, from an Al-Ain camel farm where they had been forced to work as camel jockeys. The boys allegedly were kidnaped from Pakistan earlier in the year and transported illegally to the country through Iran on forged passports. Upon arrival in the country they reportedly were sold to a Pakistani agent for \$5,500. In 1999 authorities, acting on information provided by the Pakistani Embassy, located and repatriated an 8-year-old Pakistani boy who allegedly had been kidnaped to work as a camel jockey. Also in 1999, a 4-year-old boy from Bangladesh who had been used as a camel jockey was found wandering in the desert after being abandoned there by his handlers. In 1998 a local newspaper reported the hospitalization of a 5-year-old, 44-pound, abandoned Bangladeshi child who had been used as a jockey and whose leg had been broken by a camel (see Sections 5, 6.c., and 6.d.).

In 1993 the Government prohibited the use of children under the age of 15 as camel jockeys and of jockeys who do not weigh more than 99 pounds. The Camel Racing Association is responsible for enforcing these rules. However, few jockeys meet these requirements and relevant labor laws, while sometimes enforced against the criminal trafficking rings, are not invoked against those who own racing camels and employ the children, because such owners come from powerful local families that are in effect above the law (see Sections 5, 6.c., and 6.d.).

Although no accurate statistics are available, substantial numbers of women appear to be arriving from the states of the former Soviet Union for temporary stays, during which they engage in prostitution and possibly other activities connected with organized crime. Substantial numbers of prostitutes also appear to come from Africa and Central and South Asia. While the vast majority of these women are in the country voluntarily, there are credible reports that some women from Central Europe and Central and South Asia, who are brought to the country for service sector employment, later are forced into prostitution. It is unclear whether this activity is conducted with the full knowledge of the women's citizen sponsors, or whether the women's generally noncitizen agents are exploiting the sponsorship system to engage in illicit activity (see Section 5).

In May three Central European women claimed that they were recruited to come work in the country in the hotel business. However, upon their arrival, their local sponsor seized their passports and locked them in a villa with iron gates on the windows. The women claim that they then were forced to work as prostitutes. The three women eventually escaped and obtained protection at their country's embassy in Abu Dhabi. They remained under their embassy's protection for approximately 1 month, after which their passports were returned and they were permitted to depart the country.

The Kazakhstan Government reported in June that it broke up a trafficking ring that specialized in sending women to the UAE for prostitution. Five member of the ring were arrested while trying to board a woman and a 15-year-old girl on a flight to Dubai.

YEMEN

The Republic of Yemen, comprising the former (northern) Yemen Arab Republic (YAR) and (southern) People's Democratic Republic of Yemen (PDRY), was proclaimed in 1990. Following a brief but bloody civil war in mid-1994, the country was reunified under the Sana'a-based government. President Ali Abdullah Saleh is the leader of the General People's Congress (GPC), which dominates the Government. He was elected by the legislature to a 5-year term in 1994, and was elected to another 5-year term in the country's first nationwide direct presidential election in September 1999, winning 96.3 percent of the vote. The Constitution provides that the President be elected by popular vote from at least two candidates endorsed by Parliament, and the election was generally free and fair; however, there were some problems, including the lack of a credible voter registration list. In addition the President was not opposed by a truly competitive candidate because the candidate selected by the leftist opposition did not receive the minimum number of votes required to run from the GPC-dominated Parliament (the other opposition party chose not to run its own candidate, despite its seats in Parliament). The President's sole opponent was a member of the GPC. The first Parliament elected by universal adult

suffrage was convened in 1993. Parliamentary elections were held again in 1997, with the Yemeni Socialist Party (YSP), formerly the main party of the PDRY and a previous coalition partner of the GPC, leading an opposition boycott. The GPC won an absolute majority in the 1997 Parliament, with the opposition Islamist and tribal Yemeni Grouping for Reform (Islaah) as the only other major party represented. International observers judged the elections as reasonably free and fair, while noting some problems with the voting. The Parliament is not yet an effective counterweight to executive authority, although it increasingly demonstrates independence from the Government. Real political power rests with the executive branch, particularly the President. The judiciary is nominally independent, but is weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to enforce judgments.

The primary state security apparatus is the Political Security Organization (PSO), an independent agency that reports directly to the President. The Criminal Investigative Department (CID) of the police reports to the Ministry of Interior and conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), also a part of the Ministry of Interior, maintains a paramilitary force. The civilian authorities do not maintain effective control of the security forces. Members of the security forces, particularly the PSO, committed numerous, serious human rights abuses.

Yemen is a very poor country; about 40 percent of the population live in poverty. Its embryonic market-based economy, despite a major economic reform program, remains impeded by excessive government interference and widespread corruption. Its annual per capita gross national product (GNP) fell from \$377 in 1997 to \$342 in 1998, but rose to \$368 in 1999. Agriculture accounts for approximately 22 percent of GNP, industry for approximately 27 percent, and services for approximately 51 percent. Oil is the primary source of foreign exchange. Other exports include fish, livestock, coffee, and detergents. Remittances from citizens working abroad (primarily in Saudi Arabia and other Arab Persian Gulf states) also are important. However, remittances were reduced sharply after Saudi Arabia and other Gulf states expelled up to 850,000 Yemeni workers during the Gulf War because of the Government's lack of support for the U.N. coalition. The Gulf states also suspended most assistance programs, and much Western aid was reduced. Foreign aid has begun to reemerge as an important source of income. The unemployment rate is estimated at 35 percent, and is highest in the southern governorates, where, prior to unity, most adults were employed by the PDRY Government.

The Government generally respected its citizens' human rights in some areas and continued to improve its human rights performance; however, its record was poor in several other areas, and serious problems remain. There are significant limitations on citizens' ability to change their government. Security forces committed a number of extrajudicial killings. Members of the security forces tortured and otherwise abused persons, and continued to arrest and detain citizens arbitrarily, especially oppositionists in the south and other persons regarded as "secessionists." However, during the year, the Government issued directives intended to align the country's arrest, interrogation, and detention procedures more closely with internationally accepted standards, and such directives generally were implemented in practice. Prison conditions are poor, and some detainees were held in private prisons not authorized by the Government. However, during the year, with the cooperation of the Government, the International Committee of the Red Cross conducted a comprehensive inspection of the country's prisons. PSO officers have broad discretion over perceived national security issues. Despite constitutional constraints, security officers routinely monitor citizens' activities, search their homes, detain citizens for questioning, and mistreat detainees. The Government fails to hold members of the security forces accountable for abuses, and there were no convictions of security officials for abuses during the year. Prolonged pretrial detention is a serious problem, and judicial corruption, inefficiency, and executive interference undermine due process. The Government continued to implement a comprehensive long-term program for judicial reform. The law limits freedom of speech and of the press, and the Government frequently harassed, intimidated, and detained journalists. However, harassment of journalists lessened during the year. Nonetheless, journalists practice self-censorship. The Government at times limits freedom of assembly. The Government imposes some restrictions on freedom of religion, and places some limits on freedom of movement. The Government adopted measures to decentralize government authority by establishing locally elected governorate and district councils. In February the Government hosted a major symposium of the U.N. Commission on Human Rights (UNCHR), chaired by U.N. High Commissioner Mary Robinson, on the human rights aspects of international development. The Government displayed official receptiveness to and support for donor-funded democracy and human rights

programs. Violence and discrimination against women are problems. Female genital mutilation (FGM) is practiced on a limited scale, primarily along the coastal areas of the Red Sea. Although the practice is discouraged publicly, the authorities do not prohibit it. There is some discrimination against the disabled. Discrimination against religious, racial, and ethnic minorities is a problem. The Government influences labor unions. Child labor is a problem.

There was a significant decrease in the number of kidnappings of foreigners, which was at least in part the result of the Government's establishment of a special court to try kidnapers and other violent offenders. The campaign of bombings—the devices sometimes were little more than noise bombs—that had continued for several years, particularly in the southern governorates, appears to have abated, although there were a few explosions during the year. Observers attribute these bombings to tribal disputes, religious extremists, and antigovernment political groups based in the country and abroad.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces committed a number of extrajudicial killings. There were some reports during the year that security forces at checkpoints killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

In May security forces killed Ghassan Qasim Mani, a student in Al-Dalah governorate, during a violent confrontation between security forces and armed citizens. Another student and four police officers were injured in the confrontation, which occurred while security officials were conducting a weapons search in the vicinity of Al-Jalilah.

In August Sabah Seif Salem reportedly died while being detained in a prison in the Al-Udain district of Ibb governorate. Her family claimed that security officials tortured her to extract a confession of adultery. The director of Ibb security ordered that an autopsy be performed and called in the head of AlUdain's security office for questioning. The investigation found that Salem was pregnant when she was detained for questioning and went into labor while in police custody. She was transported to a clinic, but died as a result of complications during childbirth. Salem's baby also died. The investigation concluded that Salem had not been tortured (see Section 1.c.).

One police officer was killed and eight others wounded after intervening to settle a land dispute in the village of Qud Qarow in Aden governorate; several villagers were wounded, but none were reported killed. The circumstances of the police officer's death were unclear (see Section 1.f.).

No security officials were tried or convicted for abuses during the year.

In July 1999, a court in Tawila in Al-Mahweet governorate convicted the town's security chief and two police officers of first-degree murder for torturing to death a teenager taken into their custody on theft charges in March 1999. All three officials were fired. The security chief was sentenced to 10 years in jail and ordered to pay \$19,000 (3,116,000 riyals) in compensation to the victim's family. The two police officers each were sentenced to 5 years in jail.

There was credible evidence that security forces killed a prisoner in detention in late 1997 or early 1998. Wadia Al-Shaibani, a 22-year-old who was arrested in connection with the July 1997 bombings in Aden, apparently died after suffering a beating at the Soleyban police facility in Aden. Government authorities declined to investigate; they claimed that AlShaibani committed suicide. The Human Rights Committee of the Consultative Council (an advisory board to the President) in 1998 investigated Al-Shaibani's death; however, it was unable to persuade the authorities to investigate the death or to bring charges against security officials.

On October 12, terrorists in a small bomb-laden boat attacked the USS Cole, a U.S. naval ship, as it refueled in Aden harbor. The explosion killed 17 sailors and wounded 39 others. The investigation into the attack was ongoing, and 6 suspects were in custody at year's end.

Tribal violence resulted in a number of killings and other abuses, and the Government's ability to control tribal elements remained limited. In addition, tensions between the Government and various tribes periodically escalated into violent confrontations (see Section 5).

Persons continued to be killed and injured in unexplained bombings and shootings that occurred during the year. In most cases, it was impossible to determine who was responsible for such acts or why they occurred, and there were no claims of responsibility. The Government accused southern oppositionists of perpetrating some incidents, but the opposition denied any involvement. Some cases appeared to have

criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. In June 1998, the President established a committee to study the phenomenon of revenge killings and to make recommendations on how to combat the problem. There was no news on the committee's work or its findings at year's end.

In December 1998, a group of 16 Western tourists was kidnaped by terrorists in Abyan governorate near Mudiya. The next day, government forces surrounded the area and attempted a rescue operation. Four of the hostages and three of the terrorists were killed. There were varying reports as to whether the government forces inadvertently killed any of the hostages in the crossfire. However, at least two apparently were shot deliberately by the kidnapers. The Government has stated that its decision to intervene was based on its belief that the hostages' lives were in immediate danger. The trial of the four surviving terrorists, including Aden-Abyan Islamic Army (AAIA) leader Zein Al-Abidine Al-Mihdar (also known as Abu Hassan), began in January 1999, and in May 1999 they all were found guilty. Abu Hassan, who during his trial publicly and repeatedly admitted to all charges against him, a second Yemeni, Abdallah Al-Jundaydi, and a Tunisian, were sentenced to death; the remaining defendant was sentenced to 20 years' imprisonment. The Tunisian's sentence was commuted to 20 years' at the first appellate review, and the Supreme Court in October 1999 commuted Al-Jundaydi's sentence to 20 years as well. Abu Hassan's death sentence was upheld by the Supreme Court in October 1999 and approved by President Saleh. He was executed by firing squad on October 17, 1999. There were no allegations of lack of due process in Abu Hassan's trial or during the subsequent appeal process. The trial of seven additional AAIA members on terrorism charges began in October 1999 and ended in June; the group's leader and a second defendant were convicted and received jail sentences of 7 and 3 years; the remaining five defendants were acquitted (see Section 1.e.).

b. Disappearance.—Members of the security forces continue to arrest and detain citizens for varying periods of time without charge or notification to their families. Many detainees are associated with the YSP or other opposition parties and are accused of being "secessionists." Such detentions are temporary; detainees typically are released within weeks or, at most, months. Those who are not released eventually are charged.

In 1998 at the invitation of authorities, delegations from the UNHRC and Amnesty International visited the country to investigate the whereabouts of persons who have "disappeared" in custody since unification. In 1997 the Government had promised AI that it would look into 27 cases of persons who died after they reportedly "disappeared" while in government custody during the violence associated with the civil war in 1994. In its follow-up report issued in July 1999, AI criticized the Government for not keeping this promise. The Government claims that it responded to AI and passed the results of its investigations to the UNHRC, but that the information AI provided was inadequate for effective investigation and conclusive action. Both the U.N. Committee on Disappearances and AI also continue to allege that there are hundreds of unresolved disappearances dating from the preunity period in the former PDRY, particularly from its 1986 civil war. The Government asserts that it cannot be held responsible for cases that took place within the former PDRY prior to unity; however, it has set up a computer database in the Ministry of Foreign Relations to track disappearances, including those dating from the preunity period. The Government states that the scarcity of records resulting from the country's lack of an effective national registry hindered its attempts during the year to create database files, especially for persons who disappeared in the PDRY in the 1970's. AI has received no credible reports of new disappearances in the last 6 years.

Some tribes seek to bring their political and economic concerns to the attention of the Government by kidnaping and holding hostages. Foreign businessmen, diplomats, and tourists are the principal targets. During the year, eight foreigners were kidnaped (six men, one woman, and one child), as well as a much higher number of citizens. A total of 159 foreigners have been kidnaped since 1992. The legal magazine *Al-Qistas*, in a 1998 study, found that Sana'a, Marib, and Shabwa are the areas in which a foreigner is most likely to be kidnaped. Kidnaping victims rarely are injured, and the authorities generally have been successful in obtaining the negotiated release of foreign hostages. However, in June a Norwegian diplomat on vacation was killed near Sana'a during an exchange of fire between checkpoint police and his abductors.

There has been a marked decline in tribal kidnapings of foreigners, from 13 cases involving 41 persons in 1997 to 10 cases involving 27 persons in 1998 to 9 cases involving 21 persons in 1999 to 6 cases involving 8 persons during the year. Kidnapings had been a persistent problem in the past, due to the judiciary's frequent failure to impose sentences against accused kidnapers because some persons

linked to kidnappings were members of prominent tribes or had links with such tribes. In most cases, the kidnappings were settled out of court, with no suspects facing trial; however, this practice has changed. In August 1998, the Government issued by presidential decree a law that stipulated severe punishments up to and including capital punishment for persons involved in kidnapping, "carjacking," attacking oil pipelines, and other acts of banditry and sabotage. In October 1999, the Government announced the establishment of a special court in Sana'a to implement this law and created a special prosecutor to investigate and try those charged under its provisions. In May the court sentenced an individual who had kidnapped three German tourists in November 1999 to 12 years in jail. In June the kidnaper of an American in 1997, and later a group of European tourists, received a 20-year sentence; in July two additional kidnappers received 15-year jail sentences. The arrests, trials, and convictions continue. The Government's prosecution of persons charged with kidnapping appears to have had a deterrent effect. There were no reports of tribal opposition or interference in the arrests or the judicial process connected with these cases.

c. Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.—The Constitution is ambiguous on its prohibition of cruel or inhuman punishment; however, members of the security forces tortured and otherwise abused persons in detention. Arresting authorities are known to use force during interrogations, especially against those arrested for violent crimes. Detainees sometimes are confined in leg-irons and shackles, despite the passage of a law in 1998 outlawing this practice.

The Government has acknowledged publicly that torture takes place but has claimed that the use of torture is not government policy. Nevertheless, the Government has not taken effective steps to end the practice or to punish those who commit such abuses. A government prosecutor has cited illiteracy and lack of training among police and security officials as reasons for the persistence of the use of undue force in prisons; a human rights activist has suggested that corruption and pressure from superiors to produce convictions also plays a role. The immunity of all public employees from prosecution for crimes allegedly committed while on duty also hinders accountability; prosecutors must obtain permission from the Attorney General to investigate members of the security forces, and the head of the Appeals Court formally must lift their immunity before they are tried. Low salaries for police officers, about \$37 to \$56 (6,000 to 9,000 riyals) per month, also contribute to corruption and police abuse.

In August Sabah Seif Salem reportedly died while being detained in a prison in the Al-Udain district of Ibb governorate. Her family claimed that security officials tortured her to extract a confession of adultery. The director of Ibb security directed that an autopsy be performed and called in the head of Al-Udain's security office for questioning. The investigation found that Salem was pregnant when she was detained for questioning and went into labor while in police custody. She was transported to a clinic, but died as a result of complications during childbirth. Salem's baby also died. The investigation concluded that Salem had not been tortured (see Section 1.a.).

In July 1999, a court convicted three security force officials of murder for torturing a teenager to death (see Section 1.a.); however, there were no reported convictions of security officers for abuses during the year. In February Major Hisham Al-Ghazali, the most senior of three CID officials convicted of torture in 1998, was reassigned to investigative duties. Abdullah Al-Qaradi, the prosecutor for investigation and security for Sana'a governorate, objected to the reassignment, but he was overruled by the CID's Director General, Hussein Ali Haitham.

In April 1999, Sana'a municipality police arrested Naji Saleh Al-Khowlani for his alleged involvement in a car theft ring. Al-Khowlani was held for 2 months, during which time prison officials reportedly tortured him during regular nightly interrogation sessions in which officials would attempt to elicit a confession and extract information by burning him with a cigarette lighter. A medical report documented burn marks and other injuries on Al-Khowlani's body. No action was taken during the year to investigate this case.

The trial of seven alleged members of the AAIA on terrorism charges, which began in October 1999, ended in June. The group's leader, Saleh Haidara Al-Atwi, and another defendant, Haidara Nasser Al-Mashraqi, were sentenced to 7 and 3 years in prison, respectively. The remaining five defendants were acquitted. Two of the defendants were tried in absentia. Four claimed that the prosecution coerced and tortured them into making self-incriminating statements and confessions (see Section 1.e.). The judge issued a ruling prohibiting the publication of details about the trial.

The eight Britons and two Algerians convicted in Aden in August 1999 of possession of illegal weapons and explosives and conspiring to commit terrorist acts in Aden claimed during their trial during the year that they had been tortured; two claimed that they had been abused sexually (see Section 1.e.).

In 1998 several individuals on trial in Aden in connection with a series of bombings in 1997 testified publicly that they had been tortured. One defendant claimed that he had been raped while in custody. There is credible evidence that one other person arrested in connection with the same bombings died as a result of beatings inflicted by security officials. According to eyewitnesses who also claimed to have been tortured, Wadia Al-Shaibani was beaten first in a criminal security office in Aden, then transferred to the Soleyban police facility, where he was tortured to death (see Section 1.a.). No charges have been filed against security officials.

In a related case in 1998 in which 31 persons were accused of conspiracy in Mahra governorate in 1997, several of the suspects claimed that they had confessed only because they had been tortured. Defense attorneys asserted the existence of films that would prove their clients' allegations that they had been beaten, and asked the judge to view the films. The judge denied this request. In late October 1998, the court sentenced three of the defendants to death, found one innocent, and sentenced the others to jail for periods ranging from 6 to 10 years.

The Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law). There have been no reports of amputations since 1991. However, a small number of persons who have been found guilty of theft and sentenced to amputation remain in jail awaiting the implementation of their sentences. The Shari'a-based law permits physical punishment such as flogging for some crimes. For example, in July two individuals convicted of kidnaping were sentenced to 80 lashes (the penalty for the consumption of alcohol) in addition to a period of imprisonment because they had been intoxicated during the commission of their crime. In Ibb governorate in January, Mohamed Tahbit Al-Su'mi, after being tried and convicted, was stoned to death for the 1992 rape and murder of his 12-year-old daughter. Capital punishment usually is carried out by firing squad; stoning is almost unheard of, but was approved in this case due to the unusual brutality of the crime. In rare cases involving particularly egregious crimes, such as the rape and murder of children, the law permits the ritual display in public of the bodies of executed criminals. The ostensible purpose of this practice is to demonstrate to the families of victims that justice has been served and to prevent blood feuds between tribes.

Police used excessive force in September when they intervened to settle a land dispute in the village of Qud Qarow in Aden governorate (see Sections 1.a. and 1.f.).

Tribal violence continued to be a problem during the year, causing numerous deaths and injuries (see Section 5).

Prison conditions are poor and do not meet internationally recognized minimum standards. Prisons are overcrowded, sanitary conditions are poor, and food and health care are inadequate. Inmates depend on relatives for food and medicine. Many inmates lack mattresses or bedding. Prison authorities often exact money from prisoners and refuse to release prisoners until family members pay a bribe. Tribal leaders misuse the prison system by placing "problem" tribesmen in jail, either to punish them for noncriminal indiscretions or to protect them from retaliation or violence motivated by revenge. Refugees, persons with mental problems, and illegal immigrants sometimes are arrested without charge and placed in prisons with common criminals.

Conditions are equally poor in women's prisons, in which children likely are to be incarcerated along with their mothers. By custom and preference, babies born in prison generally remain in prison with their mothers. Female prisoners sometimes are subjected to sexual harassment and violent interrogation by male police and prison officials. The law requires male members of the families of female prisoners to arrange their release; however, female prisoners regularly are held in jail past the expiration of their sentences because their male relatives refuse to authorize their release due to the shame associated with their alleged behavior. The Government's Supreme National Committee for Human Rights, working with the National Women's Committee, has developed a plan to establish a shelter in Sana'a that would house 50 of these abandoned women and provide them with vocational education. The committee is seeking donor assistance and hopes to establish additional shelters in other governorates.

Unauthorized "private" prisons are a problem. Most such prisons are in rural areas controlled by tribes, and many are simply a room in a tribal sheikh's house. Persons detained in such prisons often are held for strictly personal or tribal reasons and without trial or sentencing. There are credible reports of the existence of private prisons in government installations, although these prisons are not sanc-

tioned by senior officials. In July Mohamed Naji Alao, a parliamentarian and founder of the human rights NGO the Organization for the Defense of Human Rights, discovered that several private prisons were being operated at government facilities in Sana'a. He reported them to the President, who immediately ordered the unlawful prisons closed, and the offenders arrested. In April 1999, the chairman of the Sana'a governorate prosecutor's office, Salem Ahmed Al-Shaiba, inspected several illegal prisons operated by the Sana'a governor's office and sent his findings to the Attorney General. According to Al-Shaiba's findings, 19 individuals had been imprisoned beyond their legal sentence; several prisoners were being detained in handcuffs illegally; numerous individuals were being detained illegally in connection with civil or commercial cases or because they had disobeyed a tribal sheikh; and 43 persons from one region (Shibam Al-Gharas) were being detained on the same charge (shooting at a truck). Al-Shaiba informed the Attorney General that he had requested then-Sana'a governor Naji Al-Sufi to release the illegally imprisoned individuals, but that the governor had taken no action. Later that year, Al-Shaiba reported being harassed by then-governor Al-Sufi. The Attorney General took no action on the findings of the inspection report. Al-Shaiba took a voluntary leave of absence from his post, and eventually left the country. Governor Al-Sufi was relieved of his post in October 1999, but was never charged with a crime (see Section 1.e.).

During the year, the Government issued directives intended to align the country's arrest, interrogation, and detention procedures more closely with internationally accepted standards. For example, the Ministry of Interior created new detention/interrogation centers in each governorate (including four in Sana'a), to prevent suspects from being detained with convicted criminals. The Government also formally instructed police and prison officials that detainees be provided adequate food, that prisoners be released upon completion of their sentences, and that juveniles (with the exception of those convicted of murder) be incarcerated in facilities separated from adults. In addition, the Government created a female police force and developed regulatory guidance for their activities to better respond to the needs of female prisoners and female victims of crimes. The Government's directives generally were implemented in practice.

In January the Government's Supreme National Committee for Human Rights led a government initiative to establish and finance, along with private sector contributions, a special "charity fund" to be used to enable the release of prisoners who, in keeping with tribal or Islamic law, were being held in prison pending payment of restitution to their victims, despite having completed their sentences. The President celebrated the Islamic holy month of Ramadan by appointing a high-level interministerial committee, chaired by the Minister of Interior, to inspect all major prisons in the country, both to identify prisoners whom the fund could help and to investigate conditions. The inspection committee immediately released persons being held illegally, developed recommendations for reform, and arranged for the eventual release of over 1,000 prisoners who had been held beyond their sentences (in violation of the law) until they could pay restitution. The Human Rights Committee of the Consultative Council continued to conduct spot checks of prisons and to arrange for the expeditious release of persons held improperly.

The Government tightly controls access to detention facilities by NGO's, although it sometimes permits local and international human rights monitors access to persons accused of crimes. During the year, the International Committee of the Red Cross (ICRC), with the Government's full cooperation, conducted a comprehensive inspection of the country's major prisons. While serious problems remain, the ICRC acknowledged the Government's commitment to penal reform and noted that the Government had made significant improvements since the last ICRC inspection (in 1995), especially with regard to the incarceration of mentally ill persons.

The PSO does not permit access to its detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The law provides due process safeguards; however, security forces arbitrarily arrest and detain persons. Enforcement of the law is irregular and in some cases nonexistent, particularly in cases involving security offenses. According to the law, detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. In no case may a detainee be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge are common practices. In April Parliament passed a new Police Law, which established the mandate, duties, and procedures for police. Draft provisions would have permitted police to conduct searches without a warrant and to open fire on gatherings of five or more persons if police suspected imminent violence or criminal activity. Following a campaign by human rights organizations, opposition political parties, and the press, Parliament amended the law to remove the provisions.

In September forces from the CSO used excessive force in attacking the village of Qud Qarow in Aden governorate, reportedly arresting 30 persons (see Sections 1.a. and 1.f.)

During the year, journalists continued to be detained briefly for questioning concerning articles that they wrote that were critical of the Government or that the Government considered sensitive (see Section 2.a.). However, there was a significant decrease in the number of such incidents from the previous year.

The law provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present. There are provisions for bail. In practice many authorities abide by these provisions only if bribed.

Defense lawyers claimed that the eight Britons and two Algerians arrested in December 1998 for possessing illegal weapons and explosives and conspiring to commit terrorist acts in Aden (see Sections 1.c. and 1.e.) were denied their right to legal counsel. They also contended that defense doctors were not permitted to examine their clients in order to investigate allegations of torture and sexual abuse. Several months after the defense's request, the Government arranged for an independent physician to examine those arrested; however, it did not allow the defense to observe the examination and did not provide a report. The trial concluded in August 1999, although according to the law, the violation of the right to counsel should have suspended the case. The court sentenced the main suspects to jail terms of 7 and 3 years, respectively. Five other defendants received jail terms ranging from 5 to 7 years. The seven defendants appealed the verdict. Two of the Britons received 7-month sentences and were ordered released for time served; another, for reasons of poor health, was ordered released for time served. The three returned to the United Kingdom in October 1999.

Citizens regularly complained that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in political violence. There also were complaints that private individuals hired lower-level security officials to intervene on their behalf and harass their business rivals. Security forces sometimes detained demonstrators (see Section 2.b.). In August 1999, then-governor of Sana'a Naji Al-Sufi reportedly ordered the arrest of Hafed Fadhil, a lawyer representing the opposing party in a case involving one of the governor's friends. In September 1999, he illegally detained judge Mohammed Saad Amer, a member of the Sana'a appeals court, for 2 days (see Section 1.e.). The governor was relieved of his post in October 1999.

In cases where a criminal suspect is at large, security forces sometimes detain a relative while the suspect is being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration, rather than the court system, commonly is used to settle cases.

The Government has failed to ensure that detainees and prisoners are incarcerated only in authorized detention facilities. The Ministry of Interior and the PSO operate extrajudicial detention facilities. A large percentage of the total prison population consists of pretrial detainees. There have been allegations that a large number of persons have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences.

Aziz Mohamed Musaid, who was arrested in Taiz in September 1998 and charged with intent to commit adultery, has not yet been brought to trial and remains in prison because the presiding judge, Abdul Jabar Taha Al-Kharasani, has refused to adjudicate the case. The charges did not appear to be supported by solid evidence, and the local press has characterized Al-Kharasani as corrupt. In October 1999, Al-Kharasani was ordered by the Minister of Interior to turn over his cases, including Musaid's, to another judge, but he has refused to do so.

While some cases of those being held without charge have been redressed through the efforts of local human rights groups and government inspection missions (and some illegally detained prisoners released), the authorities have not investigated or resolved these cases adequately.

Unauthorized, private prisons also exist in tribal areas in which the Government does not exercise authority effectively. Persons detained in these prisons often are held for strictly personal reasons and without trial or sentencing (see Sections 1.c. and 1.e.).

The Government does not use forced exile. However, at the end of the 1994 civil war, the Government denied amnesty to the 16 most senior leaders of the armed, secessionist Democratic Republic of Yemen (DRY) who fled abroad. Although they were not forced into exile, they are subject to arrest if they return. The trial of the so-called "16" concluded in March 1998 (see Section 1.c.).

e. Denial of Fair Public Trial.—The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary is not fully independent, and is weak and severely hampered by corruption, executive branch interference, and

the frequent failure of the authorities to enforce judgments. Judges are appointed by the executive branch, and some have been harassed, reassigned, or removed from office following rulings against the Government. For example, there were credible reports that in 1999 the governor of Sana'a Naji Al-Sufi repeatedly interfered with and attempted to intimidate members of the judiciary, including by assaulting a defense lawyer, detaining at least two judges, and harassing the chairman of Sana'a governorate's prosecutor's office, Salem Ahmed Al-Shaiba, after Al-Shaiba reported to the Attorney General that the governor's office was running illegal prisons (see Section 1.c.). Governor Al-Sufi was relieved of his post in October 1999, but no legal action was taken against him. Al-Shaiba has left the country. Many litigants maintain, and the Government acknowledges, that a judge's social ties and susceptibility to bribery sometimes have greater influence on the verdict than the law or the facts of the case. Many judges are poorly trained, and some closely associated with the Government often render decisions favorable to it. The judiciary is hampered further by the Government's frequent reluctance to enforce judgments. Tribal elements sometimes threaten and harass members of the judiciary. For example, in August members of the Bani Dhubian tribe kidnaped judge Abdu Rahman Abu Taleb, who was presiding over a land dispute case involving the tribe.

There are five types of courts: Criminal; civil and personal status (for example, divorce and inheritance); kidnaping/terrorism; commercial; and court martial.

All laws are codified from Shari'a, under which there are no jury trials. Criminal cases are adjudicated by a judge, who plays an active role in questioning witnesses and the accused. Under the Constitution and by law, the Government must provide attorneys for indigent defendants; however, in practice this never occurs. Despite a stipulation that the Government provide (and fund) legal aid to indigent defendants, the law does not explicitly prohibit trying criminal defendants without a lawyer, and the judicial budget currently does not allow for defense attorneys. Judges sometimes "appoint" attorneys present in their courtrooms to represent indigent defendants; however, such attorneys are not required legally to take the case, although most accept in order to avoid displeasing judges before whom they must appear later.

By law prosecutors are a part of the judiciary and independent of the Government; however, in practice prosecutors look upon themselves as an extension of the police. They do not receive the normal judicial training that judges do, nor do they practice their legal obligation to prosecute police who delay reporting arrests and detentions.

Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses. Defendants, including those in commercial courts, have the right to appeal their sentences. Trials are public; however, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes have complained of biased rulings. However, some foreign companies have won cases against local defendants, and some such decisions have been enforced.

In addition to regular courts, the law permits a system of tribal adjudication for noncriminal issues, although in practice tribal "judges" often adjudicate criminal cases as well. The results of such mediation carry the same if not greater weight as court judgments. Persons jailed under the tribal system usually are not charged formally with a crime but stand publicly accused of their transgression.

Prior to unification, approximately half of the judges working in southern Yemen were women. However, after the 1994 civil war, conservative leaders of the judiciary reassigned many southern female judges to administrative or clerical duties. Although several female judges continue to practice in Aden, there are no female judges in northern courts.

The Government continued the program it began in late 1997 to reform the judiciary. This comprehensive, long-term reform program is intended to improve the operational efficiency and statutory independence of the judiciary by placing reform-minded personnel into the courts; forming an inter-ministerial council to oversee the reform project; publishing a judicial code of ethics; and making the Supreme Court smaller, more efficient, and less corrupt. Foreign donors have offered to provide assistance in implementing judicial reform, which the Government has accepted. While the program has not yet been completed, some attorneys cite improvements, including a reduction in the number of Supreme Court justices from 90 to 40, an increase in judges' salaries in order to deter corruption, an increase in the Ministry of Justice's budget, and participation by judges in workshops and study tours conducted by foreign judicial officials. However, the reform program's effect is not yet clear. In October 1999, the Government established a special court to try persons charged with kidnaping, "carjacking," attacking oil pipelines and other acts of banditry and sabotage (see Section 1.b.). Several persons tried in this special court have received lengthy jail sentences, which appears to have had a deterrent effect on tribal kidnapings.

In February 1999, a U.N. Development Program (UNDP) team visited the country to conduct an assessment that would serve as the basis of a second judicial reform program, which was scheduled to begin in January and end in 2002. In March 1999, the team noted the Government's willingness to address long-standing issues of accountability and transparency, and to implement laws more effectively. The program's goals are to modernize Ministry of Justice equipment, improve the country's legal libraries, provide special training for the Attorney General's office, enhance public awareness of the rule of law, and secure a building for the Supreme Court. The UNDP continues to seek donor funding for the program.

Another judicial reform program, financed by international assistance, was initiated in January and is to last through March 2002. The program focuses on the Ministries of Justice and of Legal and Parliamentary Affairs and is to provide training in business and commercial law for judges; a diagnostic study of judicial education curriculum; training on drafting of legislation; and a review of the country's commercial laws to identify and fix gaps or inconsistencies. The program is ongoing.

The security services continued to arrest and prosecutors charge and try persons alleged to be linked to various shootings, explosions, bombings, and other acts of violence. Citizens and human rights groups alleged that the judiciary did not observe due process standards in these cases.

Eight Britons and two Algerians who were arrested in December 1998 were tried from February to August 1999 in Aden on charges of possessing illegal weapons and explosives and conspiring to commit terrorist acts. The 6-month trial did not meet minimum international standards for due process. Defense lawyers claimed that the prosecution lacked adequate evidence, and that the defendants were tortured, sexually abused, and denied access to their lawyers (see Section 1.c.). In August 1999, the court sentenced the main suspects, the 18-year-old stepson and 17-year-old son of Islamic militant Abu Hamza Al-Masri, to jail terms of 7 and 3 years, respectively. The Government has accused Al-Masri, head of the London-based organization Supporters of Shari'a, of involvement with the AAIA, which has carried out at least one fatal terrorist act in Yemen. Five other defendants received jail terms ranging from 5 to 7 years. The seven defendants appealed the verdict. Two of the Britons received 7-month sentences and were ordered released for time served; another, for reasons of poor health, was ordered released for time served in early summer 1999. Their release was delayed because both the defense and the prosecution appealed the verdicts. The Appeals Court upheld the verdicts, and the three were released. They returned to the United Kingdom in October 1999.

The trial of seven additional AAIA members on terrorism charges, which began in October 1999, ended in June. Two were found guilty and given jail sentences; the remaining five were acquitted. Two of the defendants were tried in absentia. Four claimed that the prosecution coerced and tortured them into making self-incriminating statements and confessions (see Section 1.c.). The judge issued a ruling prohibiting the publication of details about the trial.

The Government claims that it does not hold political prisoners. Local opposition politicians and human rights activists generally accept this claim; however, some international human rights groups and members of the opposition-in-exile dispute the claim.

At the end of the 1994 civil war, the President pardoned nearly all who had fought against the central Government, including military personnel and most leaders of the unrecognized DRY. The Government denied amnesty to the 16 most senior leaders of the DRY (one of whom now is presumed dead), who fled abroad. The DRY leaders are subject to arrest if they return. In 1997 and 1998, the so-called "16" were tried in absentia on various charges, including forming a secessionist government, conspiracy, and forming a separate military. All but two were found guilty, and in March 1998, a judge sentenced five of the defendants to death and 3 to 10 years in jail. Six persons received suspended sentences, and two were acquitted. Many opposition figures have urged the President to issue an amnesty for those who received sentences, in the interest of promoting reconciliation between the north and south. The President has stated that it is up to the judicial system to pass judgment. Defense attorneys have appealed to a higher court, but no judgment has yet been rendered.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Despite constitutional provisions against government interference with privacy, security forces routinely search homes and private offices, monitor telephones, read personal mail, and otherwise intrude into personal matters for alleged security reasons. Such activities are conducted without legally issued warrants or judicial supervision. Security forces regularly monitor telephone conversations and interfere with the telephone service of government critics and opponents. Security forces sometimes detain

relatives of suspects (see Section 1.d.). Government informers monitor meetings and assemblies (see Section 2.b.).

The law prohibits arrests or the serving of a subpoena between the hours of sundown and dawn. However, persons suspected of crimes sometimes are taken from their homes in the middle of the night, without search warrants.

In September forces from the CSO used excessive force when they intervened to settle a land dispute in the village of Qud Qarow in the Buraiqah district of Aden governorate. The dispute was between a businessman, who claimed to have purchased land in the adjacent mountains where he had built a quarry, and armed villagers, who claimed that they, not the Government, owned the land and were due compensation. During an initial confrontation, one police officer was killed and eight others wounded; several villagers were wounded, but none were reported killed. The circumstances of the police officer's death were unclear. In response, CSU forces charged the village, reportedly arresting 30 persons, mistreating citizens, looting and destroying houses, and leaving 200 families homeless.

Jews traditionally face social (but not legal) restrictions on their residence and their employment (see Section 5).

According to a 1995 Ministry of Interior regulation, no citizen may marry a foreigner without Interior Ministry permission (see Section 5). This regulation does not carry the force of law, and appears to be enforced irregularly. However, some human rights groups have raised concerns about the regulation.

An estimated 16,000 persons use the Internet, and 5,371 persons subscribe to it. The Government does not impose restrictions on Internet use, but most persons find that equipment and subscriptions costs are prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, is the country's sole Internet service provider. According to Teleyemen (see Section 2.a.), the Government blocks sexually explicit web sites; however, with the exception of mowj.com, which is the web site of the Yemeni National Opposition Front (MOWJ), it does not block politically oriented web sites. For example, Abu Hamza's web page (see Section 1.e.) is not blocked. The Government claims that it does not monitor Internet usage, but some persons suspect their e-mail messages are read by security authorities. There have been no reports that the Government has taken action against Internet users.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution restricts freedom of speech and of the press “within the limits of the law,” and the Government influences the media and limits press freedom. Some security officials attempt to influence press coverage by threatening, harassing, and detaining journalists. Although most citizens are uninhibited in their private discussions of domestic and foreign policies, some are cautious in public, fearing harassment for criticism of the Government. The Penal Code criminalizes, with fines and up to 5 years in jail, “the humiliation of the State, the Cabinet, or parliamentary institutions,” the publication of “false information” that “threatens public order or the public interest,” and “false stories intended to damage Arab and friendly countries or their relations with Yemen.”

The relative freedom of the press permitted between unification (1990) and the civil war (1994) has not been reestablished. An atmosphere of government pressure on independent and political party journals continues at a higher level than before the civil war. The international human rights group the Committee to Protect Journalists continued to criticize the Government for restrictions, harassment, and arbitrary detention directed at journalists.

The Ministry of Information influences the media by its control of most printing presses, by subsidies to certain newspapers, and by its ownership of the country's sole television and radio outlets. Only one newspaper, the thrice-weekly Aden independent Al-Ayyam, owns its own press. The Government selects the items to be covered in news broadcasts, and often does not permit broadcast reporting critical of the Government. However, during the 1999 presidential election campaign, the media extensively covered both candidates and reported in full the many critical comments made by the President's opponent. The Government televises parliamentary debates but may edit them selectively to remove criticism.

In 1998 the Government implemented regulations for the 1990 Press Law. The new regulations specify that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of about \$4,375 (700,000 riyals) in operating capital. Some journalists welcomed the new regulations, saying that they were long overdue. Others claimed that they were designed to drive some opposition newspapers out of business.

Although newspapers ostensibly are permitted to criticize the Government, journalists sometimes censor themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with

Saudi Arabia and other foreign governments, and official corruption. The penalties for exceeding these self-imposed limits can be arrest for libel, dismissal from employment, or extrajudicial harassment. Editors-in-chief legally are responsible for everything printed in their newspapers, regardless of authorship. Some journalists reported being threatened by security officials to change the tone and substance of their reporting. Journalists must have a permit to travel abroad, although there were no reports that this restriction was enforced during the year (see Section 2.d.).

During the year, journalists continued to be detained for questioning for short periods of time for writing articles that were critical of the Government or that the Government considered sensitive subjects, primarily issues involving Saudi Arabia. However, there was a decline in the number of such incidents from the previous year, and most individual journalists and the Yemeni Journalists Syndicate agree that extralegal governmental harassment is less of a problem now than it was in the recent past. Some journalists claim that most harassment now comes from the police, in particular the CID, and no longer the PSO. Cases and ongoing trials involving journalists often are not resolved formally, but rather are settled through unofficial agreements between the Government and the journalists.

Two cases during the year involved articles that criticized the Government of Saudi Arabia. In February the Ministry of Information filed a lawsuit against Dr. Qasim Sallam, the secretary general of the opposition Arab Socialist Baath Party, and the party's newspaper, *Al-Ihya Al-Arabi*, for an article Sallam wrote entitled "The Danger-dom of Saudi Arabia," which alleged that there were supporters of Israel in the Saudi leadership. The case was pending at year's end. In August 1999, Jamal Ahmed Amer, a journalist for *Al-Wahdawi* newspaper and member of the opposition Nasserist Party, was detained and held incommunicado for 6 days for writing an article critical of Yemeni-Saudi relations. *Al-Wahdawi*'s editor, Abdelaziz Sultan, also was called in for questioning. In February Amer was tried and found guilty of "harming national interests" and "publishing an article not based on accurate documents." The judge suspended publication of *Al-Wahdawi* for 1 month, banned Amer from practicing journalism for 1 year, and fined Amer \$31 (5,000 riyals). The editors of *Al-Wahdawi* and *Al-Ihya Al-Arabi* claimed that the actions taken against them by the Ministry of Information were a direct result of pressure by the Government of Saudi Arabia. Amer's lawyer appealed the case, which was pending at year's end. Amer continued to write for another newspaper, *Al-Usbu'*. He has filed a suit against the Minister of Interior; this suit also was pending at year's end.

In March Ali Al-Sarari, editor-in-chief of the YSP newspaper *AlThawri*, received a suspended 3-month prison sentence for publishing a story alleging that two soldiers were being held in the Mukallah prosecutors office on attempted rape charges. The Government claimed that the story was published to inflame north-south tensions.

Also in March, a Sana'a court dismissed the cases brought against the Ministry of Information by the opposition Islaah, YSP, and Nasserist parties. The parties had claimed that the official media had neglected to broadcast the final communiques issued at the conclusion of their party meetings and conferences in violation of the Constitution's provision of equal media time for all political parties. The official media provides extensive coverage of the GPC.

In May a CID officer destroyed journalist Khaled Al-Hammadi's camera as he attempted to photograph a student demonstration at Sana'a University, despite the fact that he had received permission to cover the event.

Also in May, Hisham Ba Sharahil, the editor of *Al-Ayyam*, was charged with "instigating the use of force and terrorism" and "publishing false information" for publishing an interview with Islamic militant Abu Hamza Al-Masri (see Section 1.e.) in August 1999. He also was charged with "insulting public institutions" for publishing an article critical of the Director of Aden Security. The trial was suspended to allow Ba Sharahil to undergo medical treatment. In February Ba Sharahil also was called in for questioning in connection with an article published in *Al-Ayyam* criticizing the Aden municipal government's allowing the destruction of a building that once had been a synagogue. He again was called in for question in April following publication in *Al-Ayyam* of a letter of support for Ba Sharahil in his dispute with the Director of Aden Security from the secessionist Movement of Self-Determination for South Arabia (HATAM).

In June *Al-Tajammu* newspaper and its editor in chief, Abdulrahman Abdullah, were tried for an article published in November 1999, which accused the Supreme Court of corruption. Abdullah received a 6-month suspended sentence, and the newspaper was fined.

In July security officials detained a journalist for *Al-Balagh* newspaper for 6 days for reporting that an Iraqi teacher had raped six female students in Amran governorate's College of Education. The story turned out to be false, and the news-

paper later apologized for circulating it. Also in July, security officials harassed the correspondents of the London-based Arabic Sayyidaty and the United Arab Emirates-based Sahrat Al-Khalij magazines when they tried to report on alleged serial killings at Sana'a University's medical school (see Section 5).

In August Saif Al-Hadhri, the editor in chief of Al-Shumu newspaper, was convicted of libel in connection with a series of articles reporting high-level corruption in the Ministries of Electricity, Agriculture, Education and Finance. The judge fined Al-Hadhri \$437 (70,000 riyals) and suspended him for 7 months. Al-Hadhri also was ordered to pay the Minister and Deputy Minister of Education's legal fees and \$12,500 (2 million riyals) in compensation. Al-Hadhri appealed the judgment, and the case was pending at year's end. In July Al-Hadhri was abducted from his office for 1 day by 30 armed men, whom he claimed were security officials.

In February 1999, the Ministry of Information closed Al-Shoura, the newspaper of the Islamist opposition party Union of Popular Forces (UPF), as well as a new, competing version of the same newspaper. The second version of Al-Shoura appeared following an ideological split in the UPF. Under the Press Law, it is illegal for more than one newspaper to use the same name. Some journalists allege that the Government financed the second Al-Shoura in order to create a pretext to shut down the outspokenly critical original Al-Shoura. A court allowed the original Al-Shoura to resume publication and upheld the suspension of the second Al-Shoura, but an appeals court later ordered the original newspaper to cease publication pending the Supreme Court's decision as to which faction had the right to Al-Shoura's name. The original Al-Shoura resumed publication in August.

In August 1999, journalist and lawyer Nabil Al-Amoudi was brought before the Abyan preliminary court for writing an article critical of the Government and the human rights situation in the country. The case still was pending at year's end.

In August 1999, security officials detained Jamil Al-Samit, a journalist for the Taiz-based official newspaper Al-Jumhuriyah, for writing an article about the use of excessive force by the military in putting down a civilian protest in the village of Quradah. He was detained in prison for several weeks.

The Yemeni Journalists Syndicate defends freedom of the press and publicizes human rights concerns. For example in September it sponsored a symposium on the media and human rights. Critics claim that the Syndicate is ineffective because it has too many nonjournalist members who support government policy. In 1999 several independent and opposition party journalists formed a rival union, the Committee for the Defense of Journalists, under the leadership of Hisham Ba Sharahil, the publisher of Al-Ayyam newspaper, to defend more vigorously journalists harassed by the Government.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. In April PSO officials in Taiz detained Faysal Said Fara'a, the director of a private cultural center, for a day of questioning following his alleged receipt of banned books dealing with the opposition. There were no reports during the year that the Ministry of Information delayed the distribution of international Arabic-language dailies in an effort to decrease their sales in the country, as had occurred in previous years. However, authorities monitor foreign publications, banning those that they deem harmful to national interests. For example in April the owner of a Sana'a bookstore was arrested by the PSO for selling banned copies of an edition of the London-based Arabic magazine Al-Magalah, which featured a cover story on President Saleh's son Ahmed, the Commander of the Republican Guard.

An author must obtain a permit from the Ministry of Culture to publish a book. Most books are approved, but the process is time-consuming for the author. The author must submit copies of the book to the Ministry. Officials at the National Library must read and endorse the text. It is then submitted to a special committee for final approval. If a book is not deemed appropriate for publication, the Ministry simply does not issue a decision. Publishers usually do not deal with an author who has not yet obtained a permit.

An estimated 16,000 persons use the Internet, and 5,371 persons subscribe to it. The Government does not impose restrictions on Internet use, but most persons find that equipment and subscriptions costs are prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, is the country's sole Internet service provider. With the exception of mowj.com, the web site of the Yemeni National Opposition Front, the Government does not block politically oriented web sites (see Section 1.f.).

Academic freedom is restricted somewhat because of the extreme politicization of university campuses. A majority of professors and students align themselves with either the ruling GPC party or the opposition Islaah party. Each group closely monitors the activities of the other. Top administrative positions usually are awarded

to political allies of these two major parties. There were several clashes between GPC- and Islaah-affiliated students during the year, but no serious violence.

b. Freedom of Peaceful Assembly and Association.—There are no constitutional restrictions on the right to assemble peacefully; however, the Government limited this right in practice. The Government claims that it bans and disrupts some demonstrations to prevent them from degenerating into riots and violence. The Government requires a permit for demonstrations, but it issues them routinely. In August police in Aden briefly detained five members of the YSP who convened a political meeting without a permit. Government informers monitor meetings and assemblies. In September 1998, following violent demonstrations earlier that year, the Government sent a draft law to Parliament that would impose significant limitations on the right to assemble and to demonstrate. The draft law was criticized by many lawyers, human rights activists, and members of Parliament. The Parliament continues to withhold action on this proposed law. Draft provisions of a new Police Law would have permitted police to open fire on gatherings of five or more persons if police suspected imminent violence or criminal activity; however, the provisions were removed after a campaign by human rights organizations, opposition political parties, and the press (see Section 1.d.).

Although it banned a similar demonstration in 1999, in April the Government allowed the opposition to organize a rally in Mukallah in Hadramaut governorate to commemorate the deaths of the two persons who were killed by police during violent demonstrations there in April 1998. Five thousand persons reportedly attended the rally. Also in April, the Government detained 19 opposition activists in Abyan governorate for questioning for several days; the opposition claims this was done to prevent them from holding a similar rally. In May hundreds of persons in Al-Dalah governorate peacefully marched to protest Government security policies and to demand an investigation into the death of a student during a violent confrontation between security forces and armed citizens earlier in the month (see Section 1.a.). During the year, the opposition organized mass demonstrations in Al-Dalah and Lahaj governorates and a number of smaller marches throughout the country. In May thousands of students at Sana'a University organized a peaceful march to protest the university administration's delay in investigating alleged serial killings at the medical school (see Section 5). In September 300 women demonstrated in Al-Ghaida in Al-Mahra governorate to protest the preface to a book of statistics on the governorate written by the governor, which they believed contained derogatory comments about residents of the governorate. In November an estimated 30,000 to 50,000 citizens, mostly women and children, peacefully demonstrated in Sana'a to protest Israeli actions against Palestinians in Israel, the West Bank, and Gaza during the fall.

There are no constitutional restrictions on the freedom of association, and the Government generally respects this right in practice. Associations must obtain an operating license from the Ministry of Social Affairs or the Ministry of Culture, which usually is a routine matter.

c. Freedom of Religion.—The Constitution declares that Islam is the state religion and also provides for freedom of religion, and the Government generally respects this right in practice; however, there were some restrictions. Followers of other religions are free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, the Government forbids conversions, requires permission for the construction of new places of worship, and prohibits non-Muslims from proselytizing. The Constitution states that Shari'a is the source of all legislation.

Under Islam the conversion of a Muslim to another religion is considered apostasy, a crime punishable by death. There were no reports of cases in which the crime was charged or prosecuted by government authorities. In January the director of the Aden office of the U.N. High Commissioner for Refugees (UNHCR) received a report that a Somali refugee, Mohammed Haji, who allegedly had converted from Islam to Christianity after his arrival in the country, had been arrested for apostasy. The UNHCR's investigation found that the refugee had been detained previously by police in Aden and at the UNHCR's Al-Jahin camp. The refugee was registered with the UNHCR under a Christian name but maintained an address in Sana'a under a Muslim name. He is married to a Muslim woman and has an Islamic marriage certificate. The UNHCR believed that authorities detained the refugee on criminal rather than religious grounds. In August Haji's case was dismissed, and he was remanded to immigration detention. Later that month, UNHCR resettled Haji and his family to New Zealand.

Official government policy does not prohibit or provide punishment for the possession of non-Islamic religious literature. However, there are unconfirmed reports that foreigners, on occasion, have been harassed by police for possessing such literature. In addition, some members of the security forces occasionally censor the mail of

Christian clergy who minister to the foreign community, ostensibly to prevent proselytizing.

There are unconfirmed reports that some police, without the authorization or knowledge of their superiors, on occasion have harassed and detained persons suspected of apostasy in order to compel them to renounce their conversions.

The Government does not allow the building of new non-Muslim public places of worship without permission; however, in 1998 the country established diplomatic relations with the Vatican and agreed to the construction and operation of a "Christian center" in Sana'a. The Papal Nuncio, resident in Kuwait, presented his credentials to the Yemeni Government in March. Yemen's ambassador to Italy was accredited to the Vatican in July 1999. President Saleh paid an official visit to the Vatican at the time of his state visit to Italy in April.

Public schools provide instruction in Islam but not in other religions. However, almost all non-Muslims are foreigners who attend private schools.

In February the Government revised its travel regulations to allow Yemeni-origin Jews on third-country passports to travel to Yemen, as well as Yemeni-origin Israelis with laissez-passer travel documents. The first such visitors arrived in March.

The Government has taken steps to prevent the politicization of mosques in an attempt to curb extremism. Private Islamic organizations may maintain ties to pan-Islamic organizations and operate schools, but the Government monitors their activities.

Following unification of North and South Yemen in 1990, owners of property previously expropriated by the Communist government of the former People's Democratic Republic of Yemen, including religious organizations, were invited to seek restitution of their property. However, implementation of the process, including for religious institutions, has been extremely limited, and very few properties have been returned to any previous owner.

Nearly all of the country's once sizable Jewish population has emigrated. There are no legal restrictions on the few hundred Jews who remain, although there are traditional restrictions on places of residence and choice of employment (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.—The Government places some limits on freedom of movement. In general the Government does not obstruct domestic travel, although the army and security forces maintain checkpoints on major roads. There were a few reports during the year that security forces at checkpoints killed or injured persons whom they believed were engaging in criminal activity and resisting arrest (see Section 1.a.).

In certain areas, armed tribesmen occasionally man checkpoints alongside military or security officials, and subject travelers to physical harassment, bribe demands, or theft.

The Government does not obstruct routinely foreign travel or the right to emigrate and return. However, journalists must have a permit to travel abroad. There were no reports that the restriction on journalists was enforced during the year (see Section 2.a.). Women must obtain permission from a male relative before applying for a passport or departing the country.

Immigrants and refugees traveling within the country often are required by security officials at government checkpoints to show that they possess resident status or refugee identification cards.

The law does not include provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government continues to grant refugee status on a group basis to Somalis who have arrived in Yemen after 1991.

In 1999 the Government offered asylum to 9,311 Somalis, who fled the fighting in that country. This brought the total number of registered Somali refugees in the country to 55,186. The Government also cooperated with the UNHCR in assisting refugees from Eritrea (2,500 persons), Ethiopia (2,403 persons) and various other countries (362 persons). The Government permitted the UNHCR to monitor the situation of 2,000 Iraqis in Yemen.

Approximately 32,862 Somali refugees have been integrated into society and are no longer receiving food or financial assistance from the UNHCR. However, they still are eligible for medical treatment at UNHCR facilities in Aden and Sana'a. In addition, the UNHCR provides small loans to refugee women who wish to initiate income-generating activities. Somali-language education is provided in urban areas of Aden.

The UNHCR provides food and medical assistance for up to 12,408 Somalis and Ethiopians in a refugee camp at Al-Jahin in Abyan governorate. Children receive schooling in the camp, and adults are eligible for vocational training. The Govern-

ment in 1998 approved a new UNHCR facility to be built at a site in Lahaj governorate; the facility still was under construction at year's end. The UNHCR, in coordination with the Government, issues identification cards to Somali refugees and recognized refugees of other nationalities. The Government has developed plans to establish a national refugee commission composed of the Ministries of Interior and Foreign Affairs, and the Immigration Authority.

The UNHCR reports that the Government consults with it prior to returning illegal immigrants to their countries of origin in order to avoid the involuntary repatriation of refugees with a credible fear of persecution. There were no reports of the forced return of persons to a country where they feared persecution. The UNHCR facilitated the voluntary repatriation of some Eritrean and Ethiopian refugees, as well as the voluntary return of 1,856 Somali refugees to areas of Somalia that are considered safe. Additionally, the UNHCR in Yemen, in collaboration with several Western governments, resettles vulnerable refugees.

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

The Constitution provides citizens with the right to change their government; however, there are significant limitations in practice. The Government by law is accountable to the Parliament; however, the Parliament is not yet an effective counterweight to executive authority. Decisionmaking and real political power still rest in the hands of the executive branch, particularly the President. In addition, the Constitution prohibits the establishment of parties that are contrary to Islam, oppose the goals of the Yemeni revolution, or violate the country's international commitments.

The President appoints the Prime Minister, who forms the Government. The Cabinet consists of 24 ministers. Parliament is elected by universal adult suffrage; the first such election was held in 1993. International observers judged the most recent parliamentary elections (held in 1997) as "reasonably free and fair," despite some problems associated with the voting.

Ali Abdullah Saleh, the President and leader of the GPC, was elected to a 5-year term in the country's first nation-wide direct presidential election in September 1999, winning 96.3 percent of the vote. The Constitution provides that the President be elected by popular vote from at least two candidates endorsed by Parliament, and the election was generally free and fair; however, there were some problems, including the lack of a credible voter registration list. In addition the President was not opposed by a truly competitive candidate because the candidate selected by the leftist opposition coalition did not receive from the GPC-dominated Parliament the minimum number of votes required to run (the other opposition party chose not to run its own candidate, despite its seats in Parliament). The President's sole opponent was a member of the GPC. There was no significant violence associated with the election.

The President has the authority to introduce legislation and promulgate laws by decree when Parliament is not in session. Decrees must be approved by Parliament 30 days after reconvening. In theory if a decree is not approved, it does not become law; in practice, a decree remains in effect unless it is later affirmatively rejected by Parliament. Although the Constitution also permits Parliament to initiate legislation, to date it has not done so. Parliament generally is relegated to debating policies that the Government already has submitted, although it sometimes successfully revises or blocks draft legislation submitted by the Government. Despite the fact that the President's party enjoys an absolute majority, Parliament has rejected or delayed action on major legislation introduced by the Government, and on occasion it has forced significant modification. The Parliament also has criticized strongly the Government for some actions, including the lifting of subsidies that led to widespread violence in June 1998. Ministers frequently are called to Parliament to defend actions, policies, or proposed legislation, although they may and sometimes do refuse to appear. Parliamentarians at times are sharply critical during these sessions. Parliamentarians and parliamentary staff attended foreign NGO-sponsored training workshops designed to increase their independence and effectiveness.

The President is advised by the 59-member Consultative Council, a board of appointed notables chaired by a former prime minister. The Council advises the President on a range of issues but has no constitutional powers.

Formal government authority is centralized in Sana'a; many citizens, especially in urban areas, complain about the inability of local and governorate entities to make policy or resource decisions. Responding to these concerns, in January the Parliament passed the government-submitted Local Authority Law. The new law, considered by the Government as an important part of its ongoing democratization program, is intended to decentralize authority by establishing locally elected district

and governorate councils. The councils would be headed by government-appointed governors. The first elections for the councils were scheduled for February 2001.

On November 19, Parliament approved several amendments to the Constitution, including amendments that would extend the terms of Members of Parliament from 4 to 6 years and the President from 5 to 7 years, allow the President to dissolve Parliament without a referendum in rare instances, abolish the President's ability to issue parliamentary recess decrees, and transform the Consultative Council into a presidentially appointed Shura Council with limited legislative and candidate approval powers. The amendments were to be approved in a national referendum scheduled for February 2001.

In some governorates, tribal leaders exercise considerable discretion in the interpretation and enforcement of the law. Central government authority in these areas often is weak.

The multiparty system remains weak. The GPC dominates the Parliament, and Islaah is the only other party of significance. All parties must be registered in accordance with the Political Parties Law of 1991, which stipulates that each party must have at least 75 founders and 2,500 members. Some oppositionists contend that they are unable to organize new parties because of the prohibitively high legal requirements on the minimum number of members and leaders. Twelve parties participated in the 1997 elections, compared with 16 in 1993. The YSP and several smaller parties boycotted the 1997 elections, leading to lower voter turnout in the south. These same parties also boycotted the country's first nationwide direct presidential election in September 1999. There was no significant violence associated with this election. Two new parties were established in 1999: The Yemeni Green Party and the Union of Democratic Forces.

The Government provides financial support to political parties, including a small stipend to publish their own newspapers. However, the YSP claims that the Government has yet to return the assets it seized from the party during the 1994 civil war.

Although women vote and hold office, these rights often are limited by cultural norms and religious customs, and women are underrepresented in Government and politics. Two women were elected to the Parliament in 1997 (the same number as in 1993), and an increasing number hold senior leadership positions in the Government or in the GPC. Voter registration of women is less than half that of men. Many Akhdam, a small ethnic minority that may be descendants of African slaves, are not permitted to participate in the political process, mainly due to their inability to obtain citizenship. There no longer are any credible reports that citizen members of religious minorities are not permitted to participate in the political process.

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

The concept of local nongovernmental human rights organizations is relatively new, with the first groups forming only in the years since unification. Several groups held workshops and other activities during the year without government interference and often with government support.

The Government cooperates with NGO's, although NGO's complain that there is a lack of response to their requests from government officials. The Government's ability to be responsive is limited in part by a lack of material and human resources. In 1998 the Government introduced a new draft law for regulating the formation and activities of NGO's. While more liberal than the law it is designed to replace, the proposal still contains significant limitations on such organizations. The Parliament again refused to take any action on the proposed new law during the year.

The Taiz-based Human Rights Information and Training Center (HRITC), perhaps the country's most respected domestic human rights NGO, places particular emphasis on education and NGO training. During the year, the HRITC sponsored numerous public lectures, training workshops, and conferences, and participated in several meetings of the international human rights community. The HRITC publishes the quarterly human rights journal *Our Rights* and regularly prints and distributes a brochure entitled *Know Your Rights*. During the year, the HRITC also published several works, including a translation of international human rights documents and laws, a book on violence against women, and a study on the role of women in local NGO's. Several donors have supported the HRITC. The HRITC, in cooperation with a foreign embassy, coordinated the series of events conducted by Penal Reform International from September 1998 to February 1999 (see Section 1.c.). The HRITC did not conduct any investigations into alleged human rights abuses during the year.

The Organization for the Defense of Human Rights, a lawyers' group formed in 1999 by attorney and parliamentarian Mohamed Naji Alao, discovered that several

illegal private prisons were being operated at government facilities in Sana'a. He reported them to the President, who immediately ordered the unlawful prisons closed and offenders arrested (see Section 1.c.).

The Yemeni Organization for the Defense of Liberties and Human Rights is based in Aden. Although the organization continued to suffer from a lack of funds, it actively publicized human rights abuses, particularly in the south, and provided support to new human rights NGO's.

The activities of Al-Nushataa, or The Activists, a group formed in 1999 by former members of the Yemeni Human Rights Organization (YHRO), were limited to organizing a children's parliament, which familiarized secondary school children with the country's legislature. The activities of the National Center for Human Rights and Democratic Development (NCHRDD) were limited to an inspection tour of several Sana'a police stations.

In 1998 and 1999, Penal Reform International (PRI), a London-based NGO, conducted a fact-finding mission to Yemen and, with the support of a foreign embassy and the HRITC, organized prison management training workshops for prison and security officials. PRI identified several issues of concern, including the mistreatment of prisoners, lack of education and resources for prison officials, and unsanitary and overcrowded conditions.

Amnesty International, Human Rights Watch, the Parliament of the European Union, and the Committee to Protect Journalists observe the country closely. The International Committee of the Red Cross (ICRC) maintains a resident representative. The Government has given these groups broad access to government officials, records, refugee camps, and prisons. The Government had acknowledged some abuses that were alleged in a 1997 Amnesty International report and rejected other allegations. Amnesty International's follow-up report, issued in July 1999, criticized the Government for not keeping its promise to investigate some of these abuses. The Government claims that it responded to Amnesty International and passed the results of its investigations to the UNCHR, but that the information the organization provided was inadequate for effective investigation and conclusive action.

In February the Government hosted a major symposium of the UNCHR, chaired by U.N. High Commissioner Mary Robinson, on the human rights aspects of international development. Robinson signed a Memorandum of Intent for a technical assistance grant of \$300,000, half of which would be used to fund a resident UNCHR consultant who, working under the umbrella of the UNDP, would serve as an advisor to the Supreme National Committee on Human Rights and oversee UNCHR programs in the country.

The YHRO is a local human rights group headquartered in Sana'a, with branches in seven other cities. It was founded by the Government. Oppositionists as well as some human rights experts have viewed its findings as unobjective. The head of the YHRO, a member of the judiciary, was transferred from his post as head of the Sana'a Court of Appeals to the Dhamar Court of Appeals in 1998. This was seen by some observers as a demotion or an attempt by the Government to marginalize the judge, who was seen as too independent on human rights questions.

The Supreme National Committee for Human Rights, which was formed in 1997 and reports to the Deputy Prime Minister/Minister of Foreign Affairs, is responsible for ensuring that the country meets its obligations with respect to implementing international human rights conventions and investigating specific instances of abuse. The Committee views using education as a means to effect cultural change as its highest priority. To this end, it continued during the year to seek donor support for a project to incorporate human rights education into secondary school curricula and to provide 1-day human rights workshops for police officers, which it began in 1999. The committee has been less active in investigating specific cases of abuse. Many persons alleged that it has not followed up on its stated commitment to investigate allegations of human rights violations. For example, the committee has not investigated the alleged torture of Naji Saleh Al-Khowlani during detention by police in Sana'a in 1999 (see Section 1.c.), and it declined to investigate the case of Wadia Al-Shaibani, who reportedly died in late 1997 while in the custody of security forces in Aden (see Section 1.a.). In the latter case, it accepted the official coroner's report of death by suicide. The committee conducted no investigations of alleged human rights violations during the year, claiming that it had received no such reports. The committee continues to be hampered by a lack of human and material resources.

However, the committee has been active on prison reform. In January it led a government initiative to establish and, with the help of private sector contributions, to finance a special "charity fund" to be used to enable the release of prisoners who, in keeping with tribal or Islamic law, were being held in prison pending payment of restitution to their victims, despite having completed their sentences. The com-

mittee participated in the subsequent inspections conducted to identify prisoners whom the fund could help and to assess prison conditions (see Section 1.c.). Working with the National Women's Committee, the committee during the year developed a plan to establish a shelter in Sana'a that would house and provide vocational education for 50 abandoned women. The committee is seeking donor assistance and hopes to establish additional shelters in other governorates. In 1999 following an inspection of Sana'a central prison, the committee arranged for minors who were incarcerated with adults to be incarcerated separately in two age groups: 11 to 14 years old and 15 to 18 years old. Fifty juvenile inmates were moved from the prison to an orphanage run by the Ministry of Social Affairs, where they now attend school and participate in other activities (see Sections 1.c. and 4). The committee also initiated a project, with the support of local businessman, to build the country's first youth reformatory, but still is seeking financing to purchase land on which to build the reformatory (see Section 5).

In October the Human Rights Committee of the President's Consultative Council, in cooperation with the NCHRDD, inspected several police stations in Sana'a to determine whether police were following proper procedures and to develop recommendations for the Minister of Interior on training for police officers. The Committee has had limited success in investigating human rights abuses and conducted no other investigations during the year.

The Parliament's human rights committee in the past has investigated some reports of human rights abuses, but its activities during the year were limited to participating in various prison inspections. The committee's chairman claims that he would like to increase the activities of the committee, especially in the area of press freedoms, but cites lack of official and financial support as constraints. The committee has no authority except to issue reports.

The Committee to Combat Torture is composed of 100 senior parliamentarians and party leaders, including some opposition members, but apparently was inactive during the year.

The Center for Future Studies, a think tank affiliated with the Islaah Party, issues an annual report on human rights practices, providing a wide-ranging overview of human rights. There is little follow-up to the report.

Two delegations from the UNHRC visited in late 1998. One delegation looked into what progress the Government had made on cases of "disappearances" (see Section 1.b.). The other conducted an assessment of the Government's need for technical assistance, particularly for the Supreme National Committee on Human Rights.

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

The Constitution states that "all citizens are equal in general rights and duties," and that society "is based on social solidarity, which is based on justice, freedom, and equality according to the law;" however, discrimination based on race, sex, disability, and, to a lesser extent, religion, exists. Entrenched cultural attitudes often prevent women from enjoying equal rights.

Women.—Although spousal abuse reportedly is common, it generally is undocumented. Violence against women and children is considered a family affair and usually is not reported to the police. In the country's traditional society, an abused woman would be expected to take her complaint to a male relative (rather than the authorities), who should intercede on her behalf or provide her sanctuary if required. One survey conducted by Sana'a University and the Dutch Ministry of Justice found that nearly 50 percent of the 120 women interviewed stated that they had been beaten; 1 in 5 claimed to have been threatened with death. Despite the high incidence rates reported, only 3 percent of women had ever sought help from an outsider or the police. The laws pertaining to violence against women rarely are enforced. The only institutionalized aid for victimized women is a small battered-women's shelter in Aden. The press and women's rights activists only recently have begun to investigate or report on violations of women's rights. Violence against women was the subject of a women's conference held in Aden in July and of two conferences held in 1999, and the issue became a topic of heated public debate following rumors of serial killings of female students at Sana'a University's medical school. Rumors that 16 women were murdered now appear to be unfounded; police believe the Sudanese morgue attendant now on trial for the murder of two female students fabricated accounts of having killed more. However, the press' extensive coverage highlighted authorities' dismissive treatment of the female students' concerns and a lack of interest in their security. In May 5,000 students marched to protest the university administration's handling of the case (see Section 2.b.).

The Penal Code allows for leniency for persons guilty of committing a "crime against honor," a euphemism for violent assaults or killings committed against a fe-

male for her perceived immodest or defiant behavior. Legal provisions regarding violence against women state that an accused man should be put to death for murdering a woman. However, a husband who murders his wife and her lover may be fined or imprisoned for a term not to exceed 1 year. Despite the apparent sanctioning of honor killings, most citizens, including women's activists, believe the phenomenon is not widespread. Some Western NGO's claim that the practice is more prevalent, but admit to a lack of evidence to support such claims.

Women face significant restrictions on their role in society. The law, social custom, and Shari'a discriminate against women. Men are permitted to take as many as four wives, although very few do so. By law the minimum age of marriage is 15. However, the law largely is not enforced, and some girls marry as early as age 12. In 1998 some conservative Members of Parliament attempted to eliminate the "minimum age" requirement on the grounds that parents should decide when their daughters are old enough to marry. Their draft law failed by a large majority. A 1998 draft law to raise the minimum age of marriage to 18 also failed by a large majority. The law stipulates that the wife's "consent" to the marriage is required; "consent" is defined as "silence" for previously unwed women and "pronouncement of consent" for divorced women. The husband and the wife's "guardian" (usually her father) sign the marriage contract; in Aden and some outlying governorates, the wife also signs. The practice of bride-price payments is widespread, despite efforts to limit the size of such payments.

The law provides that the wife must obey the husband. She must live with him at the place stipulated in the contract, consummate the marriage, and not leave the home without his consent. Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, such as her husband's nonsupport, impotence, or taking of a second wife without her consent. However, the expense of hiring a lawyer is a significant deterrent, as is the necessity for rural women to travel to a city to present their case. A woman seeking a divorce also must repay the mahr (a portion of her bride price), which creates an additional hardship. As the mahr usually is in the hands of her family, the refusal by a family to pay the mahr effectively can prevent a divorce. The family's refusal to accept the woman back into the home also may deter divorce, as few other options are available to women. When a divorce occurs, the family home and older children often are awarded to the husband. The divorced woman usually returns to her father's home or to the home of another male relative. Her former husband must continue to support her for another 3 months, since she may not remarry until she proves that she is not pregnant.

Women who seek to travel abroad must obtain permission from their husbands or fathers to receive a passport and to travel. They also are expected to be accompanied by male relatives. However, enforcement of this requirement is irregular.

Shari'a-based law permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam. Yemeni women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born in Yemen of foreign-born fathers.

According to a 1995 Interior Ministry regulation, any citizen who wishes to marry a foreigner must obtain the permission of the Ministry. A Yemeni woman wishing to marry a foreigner must present proof of her parents' approval to the Interior Ministry. A foreign woman who wishes to marry a Yemeni man must prove to the Ministry that she is "of good conduct and behavior," and "is free from contagious disease." There are no corresponding requirements for men to demonstrate parental approval, good conduct, or freedom from contagious diseases. Although the regulation does not have the force of law and is applied irregularly, some human rights groups have raised concerns about it.

The Government consistently supports women's rights and the expansion of the public role of women. The President frequently speaks publicly about the importance of women's political participation and economic development. In 1999 the Prime Minister mandated that all ministries must promote at least one woman to the director general level; at year's end, only the Interior Ministry had failed to do so, although it had initiated an aggressive campaign to recruit, train, and deploy female police officers. Several ministries have a number of female directors general. In March the Prime Minister established the Supreme Council for Women, an independent governmental body charged with promoting women's issues in the Government. With the Government's active support, bilateral and multilateral donors have initiated long-term (1994–2004) projects worth \$31 million (4.96 billion riyals) aimed at advancing vocational education and reproductive health for women and girls.

According to the most recent Government statistics (1998), 64.15 percent of women are illiterate, compared with approximately 31.25 percent of men. The fertility rate is 6.5 children per woman. Most women have little access to basic health

care. Only approximately 22 percent of births are attended by trained health-care personnel. In some cases, where clinics are available, women do not use them because they are unable to afford them or reach them from their remote villages, have little confidence in them, or their male relatives or they themselves refuse to allow a male doctor to examine them. Donor-funded maternal and child health programs attempt to address these issues through programs designed to train midwives who serve rural populations.

In general women in the south, particularly in Aden, are better educated and have had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 civil war, the number of working women in the south appears to have declined, due not only to the stagnant economy but also to increasing cultural pressure from the north.

The National Women's Committee (NWC), a government-sponsored semi-independent women's association, promotes female education and civic responsibility through seminars and workshops and by coordinating donors' programs. The committee's chairwoman sits on the Prime Ministerial Supreme Council for Women. There are a number of recently formed NGO's working for women's advancement, including the Social Association for Productive Families, which promotes vocational development for women; the Women and Children's Department of the Center for Future Studies, which organizes seminars and publishes studies on women and children; the Woman and Child Development Association, which focuses on health education and illiteracy; and the Yemeni Council for Motherhood and Childhood, which provides microcredit and vocational training to women.

Children.—While the Government has asserted its commitment to protect children's rights, it lacks the resources necessary to ensure adequate health care, education, and welfare services for children. The UNDP estimates that 30 percent of children are malnourished. The infant mortality rate in 1999 was 75 deaths per 1,000 births, down from 105 per 1,000 in 1998. Male children receive preferential treatment over female children; after the age of 1, male children have a 12 percent greater chance of survival than females, a result of the comparative neglect of female children.

The law provides for universal free education for 9 years, which is compulsory, but this provision is not enforced. Many children, especially girls, do not attend primary school. Education for females is not encouraged in some tribal areas, where girls often are kept home to help their mothers with child care, housework, and farm work. According to UNICEF's "Report on Children and Women in Yemen: 1998," an estimated 45 percent of primary-school-age children (ages 6 to 15) do not attend school. Some rural areas have no schools for their school-age population. In 1998 to encourage girls' attendance at school, the Government passed a law that eliminated school fees and the requirement of uniforms for girls. According to the UNICEF report, enrollment of girls in school increased by 4 percent in 1998. Enrollment of boys declined 10 percent because increasing numbers of older boys from poor families left school to work.

In 1999 following an inspection of Sana'a central prison, the Supreme National Committee for Human Rights arranged for minors who previously had been incarcerated with adults to be incarcerated separately in two age groups: 11 to 14 years old and 15 to 18 years old. Fifty juvenile inmates were moved from the prison to an orphanage run by the Ministry of Social Affairs, where they now attend school and participate in other activities (see Sections 1.c. and 4). The Committee also initiated a project, with the support of local businessmen, to build the country's first youth reformatory, but still is seeking financing to purchase land on which to build the reformatory (see Section 4).

Child marriage is common in rural areas. Although the law requires that a girl be 15 to marry, the law is not enforced, and marriages of girls as young as age 12 occur.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by some citizens. According to a 1997 demographic survey conducted by the Government, nearly one-fourth (23 percent) of women who have ever been married have been subjected to FGM. However, the prevalence of the practice varies substantially by region. Citizens of African origin or those living in communities with heavy African influence are more likely to practice FGM. For example, according to the survey, approximately 69 percent of women living in coastal areas were subjected to FGM, compared with 15 percent in mountainous regions, and 5 percent in the plateau and desert regions. The procedure is confined mainly to excision, with infibulation being practiced only among East African immigrants and refugees. FGM rarely is reported among Shafai Sunnis, and the Zaydi Shi'a reputedly do not practice it at all. The Government's publication of the data on FGM was an important first step in ad-

addressing this problem; however, while some government health workers and officials actively and publicly discouraged the practice, the Government has not proposed legislation to outlaw it nor have local women's groups adopted the problem as a major concern.

In January the Prime Minister established the Higher Council of Motherhood and Childhood (HCMC), a semi-autonomous inter-ministerial entity responsible for formulating policy and programs to improve the status of children. The HCMC participates in the World Bank's Child Development Program and the Arab Council for Childhood and Development's program for street children.

People with Disabilities.—Persons with mental and physical disabilities face distinct social prejudices, as well as discrimination in education and employment. In 1998 the Government mandated acceptance of disabled students in schools, exempted them from paying tuition, and required that schools be made more accessible to disabled students; however, it is unclear to what extent these laws have been implemented. There is no national law mandating the accessibility of buildings for the disabled. Some disabled persons are reduced to begging to support themselves. During the year, donors financed the establishment of three new schools for the disabled in Taiz governorate. Mentally ill patients, particularly those who commit crimes, are imprisoned and even shackled when there is no one to care for them. Persons with mental problems sometimes are arrested without charge and placed in prisons alongside criminals (see Section 1.c.). The ICRC, in cooperation with the Yemeni Red Crescent Society, built and now staffs separate detention facilities for mentally disabled prisoners. These facilities are located in Sana'a, Ibb, and Taiz, and collectively are able to care for a population of 300 persons.

The Handicapped Society, the country's largest NGO involved in assisting the disabled, was founded in 1988 and has branches in 13 governorates. Funded by international donors (primarily the Swedish organization Radda Barnen) and a modest annual grant from the Government, the Handicapped Society provides rehabilitation assistance and vocational training, and sponsors cultural and sports activities for disabled persons. The Ministry of Education has assigned three teachers to teach students at the disabled-accessible classrooms at the Society's Sana'a branch. Believing that the needs of disabled women were not being addressed adequately by the Handicapped Society, activists in 1998 established with government support the Challenge Society. The Challenge Society provides 85 disabled females between the ages of 6 and 30 with medical care, support services, and vocational training. In March three disabled teenagers toured the country on specially adapted bicycles and, supported by the Ministry of Youth and Sports and private sector contributions, took their bike tour to several Arab countries.

Religious Minorities.—Apart from a small but undetermined number of Christians and Hindus of South Asian origin in Aden, Jews are the only indigenous religious minority. Their numbers have diminished significantly—from several tens of thousands to a few hundred due to voluntary emigration over the past 50 years. Although the law makes no distinction, Jews traditionally are restricted to living in one section of a city or village and often are confined to a limited choice of employment, usually farming or handicrafts. Jews may, and do, own real property.

Christian clergy who minister to the foreign community are employed in teaching, social services, and health care. Occasionally the security authorities harass such clergy by censoring their mail, ostensibly to prevent proselytizing (see Section 2.c.).

In July 1998, a gunman killed three nuns belonging to the Sisters of Charity order in Hodeidah. The Government took swift action and immediately arrested the individual. The Government determined that he was deranged and committed him to a psychiatric institution.

A hospital in Jibla operated by the Baptist Church has experienced occasional harassment from local Islamic extremists who feared that the hospital might be used to spread Christianity. There have been no reports of threats of violence by extremists in several years.

National/Racial/Ethnic Minorities.—Citizens with a noncitizen parent, called "muwalladin," sometimes face discrimination in employment and in other areas. Persons who seek employment at Sana'a University or admission to the military academy by law must demonstrate that they have two Yemeni parents. Nonetheless, many senior government officials, including members of Parliament and ministers, have only one Yemeni parent. In some cases, naturalization of the non-Yemeni parent is sufficient to overcome the "two-Yemeni-parent" requirement.

A small group of persons claiming to be the descendants of ancient Ethiopian occupiers of Yemen who later were enslaved, are considered the lowest social class. Known as the "Akhdam" (servants), they live in squalor and endure persistent social discrimination. Beginning in September 1999, the Government's Social Fund for Development (SFD) initiated a program for "special needs groups," which focused par-

ticularly on the Akhdam. During the year, the SFD conducted an education project for Akhdam children in Hodeidah governorate, provided support to an NGO conducting field research on Akhdam needs in Sana'a governorate, and improved the quality of the water supply and built two classrooms for the Akhdam community in Taiz governorate.

There have been reports by human rights groups that some immigrants of African origin have difficulty in securing Interior Ministry permission to marry Yemeni citizens. An Interior Ministry regulation requires that marriages of citizens and foreigners be approved in advance by the Ministry (see also Section 1.f.).

Tribal violence continued to be a problem during the year, and the Government's ability to control tribal elements responsible for kidnappings, shootings, and other acts of violence remained limited. In January 22 persons were killed and 35 injured in tribal disputes in Shabwa and Al-Baida governorates. In one incident, 10 persons were killed and 3 injured when a fight at school between 2 children from different tribes escalated into violence. In another incident, a member of the Ba Haider tribe killed a fellow tribesman in retaliation for the killing of his father 20 years ago. The Nehm and Al-Haymah tribes also are involved in an ongoing violent feud in which several persons have been killed. In February tribesmen from the Nehm blocked the Sana'a Highway, opening fire on and killing three of the police officers dispatched to dismantle the roadblock. Up to 16 persons reportedly were killed in the ensuing fighting. The Deputy Governor of Sana'a was shot to death in August in what police believe was a tribally related revenge killing. Tensions, which periodically escalate into violent confrontations, continue between the Government and the Khowlan and other tribes in Marib governorate.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that citizens have the right to form unions; however, this right is restricted in practice. The Government seeks to place its own personnel in positions of influence inside unions and trade union federations. The 1995 Labor Law (amended in 1997) provides both for the right to form unions and for the right to strike.

The Yemeni Confederation of Labor Unions (YCLU) remains the sole national umbrella organization. The YCLU claims 350,000 members in 15 unions and denies any association with the Government, although it works closely with the Government to resolve labor disputes through negotiation. Observers suggest that the Government likely would not tolerate the establishment of an alternative labor federation unless it believed such an establishment to be in its best interest.

By law civil servants and public sector workers, and some categories of farm workers, may not join unions. Only the General Assembly of the YCLU may dissolve unions. The law provides equal labor rights for women, and it confirms the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, nor does it limit them to a specific enterprise or firm. Thus, citizens may associate by profession or trade.

Strikes are not permitted unless a dispute between workers and employers is "final" and "incontestable" (a prior attempt must have been made to settle through negotiation or arbitration). The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor of the proposal. Permission to strike also must be obtained from the YCLU. Strikes for explicit "political purposes" are prohibited. In practice the law tends to discourage strikes.

There were several small strikes during the year. In February a group of school teachers in Taiz governorate struck for a day because they had not received their January salaries. Also in February, Sana'a municipality garbage collectors struck for a day, demanding payment of overdue wages and a salary increase. In June the staff of Sana'a University struck for a week to demand an increase in their salaries and overdue bonus payments. In August the staff of Al-Thawra public hospital in Sana'a struck for 10 days for higher wages. In September workers at the Yemen Hunt Oil Company in Marib governorate struck for a wage increase. There were no reports of violence in connection with these strikes.

The YCLU is affiliated with the Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The 1995 Labor Law provides workers with the right to organize and bargain collectively. The Government permits these activities; however, it seeks to influence them by placing its own personnel inside groups and organizations. All collective bargaining agreements must be deposited with and reviewed by the Ministry of Labor, a practice criticized by the International Labor Organization (ILO). Agreements may be invalidated if they are "likely to cause a breach of security or to damage the economic interests of the

country.” Despite these restrictions, several such agreements exist in fact. Unions may negotiate wage settlements for their members and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court.

The law protects employees from antiunion discrimination. Employers do not have the right to dismiss an employee for union activities. Employees may appeal any disputes, including cases of antiunion discrimination, to the Ministry of Labor. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the Ministry of Labor and also consists of an employer representative and a YCLU representative. Such cases often are disposed favorably toward workers, especially if the employer is a foreign company.

There are no export processing zones in operation; an EPZ is planned for Aden.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and there were no reports of its practice. The law does not prohibit forced or bonded labor by children specifically, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is common, especially in rural areas. Many children are required to work in subsistence farming because of the poverty of their families. Even in urban areas, children work in stores and workshops, sell goods on the streets, and beg. The law does not prohibit forced or bonded labor by children specifically, but such practices are not known to occur (see Section 6.c.).

The established minimum age for employment is 15 in the private sector and 18 in the public sector. By special permit, children between the ages of 12 and 15 may work. The Government rarely enforces these provisions, especially in rural and remote areas. The Government also does not enforce laws requiring 9 years of compulsory education for children, and many school-aged children work instead of attending school, particularly in areas where schools are not easily accessible.

The results of the 1994 national census showed that 231,655 children between the ages of 10 and 14 years, or 6.5 percent of all children in that age group, were working. Experts believe that the number has increased since 1994.

After the Government ratified the ILO's Convention 182 on the Worst Forms of Child Labor in July, the Consultative Council adopted the ILO's Child Labor Strategy to address persistent child labor problems. A special council, under the leadership of the Minister of Labor, uses the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws.

In June the Ministry of Labor signed a \$1.3 million agreement with the ILO's International Program on the Elimination of Child Labor (IPEC). Under the program, the Ministry will establish a child labor department, train teachers to make school curricula more relevant to rural children, mobilize media to discuss child labor, establish a microenterprise program to help families establish businesses that will allow their children to stay in school, and seek the support of civil society to remove children from hazardous jobs. In addition the Ministry of Insurance and Social Affairs has developed a plan to establish six centers for street children over the next 5 years.

The Ministry of Labor occasionally inspects factories in the major population areas. Ministry officials state that they lack the resources to enforce child labor laws more effectively. However, since a great percentage of the country's underage work force is in the agricultural sector in remote rural areas, it is difficult for the Government to protect most child workers.

e. Acceptable Conditions of Work.—There is no established minimum wage for any type of employment. The Labor Law states that “it shall not be permissible that the minimal level of the wage of a worker should be less than the minimal wages of government civil servants.” According to the Ministry of Labor, the average minimum wage of civil servants is approximately \$37 to \$56 (6,000 to 9,000 riyals) per month. Private sector workers, especially skilled technicians, earn a far higher wage. The average wage does not provide a decent standard of living for a worker and family. A combination of inflation and the loss of government-provided subsidies continued to erode wages.

The law specifies a maximum 48-hour workweek with a maximum 8-hour workday, but many workshops and stores operate 10- to 12-hour shifts without penalty. The workweek for government employees is 35 hours: 7 hours per day Saturday through Wednesday.

The Ministry of Labor is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the Labor Law, but enforcement is weak to nonexistent. Many workers regularly are exposed to toxic industrial products and develop respiratory illnesses. Some foreign-owned companies as well as major Yemeni manufacturers implement higher

health, safety, and environmental standards than the Government requires. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country.

SOUTH ASIA

AFGHANISTAN

Afghanistan¹ continued to experience civil war and political instability for the 21st consecutive year. There was no functioning central government. The Pashtun-dominated ultra-conservative Islamic movement known as the Taliban controlled approximately 90 percent of the country, including the capital of Kabul, and all of the largest urban areas, except Faizabad. A Taliban edict in 1997 renamed the country the Islamic Emirate of Afghanistan, with Taliban leader Mullah Omar as Head of State and Commander of the Faithful. There is a six-member ruling council in Kabul, but ultimate authority for Taliban rule rested in Mullah Omar, head of the inner Shura (Council), located in the southern city of Kandahar. Former President Burhanuddin Rabbani claimed to be the head of the Government, controlled most of the country's embassies abroad, and retained Afghanistan's United Nations seat after the U.N. General Assembly again deferred a decision on Afghanistan's credentials during the September General Assembly session. Rabbani and his military commander, Ahmed Shah Masood, both Tajiks, also maintained control of some largely ethnic Tajik territory in the country's northeast. Masood's forces were within rocket range of Taliban-held Kabul until late July 1999, but since then the Taliban has pushed them back, capturing large areas. In 1999 the Taliban summer offensive pushed Masood's forces out of the Shomali plain, north of Kabul. Towards the middle of June, the Taliban resumed its offensive, and captured the northeastern city of Taloqan. Commander Masood and commanders under the United Front for Afghanistan (UFA), also known as the Northern Alliance, continue to hold the Panjshir valley and Faizabad. The U.N. Secretary General's Personal Representative to Afghanistan Fransesc Vendrell engaged in extensive discussions with various Afghan parties and interested nations throughout the year, but there has been little visible progress in ending the conflict. A group of representatives from the six nations bordering Afghanistan plus the United States and Russia met several times during the year to explore ways to end the conflict. During the year, a process to convene a Loya Jirga, or Grand Assembly of traditional leaders, which was focused around former King Zahir Shah and based in Rome, slowly began to gather support. Other initiatives, such as the Bonn process and the Cyprus process, began to cooperate with the Rome-based initiative. A number of provincial administrations maintained limited functions, but civil institutions were rudimentary. There is no countrywide recognized constitution, rule of law, or independent judiciary. In 1999 the Taliban claimed that it was drafting a new constitution based on Islamic law, but during the year there were no further announcements regarding a constitution.

The Taliban remained the country's primary military force. Taliban and members of other warring Afghan factions committed numerous serious human rights abuses in areas they occupied.

Agriculture, including high levels of opium poppy cultivation, was the mainstay of the economy. For the second year in a row, the country was the largest opium producer in the world. The agriculture sector suffered a major setback due to the country's worst drought in 30 years. Experts estimate that the drought may affect more than half of the population, with 3-4 million severely affected. The drought has affected all areas of the country, causing an increase in internal displacement, loss of livestock, and loss of livelihood. The crop loss in some areas was estimated to be 50 percent. Approximately 80 percent of the livestock of the Kuchi nomads reportedly has perished, and the Argun reservoir which supplied water to 500,000 farmers and to Kandahar has run dry, as have 8 rivers in the region. In addition

¹*The U.S. Embassy in Kabul has been closed for security reasons since January 1989. Information on the human rights situation is therefore limited. This report focuses on the over 90 percent of the country under Taliban control.

to the drought, the agricultural sector continues to languish because of a lack of resources and the prolonged civil war, which have impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards in some areas. The presence of millions of landmines and unexploded ordnance throughout the country has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. Trade was mainly in opium, fruits, minerals, and gems, as well as goods smuggled to Pakistan. There were rival currencies, both very inflated. Formal economic activity remained minimal in most of the country, especially rural areas, and was inhibited by recurrent fighting and by local commanders' roadblocks in non-Taliban controlled areas. The country also is dependent on international assistance. Per capita income, based on World Bank figures, is about \$280 per year. Reconstruction was continuing in Herat, Kandahar, and Ghazni, areas that are under firm Taliban control. Areas outside of Taliban control suffered from brigandage.

The overall human rights situation remained extremely poor, and the Taliban continued to commit numerous serious and systemic abuses. Citizens were unable to change their government or choose their leaders peacefully. The Taliban carried out summary justice in the areas they controlled, and reportedly were responsible for political and other extrajudicial killings, including targeted killings, summary executions, and deaths in custody. There were allegations that Taliban forces were responsible for disappearances. The Taliban imposed strict and oppressive order by means of stiff punishments for crimes in the areas that they controlled. The Taliban's Islamic courts and religious police, the Ministry for the Promotion of Virtue and Suppression of Vice (PVSV), enforced their ultra-conservative interpretation of Islamic law. The PVSV has carried out punishments such as stoning to death, flogging, public executions for adultery, murder, and homosexual activity, and amputations of limbs for theft. For lesser infractions, Taliban militiamen often judged accused offenders and meted out punishments, such as beatings, on the spot. Prison conditions were poor. The Taliban arbitrarily arrested and detained persons and infringed on citizens' privacy rights. The Taliban's military offensive and capture of Taloqan forced tens of thousands of civilians to flee their homes. Taliban forces were responsible for indiscriminate bombardment of civilian areas. Civil war conditions and the unfettered actions of competing factions effectively limited the freedoms of speech, press, assembly, and association. Freedom of religion is restricted severely and Taliban members vigorously enforced their interpretation of Islamic law. Freedom of movement is also limited. Years of conflict have left approximately 258,600 citizens internally displaced, while more than 2.8 million of the country's population of approximately 25.8 million live outside the country as refugees. Although the continued fighting has discouraged many refugees from returning to their country, 133,600 refugees voluntarily returned from Iran during the year under a U.N. High Commissioner for Refugees-Iran agreement on voluntary repatriation. An additional 50,000 are estimated to have returned outside the framework of this agreement. All factions have harassed domestic and international NGO's.

The human rights situation for women was extremely poor. Violence against women remained a problem throughout the country. Women and girls were subjected to rape, kidnaping, and forced marriage. Taliban restrictions against women and girls remained widespread, institutionally sanctioned, and systematic. The Taliban imposed strict dress codes and prohibited women from working outside the home except in limited circumstances in the health care field and in some humanitarian assistance projects. Despite these formal restrictions, the treatment of women and girls in Taliban-controlled areas improved slightly for the second year in a row, mainly due to lack of enforcement. Although girls were prohibited formally from attending school, several organizations were able to run elementary schools and home schools with girls in attendance despite the formal prohibition. Nonetheless, there was widespread and widely accepted societal discrimination against women and girls throughout the country. The Taliban detained persons because of their ethnic origins. Worker rights were not defined. Child labor persists.

The human rights situation in areas outside of Taliban control also remained extremely poor, and Masood's forces and the Northern Alliance members committed numerous, serious abuses. Masood's forces continued sporadic rocket attacks against Kabul. Anti-Taliban forces bombarded civilians indiscriminately. Various factions infringed on citizens' privacy rights. Armed units of the Northern Alliance, local commanders, and rogue individuals were responsible for political killings, abductions, kidnapings for ransom, torture, rape, arbitrary detention, and looting.

During the year, a degree of "enforcement fatigue" seems to have led to an informal easing of various restrictions. Reports suggest that activities such as nonformal education for girls and women working in self-employed sectors increasingly are tolerated if engaged in quietly. Many households in urban areas own television sets.

Significantly, the Taliban forces did not engage in the scorched earth policy of previous campaigns when they burned homes, killed livestock, uprooted orchards, and destroyed irrigation systems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The Taliban forces committed a large number of political and other extrajudicial killings, both within the country and in the refugee community in Pakistan during the year. In June Amnesty International (AI), reported that over the previous 2 years more than a dozen prominent citizens advocating an end to the war and establishment of a government representing all ethnic groups have been arrested and killed by the Taliban.

Much of the political and extrajudicial killing in Afghanistan during the year occurred during the renewed conflict between the Taliban and the Northern Alliance during the summer, which was characterized by sporadic indiscriminate shelling and bombing. On February 14, indiscriminate bombing by the Taliban in the Panjshir valley killed eight civilians. In mid-June, the Taliban began offensives in the Shomali and Kunduz areas, using aircraft to support ground troops. On July 1, the Taliban launched large-scale attacks near the towns of Baghram and Charikar, approximately 30 miles north of Kabul. Civilians continued to be the primary victims of the fighting. On July 1–2, the Taliban carried out air raids on the towns of Charikar and Jabal-as Saraf, reportedly claiming civilian lives. In mid-July, there were reports—denied by the Taliban—of summary executions of prisoners by the Taliban forces in the conflict areas. On July 23, Taliban aircraft bombed several towns and villages in northern Afghanistan, reportedly killing three and wounding seven civilians. On July 30, the Taliban used heavy artillery and aircraft to bomb the town of Nahreen before capturing it.

From August 9 through September 5, when the Taliban captured it, there was intense fighting around and in the town of Taloqan. During the offensive to capture Taloqan, Taliban aircraft bombed the city many times. No statistics are available on civilian casualties in Taloqan, but 60,000 to 75,000 persons left their homes in Taloqan and other areas in the northern part of the country to flee the fighting. AI reported in July that during the fighting in Taloqan the Taliban bombarded a village, burned all of the houses there, and killed some of the villagers. It was also reported that the Taliban cut the throat of one man in front of his relatives.

In previous years, the Taliban used swift summary trials and implemented strict punishments in accordance with Islamic law. Public executions, which sometimes took place before crowds of up to 30,000 persons at Kabul Stadium, are not known to have occurred during the year. Similarly, death by stoning for adultery, and by toppling walls on offenders for homosexual transgressions are not known to have occurred.

Political killings and harassment of moderate Afghan leaders and Afghan intellectuals residing in Pakistan continued during the year; many believed that these killings and harassment occurred at the direction of the Taliban. AI notes that over the last 2 years dozens of Afghans living in Pakistan have received death threats, and several of them have been killed. In 1999 a number of moderate activists relocated out of Pakistan to other countries, in part as a reaction to killings in Pakistan in 1998 and 1999. On June 1, a hooded gunman shot and wounded Mohammad Enam Wak, an Afghan author, at his home in Peshawar. By year's end, no action had been taken in the case. The shooting may have been in response to a book Wak just had published examining the idea of an Afghan federation on the basis of ethnic groups.

Many Taliban soldiers reportedly were killed and injured by landmines laid by the Northern Alliance as they advanced in the Shomali plains.

Opposition forces fired rockets into Kabul on a number of occasions. In many of these attacks, civilians were killed or injured.

In other areas, combatants sought to kill rival commanders and their sympathizers. The perpetrators of these killings and their motives often were difficult to identify, as political motives often are entwined with family and tribal feuds, battles over the drug trade, and personal vendettas. A long-running feud among Northern Alliance members led to a number of killings of prominent commanders, including Bahadur in November 1999 and Abdul Chesik in December 1999. On December 4, United Front Commander Abdullah Jan Wahidi reportedly was killed in an ambush.

On August 5, seven deminers working for the U.N.-funded Organization for Mine Clearance and Rehabilitation were ambushed, killed, and burned in Badghis Province; one of the deminers may have been alive at the time he was burned. It is not

clear who was responsible, but the group that waylaid the deminers was reportedly large, well-organized, and well-armed.

When the Taliban recaptured Bamiyan in 1999, there were reports that Taliban forces carried out summary executions upon entering the city. AI reported that hundreds of men, and in a few instances women and children, were separated from their families, taken away, and killed (see Sections 1.b. and 1.g.). There has been no investigation by the Taliban of these widely publicized allegations.

The Taliban also has taken no action and conducted no investigation into allegations by AI that dozens of noncombatants were systematically killed by Taliban forces when they captured most of the Shomali valley in late July 1999.

The Taliban has used excessive force against demonstrators. In December 1998, two students at Nangarhar medical college reportedly were killed by members of the Taliban when they fired upon a crowd of students who were protesting their dean's misappropriation of hostel funds. Taliban leader Mullah Omar ordered an investigation of the incident, but it is not known whether an investigation took place or what the results of any investigation may have been.

In 1998 the Taliban reportedly executed as many as 189 prisoners it captured during fighting near Mazar-i-Sharif in order to avoid exchanging them with the Northern Alliance. The Taliban denied these allegations; by year's end, there had been no investigation into these alleged killings.

In 1998 the U.N. found several mass graves connected with the massacre of Taliban soldiers near Mazar-i-Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these mass and other killings, including killings by the Taliban, were hindered by the continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question. The Taliban leadership has indicated in several of these cases that investigations were under way or that investigations would be permitted. However, according to neutral observers, no real progress was made by the Taliban in facilitating investigations; mass and other killings from 1997 and 1998 have not been investigated fully.

There has been no investigation into the 1998 killing of Lieutenant Colonel Carmine Calo, an Italian serving with the U.N. Special Mission.

b. Disappearance.—The strict security enforced by the Taliban in areas under its control has resulted in a decrease in abductions, kidnappings, and hostages taken for ransom. However, there have been allegations that the Taliban maintains private prisons to settle personal vendettas and that the Taliban was responsible for disappearances in areas under its control. AI reported that hundreds of persons were separated from their families in the Taloqan area during the Taliban summer offensive, and that these persons were taken away and believed to have been killed (see Section 1.a.). There were unconfirmed reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Taloqan area during fighting from June through October. There also were reports of the abduction of women by the Taliban in August 1999 when the Taliban retook the Shomali plains; women reportedly were taken in trucks from the area of fighting and were trafficked to Pakistan and to the Arab Gulf states. In 1998 there were credible reports that the Taliban detained hundreds of persons, mostly ethnic Hazaras, after the takeover of Mazar-i-Sharif; the whereabouts of many such persons remained unknown at year's end. There were unconfirmed reports that some Taliban soldiers abducted girls and women from Hazara neighborhoods in Mazar-i-Sharif in 1998; the whereabouts of some of these women also were unknown at year's end (see Section 5). Since 1998 persons who have disappeared include: General Abdul Rahman; General Farooq; Moulvi Shabuddin; Waliullah Dagarwal; General Syed Agha Rayees; Engineer Nabi Shah; and Wolaswal Ismail.

There have been credible reports of some instances where Taliban soldiers have arrested Hazara men to extract ransoms. Abductions, kidnappings, and hostage taking for ransom or for political reasons also occurred in non-Taliban areas, but specific information was lacking. In northern areas, women were at risk of being raped and kidnaped, according to the U.N. There have been unconfirmed reports that local commanders were kidnaping young women. Some of the women reportedly then were forced to marry their kidnapers. Others simply remained missing. To avoid this danger, some families reportedly sent their daughters to Pakistan or to Iran (see Section 5).

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POW's). Most were thought to be dead or to have assimilated voluntarily into Afghan society, though some are alleged to be held against their will. A number of persons from the former Soviet Union missing since the period of the Soviet occupation are presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Taliban is believed to have used torture against opponents and POW's. Torture does not appear to be a routine practice in all cases. The Taliban reportedly beats some persons detained for political reasons. The U.N. Special Rapporteur on Human Rights in Afghanistan met in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three stated that they were detained in a Kandahar prison on political grounds for 3 years prior to their escape on March 26. They were kept in windowless cells, shackled the entire time (see Section 1.d.). The General's colleagues reported that they were tortured by the prison authorities, and all three reported the torture of other prisoners; including being hung upside down by the legs while being beaten with cables.

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems, based on its understanding of Islamic justice. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials. Murderers were subjected to public executions, a punishment that at times was inflicted by the victims' families. Thieves were subjected to public amputations of either one hand, one foot, or both. Adulterers were stoned to death or publicly given 100 lashes. On September 26, a man convicted of adultery was publicly stoned in Maymana in Fariab province. The woman with whom he was convicted of engaging in adultery was sentenced to 100 lashes, but the sentence was postponed because she was pregnant. A second woman, who was convicted of arranging this adultery, was sentenced to 39 lashes. The punishment for those found guilty of homosexual acts is to have walls toppled over them. Although there were no known instances of such punishment during the year, this punishment was carried out on at least one occasion in 1999, and seven times in 1998 (resulting in five deaths).

In the past, there have been credible reports that Taliban forces threatened and beat women for what they considered immodest dress. They threatened and beat men for immodest dress and for incorrect beard length. There were no such credible reports this year.

During the year, there were credible reports that the Taliban detained and tortured persons who they believed were being helpful to Western journalists. In July a Western journalist observed his Afghan associate being severely beaten. The associate was subsequently detained and beaten routinely until he was able to escape from prison (see Section 2.a.).

All Afghan factions are believed to have used torture against opponents and POW's, though specific information generally is lacking. Torture does not appear to be a routine practice in all cases. Some of Masood's commanders in the north reportedly used torture routinely to extract information from and break the will of prisoners and political opponents. At least one of the alleged killers of Commander Abdullah Jan Wahidi (see Section 1.a.) reportedly was tortured prior to being executed.

Prison conditions are poor. Prisoners held by some factions are not given food, as normally this is the responsibility of prisoners' relatives, who are allowed to visit to provide them with food once or twice a week. Those who have no relatives have to petition the local council or rely on other inmates. Prisoners live in overcrowded, unsanitary conditions in collective cells.

In the past, there have been credible reports that torture occurred in prisons under the control of both the Taliban and the Northern Alliance. Local authorities maintain prisons in territories under their control and reportedly established torture cells in some of them. The Taliban operates prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan, Qala-e-Zaini, and Maimana. The Northern Alliance maintains prisons in Panjshir and Faizabad. According to one credible report, prison authorities routinely used rubber and plastic bound cables in beatings in Badakhshan province. According to AI, there have been reports that the Taliban forced prisoners to work on the construction of a new story on the Kandahar prison and that some Taliban prisoners held by Masood were forced to labor in life-threatening conditions, such as digging trenches in mined areas.

There were reports that an Afghan human rights organization visited a Taliban prison in Mazar-i-Sharif in February 1999. Intensified fighting and poor security for foreign personnel limited the International Committee of the Red Cross' (ICRC) ability to monitor prison conditions, especially in and around Mazar-i-Sharif after that city fell to the Taliban. However, the ICRC's access improved toward the end of 1999. The ICRC visited 5,621 detainees, including 49 women and 414 minors in 51 different places of detention during the year.

d. Arbitrary Arrest, Detention, or Exile.—In the absence of formal legal and law enforcement institutions, justice was not administered according to formal legal codes, and persons were subject to arbitrary detention. There are credible reports

that both Taliban and Northern Alliance militia extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas, the practices varied depending on the locality, the local commanders, and other authorities. Some areas have a more formal judicial structure than others.

On July 9, the Taliban's PVSJ jailed for several days a foreign aid worker, who had lived and worked in Afghanistan for over 30 years, and a number of her Afghan associates. The aid worker and her associates promoted home-based work for women and home schools for girls. She was expelled from the country shortly after her release on July 12. She returned to Kabul in late September after receiving a visa in Pakistan but within days was ordered to leave the country; she departed on October 6. No reason was given by the Taliban for her arrest and deportation.

On July 23, in Kabul, the Taliban arrested 40 members of a local group advocating a peaceful settlement of the conflict on charges of trying to destabilize the country. There were reports that another member of this group was arrested by Pakistani authorities in Peshawar, Pakistan.

AI reported that the Taliban has taken children hostage in an effort to compel their fathers to surrender; the fathers of such children generally are reported to be political opponents of the Taliban. The families of these children have been told that the children would be released when their fathers surrender to the Taliban.

A respected physician, Dr. Ayub, who headed the Shuhada Hospital in Jaghoray, was taken into custody during the Bamiyan military action in 1999 and remains in Taliban custody without charges.

The U.N. Special Rapporteur on Human Rights in Afghanistan met in July in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three said that they were detained in a Kandahar prison on political grounds for three years prior to their escape on March 26. They were kept in windowless cells and shackled for the entire time. The General's colleagues reported their own torture by the prison authorities, and all three reported the torture of other prisoners, including being hung upside down by the legs while being beaten with cables (see Section 1.c.).

A number of persons arrested by the Taliban in 1998 for political reasons were believed still to be in detention at year's end.

All factions probably hold political detainees, but no firm numbers are available. Both the Taliban and Masood hold thousands of POW's. Masood reportedly holds a number of Pakistanis, along with several hundred Taliban soldiers, as POW's. In June the Taliban and the Northern Alliance sent delegations to inspect each other's prisoners in advance of an exchange of prisoners. Lists were reportedly prepared amid allegations that the Taliban had executed as many as 189 prisoners captured in 1998 during the fighting around Mazar-i-Sharif in order to avoid exchanging them (see Section 1.a.). The Taliban has denied this, and there has been no investigation. The prisoner exchange initiative ended as fighting resumed in June.

There was no information available on forced exile.

e. Denial of Fair Public Trial.—With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. There is no independent judiciary.

The Taliban has Islamic courts in areas under their control to judge criminal cases and resolve disputes. According to the U.N., the Taliban asserts that there is a lower court and a higher court in every province, and a Supreme Court in Kabul. In 1999 Mullah Omar promulgated a decree ordering the Supreme Court and military courts not to interfere with one another, according to press reports. The courts meted out punishments including execution and amputation and reportedly heard cases in sessions that lasted only a few minutes. The courts reportedly dealt with all complaints relying on the Taliban's extreme interpretation of Islamic law and punishments, as well as on traditional tribal customs (see Section 1.c.). In cases involving murder and rape, convicted prisoners generally were ordered executed, although relatives of the victim could instead choose to accept other restitution. Decisions of the courts were reportedly final. According to AI, some judges in these courts were untrained in law and at times based their judgments on a mixture of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas.

Defendants do not have the right to an attorney.

Little is known about the administration of justice in the areas controlled by the Northern Alliance. The administration and implementation of justice varied from area to area and depended on the whims of local commanders or other authorities, who summarily execute, torture, and mete out punishments without reference to any other authority.

All factions probably hold political prisoners, but no reliable estimates of numbers are available.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Inter-factional fighting often resulted in the homes and businesses of civilians being invaded and looted by the opposing forces—whether victor or loser. Some armed gunmen reportedly acted with impunity given the absence of any legal protection or a responsive police force. It was unclear what authority controlled the actions of the Taliban militiamen who patrolled the streets of cities and towns. A number of incidents were reported in which Taliban soldiers, persons masquerading as Taliban, or foreign sympathizers fighting alongside the Taliban, entered private homes without prior notification or informed consent. In Kabul the soldiers allegedly searched homes for evidence of cooperation with the former authorities or for violations of Taliban religion-based decrees, including the ban on the possession of depictions of living things (including photographs, stuffed animals, dolls, etc.). At various times, the Taliban also has banned certain traditional recreational activities, such as kite flying and playing chess (see Section 2.c.). Members of the PVSF, the Taliban's religious police, beat individuals on the streets for infractions of Taliban rules concerning dress, hair length, and facial hair, as well as for the violation of the prohibition on women being in the company of men who were unrelated to them. The Taliban required women to wear a burqa, a tent-like outer garment that covers a woman from head to toe, when in public (see Section 5). Men are required to have beards of a certain length or longer, not to trim their beards, and to wear head coverings. Men whose beards did not conform to the guidelines on beard length set out by the Taliban were subject to imprisonment for 10 days and mandatory Islamic instruction. According to AI, the Taliban have taken children hostage in an effort to compel their fathers to surrender (see Section 1.d.). The Taliban reportedly also has required parents to give their children "Islamic" names.

In 1998 the Taliban prohibited television sets, satellite dishes, videocassette recorders, videocassettes, and audio cassettes as part of an effort to ban music, television, and movies (see Section 2.a.). The ban continues, although televisions reportedly are widely sold, and their use generally is ignored unless reported by a neighbor (see Section 2.a.).

During the late summer offensive to retake Taloqan, the Taliban reportedly burned a village and killed several villagers (see Section 1.a.). On October 19, the Northern Alliance alleged that the Taliban forced the residents of Humber Koh and Hazrab villages near Taloqan to leave their homes before burning the dwellings. There were reports during 1999 and during the year that the Taliban forcibly expelled ethnic Hazara and Tajiks from areas controlled by the Taliban, and that the Taliban harassed these minorities (see Sections 2.c. and 5).

There were reports that some prisoners of the Taliban, including the sons of families that had opposed Taliban social restrictions, had been drafted forcibly and sent to the front. There were also reports that the Taliban forcibly conscripted or attempted to forcibly conscript persons in 1997 and 1998; some of these reports were unconfirmed.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The Taliban continued to pose serious obstacles to the efforts of international aid organizations to deliver food aid and other humanitarian assistance. U.N.-led negotiations to obtain Taliban permission for delivery of food and nonfood aid across the front lines into the Panjshir Valley and the Dara-i-Suf area remained at an impasse at year's end. The Taliban permitted limited deliveries to Panjshir in December 1999 to reach the large community of displaced persons, which had fled the Shomali plains during the summer 1999 offensive. Limited supplies have reached Dara-i-Suf (where the U.N. has received reports of starvation), but only at great expense aboard donkey caravans. The French NGO Solidarite has sent similar donkey caravans into nearby Balkhab District.

The continuing internal conflict resulted in many instances of the use of excessive force. When fighting resumed in June, the Taliban bombed cities held by the Northern Alliance, such as Taloqan, Charikar, Nahreen, and Jabal-as Saraf. The Taliban's aerial bombing of civilian areas has resulting in the deaths of civilians, property damage, and the displacement of residents.

The conflict leading up to the fall of Taloqan in September displaced 60,000 to 75,000 people. Taloqan itself was evacuated, but families quickly returned once it became clear that the Taliban was not following the scorched earth policy it had pursued in previous years.

In May 1999, the Taliban recaptured Bamiyan. There were reports of systematic killings and summary executions by Taliban forces, as well as reports of hundreds of persons being taken away in Taliban trucks. Taliban forces reportedly also took hundreds of persons after the capture of Yakaolang the same month. In the late

summer of 1999, refugees from the Taliban offensive in the Shomali plain reported summary executions of noncombatants. The number of those killed or detained in fighting by the Taliban in 1999 is unknown. In August 1998, the Taliban captured Mazar-i-Sharif. There were reports that as many as 5,000 persons, mostly ethnic Hazara civilians, were massacred by the Taliban after the takeover of Mazar-i-Sharif. In September 1998, the Taliban captured Bamiyan; during the fighting an estimated 200 civilians were killed. There were also credible reports of a massacre of 45 civilians in a village near Bamiyan by Taliban commanders in September 1998. AI reported that the Taliban massacred 70 Hazara civilians, including children, in Qezelabad, near Mazar-i-Sharif in 1997. There were also reports that Taliban forces in Faryab province killed some 600 civilians in late 1997.

In general independent investigations of alleged killings were hindered by continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question (see Section 1.a.). The Taliban denied charges that its forces massacred or committed atrocities against civilians and claimed that civilian deaths, if any, resulted from combat.

Prior to its summer offensive, the Taliban claimed that the Northern Alliance bombed Shekhar Darra and Gol Darra, killing an unspecified number of civilians.

The discovery of mass graves near Shibarghan in the northern part of the country in 1997 was widely reported. The graves allegedly contained 2,000 corpses, reportedly those of Taliban forces captured near Mazar-i-Sharif in mid-1997 and executed by Northern Alliance forces (see Section 1.a.).

There were reports in 1999 that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (see Section 4). There were no reports of such behavior during the year, and, on the contrary, the Masood forces appeared welcoming to NGO's.

Continued warfare also resulted in massive forced displacement of civilians. Over the course of the year, it is estimated that up to 75,000 persons may have fled the fighting, although a majority of them reportedly have returned to their homes. An estimated 500,000–750,000 Afghans remain internally displaced following years of conflict. More than 2.4 million Afghans are living as refugees in Pakistan and Iran. A much larger number over the past 21 years has sought refuge abroad. Women and children constituted the majority of those in need of humanitarian assistance.

Afghanistan is the most heavily mined country in the world, according to U.N. mine-clearing experts. The U.N. estimates that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordnance throughout the country, sown mainly during the Soviet occupation. However, some NGO's estimate that there may be less than 1 million mines. There have been claims that 162 of 356 districts are mine-affected. The most heavily mined areas are the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance cause deaths and injuries, restrict areas available for cultivation, and slow the return of refugees. At the end of 1999, according to the NGO Halo Trust, mines covered more than an estimated 420 square miles, including over 285 square miles of grazing land; over 100 square miles of agricultural land; almost 25 square miles of roads; 7.5 square miles of residential area; and over 2 square miles of irrigation systems and canals. From 1995–97, new mines are believed to have been laid over 90 square miles of land, reportedly mainly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly mined areas were reported but not confirmed during the year in the conflict areas north of Kabul. The Northern Alliance reportedly laid these in response to the Taliban's summer offensive. Taliban leader Mullah Omar reportedly banned the use, production, trade, and stockpiling of mines in 1998. Despite the general prohibition on the depiction of living things, the Taliban allowed the visual depiction of persons in demining educational materials.

An estimated 400,000 Afghans have been killed or wounded by landmines. Currently casualties caused by landmines and unexploded ordnance are estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households are affected by the presence of landmines. An estimated 96 percent of civilian mine and unexploded ordnance casualties are male. Approximately 53 percent of mine and unexploded ordnance casualties occur in the 18 to 40 age group, while 34 percent of the casualties involve children, according to the U.N. Mine Action Center. Landmines and unexploded ordnance resulted in death in approximately 30 percent of cases and in serious injuries and disability, including amputation and blindness, in approximately 20 percent of cases.

With funding from international donors, the U.N. has organized and trained mine detection and clearance teams, which operate throughout the country. Nearly all areas that have been cleared are in productive use, and approximately 1.5 million refugees and internally displaced persons have returned to areas cleared of mines

and unexploded ordnance. Nevertheless the mines are expected to pose a threat for many years. In 1997 the 4,000 mine clearers suffered from an accident rate of 1 per week. However, clearance rates and safety have increased for clearance teams assisted by dogs. U.N. agencies and NGO's have instituted a number of mine awareness campaigns and educational programs for women and children in various parts of the country, but many were curtailed as a result of Taliban restrictions on women and girls.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—There are no laws that effectively provide for freedom of speech and of the press, and senior officials of various warring factions allegedly attempted to intimidate journalists and influence their reporting. There are fewer than 10 regular publications in the country. All other newspapers are published only sporadically. Newspapers for the most part are affiliated with different factions. Various factions maintain their own communications facilities. The Taliban selectively bans the entry of foreign newspapers into their territory. Many foreign books are prohibited. The Taliban radio station, the Voice of Shariat, broadcasts religious programming and Taliban pronouncements.

The Taliban has arrested more than 25 journalists since it took control of Kabul in September 1996. In July a Western journalist, while being detained, observed his Afghan associate being severely beaten. The journalist subsequently was expelled from the country, and his associate was detained and beaten routinely, until he escaped from prison (see Section 1.c.). On August 11, three foreign journalists were arrested by the PVSF and accused of taking pictures of a soccer match in Kabul. The journalists were interrogated for 2 hours, after which their film was confiscated. The PVSF officials confirmed that it is forbidden to take pictures of living things.

All factions have attempted to pressure foreign journalists who report on the conflict. The Taliban initially cooperated with members of the international press who arrived in Kabul but later imposed restrictions upon them. Foreign journalists were forbidden to film or photograph persons or animals, were not allowed to interview women, and were required to be accompanied at all times by a Taliban escort to ensure that these restrictions were enforced. In 1998 foreign journalists were not permitted into Mazar-i-Sharif after the Taliban took the city and reportedly massacred as many as 5,000 persons (see Section 1.g.).

In August the Taliban introduced strict regulations governing the work of foreign journalists in the country. A list of 21 points "to be respected" is given to foreign journalists upon arrival. The list includes an item asking journalists "not to offend the people's feelings." Journalists are required to tell the Taliban authorities when they travel outside of Kabul and to stay out of prohibited areas outside of Kabul. Journalists may work only with approved interpreters and local assistants, must renew their work permits every year, and must register all of their professional equipment. The Taliban also require most journalists to stay at the Intercontinental Hotel in Kabul, allegedly for security and economic reasons.

In August 1998, Iranian journalist Mahmoud Saremi was killed after being abducted by Taliban soldiers in Mazar-i-Sharif, along with eight Iranian diplomats. Saremi was the Afghanistan bureau chief for the official Iranian news agency, IRNA. Taliban officials stated that those responsible for Saremi's killing were not acting under official orders and would be punished; however, no action was known to have been taken regarding the case by year's end.

There have been numerous threats to Afghan journalists working in exile in Pakistan; the UNHCR has assisted approximately 10 Afghan journalists in relocating to Western countries from Pakistan. Many believe these threats are directed by the Taliban authorities in response to unfavorable columns by the journalists. On July 4, Inayat-ul-Haq Yasinin, a journalist in Peshawar, received death threats for publishing the results of an opinion poll on Afghan refugees living in Peshawar. In 1998 in Peshawar, two men fired at Abdul Hafiz Hamis Afizi, an ethnic Tajik Afghan journalist writing for two Peshawar Afghan daily newspapers. Also in 1998, Mohammad Hashim Paktianai, a journalist related to former president Najibullah was killed at his home in Hayatabad.

The Taliban continue to prohibit music, movies, and television on religious grounds. In August 1998, television sets, videocassette recorders, videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, televisions reportedly are sold widely, and their use generally is ignored unless reported by a neighbor.

The Taliban severely restricts academic freedom, particularly education for girls (see Section 5).

b. Freedom of Peaceful Assembly and Association.—Civil war, tenuous security, and likely opposition from local authorities seriously inhibited freedom of assembly and association.

It is unknown whether laws exist that govern the formation of associations. Many domestic NGO's continue to operate in the country, and many international NGO's also continue to operate (see Section 4). There were reports that the Taliban required NGO's to go through burdensome registration procedures in order to be allowed to operate and attempted to exert control over NGO staffing and office locations, especially in Kabul. All factions continue to harass and interfere with the operations of domestic and international NGO's, including aid organizations (see Section 4).

c. Freedom of Religion.—Freedom of religion is restricted severely. Due to the absence of a constitution and the ongoing civil war, religious freedom is determined primarily by the unofficial, unwritten, and evolving policies of the warring factions. In most parts of the country, the Pashtun-dominated, ultraconservative Islamic movement known as the Taliban vigorously enforced its extreme interpretation of Islamic law. The Taliban claimed in mid-1999 that it was drafting a new constitution, based upon the sources of Islamic religious law (Shari'a): the Koran, the Sunna, and Hanafi jurisprudence. A Taliban spokesman stated that the new constitution would ensure the rights of all Muslims and of religious minorities. However, custom and law require affiliation with some religion, and atheism is considered apostasy and is punishable by death. The small number of non-Muslim residents who remain in the country may practice their faith but may not proselytize.

The country's official name, according to the Taliban, is the Islamic Emirate of Afghanistan; according to the umbrella organization of various smaller, anti-Taliban groups, the Northern Alliance, it is the Islamic State of Afghanistan. These names reflect the desire of both factions to promote Islam as the state religion. Taliban leader Mullah Omar carries the title of Commander of the Faithful. Traditionally Sunni Islam of the Hanafi school of jurisprudence has been the dominant religion. The Taliban also adheres to the Hanafi school of Sunni Islam, making it the current dominant religion in the country.

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems. The Taliban established Islamic courts in areas under its control to judge criminal cases and resolve disputes. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials (see Section 1.e.).

The Taliban seeks to impose its extreme interpretation of Islamic observance in areas that it controlled and has declared that all Muslims in areas under Taliban control must abide by the Taliban's interpretation of Islamic law. The Taliban announces its proclamations and edicts through broadcasts on the Taliban's "Radio Shariat" and relies on a religious police force under the control of the PVSF to enforce rules regarding appearance, dress, employment, access to medical care, behavior, religious practice, and freedom of expression. Members of the PVSF, which was raised to the status of a Ministry in May 1998, regularly check persons on the street in order to ascertain that individuals are conforming to such Taliban edicts. Persons found to be in violation of the edicts are subject to punishment meted out on the spot, which may include beatings and detention. In practice the rigid policies adopted both by the Taliban and by certain opposition groups have a chilling effect on adherents of other forms of Islam and on those who practice other faiths. Enforcement of Taliban social strictures is much stricter in the cities, especially in Kabul, and looser in rural areas, where more is left to local custom.

Reliable data on the country's population is not available. However, informed sources estimate that 85 percent of the population are Sunni Muslim; most of the remaining 15 percent are Shi'a. The Hazara ethnic group is predominantly Shi'a; Shi'a are among the most economically disadvantaged persons in the country. The Shi'a minority want a national government that would give them equal rights as citizens. There are also small numbers of Ismailis living in the central and northern parts of the country. Ismailis are Shi'a but consider the Aga Khan their spiritual leader. In the past, small communities of Hindus, Sikhs, Jews, and Christians lived in the country, but most members of these communities have left. Almost all members of the country's small Hindu and Sikh population, which once numbered about 50,000 persons, have emigrated or taken refuge abroad.

Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country.

According to Human Rights Watch, in September 1999, the Taliban issued decrees that forbade non-Muslims from building places of worship but allowed them to worship at existing holy sites, forbade non-Muslims from criticizing Muslims, ordered non-Muslims to identify their houses by placing a yellow cloth on their rooftops, for-

bade non-Muslims from living in the same residence as Muslims, and required that non-Muslim women wear a yellow dress with a special mark so that Muslims could keep their distance. These decrees followed earlier reports that Hindus were required to wear a piece of yellow cloth attached to their clothing to identify their religious identity and that Sikhs were required to wear some form of identification as well. This system of identification allegedly was imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims and from harassment by agents of the PVSF, but the identification system reportedly no longer is enforced.

There also are unconfirmed reports that the Taliban has occupied and "cleaned" Shi'a mosques for the use of Sunnis, including a Shi'a mosque in Mazar-i-Sharif in 1998. The sections of the country's educational system that have survived over 20 years of war put considerable emphasis on religion.

In Taliban controlled areas, the Taliban has decreed that all Muslims must take part in five daily prayers. Those who are observed not praying at appointed times or who are late attending prayer are subject to punishment, including severe beatings. There were reports in 1998 that PVSF members in Kabul stopped persons on the street and quizzed them to determine if they knew how to recite various Koranic prayers.

Publishing and distribution of literature of any kind, including religious material, is rare.

Proselytizing by non-Muslims is prohibited. A small number of foreign Christian groups are present in the country, but they focus on relief work since they are forbidden to proselytize. Conversion from Islam is considered apostasy and is punishable by death. There was no information available about converts or about restrictions on the training of clergy.

Since taking control of Kabul in 1996, the Taliban reportedly has committed numerous human rights violations, particularly against the Hazaras. In September 1997, the Taliban reportedly massacred 70 ethnic Hazara civilians in Qezelabad. There were reports of mass arrests by the Taliban in Hazara neighborhoods of Kabul in January 1998. There also were credible reports of the massacre of thousands of civilians and prisoners by the Taliban during and after the capture of Mazar-i-Sharif in August 1998; this massacre reportedly was aimed at ethnic Hazaras. In September 1998, approximately 500 persons were killed as the Taliban gained control of the city of Bamiyan. The Hazaras regained control of Bamiyan in April 1999 following prolonged guerrilla-style warfare; however, the Taliban recaptured Bamiyan in May 1999 and reportedly killed a number of Shi'a residents. There were reports during 1999 and 2000 that there were forced expulsions of ethnic Hazaras and Tajiks from areas controlled or conquered by the Taliban, as well as harassment of these minorities throughout Taliban controlled areas.

The Ismaili community fought for the Northern Alliance against the Taliban and suffered when the Taliban occupied territories once held by Ismaili forces. There were reports of mistreatment of Ismailis at the hands of the Taliban.

The Taliban, following its extreme interpretation of Shari'a (Islamic law), required women to don a head-to-toe garment known as the burqa, which has only a mesh screen for vision, when in public. While in some rural areas this was the normal garment for women, the requirement to wear the burqa represented a significant change in practice when imposed in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely, along with their family elders. In Kabul and elsewhere, women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, were beaten by Taliban militiamen. According to Taliban regulations, men's beards must protrude farther than would a fist clamped at the base of the chin. Men also must wear head coverings and must not have long hair. A man who has shaved or cut his beard may be imprisoned for 10 days and be required to undergo Islamic instruction. Several civil service employees reportedly were fired in 1997 for cutting their beards. All students at Kabul University reportedly are required to have beards in order to study there (no female students are allowed). There also are credible reports that Taliban members gave forced haircuts to males in Kabul. At various times, the Taliban has banned certain traditional recreational activities, such as kite flying and playing chess. Dolls, stuffed animals, and photographs are prohibited under the Taliban's interpretation of religious injunctions against representations of living beings; in search of these objects, Taliban soldiers or persons masquerading as Taliban members reportedly have entered private homes without prior notification or informed consent. The Taliban reportedly has required parents to give their children Islamic names (see Section 1.f.).

The Taliban continues to prohibit music, movies, and television on religious grounds in Taliban-controlled areas. In 1998 television sets, videocassette recorders,

videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, subsequent reports indicate that many persons in urban areas around the country own such electronic devices despite the ban (see Section 1.f. and 2.a.).

In November 1998, Taliban officials accepted responsibility for the defacing of one of two historic statues of Buddha near Bamiyan during their takeover of that city earlier in the year. The Taliban claimed that the vandalism was the result of an unauthorized act by one of their soldiers and that the statues were being protected by the Taliban from further harm. While some Taliban leaders have claimed tolerance of religious minorities, there reportedly have been restrictions imposed upon Shi'a Muslims in Taliban-controlled territory, although not necessarily on a uniform basis. However, the Taliban allegedly has ordered Shi'a to confine their Ashura commemorations during the month of Muharram to their mosques and to avoid the public processions that are an integral part of Ashura in other countries with Shi'a populations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although in principle citizens have the right to travel freely both inside and outside the country, their ability to travel within the country was hampered by warfare, brigandage, landmines, a road network in a state of disrepair, and limited domestic air service, complicated by factional threats to air traffic. Some Afghans reported difficulty in receiving necessary permits to leave the country for tourism or business purposes, while others reported no such difficulty. The Taliban's restrictions on women further curtail freedom of movement (see Sections 2.c. and 5). Despite these obstacles, many persons continued to travel relatively freely, with buses plying routes in most parts of the country. However, due to intermittent fighting in various areas, international aid agencies often found that their ability to travel, work, and distribute assistance was hampered severely. International travel continued to be difficult as both the Taliban and Masood threatened to shoot down any planes that flew without their permission over areas of the country that they controlled.

Commercial trade was impeded in certain non-Taliban areas, as local commanders and criminals continued to demonstrate their control over the roads by demanding road tolls and sometimes closing roads. There were reports in 1998 that some Taliban commanders, who previously gained popularity by sweeping away the checkpoints that local warlords used to shake down travelers, were setting up checkpoints themselves and demanding tolls for passage, but there were no such reports during the year.

There also have been instances in the past of the forcible expulsion of individuals on ethnic grounds, but there were no known instances of this during the year.

Afghans continued to form one of the world's largest refugee populations. According to the U.N. High Commissioner for Refugees, approximately 2.8 million Afghans remain outside the country as registered refugees: 1.4 million in Iran, 1.4 million in Pakistan, and some in Russia, India, and the central Asian republics. Women and children constitute 75 percent of the refugee population. In addition there are 500,000 to 750,000 Afghans who are internally displaced following years of fighting. A total of 4,069,000 Afghan refugees have been repatriated since 1988, with over 1.5 million returning to the country in the peak year of 1992. During the year, 133,600 refugees were voluntarily repatriated from Iran under an UNHCR-Iran program, and another 50,000 are estimated to have returned outside the program. Refugees in Pakistan are known to cross the border back and forth routinely.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

On June 21, Pakistan deported Professor Mohammad Rahim Elham, a prominent Afghan scholar, back to Afghanistan. Professor Rahim had called for a stop to Pakistani interference in the internal affairs of Afghanistan. There is concern that he may face detention, torture, or extrajudicial execution in Afghanistan. According to an AI report, Professor Rahim was granted asylum in another country late in the year.

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

There was no functioning central government in the country. The continuing struggle for political power among the major armed groups prevented citizens from changing their government or choosing their leaders peacefully. Most political changes came about through shifting military fortunes. No faction held elections or respected citizens' right to change their government peacefully.

The Taliban movement's authority emanates from its leader, Mullah Omar, who carries the title Commander of the Faithful, and from the Taliban's military occupa-

tion of most of the country. Governmental functions are exercised through the key Taliban governing body, the Inner Shura (Council) based in Kandahar, and by ministries based in Kabul.

The Northern Alliance, headed by nominal President Rabbani, holds power with de facto Defense Minister Masood as Rabbani's primary military backer. Rabbani received nominal support from General Dostam and a faction of the Shi'a Hazara Hezb-i-Wahdat. Another faction of the Hezb-i-Wahdat nominally allied with the Taliban early in 1999. Rabbani and Masood control the northeastern, largely Tajik, portion of the country, including the strategic Panjshir valley north of Kabul.

Discontent with the Taliban's strictures and rural village values was strong in large, non-Pashtun cities such as Herat, Kabul, and other northern cities. The Taliban's military successes did not encourage the group's leaders to engage in meaningful political dialog with opponents. Efforts in 1998 to convene a national body of Muslim scholars (ulema) to discuss the future of the country broke down when both the Taliban and the Northern Alliance disagreed over the possible membership and sequence of the talks. Peace talks convened in April 1998 in Ashgabat, Turkmenistan, but broke down quickly. Moderate and neutral Afghans, mostly living outside of the country, continue their efforts to organize a traditional Grand National Assembly (Loya Jirga) and held meetings in Rome in July and November 1999. The former King supports this process. Other moderate groups exist in Bonn, Cyprus, and Teheran.

The U.N. and the international community continued their efforts to help Afghans reach a political settlement. The U.N. Secretary General's Personal Representative for Afghanistan Fransesc Vendrell has continued to explore ideas for a peace process with the warring factions. A group of six nations bordering the country, the U.S., and Russia met several times during the year to explore ways to resolve the conflict peacefully.

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

There are many NGO's, both domestic and international, in the country. Some are based in neighboring countries, mostly Pakistan, with branches inside the country; others are based in Afghan cities and rural areas. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education, and agriculture.

The Afghan League of Human Rights operates both in Afghanistan and Pakistan; it produces an annual report. The Cooperation Center for Afghanistan (CCA) is an Afghan NGO that operates in both Pakistan and Afghanistan. The CCA maintains an office in Peshawar, where it produces a monthly newsletter on the Afghan human rights situation. It also monitors and documents the human rights situation from several offices in both Taliban-controlled and Northern Alliance-controlled cities. The National Commission on Human Rights in Afghanistan began operations during 1998 in Pakistan, conducting seminars on human rights issues, issuing press statements criticizing specific instances of human rights abuses, and placing articles in Pashtu and Dari newspapers. The Afghanistan Commission for Human Rights, founded in 1997 after discussions with Taliban authorities on Islamic aspects of human rights, also started activities in Pakistan in 1998, focused on the plight of Afghan prisoners in Pakistani prisons and on children's rights. However, the civil war and lack of security continued to make it difficult for human rights organizations to monitor adequately the situation inside the country.

On July 6, the Taliban issued an edict banning women's employment (except in the health care sector) by U.N. agencies and NGO's. Implementation remains erratic, but the U.N. and NGO's kept their female staff at home to avoid open confrontation with the Taliban. On August 16, the Taliban issued an order closing down the World Food Program's (WFP) 25 widows' bakeries, which provide food to the neediest citizens, including many war widows and other female-headed households. On August 17, the Taliban reversed the previous day's decision to close the widows' bakeries, apparently accepting the WFP's explanation that the female staff of the bakeries were not direct hire WFP employees and therefore not subject to the July 6 edict. The arrest in July of a foreign aid worker long resident in the country (see Section 1.d.) and the sudden closure of the widows' bakeries, served as reminders to the international relief community that their programs are at constant risk of closure by the Taliban.

In September the Taliban refused a visa to the U.N. Special Rapporteur on Human Rights in Afghanistan.

During the year, the Taliban continued to pose serious obstacles to the international aid community's efforts to deliver food aid and other humanitarian assistance to citizens (see Section 1.g.).

The Taliban continued to harass domestic and international NGO's. The Taliban has interfered consistently with the operation of the U.N. and NGO's. Tactics used have included threatening to impound the vehicles of NGO's that do not work on projects preferred by the Taliban, threatening to close projects that do not include Taliban supervisors or workers, and, in the case of one local NGO, the detention of its director and the impounding of all of its equipment in an effort to increase Taliban control of the organization. The Taliban announced in March 1998 that foreign Muslim women, including U.N. workers, would be allowed to perform their jobs only if accompanied by a male relative, a move that continued to hamper NGO and relief operations. The U.N. withdrew its personnel from southern Afghanistan in late March 1998 to protest the assault on a U.N. worker by the Taliban governor of Kandahar Province and the interference with its work by the Taliban. After reaching agreements with local officials, the U.N. returned to Kandahar in May 1999. In April 1998, Taliban authorities rejected the participation of a U.N. official on the U.N. team selected to negotiate with the Taliban on the travel restrictions for foreign Muslim women and other issues, because he was perceived to be "anti-Taliban." In June 1998, the Taliban required all NGO's in Kabul to relocate to a single location in a bomb-damaged former school; those who refused were threatened with expulsion from the country. However, the order was not enforced. In November 1998, the U.N. World Food Program accused the Taliban of looting 1,364 tons of food, stealing trucks from the WFP's compound in Bamiyan, and occupying WFP offices in Bamiyan and Yakaolang.

On June 15, 1999, staff members of an international NGO were detained and beaten by members of the Taliban in Bamiyan Province. After the June 1999 incident, Mullah Omar issued an edict stating that any person causing annoyance to a foreign worker could face punishment of up to 5 years in prison. However, in November 1999 U.N. properties were targeted in organized demonstrations in several cities when U.N. sanctions related to terrorism were imposed on the country. Certain key issues, including the mobility of international female Muslim staff and access by Afghan women and girls to programs, remain largely unresolved.

There were reports in 1999 that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid. There were no such reports during the year (see Section 1.g.).

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

There is no functioning constitution, and therefore there are no constitutional provisions that prohibit or protect against discrimination based on race, sex, religion, disability, language, or social status. It is not known whether specific laws prohibit discrimination; local custom and practices generally prevail. Discrimination against women is prevalent throughout the country. Its severity varies from area to area, depending on the local leadership's attitude towards education for girls and employment for women and on local attitudes. Historically the minority Shi'a faced discrimination from the majority Sunni population. There has been greater acceptance of the disabled as the number of persons maimed by landmines increased, and the presence of the disabled became more widespread. In 1998 and 1999, the Taliban on several occasions sought to execute homosexuals by toppling walls on them (see Sections 1.a. and 1.c.); however, this is not known to have occurred during the year.

Women.—As lawlessness and interfactional fighting continued in some areas, violence against women occurred frequently, including beatings, rapes, forced marriages, disappearances, kidnappings, and killings. Such incidents generally went unreported, and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds the problem. Although the stability brought by the Taliban to most of the country acted in general to reduce violence against women, particularly rapes and kidnappings, Taliban members continued to threaten or beat women to enforce the Taliban's dress code for women. There were unconfirmed reports that the Taliban or foreign "volunteers" fighting alongside the Taliban abducted women during the military offensive on Taloqan. There were also unconfirmed reports that Taliban soldiers or foreign volunteers abducted women in the offensive in the Shomali plains in 1999 and that they raped and abducted women from Hazara neighborhoods in Mazar-i-Sharif in August 1998. The whereabouts of some of these women were unknown at year's end. The enforced seclusion of women within the home greatly limited the information available on domestic violence and marital rape. In a climate of secrecy and impunity, it is likely that domestic violence against women remained a serious problem.

Women accused of adultery also are subjected to violence. Adultery is punishable by death through stoning. At least one accused adulteress was sentenced to 100 lashes during the year; a female accomplice was sentenced to 30 lashes.

Overall, the situation of women and girls remained mostly unchanged, as the Taliban generally continued the application of its ultra-conservative interpretation of Islamic law.

In 1992 a new government was installed and the previous trend towards increasing numbers of women working outside of the home was reversed. Since the advent of the Taliban in 1994, the trend towards excluding women from employment has intensified.

The treatment of women under Taliban rule has been particularly harsh, although there was marginal improvement in some areas during the year. In the areas where it took control, the Taliban initially excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a male relative. In urban areas, and particularly after the Taliban took Kabul in 1996, the Taliban forced almost all women to quit their jobs as professionals and clerical workers, including teachers, doctors, nurses, bank tellers, and aid workers. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. The prohibition on women working outside of the home has been especially difficult for the large numbers of widows left by 20 years of civil war; there are an estimated 30,000 widows in Kabul alone. In August the Taliban issued an order closing down the World Food Program's 25 widows' bakeries but reversed the decision on the following day (see Section 4). Many women reportedly have been reduced to selling all of their possessions and to begging to feed their families.

However, during 1999, restrictions on women's employment reportedly eased somewhat. The Taliban allowed women to work in the medical sector as doctors and nurses, treating only other women. *Medicins Sans Frontieres* and other international NGO's reported that they were able to recruit both male and female health care staff without administrative obstacles and that the main difficulty faced in recruitment of medical staff was the lack of qualified female personnel. In 1999 there were reports that the Taliban reopened schools for doctors and nurses and that women were allowed to attend women-only institutions. A limited number of women were allowed to work for international agencies and NGO's, but they were not allowed to work in the offices of their employers; they were required to go directly from their homes to the project sites on which they worked. A Taliban edict issued in 1999 allowed needy widows with no other means of support to seek employment; but many widows reportedly were unaware of the change, and there was little work available. Women reportedly were allowed to claim international assistance directly rather than through their close male relatives, as a 1997 edict stipulated. However, male relatives still were required to obtain the permission of the PVSF for female home-based employment.

Girls formally were prohibited from attending school. Formal restrictions against the education of girls remain, apart from instruction provided in mosques, which is mainly religious in content. However, there are a growing number of girls educated by international NGO's in formal schools, community-based schools, and home schools.

Most citizens lack any access to adequate medical facilities, and the provision of health care under Taliban rule remains poor. Life expectancy rates are estimated at 44 years for women and 43 years for men. In most regions, there is less than 1 physician per 10,000 persons. Health services reach only 29 percent of the population and only 17 percent of the rural population. Clean water reaches only about 12 percent of the population. Health care for both men and women was hampered by the Taliban's ban on images of humans, which caused the destruction of public education posters and made the provision and dissemination of health information in a society with high levels of illiteracy more difficult. Tuberculosis rates for women and maternal mortality rates are extremely high. The Taliban significantly reduced women's access to health care, although it has since loosened restrictions somewhat. In 1997 the Taliban announced a policy of segregating men and women in hospitals; this policy reportedly continued at year's end. In 1997 in an attempt to centralize medical care for women, the Taliban also directed most hospitals in Kabul to cease services to women and to discharge female staff. Services for women were to be provided by a single hospital still partially under construction, which resulted in a drastic reduction in access to, and the quality of, health care for women. Later, women were permitted to seek treatment from female medical personnel working in designated women's wards or clinics; since June 1998 they have been permitted to seek treatment from male doctors only if accompanied by a male relative. In practice women were excluded from treatment by male physicians in most hospitals.

These rules, while not enforced universally, made obtaining treatment extremely difficult for most women, and especially for Kabul's widows, many of whom have lost all such male family members. Further, even when a woman was allowed to be treated by a male doctor, he was prohibited from examining her except if she were fully clothed in Taliban-approved garb and from touching her, thus limiting the possibility of any meaningful treatment. The participants in a 1998 survey of 160 Afghan women reported little or no access to health care in Kabul. Most of the participants also reported a decline in their mental health. However, there were credible reports that the restrictions on women's health care were not applied in practice and that there were some improvements in access to health care for women during the last 2 years. By the end of 1999, all Kabul hospitals apart from the military hospital reportedly treated women. Rabia Balkhi Women's Hospital in Kabul provided a full range of health services to women, but there was only one maternity hospital in the country.

The Taliban decreed what women could wear in public. Women in public spaces were required to wear a burqa, a loose, head-to-toe garment that has a small cloth screen for vision. While in many, particularly rural, areas of the country, the burqa was the customary women's outer garment, the requirement for all women to wear the burqa represented a significant change in practice for many women, particularly in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely along with their family elders. In Kabul and elsewhere women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, reportedly have been beaten by Taliban militiamen. Some women cannot afford the cost of a burqa, and thus are forced to remain at home or risk beatings if they go out without one.

During 1999 there were reports of differences in the enforcement of the requirement for women to wear the burqa. Enforcement reportedly was relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas cover their heads with large scarves that leave the face uncovered and have not faced reprisals. The Taliban's dress code for women apparently is not enforced strictly upon the nomad population of several hundred thousand or upon the few female foreigners, who nonetheless must cover their hair, arms, and legs. Women in their homes must not be visible from the street; the Taliban require that homes with female occupants have their windows painted over.

Women were expected to leave their homes only while escorted by a male relative, further curtailing the appearance and movement of women in public even when wearing approved clothing. Women appearing in public without a male relative ran the risk of beatings by the Taliban. Some observers reported seeing fewer and fewer women on the streets in Taliban-controlled areas. Women are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers. On October 19, taxi drivers were warned by the PVSF not to pick up unaccompanied female passengers or risk a ban on their driving privileges. Women only may ride on buses designated as women's buses; there are reportedly not enough such buses to meet the demand, and the wait for women's buses can be long. In December 1998, the Taliban ordered that bus drivers who take female passengers must encase the bus in curtains and put up a curtain so that the female passengers cannot see or be seen by the driver. Bus drivers also were told that they must employ boys under the age of 15 to collect fares from female passengers and that neither the drivers nor the fare collectors were to mingle with the passengers.

AI has reported that the Taliban have ordered the closure of women's public baths.

Women are also forbidden to enter mosques or other places of worship unless the mosque has separate sections for men and women. Most women pray at home alone or with other family members. Women also reportedly have been prohibited from appearing on the streets for certain periods during the month of Ramadan.

The Taliban's restrictions regarding the social behavior of men and women were communicated by edicts and enforced mainly by the PVSF. The U.N. and numerous other interlocutors noted that the edicts are enforced with varying degrees of rigor throughout the country. The restrictions were enforced most strictly in urban areas, where women had enjoyed wider access to educational and employment opportunities before the Taliban gained control.

After her 1999 visit, the U.N. Special Rapporteur on Violence Against Women noted some improvements in the status of women, including the existence of home schools as well as limited primary educational institutions for girls run by the Religious Ministry in Kabul; increased access of women to health care; and the permission for widows to work. The Special Rapporteur also noted continuing violations of the physical security of women and the practice of lashings and public beatings,

violations of the rights to education, health, employment, freedom of movement, and freedom of association, and of family rights, including the existence of polygyny and forced marriage. She also noted that minority women sometimes were subject to forced displacement and that there were some cases of trafficking in women and children (see Section 6.f.).

Children.—Local administrative bodies and international assistance organizations undertook to ensure children's welfare to the extent possible; however, the situation of children is very poor. Infant mortality is 250 out of 1,000 births; *Médecins Sans Frontières* reports that 250,000 children per year die of malnutrition. One fourth of children die before the age of 5. Approximately 45 percent of the population is made up of children age 14 or under. The Taliban's restrictions on male-female medical treatment have had a detrimental effect on children. Physicians for Human Rights reported that children sometimes are denied medical care when the authorities do not let male doctors visit children's wards, which may be located within the women's ward of a hospital, or do not allow male doctors to see children accompanied only by their mothers. A UNICEF study also reported that the majority of children are highly traumatized and expect to die before reaching adulthood. According to the study, some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, including the killing of parents or relatives.

Taliban restrictions on the movement of women and girls in areas that they controlled hampered the ability of U.N. agencies and NGO's to implement effectively health and education programs targeted to both boys and girls.

The educational sector currently is characterized by limited human and financial resources; the absence of a national educational policy and curriculum; the unpreparedness of the authorities to rehabilitate destroyed facilities; and discriminatory policies banning the access of females to all levels of education, according to a report by the Gender Advisor to the U.N. System in Afghanistan. Female literacy is approximately 4 percent, compared with an overall literacy rate of 30 percent. There have been reports that the ban on women working outside of the home has hampered the education of boys, since a large percentage of the country's teachers were women prior the advent of Taliban rule.

The Taliban have eliminated most of the formal opportunities for girls' education that existed in areas that they have taken over; however, some girls' schools still operate in rural areas and some towns. Some girls also are receiving an education in informal home schools, which are tolerated to varying degrees by the Taliban around the country. During the year, there were reports that the number of children that these home schools reach was increasing and that there was an increase in the attendance of girls in various educational settings, including formal schools. However, in June 1998, more than 100 NGO-funded girls' schools and home-based women's vocational projects were closed by the Taliban in Kabul. In 1998 the Taliban also stated that schools would not be allowed to teach girls over the age of 8, that schools teaching girls would be required to be licensed, and that such schools would be required to limit their curriculums to the Koran. However, the Taliban's implementation of educational policy is inconsistent and varies from region to region, as well as over time.

In September 1999, the U.N. Special Rapporteur on Violence Against Women noted the existence of home schools and also of limited primary educational institutions for girls run by the Religious Ministry in Kabul. The Taliban told the Special Rapporteur in 1999 that primary education is available to girls between the ages of 6 and 10 and that this was dispensed in mosque schools under the Ministry of Religious Affairs. About three-fourths of the curricula in the Ministry of Religious Affairs schools reportedly deals with religious and moral subjects. Taliban-sponsored public schools, at both the elementary and secondary levels, provide education only to boys and also emphasize religious studies. However, schools run by NGO's and international donors mostly are open to both boys and girls.

Despite the limitations on education and the Taliban's restrictions on female education, approximately 25 to 30 percent of boys were estimated to be enrolled in school and up to 10 percent of girls were estimated to attend school, whether NGO-run, mosque schools, or home schools, according to UNICEF. This represents a modest increase in both boys' and girls' school enrollment over the last 5 years. Prior to the Taliban takeover in 1996, more than 100,000 girls reportedly attended public school in Kabul in grades kindergarten to 12, according to a U.N. survey. During 1999 approximately 300,000 to 350,000 school-age children attended schools run or funded by various assistance agencies and NGO's. In 1999 the Swedish Committee for Afghanistan (SCA) reported that it served 175,000 students in 567 schools; most of these were formal schools, but 39 were home schools. In a few areas, over 50 percent of students reportedly were girls. The SCA reported that 20 percent of the students in its formal schools, mostly located in rural areas, were girls. Many boys also

were being educated in home schools, because of administrative problems in the Taliban-run schools, including problems in the payment of teachers' salaries. A high proportion of the students in Northern Alliance-controlled territory reportedly were girls. In 1999 in areas newly captured by the Taliban, some communities successfully petitioned Taliban representatives to reopen the schools. In Herat, which was captured by the Taliban in 1995, girls' schools have remained closed except in the refugee camps maintained by international NGO's. Nonetheless, approximately 5 percent of girls were enrolled in school in Kandahar; approximately 20 percent of girls were enrolled in Herat. Some families have sent girls abroad for education in order to evade the Taliban's prohibitions on females attending school.

There have been unconfirmed reports that the Taliban uses child soldiers. In the past, there have been some cases of trafficking in children (see Section 6.f.).

The Taliban have banned certain recreational activities, such as kite flying and playing chess. In October the Taliban banned youths from playing soccer in Kabul on Fridays. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings.

People with Disabilities.—There are no measures to protect the rights of the mentally and physically disabled or to mandate accessibility for them. Victims of landmines continued to be a major focus of international humanitarian relief organizations, which devoted resources to providing prostheses, medical treatment, and rehabilitation therapy to amputees. It is believed that there was more public acceptance of the disabled because of the increasing prevalence of the disabled due to landmines or other war-related injuries. There are reports that disabled women, who need a prosthesis or other aid to walk, are virtually homebound because they cannot wear the burqa over the prosthesis or other aid.

National/Racial/Ethnic Minorities.—During the year, there were reports of harassment, extortion, and forced expulsion from their homes of ethnic Hazaras and Tajiks by Taliban soldiers. The Taliban is Pashtun-dominated and has show little tolerance for accommodation with ethnic minorities.

It is estimated that the Taliban may have killed thousands of members of the ethnic Hazara minority in 1998 (see Section 1.a.).

In the past, there were reliable reports that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. Ethnic Hazara, who are overwhelmingly Shi'a, reportedly have been targeted for ethnically-motivated attacks, in particular by the overwhelmingly Sunni and ethnic Pashtun Taliban forces.

Section 6. Worker Rights

a. The Right of Association.—Little is known about labor laws and practices. There were no reports of labor rallies or strikes. Labor rights are not defined, and in the context of the breakdown of governmental authority there is no effective central authority to enforce them. Many of Kabul's industrial workers are unemployed due to the destruction or abandonment of the city's minuscule manufacturing base. An insignificant fraction of the work force ever has labored in an industrial setting. The only large employers in Kabul are the governmental structure of minimally functioning ministries and local and international NGO's.

Workers in government ministries reportedly have been fired because they received part of their education abroad or because of contacts with the previous regimes, although certain officials in previous administrations still are employed under the Taliban. Others reportedly have been fired for violating Taliban regulations concerning beard length.

b. The Right to Organize and Bargain Collectively.—The country lacks a tradition of genuine labor-management bargaining. There are no known labor courts or other mechanisms for resolving labor disputes. Wages are determined by market forces, or, in the case of government workers, dictate.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Little information is available on forced or compulsory labor, including child labor. There have been reports that the Taliban has forced prisoners to do construction work at Kandahar prison and that the Taliban used forced labor after its takeover of the Shomali plains area in the summer of 1999. There have been credible reports that Masood forced Taliban prisoners to work on road and airstrip construction projects under life-threatening conditions (such as requiring them to dig in mined areas). There were some cases of trafficking in women and children (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no evidence that authorities in any part of the country enforce labor laws, if they exist, relating to the employment of children. Children from the age of 6 often work to help support their families by herding animals in rural areas and by collecting

paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices expose children to the danger of landmines.

e. Acceptable Conditions of Work.—There is no available information regarding a statutory minimum wage or the enforcement of safe labor practices. Many workers apparently are allotted time off regularly for prayers and observance of religious holidays. Most work in the informal sector.

f. Trafficking in Persons.—There is no available information regarding legislation prohibiting trafficking in persons. The U.N. Special Rapporteur on Violence against Women reported that there were some cases of trafficking in women and children (see Section 5). There were reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Shomali plains during fighting in August 1999. Women taken in trucks from the area of fighting in the Shomali plains reportedly were trafficked to Pakistan and to the Arab Gulf states.

BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Prime Minister Sheikh Hasina is the leader of the Awami League, which came to power in 1996 in national elections deemed to be free and fair by international observers. There is an active political opposition. Violence is a pervasive feature of politics, including political campaigns, and elections frequently are marred by violence, intimidation of voters, and rigging. The major opposition political parties have abstained from Parliament since July 1999, diminishing Parliament's effectiveness. The opposition parties accuse the Awami League Government of abusing its parliamentary majority to prevent real debate on legislation and national issues. The higher levels of the judiciary display a significant degree of independence and often rule against the Government; however, lower judicial officers fall under the executive, and are reluctant to challenge government decisions.

The Home Affairs Ministry controls the police and paramilitary forces, which bear primary responsibility for maintaining internal security. The Government frequently uses the police for political purposes. There is widespread police corruption and lack of discipline. Police officers committed numerous serious human rights abuses.

Bangladesh is a very poor country. Annual per capita income among the population of about 130 million is approximately \$350. Slightly more than half of all children are chronically malnourished. Seventy percent of the work force is involved in agriculture, which accounts for one-fourth of the gross domestic product. The economy is market-based, but the Government still plays a significant role. The industrial sector is growing, albeit slowly, based largely on the manufacture of garments and textiles by privately owned companies. A small, wealthy elite controls much of the private economy, but there is an emerging middle class. Foreign investment has increased significantly in the gas sector and in electrical power generation facilities. Foreign aid still is significant, but has diminished somewhat in relative importance vis-a-vis increased earnings from exports and remittances from workers overseas. Efforts to improve governance and economic growth through reform have been unsuccessful, and were blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization. The Government's commitment to economic reform is weak. Periodic natural disasters, including a severe flood in 1998, also hamper development; nevertheless, the economic growth rate during the last fiscal year was about 5.5 percent.

The Government generally respected the human rights of its citizens in some areas; however, its record remained poor in many other significant areas, and it continued to commit serious abuses. Police committed a number of extrajudicial killings, and some persons died in police custody under suspicious circumstances. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects. Police frequently beat demonstrators. The Government rarely convicts and punishes those persons responsible for torture or unlawful deaths. Prison conditions are extremely poor for the majority of the prison population. Rape of female detainees in prison or other official custody has been a problem; however, there were no reports of this during the year. The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allow for arbitrary arrest and preventive detention, to harass political opponents and other citizens by detaining them without formal charges. The Government encourages violence by urging retaliation against opposition members who attack government supporters. The Government filed numerous criminal cases against opposition leaders and activists; in at least some of these

cases, the charges likely were false. The newly-enacted Public Safety Act (PSA) gives the police even greater opportunity to abuse their powers. Much of the judiciary is subject to executive influence and suffers from corruption. A large case backlog slowed the judicial process, and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated slum dwellers. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Government limited freedom of assembly, particularly for political opponents, and on occasion limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it continued to refuse to register a local chapter of Amnesty International. Abuse of children and child prostitution are problems. Violence and discrimination against women remained serious problems. Discrimination against the disabled, indigenous people, and religious minorities was a problem. There was occasional violence against members of the Ahmadiya religious minority. The Government continued to limit worker rights, especially in the Export Processing Zones (EPZ's), and, in general, is ineffective in enforcing workers' rights. Some domestic servants, including many children, work in conditions that resemble servitude and many suffer abuse. Child labor and abuse of child workers remained widespread and serious problems. However, a 1995 agreement between the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF, and the International Labor Organization (ILO) that has eliminated about 95 percent of child labor in the export garment sector, the main export industry, was extended in June. Trafficking in women and children for the purpose of forced prostitution and at times for forced labor remained serious problems. Both ruling and opposition political parties and their activists often employed violence, causing deaths and numerous injuries; however, the number of deaths has declined, likely due to fewer general strikes during the year. Vigilante justice resulted in numerous killings, according to press reports.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killings.—Police committed a number of extrajudicial killings.

Security forces sometimes used unwarranted lethal force. On February 9, police officers shot and killed Mohammad Ahmed Hossain Sumon, while trying to arrest him. Police officers also shot and wounded Sumon's brother and 12-year-old niece. Family members began to drive the victims to the hospital in a van, at which time the police again shot at them, breaking the van's windshield. No action was taken against the policemen involved in the killing. On May 3, police officers shot and killed two workers in the Savar EPZ, as police stormed a factory that disgruntled workers had taken over; another two persons later died from stab wounds sustained during the seizure (see Sections 1.c. and 6.b.). On September 18, police officers brandished weapons at persons attempting to rescue Mahbub Hasan Khan Oli, who was drowning in a Dhaka pond into which he had jumped to evade police capture. Oli drowned. In March 1999, police officers in Dhaka drowned college student Mujibur Rahman, and in July 1999, three policemen in Dhaka allegedly severely beat Mohammed Shahjada Tuku, then threw him into a canal where he drowned; as of year's end, none of the officers involved had been held accountable.

According to government figures, 134 persons died in prison and police custody during the year (see Section 1.c.). According to an independent human rights organization, 70 persons died in police, prison, court custody, and army camps during the year.

Most police abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings. However, in some instances where there was evidence of police culpability for extrajudicial killings, the authorities took action. In March 1999, four police officers were charged with manslaughter after a body was found in the rooftop water tank of the Detective Branch in Dhaka. The case is ongoing. The case against a police sergeant for killing a rickshaw puller in July 1999 in Agargaon remained pending at year's end.

Court proceedings continued against 14 persons, including 13 police officers, arrested and charged after a college student in police custody was beaten to death in July 1998. At year's end, nine of the accused persons were in custody, and proceedings in the case were continuing (see Section 1.c.).

In 1995 the Government charged former President Hossain Mohammad Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman. Ershad, leader of the Jatiya party, was granted bail in 1997. In late 1998, immediately after Ershad took a stronger stance against the Government, the Prime Min-

ister made remarks implying that the Government might accelerate the case. Subsequently Ershad entered into an alliance with other opposition parties to pressure the Government to step down by calling hartals and boycotting Parliament. On August 24, in a case concerning alleged misuse of power and corruption during Ershad's tenure as President, a High Court panel sentenced Ershad to 5 years in prison and a fine of \$1 million (about 55 million Taka) (see Section 1.e.). After Ershad's surrender to the court and subsequent incarceration on November 20, an appellate panel of the Supreme Court ruled that Ershad could be released from prison after payment of the fine, or after serving 6 months if the fine is unpaid. As of year's end, Ershad remained in jail. Ershad may be barred from politics for 5 years.

In 1998 a judge convicted and sentenced to death 15 persons for the 1975 murder of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina) and 21 of his family members (see Section 1.e.). On June 28, the High Court began hearing an appeal of the verdicts and a review of the sentences. On December 14, a 2-judge High Court panel confirmed 10 of the convictions and death sentences. On the remaining five convictions, the two judges released split opinions, and those cases were pending further High Court review at year's end (see Section 1.e.).

The Government continued to imprison eight persons accused of perpetrating the November 1975 murders of four senior Awami League leaders who then were in jail (see Sections 1.d. and 1.e.). On October 12, charges were filed against these individuals and 13 others who are not in custody. At year's end, the court was scheduled to begin hearing testimony in the case on January 24, 2001.

Vigilante violence against criminals by private citizens occurs. The Government reported that, by year's end, vigilantes killed 1 person, compared to 20 persons during the first 9 months of 1999. Authorities rarely arrest and punish those responsible for vigilante violence.

Press reports of vigilante killings by mobs are common. Tallying these reports, a newspaper estimated that mobs had beaten to death at least 14 persons in May and had killed at least 10 persons in June. Press editorials and commentaries opined that the increasing mob violence reflected a breakdown of law and order and a popular perception that the criminal justice system does not function. Human rights groups and press reports indicate that vigilante violence against women who are accused of having committed moral offenses is common, particularly in rural areas, and that religious leaders sometimes lead it (see Section 5).

Mob violence also occurs. On August 18, Alfred Soren, a leader of the Santal tribe in the northern part of the country was killed and dozens of others were injured, in a mob attack, reportedly carried out by Bengalis who were angry with the tribals over a land dispute (see Section 5).

Violence, often resulting in killings, is a pervasive element in the country's politics (see Sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clash with each other and with police during rallies and demonstrations. According to government figures, 15 persons were killed and 56 others were injured in politically motivated violence during the year. Awami League supporters, often with the connivance and support of the police, violently disrupted rallies and demonstrations of the opposition parties (see Sections 2.b. and 3). Opposition parties also used armed violence and intimidation to enforce general strikes. During the year, four persons died in violence related to general strikes (hartals); five others were killed when run over by recklessly-driven vehicles that were violating the hartal.

One person was killed in an explosion at opposition BNP headquarters just hours before the beginning of a hartal on February 2. The Government accused the opposition of manufacturing bombs; the opposition alleged that the explosion was a government plot designed to discredit the opposition. During the February 2 hartal, another person was killed by a bomb in Dhaka. During the February 16 hartal, a businessman was killed in the old section of Dhaka. On August 30, a BNP youth front leader was killed during a hartal by unidentified persons in the old section of Dhaka.

During an opposition-called hartal in 1999, eyewitnesses saw Maqbul Hossain, an Awami League Member of Parliament (M.P.) for the Dhanmondi area of Dhaka, order the killing of two young BNP activists who had been seized by Hossain's armed followers. Members of Hossain's entourage then shot at point-blank range one of the men, BNP activist Sajal Chowdhury, who subsequently died; the other person was beaten. About a dozen police officers who were standing nearby in riot gear made no effort to intervene or to apprehend the gunmen, nor did the Government later take action against those persons responsible. However, police summoned for repeated interrogations the family of Chowdhury, which had filed a murder complaint against M.P. Hossain and the armed men. One Chowdhury family

member was arrested on criminal charges, then detained under the SPA after a judge granted him bail (see Section 1.d.). In December 1999, police submitted their final report on the case to the court, stating that the evidence did not support the murder charge. Subsequently, the court accepted the police report and dismissed the case against Hossain. Hossain then served legal notice on the victim's family, demanding that they explain why they should not be charged with criminal defamation.

Political killings continued during non-hartal periods as well. On July 16, Shamsur Rahman, a well-respected journalist who wrote articles on smuggling and terrorism in the southwestern region, was killed in Jessore. The Home Minister blamed the opposition for the killings; others blamed members of the ruling party who are connected with the smugglers. Numerous other journalists were killed or attacked by government or societal forces throughout the year (see Section 2.a.). On August 11, S.M.A. Rab, a prominent Awami League leader in Khulna, was killed. A Maoist group claimed responsibility. However, Rab's son blamed the killing on his father's rivals inside the ruling party who were upset by the Prime Minister's announcement that Rab would be the party's nominee for the Khulna mayoral post. On August 16, rival political party activists in the old section of Dhaka killed Awami League leader Kamal Hossain. On August 20, a pro-BNP attorney, Habibur Rahman Mandal, was shot and killed in the old section of Dhaka while on his way to court. The same morning a pro-Awami League attorney, Kalidas Boral, was shot and killed in Bagerhat (near Kulna), allegedly by rivals within his own party. A mourning procession for the two slain attorneys was fired upon, resulting in injuries (see Section 1.c.).

On July 21, a large bomb was unearthed near the site of a public meeting at which the Prime Minister was to speak the following day. On July 23, a second bomb was discovered near a helicopter pad that she had used the previous day (see Section 1.c.).

In March 1999, two persons were killed while making bombs at ruling party M.P. Mohammed Mohibur Rahman Manik's residence in the Sylhet region. Newspaper speculations that the bombs were to have been used if local intraparty conflicts were contested. Police arrested Manik in May 1999 for involvement in bomb making. The court charged the M.P. on February 29; at year's end, Manik remained free on bail. On August 16, Manik was injured, along with approximately 50 others, in a gun battle between 2 factions of the Awami League in Sunamganj, Sylhet Division. On March 7, 1999, 2 bombs exploded in Jessore, killing 10 persons who were attending a performance of the leftaffiliated cultural group Udichi Shilpa Gosthi. On July 19, 24 individuals were charged in connection with the bombing(s), including former minister and BNP leader Tariqul Islam. As of year's end, Islam and 2 others accused in the case were free on bail, 18 individuals were in jail, and 3 are not in custody. While awaiting trial, Islam and the two others on bail appealed to have the charges dismissed, saying that they were not involved in the case. The High Court stayed the order until February 14, 2001. On February 16, 1999, masked gunmen shot and killed Jatiya Samajtantrik Dal leader Kazi Aref Ahmed and four others as they were addressing a public rally in a village near Khushtia. On July 11, 29 individuals were charged in connection with the incident; 25 of them are in custody. As of year's end, the case was continuing.

Violence also is endemic between the student political wings of the major national parties, and between rival factions within the parties. In an escalation of political violence, on July 12, gunmen fired automatic guns at a van in Chittagong, killing eight persons, including six members of the ruling party's student wing, the Bangladesh Chhatra League (BCL). The Government accused the student wing of the opposition JamaateIslami Party of being responsible for the attack. The Prime Minister challenged her supporters and the police to retaliate for the murders of her student supporters, declaring that there should be 10 opposition bodies for each one from the ruling party. An anti-Jamaat campaign following the July 12 killings resulted in the deaths of at least 2 Jamaat activists, the injury of many others, and the arrests of hundreds more (see Section 1.d.). The opposition asserts that the attack on the van was a continuation of a shoot-out the previous day between rival factions of the BCL that left three BCL activists dead. Published photographs of an August 20 clash between two factions of the BCL at Kabi Nazrul College in the old section of Dhaka showed a BCL activist wielding a pistol in the presence of a policeman. The ruling Awami League temporarily suspended the operations of its youth front wing in Dhaka. On December 15, many major newspapers published a photo of a man pointing a gun during the riot that ensued after the court issued a split verdict in the murder case of Sheikh Mujibur Rahman and his family (see Section 1.e.). The man was identified as Hemayetuddin, a well-known BCL leader. No police action was taken against him. The main opposition BNP suspended activities of the

central unit of its student wing, Jatiyatabadi Chhatra Dal, following the killing of two persons in a factional dispute at Dhaka University on July 2.

Extortion from businesses and individuals by persons with political backing was common, and businessmen on several occasions went on strikes to protest the extortion. On May 25, several young men shot and killed Iftekhar Ahmed Shipu, owner of a cellular telephone shop in Dhaka, after Shipu refused to give them a free telephone. A ruling party parliamentarian's son and several others were charged with the killing in a case filed by Shipu's relatives. According to press accounts and a subsequent investigation by a human rights organization, a gang led by Sumon, son of an influential local Awami League leader, abducted two young men on September 15 and demanded a ransom of about \$1,000 (50,000 Taka), which the parents did not pay. The dismembered bodies of the two victims were found in a drain the following day. The human rights organization report asserts that the police did not intervene to rescue the two young men, but rather shared drinks and cigarettes with the gang members as they were holding the two victims. Subsequently, the officer-in-charge of the local police station was transferred, and the police arrested several members of the gang.

b. Disappearance.—During the night of September 18, Nurul Islam, the BNP Organizing Secretary for Laxmipur district, was abducted from his home. According to reports from neighbors and from BNP sources, the General Secretary of the local chapter of the Awami League was behind this abduction and suspected killing. Police subsequently searched the General Secretary's residence for evidence relating to the abduction. A case was filed against the General Secretary, 2 of his sons, and 12 others, but neither the General Secretary nor his sons were arrested.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employ physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats, beatings and, occasionally, the use of electric shock. The Government rarely convicts or punishes those responsible for torture, and a climate of impunity allows such police abuses to continue. After several Dhaka policemen were arrested in 1998 for allegedly beating to death a college student in police custody (see Section 1.a.), the deputy commissioner of the Dhaka police detective branch publicly defended the use of physical coercion against suspects, saying that the practice was necessary in order to obtain information.

Nasir Uddin Pintu, a leader of the opposition student group Jatiyatabadi Chhatra Dal (JCD), alleged that he was tortured in police custody with beatings, sleep deprivation, and dousing with water. He also reported that he was denied proper food and water while in custody from December 1999 to January. One human rights organization reported that, after conducting a field investigation, it had confirmed that on June 13, police officers in Jhenidaha arrested a 12-year-old boy named Belal, hung him nude from a tree, tied a brick to his genitals, and beat him with sticks, allegedly for teasing a beggar. The human rights organization reported that the family was too intimidated to file a criminal report on this incident. Subsequently, one police officer from the nearby Betai Police Camp was suspended temporarily; other policemen from the Camp were transferred.

Rape of female detainees in police or other official custody has been a problem, as the Chief Justice of the Bangladesh Supreme Court acknowledged in a March speech when he observed that rapes and killings in police custody frequently occurred (see Section 1.a.). Some well-publicized reports of rape in police custody in prior years resulted in a widespread public outcry. While there were no reports of such rapes during the year, it is unclear whether the situation has improved after public condemnation, or whether rapes continue and simply are not being reported.

According to human rights groups and media reports, police engaged in violence and looting during the July 1999 raid of the Tanbazar and Nimtali brothel districts, allegedly attacking residents as well as over 40 female human rights activists who were protesting the eviction (see Section 1.f.). The evicted sex workers were detained in vagrant centers, where guards and fellow inmates subjected them to sexual assault and harassment. According to two human rights organizations, fewer than a dozen prostitutes remained in the vagrant homes at year's end.

Police sometimes rape women who are not in custody. The Government reported that in May a police constable raped a woman who was not in police custody. After an investigation, the constable was charged with rape and placed under suspension. The case was pending at year's end. During the first 9 months of the year, one human rights organization documented nine cases of police raping women who were not in custody. In addition after women report that they are raped (or are involved in family disputes), they frequently are detained in "safe custody," where they endure poor conditions, and sometimes are abused or, as has been reported in prior

years, are raped (see Sections 1.d. and 5). Citing statistics from prison officials, one human rights organization asserted that as of September, 307 females (including adults and minors) and 114 male children were in "safe custody." Government figures showed that 353 persons, including 139 women, were in safe custody at year's end.

The police often employ excessive, sometimes lethal, force in dealing with opposition demonstrators (see Sections 1.a., 2.b., and 3). Before a scheduled rally of former Awami League M.P. Kader Siddiqui in May, police stopped Siddiqui in front of his house, fired gunshots into the sky to scare his followers, and beat him so severely that he required hospitalization. Four of his party activists were detained under the PSA. On August 6, police broke up a rally of the four-party opposition alliance using tear gas, rubber bullets and batons. At least 25 persons were injured seriously. On October 5, security personnel blocked a road in the southwestern part of the country to prevent opposition leader Begum Khaleda Zia from visiting floodaffected areas and addressing a scheduled rally. Awami League student activists, assisted by the police, dismantled the dais that had been erected for Zia's rally. Government leaders said Zia's scheduled rally was at the same venue as a rally the Prime Minister was slated to address. A formal clarification from the Government stated that this "unfortunate situation" would not have occurred had the opposition scheduled its program before or after the Prime Minister's. The opposition protested that its rally had been announced before the Prime Minister's program, and that it had assured the authorities that its program would be finished well ahead of the Prime Minister's arrival. In November approximately 100 persons were injured in Chittagong after police tried to break up a 500-person march of Jamaat-e-Islami party members. Police fired tear gas and blank shots to disperse the marchers, who retaliated with homemade bombs and bricks. Police arrested more than 100 protestors; 40 still were in custody at year's end. In a separate incident, no action was taken against police in the 1999 beating of Shafiul Alam Prodhan, president of the Jatiya Gonotantrik Party.

On May 3, police officers injured numerous persons in the Savar EPZ, as police stormed a garment factory that disgruntled workers had taken over. Four persons died and more than 20 persons were injured in the incident (see Sections 1.a. and 6.b.).

According to a May Human Rights Watch (HRW) report, Rohingya refugees living in camps continue to suffer abuses, including beatings and other forms of physical abuse, and in the past have been coerced by camp administrators trying to secure their return to Burma (see Section 2.d.).

The Government sometimes punishes family members for the alleged violations of others (see Section 1.f.).

Police corruption remains a problem and there were credible reports that police facilitated or were involved in trafficking in women and children (see Section 6.f.).

Both opposition and ruling parties routinely use actual or threatened violence to achieve political ends. Violence is a common feature during rallies, demonstrations, and general strikes. In an incident witnessed by a member of the foreign diplomatic community, on February 13, a joint procession of the four-party opposition alliance came under attack in Dhaka from unknown assailants. In retaliation some individuals from the procession damaged dozens of vehicles parked on the street. On August 7, members of an Awami League student wing procession fired upon a BNP torch procession in Narayanganj. The BNP demonstrators threw their torches at the Awami League student activists and stoned the police. As the police chased the BNP demonstrators, the Awami League activists ransacked the local BNP office. On August 16, 2 ruling party factions fought a gun battle in Sylhet Division, injuring some 50 persons. Also in August, a mourning procession for two slain attorneys was fired upon by unidentified assailants, injuring four persons, including two policemen (see Section 1.a.).

In the past, some opposition political activities, especially hartals, allegedly were staged with the intent of provoking violent clashes, in order to embarrass the Government and galvanize public opinion. However, the overall incidence and severity of hartals decreased significantly during the year.

On December 22, after the BNP announced a new central committee for its youth wing, the Jatiyabadi Chhatra Dal, JCD activists opposed to the new leaders attacked the houses of two BNP leaders, damaged vehicles, and ransacked properties to protest the new committee, alleging that the new leaders were well-known terrorists, not students (see Section 1.a.).

Members of the Ahmadiya religious minority were attacked at several places in the country (see Section 5).

In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions occurs, and may include

humiliating, painful punishments such as whipping (see Sections 1.a. and 5). Rejected suitors, angry husbands, or those seeking revenge sometimes throw acid in a woman's face (see Section 5).

On July 21, in Kotalipara village, Gopalganj district, a large bomb was found near the rostrum where Prime Minister Sheikh Hasina was supposed to make an appearance the following day. On July 23, a second bomb of similar size was found buried near the helipad prepared for the Prime Minister's use at the same site. No one was hurt. The Government accused the opposition of plotting to kill the Prime Minister, and several dozen persons, including members of Jamaat-e-Islami and other pro-Islamic groups, were arrested or picked up for interrogation. On September 13, 20 persons were accused of being involved in the assassination attempt. Of those, 11 later were charged. At year's end, four were in custody; several others remained unapprehended (see Section 1.a.).

Prison conditions are extremely poor for most prisoners. The Supreme Court Chief Justice told a seminar on August 10 that prisoners live a "subhuman" life. Official figures indicated that 134 persons died in prison and police custody during the year (see Section 1.a.). According to credible sources, poor conditions were at least a contributing factor in many of these deaths. Most prisons are overcrowded and lack adequate facilities. According to government figures, the current prison population of 63,489 roughly is 265 percent of the official prison capacity. Of those, 16,393 were convicted and 47,096 were awaiting trial or under trial. In some cases, cells are so crowded that prisoners sleep in shifts. The Dhaka Central Jail reportedly houses over 8,000 prisoners in a facility designed for fewer than 3,000 persons. A 1998 judicial report noted the poor physical condition of jails and unhygienic food preparation. Drugs are abused widely inside the prisons. The treatment of prisoners in the jails is not equal. There are three classes of cells: A, B, and C. Common criminals and lowlevel political workers generally are held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells is common. Conditions in A and B cells are markedly better; A cells are reserved for prominent prisoners. The Government has begun construction of additions to jail facilities in an effort to alleviate overcrowding.

In general the Government does not permit prison visits by independent human rights monitors (see Section 4). Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do not release their findings. District judges occasionally also visit prisons, but rarely disclose their findings.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation (the SPA or PSA) to detain citizens without formal charges or specific complaints being filed against them. The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice authorities frequently violate these constitutional provisions, even in non-preventive detention cases. In an April 1999 ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers.

Under Section 54 of the Code of Criminal Procedure, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently are charged with a crime, while others are released without any charge. According to the Government, 10,582 persons were arrested under Section 54 during the year. Of those, 3,915 subsequently were charged with criminal offenses. In 1998 the Home Minister acknowledged that police abuse Section 54. The Government sometimes uses Section 54 to harass and to intimidate members of the political opposition and their families. In a Government crackdown on the Jamaat-e-Islami after the July 12 killings of Awami League student supporters in Chittagong (see Section 1.a.), the police arrested 38 Jamaat students at Rajshahi University on July 15 under Section 54. After an August 6 clash between student activists of the ruling Awami League and the Jamaat-e-Islami at the Islamic University in Kushtia, the police detained 30 Jamaat-e-Islami supporters under Section 54. In addition police commonly detain opposition activists prior to and during general strikes without citing any legal authority, holding them until the event is over. Newspapers sometimes report instances of police detaining persons to extract money or for personal vengeance.

Under the SPA the Government or a district magistrate may order anyone detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The Government (or magistrate) must inform the de-

tainee of the grounds for detention within 15 days, and the Government must approve the grounds for detention within 30 days or release the detainee. In practice detainees sometimes are held for longer periods without the Government stating the grounds for the detention or formally approving it. Detainees may appeal their detention, and the Government may grant early release.

An advisory board composed of two persons who have been, or are qualified to be, high court judges and one civil servant are supposed to examine the cases of SPA detainees after 4 months. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. Appellate courts sometimes order authorities to release SPA detainees after finding that the Government is unable to justify the detention. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally rules in favor of the defendant. However, many defendants are either too poor or, because of strict detention, are unable to obtain legal counsel and thereby move the case beyond the magistrate level. Magistrates are subject to the administrative controls of the Establishment Ministry and are less likely to dismiss a case (see Section 1.e.). Detainees are allowed to consult with lawyers, although usually not until a charge is filed. They are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. While in the past the Government has held incommunicado some prominent prisoners, there were no known cases of incommunicado detention during the year.

According to a study carried out by a parliamentary subcommittee and released on September 7, successive governments have detained 69,010 persons since the SPA was enacted in 1974, and have released 68,195 persons, following orders from the High Court. The study asserted that the SPA cases generally are so weak and vague that the court had no alternative but to grant bail.

The Government cites a significant reduction in the number of persons held under the SPA as evidence that it is minimizing its use of the act; some observers assert that use of the recently enacted Public Safety Act (PSA) explains the reduction of persons held under the SPA. According to the Government, 801 persons were under SPA detention at year's end: 416 for terrorism, 301 for smuggling, and 84 for anti-social activities. This was 180 fewer than the 981 persons under detention as of January 1, and a substantial decrease from the approximately 2,000 persons under SPA detention in mid-1997. According to the Government, authorities detained 1,331 persons under the SPA and released 1,511 SPA detainees during the year.

In response to a deteriorating law and order situation, Parliament passed the restrictive new PSA in January; the law became effective in February. The law established special tribunals to hear cases under the act, and made such offenses non-bailable. Opposition leaders expressed fears that the law would be used to arrest political opponents of the ruling party, as the law, like the SPA, allows police to circumvent normal procedures designed to prevent arbitrary arrest, and precludes detainees from being released on bail, which often is the result of arrests based on little or no concrete evidence (see Section 2.b.). According to the Government, 1,350 persons were arrested under the PSA during the year: 445 for interfering with tenders and 905 for damaging vehicles or obstructing traffic. Of those, 450 persons were released, 140 within 1 month, 301 within 3 months, and 9 within 6 months of detention. According to a human rights organization, 3,763 persons were accused under the PSA from February through August 10. Of these persons, 1,285 eventually were arrested. Another human rights organization reports that from June 1 to September 15, 1,166 persons were accused under the PSA, of whom 90 belonged to the BNP, 29 to the Awami League, and 32 to the Jamaat-e-Islami.

Opposition leaders claim that the Government used the new PSA to intimidate them. There are credible reports from human rights monitors and political activists that the Awami League Government uses both the SPA and the new PSA as tools to harass and intimidate political opponents and others. In November police searched the residence of Bahauddin, editor of an opposition newspaper, to arrest him on charges of sedition for publishing a parody of the national anthem that mocked the Prime Minister (see Section 2.a.). When police could not find Bahauddin, they arrested his brother, Mainuddin, instead, under the Special Powers Act (see Section 1.f.). Mainuddin spent 16 days in jail and then was released under court order.

On December 26, BNP Member of Parliament Morshed Khan went to a shop to inquire about the identity of some youths who had attacked his son over a minor traffic incident. According to Khan, a mob of several dozen youths with weapons and sticks gathered around the shop to attack him. He quickly left. After the incident, a PSA case was filed against Khan and his son for allegedly stealing cash from the shop. In contrast no PSA case was filed against any member of the Awami League student front, the BCL, when they incited a riot on December 14 after announce-

ment of the split verdict in the Sheikh Mujibur Rahman murder case (see Sections 1.a. and 1.e.). BCL activists had taken to the streets, smashing and burning hundreds of vehicles, and one auto-rickshaw driver was shot and killed. No PSA charges were filed against BCL leader Humayetuddin, whose photo appeared in numerous newspapers, wielding a gun during the incident (see Sections 1.a. and 2.a.), nor against others identified as participants in this violence.

There is a system of bail for criminal offenses. Bail is granted commonly for both violent and nonviolent crimes. However, some provisions of the law preclude the granting of bail. The Women and Children Repression Prevention Act provides special procedures for persons accused of violence against women and children. Persons arrested under this act cannot be granted bail during an initial investigation period of up to 90 days. Some human rights groups express concern that a large number of allegations made under the act are false, since the non-bailable period of detention is an effective tool for exacting personal vengeance. According to government figures, 7,565 persons were detained under this act during the year. At year's end, there were 2,139 persons detained under this law. A total of 201 persons were convicted under this law during the year. In January Parliament passed The Women and Children Repression Prevention Act, which amended and superseded the old law of the same name. The new law calls for harsher penalties, provides for compensation to victims, and requires action against investigating officers for negligence or willful failure in duty (see Section 5). In a radio interview on July 26, the Prime Minister called the courts "safe havens" for criminals, and criticized the courts for being too liberal in granting bail, even to known criminals. The Prime Minister's remarks led to protests from lawyers and the filing of three contempt of court petitions against her. If bail is not granted, the law does not specify a time limit on pretrial detention.

Prisons often are used to provide "safe custody" for women who are victims of rapes or domestic violence (see Sections 1.c. and 5). One study conducted by the Bangladesh National Woman Lawyers Association (BNWLA) found that nearly half of the women in Dhaka's Central Jail were crime victims being held in safe custody, not criminals (see Sections 1.c. and 5). While women initially may consent to this arrangement, it often is difficult for them later to obtain their release, or to gain access to family or lawyers. While there have been reports in prior years of police raping women in safe custody, there were no reports that this occurred during the year (see Section 1.c.).

A major problem with the court system is the overwhelming backlog of cases, which produces long pretrial delays. The Chief Justice of the Supreme Court on May 19 told a gathering organized by the Law Ministry that about 1 million cases were pending in criminal, civil, and appellate courts. More than 47,000 persons, or about 75 percent of the country's prison population, were awaiting trial or under trial. According to research by one human rights organization, most prison inmates never have been convicted and are awaiting trial. The Government explains that many convicted persons who are appealing their cases sometimes mistakenly are counted as "pretrial detainees." Government sources report that the period between detention and trial averages 6 months, but press and human rights groups report instances of pretrial detention lasting several years. One human rights organization asserted that the average time in detention before either conviction or acquittal is in the range of 4 to 7 years. Reportedly some prisoners awaiting trial have been in prison longer than the maximum sentence they would receive if convicted. In one case reported by a human rights group, a suspended bank officer in Chittagong was arrested in 1985 on corruption charges. Bail was granted in 41 of the 45 cases filed against him. The bail petitions in the remaining four cases have yet to be heard, and trials on the merits of any of the charges have not begun. If convicted of the charges against him, his maximum sentence would be no more than 10 years, yet he already has served 15 years in pretrial detention. In another case, the BNP government in 1993 arrested a 10-year-old boy in connection with an Awami League demonstration. He remained in jail without a hearing until this year, when a prominent Dhaka attorney took up his case and won his release on bail. Trials often are characterized by lengthy adjournments, which considerably prolong the incarceration of accused persons who do not receive bail.

Citizens who are not political opponents sometimes also are detained arbitrarily. Newspapers and human rights activists report numerous cases in which a person is arrested in order to force family members to pay for his or her release. In a 1999 judgment criticizing the police for abuse of detention powers, the High Court commented that the police had become a law breaking agency. Most persons detained under the SPA ultimately are released without charges being brought to trial (see Sections 1.f. and 2.a.).

The Government sometimes uses serial detentions to prevent the release of political activists. A former Jamaat-e-Islami M.P. was released on bail on October 3 and immediately redetained under the SPA. National Socialist Party member Mahmud Hasan Shachchu, an elected leader of a local government unit in Kushtia, was jailed in June 1999. After the High Court declared his detention illegal in April, the local magistrate detained Shachchu again under the SPA.

Numerous court cases have been filed against opposition M.P.'s and activists, on charges ranging from corruption to murder. In June 1999, the Prime Minister told Parliament that more than 70 current BNP M.P.'s were under investigation for alleged corruption during the previous administration. Most of these corruption cases still were under investigation and a few had been completed by year's end. Obaidur Rahman, a BNP M.P., remained in prison. Rahman and two other political figures were arrested in October 1998 for alleged complicity in the 1975 "jail killings" of four senior Awami League leaders. The Government continued to hold eight persons accused of perpetrating these murders. On October 12, the court filed charges against these persons. The deposition of witnesses in the jail killing case was scheduled to begin on January 24, 2001.

Some opposition activists were detained or charged in questionable cases. On July 21, a Jamaat-e-Islami leader in Chittagong was arrested and accused in five cases; he subsequently was detained under the SPA. On September 11, the High Court found his detention invalid and ordered his release.

In a case that appears to be politically-motivated, a senior leader of the opposition Islami Oikkyo Jote was detained from September 5 to November 7 under the SPA on the basis of his alleged involvement in undefined "anti-State activities."

It is difficult to estimate the total number of detentions for political reasons. In some instances criminal charges may apply to the actions of activists, and many criminals claim political affiliations. Because of crowded court dockets and magistrates who are reluctant to challenge the Government, the judicial system does not deal effectively with criminal cases that may be political in origin. There is no independent body with the authority and ability to monitor detentions, or to prevent, detect, or publicize cases of political harassment. Most such detentions appear to be for short periods, such as several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, under a longstanding "temporary" provision of the Constitution, some subordinate courts remain part of the executive and are subject to its influence. The higher levels of the judiciary display a significant degree of independence and often rule against the Government in criminal, civil, and even politically controversial cases; however, lower level courts are more susceptible to pressure from the executive branch. There also is corruption within the legal process, especially at lower levels.

In a case concerning alleged misuse of power and corruption during President Hossain Mohammad Ershad's tenure as President, a High Court panel on August 24 sentenced Ershad to 5 years in prison and a fine equivalent to about \$1 million (approximately 55 million Taka). Ershad, who leads the Jatiya party, was sent to prison after he surrendered to the court on November 20. Meanwhile the appellate panel of the Supreme Court reduced his sentence to either payment of the fine or 6 months in jail. However, Ershad may be banned from Parliament for 5 years. In another case in 1995, the Government charged Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman (see Section 1.a.).

There continued to be tension between the executive and the judiciary during the year. In 1999 the Government charged that the High Court granted bail to criminals indiscriminately, crippling efforts to combat crime. In January Parliament hastily passed the Public Safety Act, citing the ready availability of bail for criminal offenses as one of its motivations (see Sections 1.d. and 2.b.). In October the court dismissed a case of contempt of court against Prime Minister Sheikh Hasina for her criticism of the court, but cautioned her against making statements not based on fact.

On December 14, the High Court issued a split verdict in the murder case of Sheikh Mujibur Rahman, founder of the country and father of the Prime Minister, along with 21 members of his family. The senior judge in the case upheld the convictions and death sentences of 10 of the 15 previously convicted persons, while the junior judge upheld the convictions and death sentences of all 15 of the convicted. The Prime Minister expressed her disappointment that both judges did not uphold the death sentences for all 15, and ruling party Chhatra League activists rioted in the streets, smashing and burning hundreds of cars in protest of the split verdict (see Sections 1.a. and 1.d.).

The court system has two levels: The lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the administrative branch of government, and session and district judges, who belong to the judicial branch. The Supreme Court is divided into two sections, the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Trials are public. The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. State-funded defense attorneys rarely are provided, and there are few legal aid programs to offer financial assistance. In rural areas, individuals often do not receive legal representation. In urban areas, legal counsel generally is available if individuals can afford the expense. However, sometimes detainees and suspects on police remand are denied access to legal counsel. Trials conducted under the SPA, the PSA, and the Women and Children Repression Prevention Act, are similar to normal trials, but are tried without the lengthy adjournments typical in other cases. Under the provisions of the PSA and the Women and Children Repression Prevention Act, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law is unclear as to the disposition of the case if it is not finished before the time limit elapses.

Persons may be tried in absentia, although this rarely is done. In November 1998, 15 of the 19 defendants tried for the 1975 killing of then-President Sheikh Mujibur Rahman and 21 of his family members were convicted and sentenced to death, and 4 persons were acquitted. Fourteen of the defendants were tried in absentia, and 12 of them were convicted. In April when the High Court began its automatic review of the death sentences, the first two judges assigned to the case recused themselves, declaring that they were unable to hear the cases impartially, prompting heavy criticism from the Government. After the second recusal, government supporters marched to the High Court Building wielding sticks and clubs, and called for the execution of the sentences issued at the trial. Some members of the Cabinet, including the Home Minister, participated in a rally that threatened action against the judges for their failure to take on the case. The Prime Minister expressed sympathy with those persons protesting against the judiciary. Many observers believe that the High Court judges recused themselves because government interest in and pressure regarding the case were not conducive to a neutral judicial review of the trial; however, the judges have not explained their decisions, and there is no direct evidence to substantiate such allegations. The High Court is to rule simultaneously on appeals filed by four defendants present in the country. There is no automatic right to a retrial if a person convicted in absentia later returns. Absent defendants may be represented by state-appointed counsel (as was done in the Sheikh Mujib case), but may not choose their own attorneys, and, if convicted, may not file appeals until they return to the country.

A major problem of the court system is the overwhelming backlog of cases, and trials under way typically are marked by extended continuances while many accused persons remain in prison (see Section 1.d.). These conditions, and the corruption encountered in the judicial process, effectively prevent many persons from obtaining a fair trial or justice. According to one independent sample survey conducted by Transparency International Bangladesh, over 60 percent of the persons involved in court cases paid bribes to court officials. Because of the difficulty in accessing the courts and because litigation is time consuming, alternative dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, is popular in rural communities. However, these mechanisms also can be subject to abuse.

The Government states that it holds no political prisoners, but the BNP and human rights monitors claim that many opposition activists have been arrested and convicted under criminal charges as a pretext for their political activities. It is not clear how many such prisoners actually are being held (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires authorities to obtain a judicial warrant before entering a home; however, according to human rights monitors, police rarely obtain warrants, and officers violating the procedure are not punished. In addition the SPA permits searches without a warrant.

The Government sometimes forcibly resettles persons against their will. In 1999 police forcibly removed 267 sex workers from a large brothel district in Tanbazar and Nimtoli, Narayanganj. Authorities claimed that the women wished to be rehabilitated, but credible eyewitnesses said that the women refused the offer. The 267

women were confined in a center for vagrants, where some alleged that they were abused. By December fewer than a dozen remained in the vagrant homes (see Section 1.c.).

In 1999 police and paramilitary troops forced more than 50,000 persons from their homes in 6 Dhaka slum areas. The Government continued its slum clearances during the year. On April 15, the Government demolished 700 homes in the Segunbagicha slum area. On April 30, police officials demolished the Paribagh slums, leaving 1,100 persons without shelter. After police announced the destruction of the railway slum in Kawran Bazar, residents protested the 1-day notice. Police used rubber bullets and batons to subdue the protesters, injuring 30 persons. Police and hired laborers set fire to 20 huts, but were unable to dislodge the slum dwellers (see Section 1.c.).

The Government sometimes punishes family members for the alleged crimes of others (see Section 1.c.). According to one human rights organization and a published account by one of the victims, on the evening of June 17, police raided a house in the Khilgaon section of Dhaka, and after failing to locate their intended target, arrested his parents and beat his sisters. In November when police could not find Bahauddin, editor of an opposition paper, to arrest him under charges of sedition, they arrested his brother, Mainuddin, instead. Mainuddin was not connected with the sedition charge; however, police arrested him under the SPA (see Sections 1.d. and 2.a.).

The Special Branch division of the police, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employ informers to report on citizens perceived to be political opponents of the Government and to conduct surveillance of them. Political leaders, human rights activists, foreign NGO's, and journalists report occasional harassment by these security organizations. For example, representatives from one human rights organization report that police harassed their representatives in Comilla and Chittagong.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, expression, and the press, subject to “reasonable restrictions” in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, there were numerous examples of the Government limiting these rights in practice. Some government leaders encouraged violence against journalists by ruling party members.

The press, numbering hundreds of daily and weekly publications, is a forum for a wide range of views. While most publications support the overall policies of the Government, several newspapers report critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned wire service, there is one privately-owned wire service affiliated with a major international company.

Newspaper ownership and content are not subject to direct government restriction. However, if the Government chooses, it can influence journalists through financial means. Government-sponsored advertising and allocations of newsprint imported at a favorable tariff rate are central to many newspapers' financial viability. Government-sponsored advertising is the largest source of revenue for many newspapers. In allocating advertising through the Department of Films and Publications, the Government states that it considers circulation of the newspapers, wage board implementation, objectivity in reporting, coverage of development activities, and “attitude towards the spirit of Bangladesh's War of Liberation.” Commercial organizations often are reluctant to advertise in newspapers critical of the Government due to fear of unspecified governmental or bureaucratic retaliation.

Attacks on journalists and newspapers, and efforts to intimidate them by government leaders, political party activists, and others frequently occurred. Such attacks by political activists are common during times of political street violence, and some journalists also were injured in police actions (see Section 1.c.).

On January 4, two unidentified persons threw a bomb at the building that houses the Bangla-language daily Dainik Azadi, causing no major damage; however, a few minutes later, another bomb blast damaged the managing editor's car. On January 5, the leader of the local Jatiyabadi Chhatra Dal (the student wing of the BNP in Munshiganj), attacked Zakir Hossain Sumon-Srinagar, a correspondent for the “Ajker Kagoj,” reportedly because he published a news item criticizing the student group. When Sumon was attacked, a senior journalist, Shafi Uddin Ahmed, tried to rescue him and also was attacked by the student group. No one was held accountable in either incident.

On January 15, three unidentified persons shot and killed journalist Mir Illais Hossain in Jhenaidah. The journalist, also the leader of a leftist party, allegedly had

received death threats a few weeks before the killing and had requested police protection. Four persons were arrested for their suspected involvement in the murder. By year's end, charges had not been filed. On February 27, a court in Narayanganj issued an arrest warrant for the editor and other officers of the opposition daily Dinkal on the basis of a complaint lodged by a ruling party M.P., who accused the newspaper of publishing false, malicious and inaccurate reports about him. On March 8, police officers raided the newspaper's office, threatening journalists and damaging furniture. The police withdrew after about 1 hour. On May 20, activists from the ruling party student front, the BCL, assaulted two Dhaka University correspondents and threatened to kill one of them.

On July 16, two men entered the Jessore office of the Bangla-language daily Janakantha and shot and killed reporter Shamsur Rahman (see Section 1.a.). Rahman had been reporting on the activities of criminal gangs in the southwest part of the country, and the relationship of those gangs to the national political parties. By September 15, 12 persons had been arrested in connection with the murder. By year's end, charges had not been filed.

According to the Committee to Protect Journalists, on October 20, a group of Jubo League activists, the youth wing of the ruling party, threatened Sohrab Hossain, a reporter with the regional "Loksamaj," after he wrote an article about problems with the Government's relief efforts in the flood-ravaged district of Satkhira. On October 25, State Minister for Social Welfare Mozammel Hossain (the person in charge of overseeing relief operations in Satkhira district) reportedly actively encouraged ruling party members to attack physically the press by saying "Wherever you will find journalists, break their bones." On October 26, a group led by local Awami League leader Nurul Islam ransacked the office of the local daily "Satkhirar Chitro" and assaulted Anisur Rahim, the newspaper's editor, with knives and a revolver, hospitalizing him. The attack followed the newspaper's report on the alleged misappropriation of disaster relief funds (see Section 1.c.). One person was arrested for his involvement in the attack on the editor following the state minister's remarks, but by year's end, no charges had been filed.

According to the International Freedom of Expression Exchange, on October 27, Monwar Islam, senior journalist and secretary-general of the Dhaka Reporters Unity (an organization for reporters working in Dhaka) narrowly escaped an abduction attempt, allegedly because of his reporting. By year's end, no investigation had been conducted, and Islam had fled the country.

Virtually all print journalists practice self-censorship to some degree, and are reluctant to criticize politically influential personalities in both the Government and the opposition; however, some journalists do make such criticism. Many journalists cite fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. For example, in March the Laxmipur correspondent of a leading Bangla-language newspaper was arrested under the PSA, following a report he published on police involvement in mass cheating during high school examinations. The journalist was released in November as the Government failed to prove the charge against him in the PSA Tribunal. On May 28, Aminur Rahman Taj, a reporter from "Ajker Kagoj," a leading Bangla-language newspaper, was arrested without a warrant and later was accused of defamation of character. Earlier his paper had published an article asserting that the wives of a prominent minister and a senior police official were involved in corrupt practices. After the reporter's arrest, fellow journalists strongly protested, and the police threatened to file PSA cases against the journalists. The protesting journalists went to the High Court for protection, and no PSA charges were filed against them.

In June a leading English-language newspaper ran a story about three sons of M.P.'s who were allowed to leave the country after being implicated in criminal cases. When the story was quoted in foreign newspapers, an official from the Prime Minister's Office pressured the newspaper's management to fire the author of the story. The author resigned under pressure a few days later. On August 6, a daily newspaper in Chittagong issued a notice retracting a story it had run the previous day, implying that a ruling party faction was involved in the July 12 murders of eight persons in a van (see Section 1.a.). The reporter who authored the original story was fired. According to press reports, the General Secretary of a local Awami League chapter declared at a public rally in Laxmipur on October 4, that he would "chop off the hands and legs" of journalists who continue to write about him (see Section 2.a.). He threatened to "throw opposition activists into the river" if they came out against him, and to take action against the police if they tried to arrest him. An Awami League Presidium member and government minister was "chief guest" at this Laxmipur rally. Two days later, armed men in Laxmipur injured a newspaper reporter in an attack.

Journalists and others potentially are subject to incarceration as a result of criminal libel proceedings filed by private parties. Ruling party M.P.'s filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anticipatory bail from the courts, and none of the cases moved to trial. Sedition charges filed against a Bangla-language newspaper in February 1998 remained pending, and those persons accused remained on bail. In November a new sedition charge was filed against the same editor, Bahauddin, for publishing a parody of the national anthem mocking the Prime Minister. When the police arrived at Bahauddin's residence to arrest him, he was not there, so they arrested his brother Mainuddin instead (see Sections 1.d. and 1.f.). Mainuddin was arrested under the PSA, and therefore was not eligible for bail. Mainuddin was not charged; after 16 days he was released. Charges against editor Bahauddin remain pending in both sedition cases.

Feminist author Taslima Nasreen, whose writings and statements provoked death threats from some Islamic groups in 1993 and 1994, left the country for Europe in 1994. Nasreen returned to the country in September 1998, and then departed again in January 1999. She remains abroad in self-imposed exile, and both criminal and civil cases against her for insulting religious beliefs remain pending. However, a private citizen filed similar charges in 1994, and a judge issued an arrest warrant in that case after Nasreen's September 1998 return. The warrant never was executed, and Nasreen later requested and received anticipatory bail from the High Court. In August 1999, the Government banned the import, sale, and distribution of Nasreen's latest book, citing the likelihood that the book would inflame passions and offend the religious sentiments in the Muslim community (see Section 5).

On June 29, the Government banned a book written by Matiur Rahman Rentu, a former aide to Awami League president and current Prime Minister Sheikh Hasina, on the grounds that it contained materials that could provoke hatred and malice toward the Government. The author was shot and injured by unidentified assailants in Dhaka after his book first was released.

The Government owns and controls radio and television stations. The activities of the Prime Minister occupy the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news gets little coverage. In its 1996 election manifesto, the Awami League called for autonomy for the state-controlled electronic media. A government committee subsequently recommended measures for authorizing autonomy for radio and television broadcasts, but the Government has yet to implement this recommendation. However, the Prime Minister on September 20 reiterated her earlier commitment to grant autonomy whereby the responsibility for funding still would come from the Government but the stations would be run by independent bodies without government interference. The Ministry of Information has authorized one private radio station and one private television station. That private television station, named Ekushey Television (ETV), went on the air in early March and began full commercial broadcasts on April 14. ETV broadcasts to 70 percent of the country via land transmission and to the entire country via satellite. On November 6, programming duration was extended from 10 to 12 hours per day. ETV broadcasts two Bangla-language news bulletins of its own and rebroadcasts the state-owned and run, BTV, English-language news bulletin. ETV news bulletins cover opposition events without any apparent interference from the Government. Moreover, the station also carries a feature program that addresses various social problems and calls for government action to redress these issues. ETV's proprietor owns the private radio station. As a condition of operation, both private stations are required to broadcast for free some government news programs and speeches by the Prime Minister and President.

Foreign publications are subject to review and censorship. Censorship most often is used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders. The September 18 issue of the international news magazine "Newsweek," published in Singapore, was banned in the country because it featured a photograph of Koranic verses on the sole of a human foot.

A government Film Censor Board reviews local and foreign films, and may censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. During the year, the Film Censor Board banned 14 English-language films on the grounds of obscenity and 13 Bangla-language films, although after 2 months the ban on the Bangla-language films was lifted. The Government also banned the screening of any English-language films in approximately 10 movie theaters that regularly do not comply with the Censor Board. Cable operators generally function without government inter-

ference, but on August 15 (the anniversary of the assassination of Sheikh Mujibur Rahman, the nation's founder and father of the current Prime Minister), the Government asked them to suspend their operations for the day, and the operators complied. Video rental libraries provide a wide variety of films to their borrowers, and government efforts to enforce censorship on these rental films are sporadic and ineffectual. The Government does not limit citizens' access to the Internet.

The Government generally respects academic freedom. Although teachers and students at all levels largely are free to pursue academic assignments, research on extremely sensitive religious and political topics is forbidden.

The situation on public university campuses remains volatile, seriously inhibiting the ability of students to receive a university education and of teachers to teach. Armed clashes between student groups of different parties or of different factions within a particular party resulted in temporary closures of colleges and universities in Chittagong, Sylhet, and other localities. A woman on the Dhaka University campus was partially stripped during New Year's Eve celebrations on December 31, 1999. After a week of heavy criticism by the press, three members of the student wing of the ruling party were arrested but later freed on bail. A ruling party M.P. made a statement in Parliament that demanded the punishment of the victim for violating Muslim social values by being on the streets to celebrate New Year's Eve (see Sections 2.c., 2.d., and 5). Campus violence has little to do with ideological differences, and more to do with extortion rackets run by nonstudent party activists, including those based on physical control of dormitories. As a result of widespread violence and campus closures, it takes nearly 6 years to earn a 4-year degree. However, several private universities that were established during the 1990's are not affected by student political violence.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government frequently limits this right. Section 144 of the Criminal Procedure Code allows the Government to ban assemblies of more than four persons. According to one human rights organization, the Government imposed Section 144 bans 33 times during the first 9 months of the year. The Government sometimes uses Section 144 to prohibit rallies for security reasons, but many independent observers believe that such explanations usually are a pretext. Supporters of the ruling party frequently will schedule their own rallies for the same venue and time as scheduled opposition rallies and meetings, thus providing the Government a basis for imposing Section 144 for security reasons. The Krishak Sramik Janata League of former Awami League stalwart and present opposition figure Kader Siddiqi had to cancel a scheduled rally at Karimganj on May 14, because the ruling party's student wing announced a rally at the same time and place, prompting the local administration to impose Section 144. The BNP youth front could not hold its planned rally at Muladi in Barisal on June 29, because the local administration imposed Section 144 following a simultaneous rally by a ruling party organization at the same location.

Authorities also permit ruling party activists to blockade roads and take other steps to disrupt opposition events. During nationwide general strikes called by the opposition, ruling party activists routinely intimidate opposition supporters and seek to coerce shopkeepers and drivers to ignore the strike.

Ruling party supporters, often with the connivance and support of the police, violently disrupted rallies and demonstrations of the opposition parties. On August 6, at least 22 persons were injured during a gunbattle on the Islamic University Campus between activists of the ruling party student wing, the Bangladesh Chhatra League, and the Islami Chhatra Shibir (ICS), the student wing of the Jamaat-e-Islami. According to one human rights organization that cites campus sources, the shooting began when a procession of ruling party supporters opened fire on an ICS procession. On August 6, police officers attacked a joint opposition rally led by the BNP that was held to protest the Government's failure to eradicate the mosquitoes that carry dengue fever. Using teargas, rubber bullets, and lathis (heavy sticks), the police broke up the rally and procession. More than 100 persons were injured during the incident (see Section 2.a.).

Thirteen full or part days of opposition-called hartals (general strikes) took place during the year at the national or local levels. In addition there were a number of local hartals to demand the Government's resignation, and to protest the enactment of the PSA (see Sections 1.d. and 1.e.), attacks on opposition rallies and processions, rising fuel prices, and the killing of a pro-BNP lawyer (see Section 1.a.). Localized hartals were frequent occurrences in some parts of the country.

Four persons died in violence during the hartals, and many were injured, including opposition activists, police, and many ordinary citizens (see Sections 1.a., 1.c., and 3).

Local ruling party groups sometimes also call local general strikes. Party activists enforce these strikes through threatened or actual violence against strikebreakers. Those persons who are opposed to or neutral toward the strike are coerced into observing prohibitions against vehicular transport and normal operation of businesses. Both opposition and ruling party activists mount processions during general strikes. Police rarely interfere with ruling party processions on such occasions; police and ruling party activists often work in tandem to disrupt and to discourage opposition processions.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and in general the Government respects this right. Individuals are free to join private groups.

c. Freedom of Religion.—The Constitution establishes Islam as the state religion but also stipulates the right—subject to law, public order, and morality—to practice the religion of one's choice, and the Government respects this provision in practice. However, although the Government is secular, religion exerts a powerful influence on politics, and the Government is sensitive to the Muslim consciousness of the majority of its citizens. Approximately 88 percent of the population is Muslim. Some members of the Hindu, Christian, and Buddhist minorities continue to perceive and experience discrimination toward them from the Muslim majority (see Section 5).

Religious organizations are not required to register with the Government; however, all nongovernmental organizations (NGO's), including religious organizations, are required to register with the NGO Affairs Bureau if they receive foreign money for social development projects. The Government has the legal ability to cancel the registration of an NGO or to take other action against it; such powers rarely are used and have not affected NGO's with religious affiliations.

Religion is taught in schools, and children have the right to be taught their own religion.

The law permits citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by Christian groups are aimed at serving communities that have been Christian for several generations or longer. The Government allows various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. Foreign missionaries may work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries face problems in obtaining visas.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally are able to move freely within the country and to travel abroad, to emigrate, and to repatriate; however, there were instances in which the Government restricted these rights. In August 1999, immigration authorities seized the passport of Jatiya Party Secretary General Naziur Rahman Monzur. A High Court ruling ordered the passport to be returned to Monzur, and the Supreme Court rejected government appeals against the ruling. However, the passport had not been returned by year's end. Then-leader of the opposition Jamaat-e-Islami, Ghulam Azam, in December 1999 submitted his passport to immigration authorities for renewal, but it was not renewed. Azam filed a writ petition with the High Court on March 13, challenging the Government's refusal to renew his passport. On June 8, the Court ordered the Home Secretary to renew the passport within 15 days and return it to Azam. The Government filed a delayed appeal with the Supreme Court. The case was pending at year's end. In late 1999 immigration authorities seized the passport of Jatiya Party chairman and former president H.M. Ershad and subsequently returned it under court orders. However, on June 5, the Government barred Ershad from going to London for medical treatment, and immigration authorities at the airport in Dhaka seized his passport again. A High Court bench dismissed Ershad's writ petition, challenging the restriction on his travel and the seizure of his passport. However, the appellate panel of the Supreme Court on August 17 ordered the Government to return the passport to Ershad. The Government has yet to comply with this order; Ershad also had not yet received a certified copy of the court's order to return the passport by year's end. Bangladeshi passports are invalid for travel to Israel.

The law does not include provisions for granting refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The law does not provide for first asylum or resettlement of asylum seekers. However, in practice the Government grants temporary asylum to individual asylum seekers whom the UNHCR has interviewed and recognized as refugees on a case-by-case basis. At the UNHCR's request, the Government allowed

about 125 refugees and asylum seekers, including non-Rohingya Burmese, Somalis, Iranians, and Sri Lankans, to remain in the country pending durable solutions such as voluntary repatriation and resettlement to other countries.

Approximately 300,000 Bihari Muslims live in various camps throughout the country; they have been in the country since 1971 awaiting settlement in Pakistan. Biharis are non-Bengali Muslims who emigrated to what formerly was East Pakistan during the 1947 partition of British India. Most supported Pakistan during Bangladesh's 1971 War of Independence. They later declined to accept Bangladesh citizenship and asked to be repatriated to Pakistan. The Government of Pakistan historically has been reluctant to accept the Biharis.

Approximately 251,000 Rohingya refugees (Muslims from the northern Burmese state of Arakan) crossed into southeastern Bangladesh in late 1991 and 1992, fleeing repression. Since 1992 approximately 232,000 Rohingyas have been repatriated voluntarily to Burma, nearly 22,700 have left the camps and are living among the local Bangladeshis, more than 32,200 children have been born to the refugees, 7,700 have died, and more than 20,800 refugees remain in 2 camps administered by the Government in cooperation with the UNHCR. After blocking further repatriation in August 1997, Burma allowed repatriation to resume in November 1998, but at such a slow rate that births in the camps outnumbered repatriations. In April 1999, the UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs, and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. According to HRW, there are reports of violence by refugee camp officials against Rohingyas (see Section 1.c.). Despite senior level interaction with the Burmese Government, the Bangladesh Government remains unable to win Burmese agreement to accelerate the rate of repatriation.

According to media reports, several thousand more Rohingyas arrived during the year, but recent arrivals avoided the camps and attempted to settle in the southeastern areas of the country. HRW reports that more than 100,000 Rohingyas who have entered the country since 1991 live in precarious circumstances in the country outside the camps with no formal documentation. The Government effectively denied first asylum to the new arrivals it encountered by categorizing them as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, which has interviewed some of these migrants, at least some of them are fleeing persecution.

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

Bangladesh is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.'s are elected at least every 5 years. The Parliament has 300 elected members, with 30 additional seats for women, who are chosen by Parliament. Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice of the Supreme Court or, if he is unfit or unwilling, another senior retired justice or other neutral figure. Domestic and international observers deemed the last general election, held in June 1996, to be generally free and fair. The high voter turnout of 75 percent set a new record.

Due to continuing opposition from the opposition parties, the Election Commission did not schedule upazila (subdistrict) elections. In July Parliament passed the zila (district) council law, which provides for indirect election of the district council chairman by an electoral college of elected lower level representatives. The law empowers the Government to appoint these chairmen until the indirect elections can be held. The Government has not made such appointments. The Chittagong City Corporation election was held on January 3; however, the opposition parties boycotted it, and the Awami League incumbent mayor was reelected unopposed. On the national level, the opposition parties continued to demand the immediate resignation of the Government and elections under a caretaker regime.

Elections often are marred by violence, intimidation of voters, and vote rigging. The Government and activists of major political parties frequently use violence and harassment against political opponents, practices that intensify in the period prior to elections. On July 31, Food Minister and Awami League Presidium member Amir Hossain Amu won a by-election, which was boycotted by the opposition. International and domestic observers as well as the media witnessed widespread intimidation of voters and abuse of authority in support of the winning candidate. The dispute over the November 15, 1999, byelection in Tangail remained unresolved and the ruling party candidate, although declared the victor, could not take his oath of office.

Political activists also reportedly engage in extortion from businesses and individuals (see Section 1.a.).

Under constitutional amendments enacted in 1991, the country changed from a presidential system to a parliament-led system. The changes stipulated that an M.P. who resigns from his party or votes against it in Parliament automatically loses his seat. BNP member Major (retired) Akhtaruzzaman lost his seat in Parliament as he joined the parliamentary session in violation of his party's decision to abstain. In practice this provision solidifies the control of Parliament by the Government and the Prime Minister. The lack of democracy within the political parties that have formed governments since 1991 has resulted in a concentration of political power in the office of the Prime Minister, regardless of which party is in power. In practice the Prime Minister usually decides on major governmental policies, with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body is undermined further by the country's narrow, partisan politics. Since July 1999, the major opposition parties have abstained from parliamentary sessions. However, members of the opposition continue to participate in parliamentary standing committees on government ministries, which were formed in 1998. These committees are headed by M.P.'s rather than the ministers concerned, increasing the committees' effectiveness in overseeing government work.

Women are underrepresented in government and politics. Thirty parliamentary seats are reserved for women chosen by majority vote in Parliament; critics charge that these seats act far less to empower women than to enhance the ruling party's majority. The constitutional provision that provides for these 30 reserved seats expires in April 2001, unless a new parliament sits before that date. A Government-sponsored bill to extend this provision cannot be passed unless the opposition ends its ongoing boycott of Parliament and supports the bill. In addition to these seats, women are free to contest any seat in Parliament. Seven current women M.P.'s were elected in their own right.

Seats are not specifically reserved for other minority groups, such as tribal people. Of the 300 elected M.P.'s, 3 are Tribal Buddhists from the Chittagong Hill Tracts and 5 are Hindus. The rest are Bengali Muslims. The Jamaat-i-Islami, the country's largest Islamic political party, had 18 seats in Parliament after the 1991 elections, but only 3 after the 1996 elections.

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

The Government generally permits human rights groups to conduct their activities. A wide variety of groups publish reports, hold press conferences, and issue appeals to the Government with regard to specific cases. While human rights groups often are sharply critical of the Government, irrespective of the ruling party, they frequently practice self-censorship, particularly on some politically sensitive cases and subjects. In the past, the Government has consulted with human rights groups on some draft legislation and taken their views into account. In January after discussions between the Government and some women's rights groups and NGO's, Parliament passed the Women and Children Repression Prevention Act. However, the Government continues to refuse to register the Bangladesh Section of Amnesty International, which since 1990 has applied several times for registration under the Societies Registration Act. Without this registration, a voluntary organization cannot receive funding from abroad.

The Government is defensive about international criticism regarding human rights issues. However, the Government has been open to dialog with international organizations and foreign diplomatic missions regarding issues such as trafficking in women and children. Legislation to establish a National Human Rights Commission remained in abeyance for yet another year. Earlier the Government formed a cabinet subcommittee to review the draft legislation.

In the past, the Government has put pressure on individual human rights advocates, including by filing charges that are known to be false. Such pressure also has included long delays in issuing re-entry visas for international human rights activists. Missionaries who advocate human rights have faced similar problems.

In the past, human rights organizations have reported that the Government has put pressure on them usually in the form of harassment by the intelligence agencies and threats from activists of the ruling party.

During the year, the Government acceded to the U.N. International Covenant on Civil and Political Rights.

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

The Constitution states that "all citizens are equal before the law and are entitled to equal protection by the law." However, in practice the Government does not enforce strongly laws aimed at eliminating discrimination. In this context, women, children, minority groups, and the disabled often confront social and economic disadvantages.

Women.—Violence against women is difficult to quantify because of unreliable statistics, but recent reports indicated that domestic violence is widespread. A report released by the U.N. Population Fund in September asserted that 47 percent of adult women report physical abuse by their male partner. The Government, the media, and women's rights organizations have fostered a growing awareness of the problem of violence against women.

Much of the violence against women is related to disputes over dowries. According to a human rights group, there were 81 dowry-related killings during the year. Human rights groups and press reports indicate that incidents of vigilantism against women—sometimes led by religious leaders—at times occur, particularly in rural areas. These include humiliating, painful punishments, such as the whipping of women accused of moral offenses. Assaultants who fling acid in their faces disfigure numerous women. One human rights organization reported that 181 women suffered acid attacks during the year. The most common motivation for acid-throwing attacks against women is revenge by a rejected suitor; land disputes are another leading cause of the acid attacks. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove. Some arrests have been made, and one person has been given the death sentence.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. A total of 3,516 rapes and 3,523 incidents of spousal abuses were officially reported during the year. Of the spousal abuse cases, 2,814 were related to disputes over dowry. Of the 2,130 alleged rapists that were prosecuted, 63 persons were convicted. The Government reports that other rape cases are under trial. During the year, the Government acceded to the U.N. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. The Government also has enacted laws specifically prohibiting certain forms of discrimination against women, including the Anti-Dowry Prohibition Act of 1980, the Cruelty to Women Law of 1983, and the Women and Children Repression Prevention Act of 1995, which was replaced by the Women and Children Repression Prevention Act of 2000 (see Section 1.d.). However, enforcement of these laws is weak, especially in rural areas, and the Government seldom prosecutes those cases that are filed. According to a human rights organization, there are 7 government-run and 13 privately-run large shelter homes available for use by women who are victims of violence. Some smaller homes also are available for victims of violence. However, these are insufficient to meet victims' shelter needs. As a result, the Government often holds women who file rape complaints in safe custody, usually in prison. Safe custody frequently results in further abuses against victims, discouraging the filing of complaints by other women, and often continues for extended periods during which women often are unable to gain release (see Sections 1.c. and 1.d.).

There is extensive trafficking in women for the purpose of forced prostitution within the country and to other countries in Asia (see Section 6.f.).

For the most part, women remain in a subordinate position in society, and the Government has not acted effectively to protect their basic freedoms. Literacy rates are approximately 26 percent for women, compared with 49 percent for men. In recent years, female school enrollment has improved. Approximately 50 percent of primary and secondary school students are female. Women often are ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities, and strong social stigmas and lack of economic means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGO's operate programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights.

Under the 1961 Muslim Family Ordinance, female heirs inherit less than male relatives do, and wives have fewer divorce rights than husbands. Men are permitted to have up to four wives, although this right rarely is exercised. Laws provide some protection for women against arbitrary divorce and the taking of additional wives by husbands without the first wife's consent, but the protections generally apply only to registered marriages. Marriages in rural areas often are not registered because of ignorance of the law. Under the law, a Muslim husband is required to pay his ex-wife alimony for only 3 months, but this rarely is enforced.

Employment opportunities have been stronger for women than for men in the last decade, which largely is due to the growth of the export garment industry in Dhaka and Chittagong. Eighty percent of the 1.4 million garment sector workers are women. Programs extending micro-credit to large numbers of rural women also have contributed to greater economic power for them. However, women still fill only a small fraction of other wageearning jobs. According to a report by the Public Administration Reforms Commission publicized in October, women hold only 12 percent of government jobs, and only 2 percent of senior positions. The Government's policy to include more women in government jobs only has had limited effect. In recent years, about 15 percent of all recruits into government service have been women.

The garment and shrimp processing industries are the highest employers of female laborers. Forty-three percent of women work in the agriculture, fisheries, and livestock sectors, but 70 percent of them are unpaid family laborers. Many women work as manual laborers on construction projects as well, and constitute nearly 25 percent of all manufacturing workers. Women also are found in the electronics, food processing, beverage, and handicraft industries.

Children.—The Government undertakes programs in the areas of primary education, health, and nutrition. Many of these efforts are supplemented by local and foreign NGO's. While much remains to be done, these joint efforts have allowed the country to make significant progress in improving health, nutrition, and education; however, slightly more than half of all children are chronically malnourished. For example, the Bangladesh Rural Advancement Committee (BRAC), the country's largest NGO, provides primary education to more than 1.2 million children. In cooperation with the NonFormal Education Directorate of the Government and some NGO partners, UNICEF is implementing a program to provide education to 350,000 (primarily working) children in urban slum areas around the country. In addition the ILO has undertaken education/social welfare programs for more than 50,000 children (see Section 6.d.). The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but stated that it lacked the resources to implement the law fully. According to Education Ministry figures, approximately 81 percent of children between the ages of 6 and 10 years are enrolled in school, including 83 percent of girls. Attendance rates drop steadily with age; according to the Government, about 70 percent of all children complete grade 5. To reach the maximum number of children with limited facilities, most schools have two shifts. As a result, most children in grades one and two spend 2.5 hours a day in school; children in grades 3 to 5 are in school for 4 hours. The Government provides incentives for rural female children between the ages of 12 and 16 years to remain in school. These incentives have been effective in increasing the number of girls in school.

Because of widespread poverty, many children are compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service (children who work in domestic service may work in conditions that resemble servitude) and prostitution (see Section 6.c.); this labor-related child abuse occurs commonly at all levels of society and throughout the country (see Section 6.d.). Reports from human rights monitors indicate that child abandonment, kidnapping, and trafficking for prostitution continue to be serious and widespread problems. There is extensive trafficking of children, primarily to India, Pakistan, and destinations within the country, largely for the purpose of forced prostitution (see Section 6.f.). UNICEF has estimated that there are about 10,000 child prostitutes in the country. Other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age and with government certification. However, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels. There were credible reports that police facilitated or were involved in trafficking in of women and children (see Sections 1.c., 6.c., and 6.f.). The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution.

During the year, the Government acceded to the U.N. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and to the U.N. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

People with Disabilities.—The law provides for equal treatment and freedom from discrimination for the disabled; however, in practice, the disabled face social and economic discrimination. The Government has not enacted specific legislation or otherwise mandated accessibility for the disabled. Facilities for treating the mentally ill or the retarded are inadequate. Unless a family has money to pay for private service, a mentally ill person can find little treatment in the country.

Indigenous People.—Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord has been in effect for 3 years, and has ended 25 years of insurgency in the CHT, although law and order problems continue. Former insurgent leader Jotirindrio Bodhipriya Larma, alias Shantu Larma, has publicly questioned whether the Peace Accord has been implemented properly, and has urged prompt government action to implement all provisions of the Accord. Confusion continues over the overlapping responsibilities of the various central and local government bodies involved in the Hill Tracts. The Land Commission that is to deal with land disputes between tribals and Bengali settlers does not yet function effectively in addressing critical land disputes. Tribal leaders also have expressed disappointment at the lack of progress in providing assistance to tribals that left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to Bengali settlers, including land that was claimed by indigenous people under traditional concepts of land ownership. This led to the displacement of many tribal groups, such as the Chakmas and Marmas. Bengali inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's population of 1 million persons in 1997. The Shanti-Bahini, a tribal group, had waged a low-level conflict in the CHT from the early 1970's until the signing of the peace agreement with the Government in December 1997. During the periods of violence, all those involved—indigenous tribes, settlers, and security forces—accused each other of human rights violations. The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives, including the chairperson; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families.

Alfred Soren, a leader of the Santal tribe in the northern part of the country, was killed and dozens of others were injured in an August 18 attack. According to one human rights organization, the perpetrators of the attack were Bengalis who were angry with the tribals over a land dispute. Ninety persons were charged for involvement in the attack, but only four were arrested by year's end. Court proceedings were scheduled to begin at the end of January 2001.

Tribal people in other areas also have reported problems of loss of land to Bengali Muslims through questionable legal practices and other means. The Garos of the Modhupur forest region in the north-central part of the country continue to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment by surrounding Bengali communities. The pressure on the Garo community has resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of an already small community estimated at only 16,000 persons. The Government had indicated in 1995 that it would establish a national park of 400 acres in the Mymensingh district. Part of the land would be taken from the Garo tribals. Action still is pending on that proposal. The Government has not ruled out moving the tribals from the land.

Religious Minorities.—Hindus, Christians, and Buddhists constitute about 12 percent of the population.

Local thugs and gang leaders sometimes attack religious minorities, perceiving them to be weak and vulnerable. The Government sometimes has failed to criticize, investigate, and prosecute the perpetrators of these attacks. The Ahmadiyas, whom many mainstream Muslims consider heretical, have been the target of continued attacks and harassment. In March neighboring Muslims attacked and damaged 40 houses belonging to Ahmadiyas at Krora and Nasirabad (Brahmanbaria district); they also captured a local Ahmadiya mosque. The mosque was returned to the Ahmadiyas after a month-long negotiation. In 1999 in Kushtia mainstream Muslims captured another Ahmadiya mosque, which remains under police control, preventing Ahmadiyas from worshipping. In November 1999, Sunni Muslims ransacked an Ahmadiya mosque in the western part of the country. In October 1999, a bomb killed 6 Ahmadiyas and injured more than 40 others who were attending Friday prayers at their mosque in Khulna; the case remained unresolved at year's end.

Religious minorities are disadvantaged in practice in such areas as access to government jobs and political office. Selection boards in the government services often lack minority group representation.

Many Hindus have been unable to recover landholdings lost because of discrimination in the application of the law, especially the Vested Property Act. Property ownership, particularly among Hindus, has been a contentious issue since partition in 1947, when many Hindus fled, and again in 1971 when Bangladesh achieved independence, and many Hindus lost land holdings because of anti-Hindu discrimination in the application of the law. Prior to its 1996 election victory, the Awami League promised to repeal the Vested Property Act, the law used to deprive Hindus

of their property. On September 4, the Cabinet decided in principle to return vested property to its original owners and formed a subcommittee to draft a law to this effect. At year's end, the draft was awaiting cabinet approval. In past years, there have been cases of violence directed against religious minority communities that also have resulted in the loss of property. The last such major incidents occurred in 1992, although there also were some minor incidents of this type during the period surrounding the 1996 elections. Such intercommunal violence reportedly has caused some religious minority members to depart the country.

Feminist author Taslima Nasreen left the country in January 1999, due to concerns about her personal security. She lives abroad in self-imposed exile (see Section 2.a.). The Government banned her latest book in 1999 for fear of offending the country's Muslim community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join unions and—with government approval—the right to form a union. Approximately 1.8 million of the country's 5 million workers in the formal sector belong to unions, most of which are affiliated with the various political parties. (The total work force is approximately 58 million persons.) There is a large unreported informal sector, for which no reliable labor statistics exist.

For a union to obtain and maintain its registration, 30 percent workplace participation is required. Moreover, would-be unionists technically are forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists have protested that this requirement severely restricts workers' freedom to organize, and the ILO has requested the Government to amend the 30 percent provision on the same grounds. The ILO also has requested the Government to amend legislative provisions that bar registration of a union that is composed of workers from different workplaces owned by different employers. About 15 percent of the approximately 5,450 labor unions are affiliated with 25 officially registered National Trade Union (NTU) centers. There also are several unregistered NTU's.

With the exception of workers in the railway, postal, telegraph, and telephone departments, civil servants, police, and military personnel are forbidden to join unions in large part because of the highly political nature of those unions. Many civil servants who are forbidden to join unions, such as teachers and nurses, have formed associations that perform functions similar to labor unions, that is, providing for members' welfare, offering legal services, and airing grievances. However, collective bargaining is prohibited. Some workers have formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries. The Government banned trade union activity in the Bangladesh Bank, the country's central bank, in early 1998. The ban followed an incident in which some labor unionists affiliated with the ruling party's trade union assaulted a senior bank official, after which there were clashes between members of rival unions. In September numerous associations of private school teachers went on strike, demanding that the Government, which pays private school teachers 80 percent of their basic salary, pay 100 percent of it. The strikes ended after several weeks when the Government agreed to raise its part of the payment to 90 percent. In 1999 the ILO Committee of Experts stated that the Government's rejections of several applications for registration by trade unions in the textile, metal, and garment sectors were on unjustified grounds. The Ministry of Labor contends that these cases lacked the necessary documentation.

The right to strike is not recognized specifically in the law, but strikes are a common form of workers' protest. In addition political opposition parties use general strikes to pressure the Government to meet political demands (see Section 2.b.). Workers at Chittagong port, the country's major harbor, conducted several work stoppages to protest a proposed new private container port. Some employees organized in professional associations or unregistered unions also went on strike during the year. Wildcat strikes are illegal but frequently occur, with varying government responses. Wildcat strikes in the transportation sector are particularly common.

The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector that it declares essential. During the year, the Government applied this ban against employees of the Power Development Board. In the past, the Government has applied this ban to national airline pilots, water supply workers, shipping employees, and electricity supply workers. The ban may be renewed for 3-month-periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court. Mechanisms for conciliation, arbitration, and labor court dispute resolution were established under the Industrial Relations Ordinance of 1969. Work-

ers have the right to strike in the event of a failure to settle. If a strike lasts 30 days or longer, the Government may prohibit the strike and refer the dispute to the Labor Court for adjudication. This has not happened since 1993. The ILO has criticized the provisions of the Industrial Relations Ordinance that require three-quarters of a worker's organization to consent to a strike and that grant the Government authority to prohibit a strike at any time if it is considered prejudicial to the national interest or if it involves a public utility service.

There are no legal restrictions on political activities by labor unions, although the calling of nationwide general strikes (hartals) or transportation blockades by unions is considered a criminal rather than a political act and thus is forbidden.

While unions are not part of the government structure, they are highly politicized, and are strongest in state-owned enterprises and in institutions like the government-run port in Chittagong. Virtually all the NTU centers are affiliated with political parties, including the ruling party and the major opposition parties. Some unions are militant and engage in intimidation and vandalism. Illegal blockades of public transportation routes by strikers frequently occurred during the year. Pitched battles between members of rival labor unions regularly occurred. Fighting often is over the control of rackets or extortion payoffs and typically involves knives, guns, and homemade bombs.

Workers are eligible for membership on their union's executive staff, the size of which is set by law in proportion to the number of union members. The Registrar of Trade Unions may cancel registration of a union with the concurrence of the Labor Court, but no such actions were known to have been taken during the year.

There are provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions is uneven. In past illegal work actions, such as transportation blockades, police officers have arrested union members under the SPA or regular criminal codes.

There are no restrictions on affiliation with international labor organizations, and unions and federations maintain a variety of such links. Trade unionists are required to obtain government clearance to travel to ILO meetings, but there were no reports that clearances were denied during the year. In addition in April 1999, immigration officials at the airport in Dhaka prevented 11 members of the Bangladesh Independent Garment Workers Union Federation (BIGUF) from departing the country to participate in an AFL-CIO-organized study tour in the Philippines, citing a requirement for government clearance. In October the Ministry of Labor issued the clearance, but it was too late for the BIGUF representatives to participate in the study tour.

b. The Right to Organize and Bargain Collectively.—Collective bargaining by workers is legal on the condition that they be represented by unions legally registered as collective bargaining agents by the Registrar of Trade Unions. Labor unions are affiliated with the various political parties; therefore, each industry generally has more than one labor union (one or more for each political party). To engage in collective bargaining, each union must nominate representatives to a Collective Bargaining Authority (CBA) committee, which the Registrar of Trade Unions must approve after reviewing the selection process. Collective bargaining occurs on occasion in large private enterprises such as pharmaceuticals, jute, or textiles but, because of high unemployment, workers may forgo collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally does not occur. The International Confederation of Free Trade Unions (ICFTU) has criticized the country for what it views as legal impediments which hamper such bargaining.

Public sector workers' pay levels and other benefits are set by the National Pay and Wages Commission, whose recommendations are binding and may not be disputed except on the issue of implementation.

The Registrar of Trade Unions has wide powers to interfere in internal union affairs. He has the authority to enter union premises and inspect documents; however, there were no reports during the year that the Registrar of Trade Unions had abused these powers.

Under the Industrial Relations Ordinance, there is considerable leeway for discrimination against union members and organizers by employers. For example, the ordinance allows the arbitrary transfer of workers suspected of union activities or termination with payment of mandatory severance benefits (2 weeks' salary). In practice private sector employers usually discourage any union activity, sometimes working in collaboration with local police. The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court has ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness is hampered by a serious case backlog, and in the past there have been allegations that employers have corrupted some of its deliberations.

In 1998 Zafrul Hassan, the General Secretary of the Bangladesh Jatiyatabadi Sramik Dal (BJSB), filed a complaint that 76 persons, most of whom were active union leaders, were discriminated against through transfers and harassment by the Bangladesh Water Board. This case had not been resolved by year's end.

In June 1999, the ILO received a complaint from the Bangladesh Agricultural Farm Labor Federation that the Government had not introduced legislation that would extend the protections of the Industrial Relations Ordinance to a greater number of agricultural workers. In July the ILO sponsored a seminar where this issue was raised to create awareness about agricultural laborers. Officials from various ministries, including the Ministry of Labor, attended. Farm laborers, such as those employed in the aquaculture sector (shrimp hatchery, harvesting and processing) are covered by the labor law and can form trade unions. However, most agricultural laborers are migrant workers, and thus are not employed by any particular individual or group. The Government had not taken steps to extend labor laws to cover these migrant workers.

The country's two EPZ's are exempted from the application of the Employment of Labor (Standing Orders) Act of 1965, the Industrial Relations Ordinance of 1969, and the Factories Act of 1965. Among other provisions, these laws establish the freedom of association and the right to bargain collectively, and set forth wage and hour and occupational safety and health standards. While substitutes for some of the provisions of these laws have been implemented through EPZ regulations, which the Bangladesh EPZ Authority is charged with enforcing, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZ's have skirted prohibitions on forming unions by setting up associations. The Government has not implemented its 1992 commitment to end restrictions on freedom of association and formation of unions by 1997, and to apply all sections of labor law in the EPZ's by 2000. No collective bargaining occurs in the EPZ's. However, on December 12, the Government agreed to allow full freedom of association in the EPZ's by January 2004. Approximately 93,000 persons are employed in EPZ's, primarily in the textile and apparel, electronics component, and leather industries. During the year, the EPZ's experienced several strikes, some of which turned violent. In one case, four workers were killed when the police stormed a factory that had been taken over by the disgruntled workers. During the incident, police shot and killed two persons; two others later died from stab wounds sustained in the violence. The workers were angered by a 15 percent cut in piece rates and the subsequent firing of 33 workers who had joined in protests against the pay-cut (see Sections 1.a. and 1.c.).

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act, both passed in 1965, established inspection mechanisms to enforce laws against forced labor; however, these laws are not enforced rigorously, partly because resources for enforcement are scarce. There is no large-scale bonded or forced labor; however, numerous domestic servants, including many children, work in conditions that resemble servitude and many suffer physical abuse, sometimes resulting in death. In the past, the Government has brought criminal charges against employers who abuse domestic servants. There is extensive trafficking in both women and children, mainly for purposes of forced prostitution, although in some instances for labor servitude outside of the country (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no law that uniformly prohibits the employment of children, and child labor is a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act of 1965 bars children under the age of 14 from working in factories. This law also stipulates that children and adolescents are allowed to work only a maximum 5-hour day and only between the hours of 7 a.m. and 7 p.m. The Shops and Establishments Act of 1965 prohibits the employment of children younger than the age of 12 in commercial workplaces. The Employment of Children Act of 1938 prohibits the employment of children under the age of 15 in the railways or in goods handling within ports.

Coverage and enforcement of these rules is inadequate. Because of widespread poverty, many children begin to work at a very young age. According to a 1996 labor force survey by the Government, the country has 6.3 million working children between the ages of 5 and 14 years who work for compensation and are not enrolled in school. Also, children often work alongside other family members in small-scale and subsistence agriculture. Previous UNICEF and ILO surveys indicate that, of children 6 to 17 years of age, 21 percent of boys and 4 percent of girls work in paid employment. Hours usually are long, the pay usually is low, and the conditions sometimes are hazardous. Children drive rickshaws, break bricks at construction

sites, carry fruit, vegetables, and dry goods for shoppers at markets, work at tea stalls, and work as beachcombers in the shrimp industry. Many children work in the beedi (hand-rolled cigarette) industry, and children under 18 years old sometimes work in hazardous circumstances in the leather industry. Children routinely perform domestic work. Cases of children being abused physically and occasionally killed by the head of the household where they work are reported in the press. In the past, the Government has brought criminal charges against employers who abuse domestic servants. Some children are trafficked domestically or overseas, often for prostitution, and child prostitution is a serious problem (see Sections 5 and 6.f.). Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, the Government continues to maintain that it does not yet have the resources to implement this law effectively.

Protracted negotiations led to the July 1995 signing of a Memorandum of Understanding (MOU) between the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF, and the ILO to eliminate child labor in the garment sector. Under the MOU, the garment sector was to become child labor free by October 1996, with former child laborers enrolled in UNICEF-sponsored schools and follow-up inspections of factories by ILO-managed inspection teams. Under the program, former child employees received a small monthly stipend while attending school to help replace their lost income. On June 16, the MOU was renewed for 1 year. Violations of the ban on child labor in the garment export sector dropped slightly from 5 percent as the year progressed to 4.7 percent of the factories inspected. According to ILO inspectors, 90 percent of the factories where violations were found had one to three child laborers, and the remaining ten percent had more. However, a BGMEA arbitration committee, which is tasked with imposing fines on violating factories, functions slowly. The number of children working in nonexport, or nonfactory garment production, is unknown.

The Government did not grant the Ministry of Labor additional resources to enforce its commitment as a member of the South Asian Association for Regional Cooperation to eliminate hazardous child labor by 2000, and to eliminate all child labor by 2010; the existing small corps of labor inspectors continues to be ineffective against all labor problems because of inefficiency and corruption.

In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF is implementing a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas around the country. Working with the Government, NGO's, and some trade unions, ILO/IPEC has 20 action programs, targeting about 6,000 children in hazardous conditions, designed to ensure that children receive an education, rather than removing children from work. In addition ILO has undertaken education/social welfare programs for more than 50,000 children.

The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively, and some children work as domestic servants in conditions that resemble labor servitude or are trafficked for the purpose of forced prostitution (see Sections 6.c. and 6.f.). There were credible reports that police facilitated or were involved in trafficking of women and children.

e. Acceptable Conditions of Work.—There is no national minimum wage. Instead the Wage Commission, which convenes every several years, sets wages and benefits industry by industry. In most cases, private sector employers ignore this wage structure. For example, in the garment industry, legal minimum wages are not paid by many factories, and it is common for workers of smaller factories to experience delays in receiving their pay, or to receive "trainee" wages well past the maximum 3 months. The declared minimum monthly wage for a skilled industrial worker is approximately \$63 (3,400 Taka) for a worker in an EPZ and approximately \$49 (2,650 Taka) for a worker outside an EPZ, and is sufficient to provide an individual with a minimal standard of living, but is not sufficient to provide a decent standard of living for a worker and family.

The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, is allowed. The law is enforced poorly in industries such as hosiery and ready-made garments.

The Factories Act of 1965 nominally sets occupational health and safety standards. The law is comprehensive but largely is ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories are located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. Twelve garment factory workers died on August 27 when they were unable to escape from a factory fire due to locked exits. A Civil Defense Department report cited lack of adequate safety measures as the cause of the fatalities. In addition numerous factories have insufficient toilet facili-

ties (for example, 1 toilet for 300 employees). Workers may resort to legal action for enforcement of the law's provisions, but few cases actually are prosecuted. Enforcement by the Labor Ministry's industrial inspectors is weak, due both to the low number of labor inspectors (100 for about 300,000 covered establishments), and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risk losing their jobs.

f. Trafficking in Persons.—The law prohibits trafficking in persons and trafficking is a serious problem. There is extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for the purpose of forced prostitution, although in some instances for labor servitude. Some children also are trafficked to the Middle East to be used as camel jockeys.

Trafficking in women for purposes of prostitution carries a 10 to 20 year sentence or the death penalty. Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment. However, few perpetrators are punished. Human rights monitors also credibly report that police and local government officials often ignore trafficking in women and children for prostitution, and easily are bribed to look the other way (see Sections 1.c., 5, and 6.c.). According to one antitrafficking organization, during the year four new trafficking cases were filed, and the trials of two cases filed earlier were concluded. In one case, a trafficker was sentenced to death in absentia; in the second, two individuals were sentenced to life in prison. Exact numbers of those persons arrested for trafficking are difficult to obtain as charges against traffickers usually are for lesser crimes, such as crossing borders without proper documents.

The exact number of women and children trafficked for purposes of forced prostitution is unknown; however, human rights monitors estimate that more than 20,000 women and children are trafficked from the country for such purposes annually. Most trafficked persons are lured by promises of good jobs or marriage, and some are forced into involuntary servitude outside of the country. Seeing no alternative for breaking the cycle of poverty, parents often willingly send their children away. Unwed mothers, orphans, and others outside of the normal family support system also are susceptible. Traffickers living abroad often arrive in a village and "marry" a woman, only to dispose of her upon arrival in the destination country, where women are sold by their new "friends" or "husbands" into bonded labor, menial jobs, or prostitution. Criminal gangs conduct much of the trafficking in and smuggling of persons. The border between Bangladesh and India is loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

The number of child prostitutes is difficult to determine. Prostitution is legal, but only for those persons over 18 years of age with government certification; however, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels.

Children, usually young boys, also are trafficked into the Middle East and the Persian Gulf States to work as camel jockeys. It is estimated that there are anywhere from 100 to over 1,000 underage South Asian camel jockeys currently working in the United Arab Emirates alone; while many come from India and Pakistan, a growing number come from Bangladesh. Criminal gangs procure most of the youths. The majority of such children work with the knowledge of their parents, who receive as much as \$200 (10,000 Taka) for their child's labor, although a significant minority simply are kidnaped. The gangs bringing the jockeys earn approximately \$150 (7,500 Taka) a month from the labor of each child. The usual procedure used for bringing these children into the Middle East is to have their names added to the passport of a Bangladeshi or Indian woman who already has a visa for the Middle East; the children fraudulently are claimed to be her children. During the year, police made arrests in several incidents for trafficking in young boys to the Middle East.

The Government has developed a set of policies and plans regarding the trafficking issue. The Government has been involved in ongoing efforts to engage the South Asian Association for Regional Cooperation (SAARC) on the issue. The Government also frequently sends representatives to conferences, seminars, and workshops on the trafficking problem. In addition the Government has initiated a program across a number of ministries to address the problem. However, government capacity to address with this issue remains limited.

In June the Government signed a 3-year, \$2 million (108 million Taka) project with the Norwegian government aid organization, NORAD, to develop an intraministerial infrastructure for addressing the trafficking problem. This project,

based in the Department of Women and Children's Affairs, plans to be the focal point for addressing the prosecution, protection, and prevention activities carried out by the Government. A goal of the project is for the Government to become more involved in arresting and prosecuting traffickers. However, because the Government does not keep records of births and marriages at the village level, it is very difficult for authorities to detect false claims of marriage or family ties.

The Government has expressed concern about the problem and has worked with NGO's, donor countries, and international organizations against trafficking. Some of these projects include conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provides support for returning trafficking victims, government-run shelters generally are inadequate and poorly run. Increasing shelter capacity and rehabilitation programs is one of the features of the NORAD project.

Throughout the country, a variety of NGO's and community-based organizations are working on the trafficking problem through prevention efforts, research, data collection, documentation, advocacy, awareness creation and networking, cross-border collaboration, legal enforcement, rescue, rehabilitation, reintegration, income generation and low-interest loan programs, vocational training, and legislative reform. Among the NGO's that have been active in addressing the problem, the Association for Community Development conducted a study on trafficking issues and conducted workshops and outreach programs aimed at reaching potential victims of trafficking before they are trafficked. The Bangladesh National Women Lawyer's Association (BNWLA) conducts awareness programs aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provides legal assistance to trafficking victims, and initiates legal action against traffickers. The BNWLA runs a shelter home for trafficked women and children that provides health care, counseling, and training. The Center for Women and Children (CWCS) has networks to monitor trafficking across the country, conducts awareness meetings, and has a pilot project to make police aware of the rights of women and children. Awareness of trafficking is increasing, and the topic receives frequent press coverage. Two umbrella organizations of anti-trafficking NGO's exist, and are seeking to improve coordination and planning of efforts against the problem.

BHUTAN

Bhutan is ruled by a hereditary monarch, King Jigme Singye Wangchuk, who governs with the support of a National Assembly and a Council of Ministers; there is no written constitution to protect fundamental political and human rights. Since ascending to the throne in 1972, the King has continued efforts toward social and political modernization begun by his father. In the last few years, Bhutan has improved rapidly services in education, health care, sanitation, and communications, with parallel but slower developments of the role of representatives in governance and decision making. In recent years, Bhutan has adopted some measures to transfer power from the King to the National Assembly. The judiciary is not independent of the King.

Approximately two-thirds of the government-declared population of 600,000 persons is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consists of two principal ethnic and linguistic groups: the Ngalongs of the western part of the country and the Sharchops of the eastern part of the country. The remaining third of the population, ethnic Nepalis, most of whom are Hindus, live in the country's southern districts. Bhutanese dissident groups claim that the actual population is between 650,000 and 700,000 persons and that the Government underreports the number of ethnic Nepalese in the country. The rapid growth of this ethnic Nepalese segment of the population led some in the Buddhist majority to fear for the survival of their culture. Government efforts to institute policies designed to preserve the cultural dominance of the Ngalong ethnic group, to change citizenship requirements, and to control illegal immigration resulted in political protests and led to ethnic conflict and repression of ethnic Nepalese in southern districts during the late 1980's and early 1990's. Tens of thousands of ethnic Nepalese left the country in 1991-92, many of whom were expelled forcibly. According to U.N. High Commission for Refugees (UNHCR), there were 98,269 ethnic Nepalese in 7 refugee camps in eastern Nepal as of late June; upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintains that some of those in the camps never were citizens, and therefore have no right to return. In 1998 the Government began resettling Buddhist Bhutanese from other regions of the country on land in southern districts

vacated by the ethnic Nepalese now living in refugee camps in Nepal, which some claim will complicate any future return of the ethnic Nepalese. A National Assembly resolution adopted in 1997 prohibits still-resident immediate family members of ethnic Nepalese refugees from holding jobs with the Government or the armed forces. In early 1998 the Government implemented the resolution, and already had dismissed 429 civil servants by November 1998, when implementation of the resolution was discontinued.

The Royal Bhutan Police (RBP), assisted by the Royal Bhutan Army, including those assigned to the Royal Body Guard, and a national militia, maintain internal security. Some members of these forces committed human rights abuses against ethnic Nepalese.

The economy is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for about half of the gross domestic product (GDP). Agriculture largely consists of subsistence farming and animal husbandry. Cardamon, citrus fruit, and spices are the leading agricultural exports. Cement and electricity are the other important exports. Strong trade and monetary ties link the economy closely to that of India. Hydroelectric power production potential and tourism are key resources, although the Government limits foreign tourist arrivals because of inadequate tourist infrastructure and environmental concerns. Tourist arrivals also are limited by means of pricing policies. Bhutan is a poor country. The gross national product per capita is estimated to be \$470.

The Government's human rights record remained poor, and problems remain in several areas. The King exercises strong, active, and direct power over the Government. Citizens do not have the right to change their government. The Government discourages political parties, and none operate legally. There were reports that security forces beat ethnic Nepalese refugees who entered the country to demonstrate. Arbitrary arrest and detention remain problems, and reports of torture and abuse of persons in detention continue. Impunity for those who commit abuses also is a problem. Judges serve at the King's pleasure, and the Government limits significantly the right to a fair trial. Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17 century and revised and modernized in 1958 and 1965. In late 1998 the Government formed a special committee of jurists and government officials to review the country's basic law and propose changes. In April the Government established a Department of Legal Affairs, which is projected to be functioning fully by mid-2001; it is a result of the review of the Basic Law. Programs to build a body of written law and to train lawyers are progressing. For example, the Government sends many lawyers to India and other countries for legal training. The Government limits significantly citizens' right to privacy. The Government restricts freedom of speech, the press, assembly, and association. The Government launched the country's first indigenous television service in June 1999, modifying a ban on private television reception that had been in place since 1989. Citizens face significant limitations on freedom of religion. In July 1998, the Government initiated steps to renew negotiations with the Government of Nepal on procedures for the screening and repatriation of ethnic Nepalese in the refugee camps, and the two governments held a series of meetings during the second half of that year. After a 3-year hiatus, ministerial-level bilateral talks resumed in September 1999. The Government restricts worker rights.

The Government claims that it has prosecuted government personnel for unspecified abuses committed in the early 1990's; however, public indications are that it has done little to investigate and prosecute security force officials responsible for torture, rape, and other abuses committed against ethnic Nepalese residents.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political or other extrajudicial killings during the year. Human rights groups allege that in 1998 a government official shot and killed Gomchen Karma, a Buddhist monk arrested in October 1997 during a peaceful demonstration in the eastern part of the country. The Government stated that the shooting was accidental, that the official responsible has been suspended from duty and charged in connection with the incident, and that his case was being heard as of September.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and abuse; however, human rights advocates state that in practice security forces ignore these provisions. No one was prosecuted in connection with violating prohibitions against torture during the year. There were reports that security forces captured numerous ethnic Nepalese refugees attempting to re-

turn to the country, beat them, and sent them back across the border. Persons holding peaceful marches from India to Bhutan report that in 1998 and 1999, the police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). In the past, there have been reports that ethnic Nepalese refugees who attempted to return to the country were tortured. Refugee newspapers published in Nepal allege that Nima Gyaltzen, a prisoner detained since 1997 without charge or trial in Zilnon Namgyeling jail in Thimphu, died in 1999 after being subjected to torture during his incarceration.

Refugee groups credibly claim that persons detained as suspected dissidents in the early 1990's were tortured by security forces, who also committed acts of rape. During those years, the Government's ethnic policies and the crackdown on ethnic Nepalese political agitation created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government denies that these abuses occurred but also claims that it has investigated and prosecuted three government officials for unspecified abuses of authority during that period. Details of these cases have not been made public, and there is little indication that the Government has investigated adequately or punished any security force officials involved in the widespread abuses of 1989-92.

Prison conditions reportedly are adequate, if austere. In 1993 the International Committee of the Red Cross (ICRC) began a program of visits to prisons in the capital, Thimphu. In 1994 a new prison in Chemgang was opened. Together, these events contributed to a substantial improvement in conditions of detention over those that existed previously. However, Bhutanese human rights groups active outside the country maintain that prison conditions outside of Thimphu remain oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in September 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted two prison visits during the year, as it has done for each of the past 6 years, and received unhindered access to prisons during the year.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. Under the Police Act of 1979, police may not arrest a person without a warrant and must produce an arrested person before a court within 24 hours of arrest, exclusive of travel time from place of arrest. However, legal protections are incomplete, due to the lack of a fully elaborated criminal procedure code and to deficiencies in police training and practice. Incommunicado detention is known to occur. Incommunicado detention of suspected militants was a serious problem in 1991 and 1992, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991-92, 1,685 persons were ultimately amnestied, 58 are serving sentences after conviction by the High Court, 9 were acquitted by the High Court, and 71 were released after serving prison sentences.

Human rights groups allege that in July and August 1997, the Royal Bhutan Police in and around Samdrup Jongkar town in the east arrested some 50 suspected supporters of a Bhutanese dissident group active outside the country. The Government states that only 16 persons were arrested during this period and that they have been charged with involvement in seditious activities and are awaiting trial. Many were said to be supporters of one-time Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD) leader Rongthong Kunley Dorji, who was arrested in India in April 1997, following the issuance of an extradition request by Bhutanese authorities. Dorji faces extradition proceedings in India and possible return to Bhutan to face charges of fraud, nonpayment of loans, and incitement to violence. The original Bhutanese extradition request included a third charge, "antination activities," but this later was dropped when it became clear that Indian law would preclude his extradition to face political charges. Human rights groups contend that the charges brought against Dorji are politically motivated and constitute an attempt by the Government to suppress his prodemocracy activities. In June 1998, an Indian court granted Dorji bail, but placed restrictions on his movements. Dorji's extradition case still is pending in the Indian courts. According to an Amnesty International report released in 1999, 30 persons were detained in 1998, most of them on suspicion of being members or supporters of the DNC.

Amnesty International has reported that some of those arrested are feared to be at risk of torture (see Section 1.c.). Bhutanese human rights groups outside the country claim that the arrests, including those of several Buddhist monks, are aimed at imposing Ngalong norms on the eastern, Sharchop community, which has a distinct ethnic and religious identity. The Government denies that it has such a policy; many government officials, including both the former Head of Government,

Foreign Minister Jigme Thinley, and the Chief Justice of the High Court Sonam Tobgye, are Sharchops.

Persons holding peaceful marches from India to Bhutan charge that in 1999, the police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). By one estimate, approximately 100 marchers were arrested and deported in 1999. The Government acknowledged that 58 persons whom it described as terrorists were serving sentences at the end of 1998 for crimes including rape, murder, and robbery. It stated that a total of 134 persons were arrested in connection with the October 1997 disturbances in the east; of that number, more than one-half either had been tried and acquitted or had been released after serving short sentences.

Some or all of the approximately 75 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991–92, may be political prisoners (see Section 1.e.).

Although the Government does not use formally exile as a form of punishment, many accused political dissidents freed under Government amnesties say that they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal. The Government denies this.

e. Denial of Fair Public Trial.—There is no written constitution, and the judiciary is not independent of the King.

The judicial system consists of district courts and a High Court in Thimphu. Judges are appointed by the King on the recommendation of the Chief Justice and may be removed by the King. Village headmen adjudicate minor offenses and administrative matters.

The Department of Legal Affairs, which was established in April, is projected to be fully functional by mid-2001. At a future date, the Government expects to create a Ministry of Law and Justice and an Attorney General's office within the Department of Legal Affairs. At present, the Department is composed of a Legal Services Division (which eventually is to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division (which eventually is to become the Attorney General's office), with a criminal section and a civil section.

Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17 century and revised in 1958 and 1965. For offenses against the State, state-appointed prosecutors file charges and prosecute cases. In other cases, the relevant organizations and departments of government file charges and conduct the prosecution. Defendants are supposed to be presented with written charges in languages that they understand and given time to prepare their own defense. However, this practice is not always followed, according to some political dissidents. In cases where defendants cannot write their own defense, courts assign judicial officers to assist defendants. There were reports that defendants receive legal representation at trial, and that they may choose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it is not known how many defendants actually receive such assistance. A legal education program gradually is building a body of persons who have received formal training in the law abroad. Village headmen, who have the power to arbitrate disputes, make up the bottom rung of the judicial system. Magistrates, each with responsibility for a block of villages, can review their decisions. Magistrates' decisions can be appealed to district judges, of which there is 1 for each of the country's 20 districts. The High Court in Thimphu is the country's supreme court. Its decisions can be appealed to the King.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegates the decision to the Royal Advisory Council. Trials are to be conducted in open hearings; however, there are allegations that this is not always the case in practice.

Questions of family law, such as marriage, divorce, and adoption, traditionally are resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese; however, the Government states that there is one formal law that governs these matters.

Some or all of the approximately 75 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991–92, may be political prisoners (see Section 1.d.).

On December 17, 1999, the King pardoned 200 prisoners to mark National Day; all reportedly were released. Among them were 40 persons convicted of "antinational" offenses, including prominent ethnic Nepalese dissident and internationally recognized political prisoner Tek Nath Rizal. Tek Nath Rizal was arrested in 1988 in Nepal and extradited to Bhutan, where he was held in solitary confinement in Wangdiphodrang military prison until his 1992 conviction for

antinational crimes, including writing and distributing political pamphlets and attending political meetings. He was convicted under the 1993 National Security Act, although at the time of his conviction the act had not yet been passed. However, a U.N. Human Rights Commission Working Group on Arbitrary Detention that visited the country in 1994 at the Government's invitation determined that Rizal had received a fair trial and declared his detention "not to be arbitrary." During the latter part of the year, Rizal was granted permission to leave Bhutan to receive medical treatment in Calcutta, India. He had not left Bhutan by year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—There are no laws providing for these rights. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, or government offices, and in schools and when attending official functions and public ceremonies. According to human rights groups, police regularly conduct house-to-house searches for suspected dissidents without explanation or legal justification.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government restricts freedom of speech and of the press.

The country's only regular publication is Kuensel, a government-run weekly newspaper with a circulation of 10,000. Human rights groups state that government ministries regularly review editorial material and have the power to suppress or change content, which they regularly do. They allege that the board of directors nominally responsible for editorial policy is appointed by and can be removed by the Government. Kuensel, which publishes simultaneous editions in the English, Dzongkha, and Nepali languages, supports the Government but does occasionally report criticism of the King and Government policies in the National Assembly. Nepalese, Indian, and other foreign newspapers are available, but they sometimes can be withheld from circulation if they carry news that the Government deems critical of the country.

In 1989 the Government banned all private television reception and ordered that television antennas and satellite dishes be dismantled. Many homes in Paro and Thimphu nonetheless have satellite dishes and receive signals from international broadcasters. In June 1999, the Government introduced locally produced television service with the inauguration of the Bhutan Broadcasting Service. The service broadcasts 4 hours of programming daily: 2 hours of locally produced programming in Dzongkha, and 2 hours of English-language programming produced outside of the country (such as from the British Broadcasting Corporation (BBC) and the Cable News Network (CNN)). In late 1999 the Government began licensing cable operators to provide service in Thimphu and Paro, and cable television is available. The Government radio station broadcasts each day in the four major languages (Dzongkha, Nepali, English, and Sharchop). The Government inaugurated the country's first Internet service provider, Druknet, in June 1999.

English is the medium of instruction in schools and the national language, Dzongkha, is taught as a second language. The teaching of Nepali as a second language was discontinued in 1990.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. Although the Government allows civic and business organizations, there are no legally recognized political parties. The Government regards parties organized by ethnic Nepalese exiles—the Bhutan People's Party (BPP) and the Bhutan National Democratic Party (BNDP)—as well as the Druk National Congress—as "terrorist and antinational" organizations and has declared them illegal. These parties do not conduct activities inside the country. They seek the repatriation of refugees and democratic reform.

c. Freedom of Religion.—The Government limits freedom of religion. The Drukpa branch of the Kagyupa School of Mahayana Buddhism is the state religion. About two-thirds of the population practice either Drukpa Kagyupa or Ningmapa Buddhism. The Drukpa branch is practiced predominantly in the western and central parts of the country, which are inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose cultural norms have been declared to be the standard for all citizens). The Ningmapa school is practiced predominantly in the eastern part of the country, although there are adherents in other areas, including the royal family. Most of those living in the east are ethnic Sharchops—the descendants of those thought to be the country's original inhabitants. The Government subsidizes monasteries and shrines of the Drukpa sect and provides aid to about one-third of the Kingdom's 12,000 monks. The Government also provides financial assistance for the construction of

Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. In the early 1990's, the Government provided funds for the construction of new Hindu temples and centers of Sanskrit and Hindu learning and for the renovation of existing temples and places of Hindu learning. The Drukpa branch enjoys statutory representation in the National Assembly (Drukpa monks occupy 10 seats in the 150 member National Assembly) and in the Royal Advisory Council (Drukpa monks hold 2 of the 11 seats on the Council), and the Drukpa branch is an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Under the law, conversions are illegal.

The King has declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests are active in education and humanitarian activities. According to dissidents living outside of the country, the Government restricts the import into the country of printed religious matter; only Buddhist religious texts are allowed to enter. These dissidents also state that Buddhist religious teaching, of both the Drukpa Kagyupa and Ningmapa sects, is permitted in schools; the teaching of other religious faiths is not. The passports of members of minority religions cite the holder's religion, and applicants for government services sometimes are asked their religion before services are rendered.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens traveling in border regions are required to show their citizenship identity cards at immigration check points, which in some cases are located at a considerable distance from what is in effect an open border with India. By treaty, citizens may reside and work in India.

Bhutan is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (See Section 5 regarding the ethnic Nepalese refugee situation).

The Government states that it recognizes the right to asylum in accordance with international refugee law; however, it has no official policy regarding refugees, asylum, first asylum, or the return of refugees to countries in which they fear persecution. According to one credible human rights source, until recent years the Government systematically used to arrest and imprison Tibetan refugees crossing the country's border from Tibet. This policy was followed in deference to China's wishes. So invariable was this policy that Tibetan leaders advise refugees not to use routes of escape through Bhutan. Tibetan refugees have not done so for several years. This virtually is the only refugee population seeking first asylum in Bhutan, thus, the issue of first asylum did not arise during the year.

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

Citizens do not have the right to change their government. Bhutan is a monarchy with sovereign power vested in the King. In June 1998, the King introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his Government. The National Assembly elected a new Council of Ministers and Government in July 1998 to a 5-year term. There are elected or partially elected assemblies at the local, district, and national levels, and the Government claims to encourage decentralization and citizen participation. These elections are conducted in much the same way as National Assembly elections. Since 1969 the National Assembly has had the power to remove ministers who the King appoints, but it never has done so. Political authority ultimately resides in the King and decisionmaking involves only a small number of officials. Officials subject to questioning by the National Assembly routinely make major decisions, but the National Assembly is not known to have overturned any decisions reached by the King and government officials.

Political parties do not exist legally, and the Government discourages their formation as unnecessarily divisive. The Government prohibits parties established abroad by ethnic Nepalese (see Section 2.b.).

The National Assembly, established in 1953, has 150 members. Of these, 105 are elected indirectly by heads of household, 10 are selected by a part of the Buddhist clergy, and the remaining 35 are appointed by the King to represent the Government. The National Assembly, which meets irregularly, has little independent authority. However, there are efforts underway to have the National Assembly meet on a more regular basis, and in recent years the King and the Council of Ministers have been more responsive to the National Assembly's concerns.

The procedures for the nomination and election of National Assembly members are set out in an amendment to the country's Basic Law proposed by the King and adopted by the 73 session of the National Assembly in 1995. It provides that in

order to be eligible for nomination as a candidate for election to the National Assembly, a person must be a citizen of Bhutan, be at least 25 years of age, not be married to a foreign national, not have been terminated or compulsorily retired for misconduct from government service, not have committed any act of treason against the King, the populace, and country, have no criminal record or any criminal case pending against him, have respect for the nation's laws, and be able to read and write in Dzongkha (the language, having different dialects in the eastern and western areas of the country, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village is permitted to nominate one candidate but must do so by consensus. There is no provision for selfnomination and the law states that no person...may campaign for the candidacy or canvass through other means. If more than one village within a constituency puts forward a candidate, an election is conducted by the district development committee, and the candidate obtaining a simple majority of votes cast is declared the winner. Individuals do not have the right to vote; every family in a village is entitled to one vote in elections. The law does not make clear how a candidate is selected if none achieves a simple majority. However, it does state that in case of a tie among the candidates in the election, a selection shall be made through the drawing of lots. The candidate whose name is drawn shall be deemed to be elected.

Human rights activists claim that the only time individual citizens have any involvement in choosing a National Assembly representative is when they are asked for consensus approval of a village candidate by the village headman. The name put to villagers for consensus approval by the headman is suggested to him by district officials, who in turn take their direction from the central Government. Consensus approval takes place at a public gathering. Human rights activists state that there is no secret ballot.

The Assembly enacts laws, approves senior government appointments, and advises the King on matters of national importance. Voting is by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. The Assembly occasionally rejects the King's recommendations or delays implementing them, but in general, the King has enough influence to persuade the Assembly to approve legislation that he considers essential or to withdraw proposals he opposes. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence; however, the National Assembly never has compelled any government official to resign. The Royal Civil Service Commission is responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes including embezzlement.

In June 1998, the King issued a decree setting out several measures intended to increase the role of the National Assembly in the formation and dissolution of his Government. The decree, later adopted by the 76 session of the National Assembly, provided that all cabinet ministers are to be elected by the National Assembly and that the roles and responsibilities of the cabinet ministries were to be spelled out. Each cabinet minister is to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King is to select nominees for cabinet office from among senior government officials holding the rank of secretary or above. The King is to determine the portfolios of his ministers, whose terms will be limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. Finally, the decree provided that the National Assembly, by a two-thirds vote of no confidence, can require the King to abdicate and to be replaced by the next in the line of succession. After adopting the decree, the National Assembly elected a new cabinet of ministers consistent with the decree. Human rights groups maintain that since only the King may nominate candidates for cabinet office, their election by the National Assembly is not a significant democratic reform. The King also removed himself as Chairman of the Cabinet of Ministers in 1998; Foreign Minister Jigme Thinley was elected to that position by the National Assembly for 1 year, and was replaced by Minister for Health and Education Sangay Ngedup in July 1999.

Women are underrepresented in government and politics, although they have made small but visible gains. Three women hold seats in the National Assembly.

All major ethnic groups, including ethnic Nepalese, are represented in the National Assembly. There are 16 "southern Bhutanese" (also known as Lhotshampas) in the National Assembly.

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

There are no legal human rights nongovernmental organizations (NGO's) in the country. The Government regards human rights groups established by ethnic Nepalese exiles—the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and the Association of Human Rights Activists—Bhutan—as political organizations and does not permit them to operate in the country. Amnesty International visited Bhutan in 1992 to investigate and to report on the alleged abuse of ethnic Nepalese. In late November 1998, Amnesty International again sent a delegation to the country and later released a report.

ICRC representatives continue twice yearly prison visits, and the Government has allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the U.N. Human Rights Commission Working Group on Arbitrary Detention made a second visit to the country in May 1996 as a follow-up to an October 1994 visit. In addition to meetings with government officials, members of the working group visited prisons and interviewed prisoners in Thimphu, Phuntsoling, and Samtse.

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

Ongoing government efforts to cultivate a national identity rooted in the language, religion, and culture of the Ngalong ethnic group restrict cultural expression by other ethnic groups. In the late 1980's and early 1990's, the Government instituted policies designed to preserve the cultural dominance of the Ngalong ethnic group. It also committed many abuses against the ethnic Nepalese, which led to the departure of tens of thousands of ethnic Nepalese from the country; many ethnic Nepalese were expelled forcibly, and almost 100,000 of them remain in refugee camps in Nepal. At the time, the Government claimed that it was concerned about the rapid population growth of and political agitation by the ethnic Nepalese. The Government claims that ethnic and gender discrimination in employment is not a problem. It claims that ethnic Nepalese fill 22 percent of government jobs, which is slightly less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up about 35 percent of the country's population and that the Government underreports their number. Women are accorded respect in the traditions of most ethnic groups; however, persistence of traditional gender roles apparently accounts for the low proportion of women in government employment. Exile groups claim that ethnic and gender discrimination is a problem.

Women.—There is no evidence that rape or spousal abuse are extensive problems. However, there are credible reports by refugees and human rights groups that security forces raped large numbers of ethnic Nepalese women in the southern area of the country in 1991 and 1992. According to Amnesty International, some women reportedly have died as a result. In one independent survey of 1,779 refugee families, 26 percent of the respondents cited rape, fear of rape, or threat of rape as a prime reason for their departure from the country. The Government has denied these reports.

Rape was made a criminal offense in 1953, but that law had weak penalties and was enforced poorly. In 1993 the National Assembly adopted a revised rape act with clear definitions of criminal sexual assault and stronger penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Approximately 43 percent of enrollment in school is female, and 16 percent of civil service employees are women. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. Dowry is not practiced, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly account for the large numbers of women among owners of shops and businesses and for an accompanying tendency of women to drop out of higher education to go into business. However, female school enrollment has been growing in response to government policies. Women increasingly are found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs generally are paid slightly less than men.

Polygamy is sanctioned provided the first wife gives her permission. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce is common. Recent legislation requires that all marriages must be registered; it also favors women in matters of alimony.

Children.—The Government has demonstrated its commitment to child welfare by its rapid expansion of primary schools, health-care facilities, and immunization programs. The mortality rates for both infants and children under 5 years have dropped significantly since 1989. The Government provides free and compulsory primary school education, and primary school enrollment has increased at 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. In 1995 the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed today. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare. Amnesty International reported that at least 23 students, between 7 and 21 years of age, whose relatives had been arrested for supporting the prodemocracy movement, were expelled from school in eastern Bhutan in 1998. Amnesty International also reported that 19-year-old Needup Phuntso was expelled from school in March 1998 and was tortured by members of the Royal Bhutanese police after his arrest in Thimphu in July 1998.

A study by UNICEF found that boys and girls receive equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes. Government policies aimed at increasing enrollment of girls have increased the proportion of girls in primary schools from 39 percent in 1990 to 43 percent in 1995.

There is no societal pattern of abuse against children.

People with Disabilities.—There is no evidence of official discrimination toward disabled persons but the Government has not passed legislation mandating accessibility for the disabled. Societal discrimination against the disabled is a problem.

National/Racial/Ethnic Minorities.—Ethnic Nepalese have lived in the southern part of the country for centuries, and the early phases of economic development at the turn of the century brought a large influx of additional ethnic Nepalese. In the late 1980's, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration. Early efforts at national integration focused on assimilation, including financial incentives for intermarriage, education for some students in regions other than their own, and an increase in development funds in the south.

Beginning in 1989, more discriminatory measures were introduced, aimed at shaping a new national identity, known as Drukpa. Drukpa is based on the customs of the non-ethnic Nepalese Ngalong ethnic group predominant in the western part of the country. Measures included a requirement that national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language (English is the language of instruction in all schools). Also, beginning in 1988, the Government refused to renew the contracts of tens of thousands of Nepalese guest workers. Many of these workers had resided in the country for years, in some cases with their families.

During the mid- and late 1980's, citizenship became a highly contentious issue. Requirements for citizenship first were formalized in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in the country for at least 10 years. However, in 1985 a new citizenship law significantly tightened requirements for citizenship and resulted in the denaturalization of many ethnic Nepalese. While citizenship previously was conferred upon children whose father was a citizen under the 1958 law, the 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' residency in 1958 be able to prove residency in the country at that time. In many cases, persons were unable to produce the documentation necessary, such as land tax receipts from 1958, to show residency nearly 30 years before. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the 15 years prior to that time. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants.

The 1985 Citizenship Act also provides for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan." The Home Ministry, in a circular notification in 1990, advised that "any Bhutanese nationals leaving the

country to assist and help the antinationals shall no longer be considered as Bhutanese citizens . . . such people's family members living in the same household will also be held fully responsible and forfeit their citizenship." Human rights groups allege that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled or otherwise departed from the country. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

Outraged by what they saw as a campaign of repression, ethnic Nepalese mounted a series of demonstrations, sometimes violent, in September 1990. The protests were spearheaded by the newly formed Bhutan People's Party, which demanded full citizenship rights for ethnic Nepalese, the reintroduction of Nepali as a medium of education in the south, and democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities cracked down on its activities and ordered the closure of local Nepalese schools, clinics, and development programs after several were raided or bombed by dissidents. Many ethnic Nepalese schools reportedly were turned into Army barracks. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings. Local officials took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate.

Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and take refuge in Nepal. Many were expelled forcibly. According to Amnesty International, entire villages sometimes were evicted en masse in retaliation for an attack on a local government official. Many ethnic Nepalese were forced to sign "voluntary migration forms" wherein they agreed to leave the country, after local officials threatened to fine or imprison them for failing to comply. By August 1991, according to NGO reports, 2,500 refugees already were camped illegally in Nepal, with a steady stream still coming from Bhutan. The UNHCR began providing food and shelter in September of that year, and by year's end, there were 6,000 refugees in Nepal. The number of registered refugees grew to approximately 62,000 by August 1992, and to approximately 80,000 by June 1993, when the UNHCR began individual screening of refugees. The flow slowed considerably thereafter; there were no new refugee arrivals from Bhutan to the camps during the year. According to UNHCR, there were 98,269 ethnic Nepalese refugees in 7 refugee camps in eastern Nepal, as of June 30. Much of this increase since 1993 is the result of births to residents of the camps. An additional 15,000 refugees, according to UNHCR estimates, are living outside the camps in Nepal and India.

Ethnic Nepalese political groups in exile complain that the revision of the country's citizenship laws in 1985 denaturalized tens of thousands of former residents of Bhutan. They also complain that the new laws have been applied selectively and make unfair demands for documentation on a largely illiterate group in a country that only recently has adopted basic administrative procedures. They claim that many ethnic Nepalese whose families have been in the country for generations were expelled in the early 1990's because they were unable to document their claims to residence. The Government denies this and asserts that a threemember village committee—typically ethnic Nepalese in southern districts—certifies in writing that a resident is a Bhutanese citizen in cases where documents cannot be produced.

The Government maintains that many of those who departed the country in 1991–92 were Nepalese or Indian citizens who came to the country after the enactment of the 1958 Citizenship law but were not detected until a census in 1988. The Government also claims that many persons registered in the camps as refugees may never have resided in the country. A royal decree in 1991 made forcible expulsion of a citizen a criminal offense. In a January 1992 edict, the King noted reports that officials had been forcing Bhutanese nationals to leave the country but stressed that this was a serious and punishable violation of law. Nevertheless, only three officials ever were punished for abusing their authority during this period (see Section 1.c.). According to the UNHCR, the overwhelming majority of refugees who have entered the camps since screening began in June 1993 have documentary proof of Bhutanese nationality. Random checks and surveys of camp residents—including both pre- and post-June 1993 arrivals—bear this out. The Government contends that some ethnic Nepalese left the country voluntarily, thus renouncing their Bhutanese citizenship. However, human rights organizations credibly dispute this claim.

A Nepal-Bhutan ministerial committee met seven times between 1994 and 1996, and a secretarial-level committee met twice in 1997 in efforts to resolve the Bhutanese refugee problem. In 1998 Foreign Minister Jigme Thinley took office with a mandate to resolve the refugee issue, and several meetings were held with rep-

representatives of the Nepalese Government, the UNHCR, and NGO's. However, the dialog lost momentum in 1998 and was suspended by the Bhutanese Government pending the formation of a new government in Nepal in 1999. After a 3-year hiatus, the foreign ministers of Nepal and Bhutan met in September 1999 in Kathmandu to resume discussions on the refugee issue. Bilateral and multilateral discussions have continued, including a ninth round of ministerial level talks held in May. During the year, U.N. High Commissioner for Refugees Sadako Ogata visited the country, as did at least one high-ranking foreign official. In late December, Bhutan and Nepal agreed upon a system to verify the nationality of Bhutanese refugees in Nepal in preparation for their return to Bhutan. Refugee verifications were scheduled to begin in January 2001. At year's end, approximately 98,000 Bhutanese refugees remained in Nepal. The resettlement of persons onto the land once occupied by refugees continues to represent an obstacle to a negotiated resolution of the refugee problem.

In March 1996, refugees began a series of "peace marches" from Nepal to Bhutan to assert their right to return to Bhutan. Bhutanese police immediately detained and deported the marchers who crossed into Bhutan in August, November, and December 1996. In the December 1996 incident, police reportedly used force against the marchers. Such marches also were held in 1998 and 1999; the marchers charge that the police assaulted them during each march, injuring several demonstrators, and then arrested and deported all marchers. A resolution adopted by the National Assembly in July 1997 prohibits the still-resident family members of ethnic Nepalese refugees from holding jobs with the Government or in the armed forces. Under the resolution, those holding such jobs were to be retired involuntarily. The Government made clear that for the purposes of this resolution, a family member would be defined as a parent, a child, a sibling, or a member of the same household. The Government states that 429 civil servants, many of them ethnic Nepalese, were retired compulsorily in accordance with the July 1997 National Assembly resolution, and that the program was terminated in November. The Government states that those forced to retire were accorded retirement benefits in proportion to their years of government service. The Government also began a program of resettling Buddhist Bhutanese from other regions of the country on land in the southern part of the country vacated by the ethnic Nepalese now living in refugee camps in Nepal. Human rights groups maintain that this action prejudices any eventual outcome of negotiations over the return of the refugees to the country. The Government maintains that this is not its first resettlement program and that Bhutanese citizens who are ethnic Nepalese from the south sometimes are resettled on more fertile land in other parts of the country. The failure of the Government to permit the return of ethnic Nepalese refugees has tended to reinforce societal prejudices against this group, as has the Government's policy on forced retirement of refugee family members in government service and the resettlement of Buddhists on land vacated by expelled ethnic Nepalese in the south.

Section 6. Worker Rights

a. The Right of Association.—Trade unions are not permitted, and there are no labor unions. Workers do not have the right to strike, and the Government is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—There is no collective bargaining in industry. Industry accounts for about 25 percent of the GDP, but employs only a minute fraction of the total work force. The Government affects wages in the manufacturing sector through its control over wages in state-owned industries.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government abolished its system of compulsory labor taxes in December 1995. Laborers in rural development schemes previously paid through this system now are paid regular wages. There is no evidence to suggest that domestic workers are subjected to coerced or bonded labor. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum age for employment at 18 years for citizens and 20 years for non-citizens. A UNICEF study suggested that children as young as 11 years sometimes are employed with road-building teams. The Government provides free and compulsory primary school education, and 72 percent of the school-aged population is enrolled (see Section 5). Children often do agricultural work and chores on family farms. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed today. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas

to obtain a primary education. In the early 1990's, children who failed their school examinations were compelled to join the armed forces (despite the fact that the minimum age of recruitment is age 18). This practice of conscription has ended. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—A circular effective in February 1994 established wage rates, rules and regulations for labor recruiting agencies, and regulations for payment of workmen's compensation. Wage rates are revised periodically, and range upward from a minimum of roughly \$1.50 (50 ngultrums) per day for unskilled and skilled laborers, with various allowances paid in cash or kind in addition. This minimum wage provides a decent standard of living for a worker and family in the local context. The workday is defined as 8 hours with a 1-hour lunch break. Work in excess of this must be paid at one and one-half times normal rates. Workers paid on a monthly basis are entitled to 1 day's paid leave for 6 days of work and 15 days of leave annually. The largest salaried work force is the government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases since then, including a 25 percent increase in July 1997. Only about 30 industrial plants employ more than 50 workers. Smaller industrial units include 69 plants of medium size, 197 small units, 692 "mini" units, and 651 cottage industry units. The Government favors a family-owned farm policy; this, along with the country's rugged geography, and land laws that prohibit a farmer from selling his last 5 acres and that require the sale of holdings in excess of 25 acres, result in a predominantly self-employed agricultural work force. Workers are entitled to free medical care within the country. They are eligible for compensation for partial or total disability, and in the event of death, their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

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

INDIA

India is a longstanding parliamentary democracy with a bicameral parliament. Prime Minister Atal Bihari Vajpayee, whose Bharatiya Janata Party (BJP) led a 17-party coalition, took office in October 1999 and heads the Government. President K.R. Narayanan, who was elected by an electoral college consisting of Members of Parliament and members of state assemblies, is Head of State and also has special emergency powers. The judiciary is independent.

Although the 28 state governments have primary responsibility for maintaining law and order, the central Government provides guidance and support through the use of paramilitary forces throughout the country. The Union Ministry for Home Affairs controls most of the paramilitary forces, the internal intelligence bureaus, and the nationwide police service; it provides training for senior police officers for the stateorganized police forces. The armed forces are under civilian control. Security forces committed numerous significant human rights abuses, particularly in Jammu and Kashmir and in the northeastern states.

The country is in transition from a government-controlled economy to one that largely is market oriented. The private sector is predominant in agriculture, most nonfinancial services, consumer goods manufacturing, and some heavy industry. Economic liberalization and structural reforms begun in 1991 continue, although momentum has slowed. The country's economic problems are compounded by population growth of 1.7 percent annually with a current population of more than 1 billion. Income distribution remained very unequal, with the top 20 percent of the population receiving 39.3 percent of national income and the bottom 20 percent receiving 9.2 percent. Twenty percent of the urban population and 30 percent of the rural population live below the poverty level.

The Government generally respected the human rights of its citizens in some areas; however, numerous serious problems remain, despite extensive constitutional and statutory safeguards. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, deaths of suspects in police custody throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the north-

east; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; female bondage and forced prostitution; child prostitution and infanticide; discrimination against the disabled; serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; societal violence against Christians and Muslims; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children.

Many of these abuses are generated by a traditionally hierarchical social structure, deeply rooted tensions among the country's many ethnic and religious communities, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training. These problems are acute in Jammu and Kashmir, where judicial tolerance of the Government's heavy-handed counterinsurgency tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system. The number of insurgency-related killings in Jammu and Kashmir and the northeast by regular security forces increased from the previous year. In the northeast there was no clear decrease in the number of killings, despite negotiated ceasefires between the Government and some insurgent forces, and between some tribal groups.

The concerted campaign of execution-style killings of civilians by Kashmiri militant groups, begun in 1998, continued, and included several killings of political leaders and party workers. Separatist militants were responsible for numerous, serious abuses, including killing of armed forces personnel, police, government officials, and civilians; torture; rape; and brutality. Separatist militants also were responsible for kidnaping and extortion in Jammu and Kashmir and the northeastern states.

In July one of the largest Kashmiri militant groups announced a unilateral ceasefire in Jammu and Kashmir and offered to open a dialog with the Government. The Government responded by instructing its military forces to reciprocate the ceasefire, accepting the offer of dialog, and beginning talks. The ceasefire and talks ended abruptly in August when the militants demanded the start of tripartite talks between themselves, the Government of India, and the Government of Pakistan. During the same period, Pakistan-backed militants opposed to the ceasefire attacked and killed more than 100 civilians, many of them Hindu religious pilgrims, at several locations in Jammu and Kashmir. On November 26, the Government instituted its own unilateral suspension of offensive action for the Muslim holy month of Ramadan in Jammu and Kashmir and offered to initiate dialog with militant groups that wished to come forward for talks. The Government extended the ceasefire on December 20, and it remained in force at year's end. The Government also continued to pursue a dialog with Kashmiri militant groups, but no formal talks had begun by year's end.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killings.—Extrajudicial killings by government forces (including deaths in custody and faked encounter killings) continued to occur frequently in the state of Jammu and Kashmir and several northeastern states, where separatist insurgencies continued. Security forces offered bounties for wanted militants brought in dead or alive.

Official government figures indicate that security forces killed 1,520 militants in encounters in Jammu and Kashmir as of September, compared with 1,082 militants killed by about the same time in 1999 (Kashmir has been at the center of a territorial dispute between India and Pakistan since the two nations gained their independence in 1947; both claim Kashmir). Kashmiri separatist groups maintain that many such "encounters" are faked and that suspected militants offering no resistance are executed summarily by security forces. Statements by senior police and army officials confirm that the security forces are under instructions to kill foreign militants, rather than attempt to capture them alive. Human rights groups allege that this particularly is true in the case of security force encounters with non-Kashmiri militants who cross into Jammu and Kashmir illegally. According to press reports and anecdotal accounts, those persons killed typically were detained by security forces, and their bodies, bearing multiple bullet wounds and often marks of torture, were returned to relatives or otherwise were discovered shortly afterwards. For example, on the night of April 29, police took into custody Said Hafeez Mehraj, an alleged militant, at a public telephone booth in Srinagar; the police delivered Mehraj's body to his family the following day. Family members allege that the police

killed Mehraj while in police custody. However, the police claim that they took Mehraj to Rajouri Kedar in downtown Srinagar so that he could help them uncover an arms cache, and that militants fired on the police party, killing Mehraj. On August 16, authorities reported that security forces killed two members of the Hizbul Mujahideen militant group during a raid on a "safe house" used by the group in Walurhama-Magam, Kupwara district. Authorities claim that the two men, Nazir Ahmad Wani and Muhammad Sadiq Mir, began shooting at the forces and that troops killed them while firing back. However, the Hizbul Mujahideen claims that the two men surrendered, and alleges that the security forces later killed them while in custody.

Nongovernmental organizations (NGO's) active in Jammu and Kashmir claimed that in January, Mohammad Tahir Shah of Kapipora was killed soon after being taken into custody by security forces, which earlier had killed Shah's two sons, alleging that they were members of a militant organization. Shah was buried in Tral town. His relatives were not permitted to recover the body for burial in Kapipora, according to an NGO. Another NGO reported that on March 29, security forces killed Gulab Muhammad Chechi in an encounter in Beerwah. Authorities claim that he was a foreign militant and that security forces killed him during a gunfight. However, his relatives say that Chechi was a beggar native to Beerwah. The National Human Rights Commission (NHRC), a government-appointed and financed investigative body (see Section 4), directed that all alleged encounter deaths be investigated immediately by an independent agency; however, members of the security forces rarely are held accountable for these killings. The NHRC itself may inquire into alleged security force abuses in Jammu and Kashmir, but does not have the statutory power to investigate such allegations if it is not satisfied with the responses to its inquiries. Authorities generally have not reported encounter deaths that occur in Jammu and Kashmir to the NHRC. Human rights groups allege that during the year security forces killed a number of captured non-Kashmiri militants in Jammu and Kashmir. During conflicts with armed militants, security forces allegedly respond indiscriminately to gunfire.

According to official figures, in Jammu and Kashmir security forces killed 1,520 militants during the year; 762 civilians and 397 members of the security forces were killed during the same period. According to the Ministry of Home Affairs, in 1999 in Jammu and Kashmir security forces killed 1,082 militants, captured 744, and 109 surrendered to authorities. During the same period, 821 civilians and 356 security force members were killed in insurgency-related incidents in the state, according to the Home Ministry. Home Ministry figures state that in 1999, 584 civilians, 439 militants, and 205 security force members were killed in insurgencies in the northeastern states. The Home Ministry reported that in 1998, 881 civilians, 374 militants, and 182 security force members were killed in the northeastern states.

The security forces also killed civilians during military counterinsurgency operations. For example, on March 25, security forces shot and killed 5 men in Pathribal village, south of Srinagar, alleging that these men were responsible for the March 20 massacre of 35 Sikh civilians in Chattisinghpura village (see Section 5); however, the victims' family members claim that all of the men were innocent civilians whom the police killed, burned, and buried. A Home Ministry spokesman, announcing an investigation into the killings of the five men, later admitted that Jammu and Kashmir police may have "overreacted" in shooting the civilians. On April 3, the Special Operations Group (SOG) of the Kashmir police and the Central Reserve police force fired into a group of several hundred unarmed Muslim protesters in Brakpora, Anantnag district, killing 8 persons and injuring at least 15 others. The demonstrators were protesting the March 25 Pathribal village killings. On April 18, the Jammu and Kashmir government opened a judicial inquiry, under the leadership of retired Supreme Court Justice S.R. Pandian, to investigate the Anantnag incident. On October 31, Jammu and Kashmir's Chief Minister reported that the Home Ministry's Central Reserve Police Force (CRPF) and the SOG of the Jammu and Kashmir police force were guilty of using excessive force during the April 3 Brakpora incident. While some members of the police special task force were indicted in connection with the Brakpora killings, trials had not begun by year's end.

Human rights activists in Jammu and Kashmir allege that members of the Border Security Force shot and killed Ashraf Bazaz and his wife in Srinagar. Security forces allegedly killed the couple, who was traveling in a taxi through Malka Chowk in the capital of Kashmir, after stopping them for questioning. The authorities maintain that the couple was killed in crossfire between the Border Security Force and a group of militants. On August 9, security forces reportedly opened fire on a group of protesters in the town of Rajori near the Jammu border with Pakistan, killing 1 person and injuring 15 others; allegedly, the shooting occurred because the protesters tried to stop an army convoy.

Accountability remains a serious problem in Jammu and Kashmir. Security forces have committed thousands of serious human rights violations over the course of the conflict, including extrajudicial killings, disappearances, and torture (see Sections 1.b. and 1.c.). Despite this record of abuse, between January 1990 and September 1998, only 295 security force members were prosecuted and punished for any of these crimes, and no compensation was paid to the victims or their families, according to the Union Home Ministry. During the same period, 113 security force members were punished for human rights abuses in the northeastern states. Punishments ranged from reduction in rank to imprisonment for up to 10 years. According to Amnesty International, the army stated in January that it had investigated 822 of the 955 complaints of human rights violations that it received in 1999 and found that only 24 were of substance.

In the past, scrutiny by the NHRC and international human rights organizations, when permitted (see Section 4), and the persistence of individual magistrates, resulted in somewhat greater accountability for abuses committed by security force members in Jammu and Kashmir; however, in July 1998, the Government rejected the NHRC's recommendations to bring the army and paramilitary forces under closer scrutiny by allowing the NHRC to investigate complaints of their excesses. The majority of complaints during the year involved individual cases; while there have been complaints of individual houses being destroyed, there were no reports of entire villages being burned by armed forces or of mass killings, as in past years. The NHRC continues to receive complaints alleging human rights violations by the security forces, especially from Jammu and Kashmir and the northeastern states.

There were many allegations that military and paramilitary forces in the northeast engage in abduction, torture, rape, arbitrary detention, and the extrajudicial execution of militants (see Sections 1.b., 1.c., 1.d., and 1.g.). The Armed Forces Special Powers Act of 1958 and the Disturbed Areas Act of 1976 remained in effect in several states in which active secessionist movements exist, namely, in Jammu and Kashmir, Nagaland, Manipur, Assam, and parts of Tripura. The Disturbed Areas Act gives police extraordinary powers of arrest and detention, which, according to human rights groups, allow security forces to operate with virtual impunity in areas under the act. The Armed Forces Special Powers Act of 1958 provides search and arrest powers without warrants (see Section 1.d.).

Human rights monitors allege that, as in Jammu and Kashmir, government reports of deaths during "encounters" between insurgent groups and security forces in northeastern states actually are staged, and that those insurgents who were reported dead were killed after being detained by security forces. More than 30 encounters occurred between security forces and militant groups in Tripura alone during the first 9 months of the year. In March Assam chief minister Prafulla Kumar Mahanta told the press that 1,439 persons had been killed during the state's conflict; of these, 430 were security force members. There were at least 60 insurgency-related killings in Assam between January and June, according to an informal estimate from press reports. For example, on April 7, army personnel killed six suspected United Liberation Front of Assam (ULFA) militants in an encounter in the Manasdiga Forest, Bongaigaon district. The People's Union for Civil Liberties (PUC) credibly reported that army troops killed 12 members of the National Socialist Council of Nagalim (Isak-Muivah) (NSCN(I-M)) in an encounter on July 11 along the Assam-Manipur border close to the Jiri River at Bolapunj in Assam's northern Cachar district. There were no army casualties in the encounter. The district administration in Meghalaya ordered an investigation of an August 24 police shooting in which two Khasi student union leaders were killed. The two students allegedly were members of the Hynniewtre National Liberation Council (HNLC) and were suspected of having killed three nontribal laborers in Meghalaya in 1999. The South Asia Human Rights Documentation Center (SAHRDC) credibly reported that on September 10, members of the 17th Battalion of the Assam Rifles, led by Major Rawal, took Khundrakpam Tomcha, Surjit Chongthamcha, Ito Tongbram, and Robin Thokchom into custody in the home of Naorem Dwijamani at Chingamthak, Thokchom Leikai, Imphal, Manipur; authorities detained Dwijamani later the same day. It is believed that the Assam Rifles took the five persons to their headquarters in Kangla. On September 12, police found a bullet-riddled body, which subsequently was identified as that of Khundrakpam Tomcha, on a bank of the Imphal River near Singjamei, Thokchom Leikai, Imphal. On September 12, the Assam Rifles stated that security forces had killed Khundrakpam Tomcha in crossfire between security forces and insurgents during an operation against insurgents on September 11. However, witnesses allege that the body also bore marks of torture. On September 13, the 17th Battalion Assam Rifles released to police Naorem Dwijamani and Robin Thokchom into police custody. According to press reports, Thokchom had been tortured (see Section 1.c.). Dwijamani subsequently was released on bail, but as of No-

vember, Thokchom remained in the central Imphal jail, facing charges under the National Security Act (NSA).

Since 1980 clashes between police members and Naxalite Maoist Revolutionaries of the Peoples' War Group (PWG) have occurred in northwestern Andhra Pradesh. During the late 1990's, hundreds of policemen and suspected Naxalites were killed, according to press reports and human rights organizations. According to police, 101 PWG Naxalites were killed in armed "encounters" during the first 8 months of the year. Twenty years of guerrilla-style conflict have led to serious human rights abuses committed by both sides. Human rights groups allege that "encounters" often are faked by the police to cover up the torture and subsequent killing of Naxalite suspects, sympathizers, or informers. According to police, the PWG killed 31 police officers and 80 civilians, including the former home minister of the state, from January 1 to December 14. In PWG-dominated areas, villagers complain of regular harassment and arbitrary detention by police (see Section 1.d.). Police officials rarely, if ever, are held accountable for human rights abuses.

The state government offers a financial package to surrendered PWG militants, a program that has prompted hundreds of Naxalites to leave the movement in recent years. According to human rights activists and journalists, a few surrendered militants have been allowed to retain their weapons and now are working for the police as anti-PWG hitmen, residing in police camps and barracks. On November 23, four assailants killed human rights lawyer and former PWG militant Purusuotham in Hyderabad. Police arrested four suspects a few days later, two of whom were identified as ex-PWG militants. The two persons confessed to the killing at a press conference that was quickly organized by the police. Police attributed the killing to feuds dating back to the victim's time spent in the PWG.

An "encounter" death occurred in Tamil Nadu on January 10, when police shot and killed a Naxalite, Ravindran, in Dharmapuri district. Police claimed that they opened fire after Ravindran and three other Naxalites ambushed a police patrol. A factfinding team of human rights NGO's, citing inconsistencies in the police reports and the testimony of another Naxalite who was taken into custody during the same incident, alleged that Ravindran was arrested on January 7, tortured, and later executed (see Section 1.c.). On July 20, Andhra Pradesh police killed seven Naxalites in Karimnagar district. According to police, the Naxalites began firing at police officers who were surrounding a safehouse used by the extremists, and the seven were killed in the ensuing return of fire by police. However, human rights NGO's allege that police deliberately set fire to the house before the outbreak of gunfire and then fired bullets into the structure for several hours, killing the Naxalites. On October 30, police surprised an armed group of seven female Naxalites in Gadampalli, Andhra Pradesh. Police opened fire while the women were bathing in a stream, killing all seven. No policemen were injured or killed in the encounter. On November 2, police officers killed Jadhav Subash, a former Naxalite, in Dantepalli village, Andhra Pradesh. According to human rights lawyers who interviewed village eyewitnesses, a squad of policemen dragged Subash from a village tea shop and then shot and killed him.

As evidence that "encounters" often are faked by police, human rights groups cite the refusal of police officials to turn over the bodies of suspects killed in "encounters." The bodies often are cremated before families can view them. The NHRC is investigating about 285 reported cases of so-called "fake encounter deaths" allegedly committed by the Andhra Pradesh police in connection with anti-Naxalite operations. In its 1996-97 report, the NHRC stated that the evidence on record did not reveal any prior police attempt to arrest the persons before they were killed. The report observed that in none of these encounters did police personnel receive any injury. The Commission further observed that "no attempt whatsoever" was made to ascertain the identity of the police officers who fired the weapons, and that no attempt was made to investigate the circumstances under which the police opened fire. "As this appeared to be the pattern of the procedure followed by the police," the report concluded, "the Commission felt it necessary to conclude that the procedure followed by them was opposed to law." According to the Andhra Pradesh Civil Liberties Committee, the NHRC has evidence of police culpability in several cases of "encounter deaths" involving suspected Naxalites. However, such cases have not been adjudicated in the courts or otherwise have not been acted on by the state government. For example, of six cases referred by the Andhra Pradesh Civil Liberties Committee to the NHRC in 1994, evidence of police culpability was found in five. In 1994 the NHRC directed the state government to investigate the cases; however, the state never has taken any action. The state government's failure to act expeditiously in these cases has discouraged local human rights groups from filing additional "encounter death" cases with the NHRC.

The Disturbed Areas Act has been in force in a number of districts in Andhra Pradesh for over 3 years. Human rights groups allege that security forces have been able to operate with virtual impunity in parts of Andhra Pradesh under the act. They further allege that Andhra Pradesh police officers train and provide weapons to an armed vigilante group known as the "Green Tigers," whose mission is to combat Naxalite groups in the state. Little is known about the size, composition, or activities of this group.

Police also used excessive force indiscriminately against demonstrators, killing many citizens. For example, according to Amnesty International, on January 31, police killed two "Dalit" (formerly "untouchable") men in Jethuke village, Bhatinda district, Punjab, when they opened fire on hundreds of persons demonstrating over high bus fares and the detention of four leaders of the Bharatiya Kisan Union (Indian Farmers Union), who were representing villagers in negotiations with the district administration regarding the issue (see Section 2.b.). On May 8, in Dibrugarh, Assam, police killed two persons when they opened fire on the funeral procession of a businessman and his son—who allegedly were killed by surrendered ULFA militants working at police behest. On May 10, police fired 23 rounds of bullets into a mob of Karbi People's Front (KPF) supporters in Jalpaiguri, West Bengal, killing 1 person and injuring 5 others. During the year, a government commission completed its investigation of the drowning deaths of 17 persons in Tirunelveli, Tamil Nadu. The deaths occurred in July 1999, when thousands of demonstrators ran into a river to escape police beatings. The demonstrators were demanding government intervention in a labor dispute at a local coffee estate and the release of 652 estate workers imprisoned after a previous demonstration. Human rights groups in Tamil Nadu criticized the commission's findings, claiming that the commission exonerated senior police officials, and implied that the demonstrators themselves were responsible for the drownings. No charges in connection with the drownings had been brought against any police official by year's end.

On April 4, police in Mau district, Uttar Pradesh, confronted a group of 20 to 25 women staging a sitdown strike to demand the removal of a liquor-vending stall from their village, according to PUCL. After failing to persuade the women to disperse, police charged the group with bamboo poles. When this failed to move the women, the police opened fire on the unarmed protesters, killing one of them. On December 18, police in Keshori village, Gondia district, Maharashtra, fired on a crowd of persons, killing 5 persons and injuring 31 others. The villagers asserted that the police firing followed an altercation that arose when villagers objected to some drunken policemen sexually harassing a village woman. Police initially claimed that they had fired in self-defense. The entire police contingent later was transferred to another district. On December 31, police in Rayagada district, Orissa, fired on villagers protesting the attempt of a multinational company to set up an aluminum plant in the predominantly tribal area; three persons were killed.

Throughout the country, numerous accused criminals continue to be killed in encounters with police. For example, the Institute of Objective Study in its "Human Rights Today" bulletin of winter 1999–2000 reported that on January 14, police in Meerut, Uttar Pradesh, shot and killed 20-year-old Meerut College student Smita Bhaduri. Three police officers—Inspector A.K. Kaushik, Constables Surendra, and Bhagwan Sahay of Daurala police station—were told that "gangsters were prowling" Sewayia village on the outskirts of Meerut. After arriving at the village, the three officers shot at an automobile, believing it to be the gangsters' vehicle, killing Bhaduri. The officers allegedly reported that Bhaduri was killed by "crossfire" during an "encounter" with gang members.

According to the Government, 542 civilians and 96 police officers died in gunfire exchanges involving police in 1998.

Security forces also held persons in incommunicado detention; on occasion, as in the 1996 case of human rights monitor Jalil Andrabi, such missing persons later were found dead (see Sections 1.b. and 4). As of December 1997, 55 cases of disappearance and custodial death still were pending against Border Security Force personnel in Jammu and Kashmir (see Sections 1.b. and 1.c.).

While extrajudicial killings continued in areas affected by separatist insurgencies, the press and judiciary also continued to give attention to deaths in police custody. According to the NHRC, 1,114 persons died in prisons between April 1998 and March 1999, many from natural causes that in some cases aggravated by poor prison conditions (see Section 1.c.). Human rights groups allege that many deaths in prisons are due to torture. There were numerous examples of prison deaths due to torture throughout the year (see Section 1.c.).

The NHRC has focused on torture and deaths in custody by directing district magistrates to report all deaths in police and judicial custody and stating that failure to do so would be interpreted as an attempted coverup. Magistrates appear to be

complying with this directive. However, the NHRC has no authority to investigate directly abuses by the security forces, and security forces therefore are not required to—and do not report custodial deaths in Jammu and Kashmir or the northeastern states. In August the NHRC ordered an investigation into the death in police custody of Rajan Singh in September 1995 in Agra district jail. Police stated that Singh, who was being transported to court for trial in a police truck, died of injuries sustained when he jumped from the vehicle in an effort to escape. The autopsy revealed that Singh had undergone shock and hemorrhaging prior to his death. The NHRC found that the postmortem results were inconsistent with the police explanation of the death and believed that the claim of Singh's attempted escape from custody was fabricated and that a more likely explanation was that Singh "could have been subjected to severe beating in the police vehicle." The NHRC ordered Uttar Pradesh state to pay \$10,990 (500,000 rupees) in compensation to Singh's next of kin and recommended disciplinary action against the police officers involved in the incident. Also in August, the NHRC directed the Karnataka government to pay compensation of \$4,395 (200,000 rupees) to the family of Thimmaiah, who died in the Mulbagal police station, Kolar district, Karnataka. The police maintain that Thimmaiah hanged himself in his cell; however, the postmortem and inquest reports forwarded by the Karnataka government do not substantiate this claim. The Commission concluded that the death "had been caused by police," and ordered the government of Karnataka to bring charges against the police officers involved in the incident.

According to the PUCL, on February 17, Nathan died in police custody in Chennai. Police assert that they arrested Nathan on February 16 on suspicion of theft and that he confessed to that crime in court the same day. They further maintain that Nathan complained of diarrhea and vomiting the following morning; he later was taken to a nearby hospital and declared dead. However, the PUCL alleges that Nathan actually was arrested on February 10, 6 days before the recorded arrest, and that police tortured him to death in an effort to recover stolen money. The Tamil Nadu government initiated an official inquiry into the death and suspended six police personnel, including an inspector, after the incident. Amnesty International and Human Rights Watch (HRW) reported that on April 20, police in Gujarat beat to death Colonel Pratap Save, an activist with the Kinara Bachao Samiti (Save the Coast Committee), which was protesting the construction of a port in Gujarat. Members of the State Reserve Police allegedly arrested 46 demonstrators, including Save, following the protest, and beat 6 of them at a local police station (see Section 1.c.). Save suffered a brain hemorrhage and died at a hospital in Mumbai. All of the other protesters were released on bail within 48 hours. The Karnataka branch of the PUCL alleged that police in Moodabidri town, Mangalore district, Karnataka, were responsible for the custodial death of Sudath Kumar Jain, a 40-year-old local film projectionist. The human rights group alleges that police took Jain from his home for questioning shortly after midnight on May 30. Two hours later, his relatives were informed that he had been admitted to a hospital; his relatives found Jain unconscious and bleeding from his mouth. Jain was transferred to a second hospital late that morning where he died 3 hours later. The PUCL concluded that police had tortured Jain to death (see Section 1.c.). After the investigation results, the superintendent of police, South Kanara district, filed a criminal case against the arresting officer.

Human rights groups allege that police in Adilabad district, Andhra Pradesh tortured and then hanged Chandraiah, an unarmed suspected Naxalite, on June 10. Angry villagers forced one of the police officials to confess to the hanging. Based on his confession, human rights activists filed a formal complaint with the NHRC. The NHRC has directed the Andhra Pradesh government to investigate. The PUCL reported that Krishna Pada Seal, his wife, and his son were imprisoned in Sakchi Jail, Jamshedpur, Bihar on July 25. According to the PUCL, prison officials tortured them, allegedly because they intended to extort money from the family (see Section 1.c.). Seal and his family were granted bail on August 4, following the intercession of the PUCL. On his release, Seal could not walk, and died as he was being carried to a waiting car. According to credible reports, on August 3, Lalrinchana, a 25-year-old Chin refugee, died from torture in the Mizoram Aizawl central prison. Reportedly, village defense persons first arrested and tortured Lalrinchana, and then turned him over to the Mizoram police (see Section 2.d.). In August the Karnataka High Court convicted eight police officers who served in Nanjangud Police Station in Karnataka in 1996 for fabricating official records following a custodial death. The Karnataka police oversaw the entire investigation and presentation of evidence.

In its 2000 annual report, Amnesty International expressed concern about the torture death of 21-year-old Devinder Singh. On September 18, 1999, police beat Devinder Singh, Sapinder Singh, and Karnail Singh (three Sikh brothers), in a po-

lice courtyard in Punjab, apparently to exact a confession from them that they possessed an assault rifle. Allegedly, police pulled their legs open 180 degrees, applied gasoline to their genitals, and beat them badly. Devinder Singh died as result of his injuries. A police subinspector subsequently was charged with Devinder Singh's murder.

An army major was arrested in 1998 for the 1996 killing of human rights monitor Jalil Andrabi. The case still was being heard at year's end, but human rights workers alleged that the central Government and Jammu and Kashmir state both were attempting to subvert the judicial process by withholding evidence, and that there were no court actions during the year. There were no developments in the 1996 killing of human rights monitor Parag Kumar Das, who allegedly was killed by a militant who previously had surrendered and was supported by the Government (see Section 4).

Killings and abductions of suspected militants and other persons by progovernment countermilitants continued to be a significant problem in Jammu and Kashmir. Countermilitants are former separatist militants who have surrendered to government forces, but who have retained their weapons and paramilitary organization. Government agencies fund, exchange intelligence with, and direct operations of countermilitants as part of the counterinsurgency effort. Countermilitants are known to search persons at roadblocks (see Section 2.d.) and guard extensive areas of the Kashmir Valley from attacks by militants. The Government, through its sponsoring and condoning of extrajudicial countermilitant activities, is responsible for killings, abductions, and other abuses committed by these militant groups. Perhaps as many as 3,000 individuals continue to operate in Jammu and Kashmir, particularly in the countryside, outside major towns. The Hizbul Mujahideen, a Kashmiri militant group, stated in June 1998 that progovernment countermilitants had killed 350 of its members. According to Pakistani newspaper accounts, Indian security forces had killed 438 Pakistani members of insurgent groups in Jammu and Kashmir during 1999. Of this number, 200 were members of the LashkareTayyaba, 123 were members of the Al-Badr Mujahideen, 69 were members of the Harkat-ul-Mujahideenand, and 46 were members of the Hizbul Mujahideen. However, these numbers have not been confirmed, and only include the four largest militant groups in the state. The Government stated that security forces had killed 1,520 militants in the state during the year, compared with 1,082 in 1999. The Government recruited countermilitants into the Special Operations Group of the Jammu and Kashmir police and into the Border Security Force.

Militant groups in Jammu and Kashmir increasingly targeted members of the security forces and civilians during the year. In January militants allegedly killed two soldiers in Jammu and Kashmir; the soldiers retaliated with arson. On February 28, militants killed five Hindu truck drivers on the SrinagarJammu Highway (see Section 5). According to HRW, in February militants allegedly shot and killed three police officers in the busy market area of Lal Chowk, Srinagar; security forces retaliated by beating nearby civilians with sticks and rifle butts and by burning cars in Srinagar (see Section 1.c.). On March 20, militants massacred 35 Sikh inhabitants of Chatisinghpura town, Anantnag district, Jammu and Kashmir, in what appeared to be a well-planned attack. The militants, dressed in military uniforms, separated unarmed male members of the Sikh families from women and children, gathered the men in a school complex a short distance from their homes, and summarily executed them. It was the first known attack on the Sikh minority in Jammu and Kashmir by militants, and it appeared intended to drive other members of that community from the Muslim-majority state (see Section 5).

On March 24, militants invaded a Muslim family's home and killed five family members in Kot Budhan village, Udhampur district. The militants stormed into the house in the early morning, beat family members, and then shot them at point-blank range; three other family members, including a child, were wounded in the attack. According to HRW, on April 17, gunmen entered the homes of several Hindu families in Kot Dara village, near Rajouri. They fired on the unarmed civilians, killing six persons and injuring six others (see Section 5). On August 1 and 2, militants launched 8 separate and coordinated attacks in Jammu and Kashmir, killing approximately 99 persons. In one of the attacks, at Pahalgam, armed militants descended on a camp of Hindu religious pilgrims making the annual pilgrimage to Amarnat, in the northern part of the state. The militants fired automatic weapons at the pilgrims' tents, the unarmed civilians in the camp, their local porters and guides, and nearby army personnel, killing 32 persons, primarily unarmed civilians. Similar attacks throughout the night of August 1 to 2 appeared to have been intended to halt the nascent effort of the Hizbul Mujahideen militant group and the Government to observe a ceasefire and initiate a dialog. An army-headed commission investigated the August 1 Pahalgam massacre and reported on October 31, that

the Home Ministry's Central Reserve Police Force and the SOG of the Jammu and Kashmir police force used excessive force; however, there were no charges brought in connection with this use of excessive force. On August 17, militants from Harkatul-Jehade Islami reportedly killed six Hindu villagers and seriously wounded seven in the Rajouri district in Jammu (see Section 5). According to HRW, on August 18, militants killed three elderly men and a teenage boy, and wounded two other persons when they fired automatic weapons at civilians in Ind village, Udhampur (see Section 5). On September 12, Lashkar-e-Tayyaba and Jamaat-ul-Mujahideen militants wearing army uniforms entered an army camp at Beerwa, Budgam district, and fired automatic weapons at the sleeping soldiers; 11 soldiers were killed. Two of the attackers were killed in the ensuing gun battle. In early December, militants killed two members of a policeman's family and wounded two others when they barged into a house in the border district of Poonch and opened fire. Militants also carried out attacks on security forces that killed numerous persons (see Section 1.g.). On December 22, six militants with concealed weapons entered Delhi's Red Fort, an historic monument that also houses an army unit, during a regularly scheduled sound and light show for the public. The militants opened fire on the crowd, killing a soldier and two civilians. The Lashkar-e-Tayyaba militant group later claimed responsibility for the attack. On December 26, city police raided a Delhi apartment and shot and killed Abu Shamal, whom they claimed to be Lashkar-e-Tayyaba militant involved in the Red Fort attack.

Killings of security force members by militants in Jammu and Kashmir increased for the third year in a row. According to official statistics, 397 security force personnel were killed in the state during the year. The Ministry of Home Affairs reported that 356 security force members were killed in the state in 1999 and that 232 members died in Jammu and Kashmir in 1998.

Insurgency and increased ethnic violence took a heavy toll in the northeastern states. Extensive, complex patterns of violence continued in many of the seven northeastern states. The main insurgent groups in the northeast include two factions of the National Socialist Council of Nagaland (NSCN) in Nagaland; Meitei extremists in Manipur; the ULFA and the Bodo security force in Assam; and the All Tripura Tiger Force (ATTF) and the National Liberation Front of Tripura (NLFT) in Tripura. The proclaimed objective of many of these groups is to secede from the country, creating new, independent nations. Their stated grievances against the Government range from charges of neglect and indifference to the widespread poverty of the region, to allegations of active discrimination against the tribal and nontribal people of the region by the central Government (see Section 5). The oldest of these conflicts, involving the Nagas, dates back to the country's independence in 1947. On August 1, 1997, a ceasefire between the Government and the Isak-Muivah faction of the NSCN (NSCN-IM) entered into effect. The ceasefire was extended in January until July 31, 2001. In April another Naga insurgent group, the National Socialist Council of Nagaland-Khaplang (NSCN-K), announced a formal ceasefire. Security forces were not operating against either of the two NSCN factions and both generally were observing the ceasefire with security forces. However, in April week-long fighting between the 2 NSCN factions left over 45 persons dead, and 4,500 persons were forced to flee 15 villages in Mon district (see Section 2.d.). Negotiations to widen the area of application of the ceasefire were handicapped when NSCN(IM) leader Thuingaleng Muivah was arrested in Thailand on January 19 for traveling on a forged South Korean passport. On August 25, a joint group of Thai and Indian citizens appealed to the central Government to secure the release of the NSCN(IM) leader in the interest of Naga peace talks. He was released on bail in September.

Elsewhere in the northeast, Bodo-Santhal ethnic clashes, which began in April 1998, continued throughout the year. More than 87,000 persons live under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals. The killings of ULFA leaders' family members during the year renewed concerns about the situation in Assam.

Militant groups in Manipur, Tripura, and Assam continued to attack civilians.

In Tripura on January 3, the NLFT killed three persons, including Ravi Kumar Devbarma, a Communist Party of India (Marxist)CPI(M)-leader, in Kashichandrapara. Prior to the April 30 to May 3 elections for the Tripura tribal autonomous district council, ultras (militants) threatened to harm seriously persons who voted in favor of any candidate not belonging to the Indigenous People's Front of Tripura (IPFT). During the period before the election, more than 1,500 nontribal families from 3 villages were left homeless as tribals backed by militants intensified their offensive to cleanse autonomous district council areas of Bengalis. On April 14, the NLFT killed four nontribal villagers in Ramdulapara, north Tripura. Reportedly,

the NLFT was retaliating for a United Bengali Liberation Force (UBLF) attack nearby on March 8 in which a villager was killed and six tribals were injured seriously. On April 15, the NLFT killed at least 12 villagers in Khas Kalyanpur, West Tripura. On May 4, NLFT militants shot three family members of Kishore Debbarma, an NLFT deserter. On May 15, NLFT militants killed four persons and abducted three others in west and south Tripura (see Section 1.b.). CPM sources allege that all of the victims were CPM supporters and that the NLFT was punishing them for voting for the CPM in the council polls. On May 19, NLFT insurgents killed seven nontribals—including CPM workers' family members—and set fire to several houses in south and west Tripura. On May 20, at least 8 persons were killed and more than 20 others were injured in Kalyanpur, west Tripura. On May 21, 15 persons were killed in Teliamura and Kalyanpur in attacks on tribals by nontribals. NLFT insurgents killed 40 villagers in west Tripura on May 21, including 19 nontribals who were massacred at a relief camp in Kalyanpur. On May 22, NLFT insurgents killed three nontribals in Gandachhara. On May 25, NLFT members raided the house of a CPM leader in west Tripura, and burned alive his 8-year-old son. On May 26, ATTF rebels killed a tribal person and kidnaped four others (see Section 1.b.). On May 28, the NLFT shot and killed two farmers in Raiabari. On June 6, ATTF ultra's hacked a person to death in Warengtubari. On June 13, two persons, including a paramilitary officer, were killed in an ethnic clash in Telaimura, in which a Bengali mob, angered at a killing by tribals, turned violent. On June 23, NLFT militants kidnaped and killed a person in Anandapur village. On June 26, four persons were injured in ethnic clashes between tribals and Bengalis in Teliamura. On July 9, NLFT militants shot and killed Dharendra Roy, a CPM leader at Salema. On July 14, tribals set fire to more than 150 houses, injured 3 persons, and kidnaped another in Teliamura. On July 22, rebels of the Bru National Liberation Front (BNLF), a group of Reang tribals, shot 12 NLFT activists at Saikarbari. On July 25, tribal rebels killed Roman Catholic priest Victor Crasta near Bongsul village. The same day UBLF activists set 25 houses on fire in west Tripura. On August 17, militants killed a villager at Panisagar and abducted three persons from Manu (see Section 1.b.). On August 26, NLFT insurgents killed one tribal youth in Sidhai, a fisherman at Jarulbachai, and a plantation worker in Narendrapur Tea Estate. On August 27, Bengalis in Tripura State Rifles uniforms hacked to death three tribal women in Durga Charan Para village. NLFT ultra's killed a priest as he was exiting a Kali temple in Jirania on August 27 (see Section 5). On November 19, NLFT members killed six Bengali settlers, including two children, in the remote Barahaldi area of Tripura; a few hours later, Bengali settlers killed seven tribals in retaliation.

In Assam, on April 9, United People's Democratic Solidarity (UPDS) militants lined up 11 non-Karbi laborers in the Dhansari Reserve Forest in Karbi Anglong district, and shot at them. (The UPDS is a Karbi radical group fighting for greater autonomy for the Karbis, and Karbis are tribal peoples native to Karbi Anglong district.) On April 19, UPDS militants killed 11 Nepalis at East and West Umlapher villages. On April 24, UPDS militants killed six Bihari laborers in Akhoiputua as part of their ethnic cleansing drive in Karbi Anglong district. In April alone, the Karbis killed 29 persons. In an ambush near Haflong, Dima Halam Daoga (DHD), militants killed an executive magistrate and five others on May 18. On June 3, ULFA militants at Srijangram in Bongaigaon killed two Assam policemen. On June 20, two CRPF personnel and a top People's United Liberation Front (PULF) leader were killed in an encounter at Motinagar. On June 25, surrendered ULFA leader Tarun Phukan was found dead; it is believed that ULFA activists killed him at Sivsagar. On July 16, UPDS activists in Karbi Anglong district shot 10 nontribals, mostly women and children. On July 18, migrant Biharis killed six Karbi villagers in Karbi Anglong. On July 26, DHD militants opened fire in a marketplace at Herangajao, killing two traders and injuring six others. On August 20, suspected National Democratic Front of Bodoland (NDFB) militants killed Bodo Sahitya Sabha President Bineswar Brahma in Guwahati. On August 21, at Bijni, NDFB rebels killed eight persons including a Peoples Democratic Front Legislator, Mohini Basumatary. On August 22, Bodo militants killed a former All Assam Students Union Leader. On August 27, a man affiliated with the People's United Liberation Front (PULF) killed a 7-year-old Muslim boy in Cachar for unknown reasons, generating protests from Muslim organizations such as Nadwadoot Tamir and the Cachar Koumi Madrassa Students' Association. On December 7, in Sadiya, Assam, more than 20 ULFA militants killed 28 persons after intercepting 3 trucks carrying non-Assamese, mainly Nepali settlers, from a nearby market.

On June 10, unidentified militants killed noted playwright and social worker Arambam Somorendra at Khurai Salanthong. On June 28, unknown assailants killed 10 passengers in a car on the Imphal-Jiri stretch of National Highway 53.

On July 30, unidentified militants killed four security personnel and injured many others in an ambush near Mao, bordering Nagaland. In mid-November suspected militants of the People's Liberation Army of Manipur shot and killed five army personnel in the Mutukhong area of east Imphal district.

Many members of the Hmar Revolutionary Force (HRF) in Mizoram accepted the state government's offer of amnesty in return for surrendering their arms. On June 6, 16 HRF members relinquished arms before state Home Minister Tawnluia. They received \$215 (10,000 rupees) each for rehabilitation. In Assam more than 2,000 extremists surrendered their arms during the year. A new Assam government package for insurgents attempted to rehabilitate rural and urban ultras separately, through various economic development and training programs. On February 6, "organizing secretaries" of the ULFA Khairul Hussain and Phukan Ali and "medical-in-charge" Tajuddin Ahmed surrendered to the army in lower Assam. On March 21, 22 ULFA members surrendered before Sonitpur district administration in Tezpur. On April 4, 532 Assam militants (436 ULFA members, 77 Karbi National Volunteers, and 19 National Democratic Front of Bodoland) surrendered at Rang Ghar. On April 18, 48 ULFA and NDFB militants surrendered before village elders in lower Assam's Darrang district. On May 2, 75 militants (54 ULFA, 12 Rabha National Security Force, 8 Muslim United Liberation Tigers of Assam, and 1 Koch Rajbangshi) surrendered in Goalpara before the district administration. On May 30, 25 ULFA militants relinquished arms before the army at Bongaigaon.

The kidnaping of NGO environmental monitor Sanjay Ghosh in 1997 and his death at the hands of his ULFA captors continued to attract wide public criticism. In August 1997, ULFA confirmed that Ghosh died in captivity after being "arrested and tried." ULFA still has not produced Ghosh's body. In June 1999, the CBI filed murder charges in connection with the case against ULFA leader Paresh Arua and 10 other ULFA members. During the year, surrendered ULFA militant Lohit Deuri told the police that ULFA has kept one of the killers of development worker Sanjay Ghosh in "solitary confinement" since 1999. The alleged killer, Khirod Gohain, is serving a "sentence" for indiscipline.

Naxalite Maoist revolutionaries of the PWG killed dozens of persons, declaring them "class enemies" or police informers. On September 3, three PWG members shot and killed a former Naxalite, Krishnan, in Nizamabad district, Andhra Pradesh. Krishnan had surrendered to police earlier. The militants left a note accusing him of being a police informant. On May 30, PWG Naxalites shot one person and blew up a government guesthouse in a village in Andhra Pradesh. In areas under their control, Naxalites dispense summary justice in "People's Courts," which in some cases condemn to death suspected police informers, village headmen, and others deemed to be "class enemies" or "caste oppressors" (landlords); the Naxalites also extort money from these groups, as well as businesses. Naxalite violence has plagued Andhra Pradesh since the early 1980's, and has claimed more than 500 civilian and police victims since 1996 alone (see Sections 1.g. and 5).

In November 1997, an independent commission of inquiry established by Parliament in 1991 to investigate the May 21, 1991 assassination of former Prime Minister Rajiv Gandhi tabled an interim report of its findings in the Lok Sabha (lower house of Parliament). The report blamed the Liberation Tigers of Tamil Eelam (LTTE) as clearly responsible for the assassination but was inconclusive on the question of whether the LTTE had received assistance in carrying out the murder. It criticized the then-government for its alleged failure to provide comprehensive security for the former Prime Minister. On January 28, 1998, a designated lower court in Chennai sentenced to death all 26 persons accused in the assassination. The CBI originally charged 41 persons in the case; 12 since have died, and 3 have evaded capture (including LTTE leader Velupillai Prabakharan). Many of those sentenced, who include both Indian and Sri Lankan nationals, allegedly were involved only peripherally in the assassination plot, but the court upheld the CBI contention that all of them were aware that they were conspiring in a common cause. Having heard an appeal of the convictions, the Supreme Court in May 1999, acquitted 19 of the 26 accused persons and upheld the convictions of 7 persons (see Section 1.e.). It sustained the death sentence in the case of four of the convicted persons and changed the sentence of three others to life imprisonment.

Nearly 50 persons were killed in election-related violence throughout the country in September and October (see Sections 1.g. and 4).

Religiously and ethnically motivated violence caused numerous deaths (see Section 5).

Mob lynchings of tribal people occur in many states (see Section 5).

b. Disappearance.—According to human rights groups, unacknowledged, incommunicado detention of suspected militants continued in Jammu and Kashmir; however, the Government has not released any recent figures.

The Ministry of Home Affairs reported that 744 suspected militants were arrested in 1999 and 109 persons surrendered. In comparison, according to the Jammu and Kashmir police, 1,228 suspected militants were arrested in 1998 and 187 persons surrendered. Human rights organizations allege that the decline in the number of militants arrested from 1998 to 1999 is consistent with reports that security forces are killing many militants captured in "encounters" (see Section 1.a.); that pattern continued during the year. Of those arrested and who surrendered in 1998, 529 persons were released after preliminary questioning, 457 persons were charged under special security laws, and the remaining persons were released at a later stage of judicial review. In addition the Jammu and Kashmir police stated that in 1998 it held 514 persons under the Public Safety Act (PSA). According to an Amnesty International report that was released during the year, there are between 700 and 800 unsolved disappearances in Kashmir since 1990. The Home Ministry reported that security forces in the northeastern states arrested 1,413 suspected militants in 1999; an additional 1,080 militants surrendered during that year. In comparison 1,485 suspected militants were arrested and 267 persons surrendered in 1998. The Government was unable to provide complete statistics for the number of persons held under special security laws in the northeastern states, but acknowledged that 43 persons were in detention under the National Security Act as of December 31, 1998. Although the Government allowed the Terrorist and Disruptive Practices (Prevention) Act (TADA) to lapse in 1995, human rights organization credibly reported that more than 1,000 persons remained in detention awaiting prosecution under the law. Several thousand others are held in short-term (1 day to 6 months duration) confinement in transit and interrogation centers.

Human rights groups maintain that several hundred more persons are held by the military and paramilitary forces in long-term unacknowledged detention in interrogation centers and transit camps in Jammu and Kashmir and in the northeastern states that nominally are intended for only short-term confinement. Human rights groups fear that many of these unacknowledged prisoners are subject to torture and extrajudicial killing (see Sections 1.a. and 1.c.). According to one NGO, there were 1,300 writs of habeas corpus pending in the Jammu and Kashmir High Court in 1999. In August Amnesty International reported that the fates of up to 1,000 persons reported missing in Jammu and Kashmir since 1990 remain unexplained by authorities. The U.N. Special Rapporteur on Torture reported in 1997 that more than 15,000 habeas corpus petitions have been filed in the country since 1990, "but that in the vast majority of these cases the authorities had not responded to the petitions." In 1999 the Working Group on Enforced or Involuntary Disappearances of the U.N. Commission on Human Rights (UNCHR) transmitted 33 newly reported cases of disappearance to the Government, 14 of which reportedly occurred in 1998. The Government submitted information on eight cases of disappearance to the working group in 1999.

HRW reported that M. Akbar Tantray, an imam of a mosque in Rafiabab, Jammu and Kashmir, was reported missing on February 8. Shortly after his January 30 arrest by an army unit, unit officials told family members that Tantray was not in their custody. In February the NHRC issued a notice to the Union Defense Secretary requiring him to report on the whereabouts of Abdul Rasheed Wani of Bemina, Jammu and Kashmir. According to family members, an army patrol arrested Wani near the Srinagar fruit market on July 7, 1997 and he has not been seen since. In August Amnesty International appealed to the Government to investigate the growing number of disappearances in Jammu and Kashmir. The organization estimated that as many as 1,000 persons had "disappeared" in the state since 1990. In September the NHRC issued a notice to the Chief Secretary and Director General of Police in Jammu and Kashmir and the Secretaries of the Union Home and Defense Ministries requiring them to report on missing persons in the state within 8 weeks; however, there was no public information regarding the authorities complied with the directive.

In one prominent case in Jammu and Kashmir, the Government responded to the U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions in 1997, states that human rights monitor Jalil Andrabi was not arrested by security forces, as alleged by human rights groups, but was abducted by "unidentified armed persons." Andrabi last was seen alive in the presence of countermilitants and members of the security forces on March 8, 1996, in Srinagar. Despite the Government's statement, the army in February 1996 identified to a Srinagar court a major with a temporary commission as the individual primarily responsible for Andrabi's death. Security forces allegedly dumped Andrabi's body into the Jhelum River. His case also is the subject of an inquiry by the NHRC. In 1998 an army major was arrested for the killing of Andrabi. There was no progress in the case by year's end, and the accused major no longer is in detention (see Sections 1.a. and 4). In April 1998, the

Government stated that it would investigate the fate of eight persons who reportedly disappeared in Jammu and Kashmir during 1997: Fayaz Ahmad Beigh, Fayaz Ahmad Khan, Abdula Rashid Wahid, Mohammed Ashraf Dar, Mohammed Afzal Shah, Nisar Ahmad Wani, Manzoor Ahmad Dar, and Bilal Ahmad Sheikh. In September 1998, the Government accounted for only one of the eight persons, claiming that Fayaz Ahmad Beigh had escaped from police custody on September 9, 1997, and was believed to have crossed the line of control into Pakistan. By year's end, no new information was available on any of these cases. As of December 1997, 55 cases of disappearance and custodial death still were pending against Border Security Force personnel in Jammu and Kashmir (see Sections 1.a. and 1.c.).

The Government maintains that screening committees administered by the state governments provide information about detainees to their families. However, other sources indicate that families are able to confirm the detention of their relatives only by bribing prison guards. For example, in May the People's Union for Civil Liberties (PUCL) published an appeal by Sunita Majumdar, the mother of Partha Majumdar, who was taken from his home by police in District 24 Parganas, West Bengal, in September 1997, and has not been seen since. Police have provided no information in the case despite a request from the State Human Rights Commission. Partha Majumdar was a witness to an alleged police shooting that left one person dead. In May the State Human Rights Commission recommended that a criminal investigation be initiated against police involved in the incident; however, it is not known whether the requested criminal investigation was initiated. A program of prison visits by the International Committee of the Red Cross (ICRC), which began in October 1995, is designed in part to help assure communications between detainees and their families. During the year, the ICRC visited approximately 1,000 detainees in about 20 places of detention. All acknowledged detention centers in Jammu and Kashmir and Kashmiri detainees elsewhere in the country were visited. However, the ICRC is not authorized to visit interrogation centers or transit centers, nor does it have access to regular detention centers in the northeastern states (see Sections 1.c. and 4).

In Punjab the pattern of disappearances prevalent in the early 1990's appears to have ended. Hundreds of police and security officials were not held accountable for serious human rights abuses committed during the counterinsurgency of 1984-94. However, steps were taken against a few such violators. The CBI claims to be pursuing actively charges against dozens of police officials implicated in the "mass cremations" case. Police in the Tarn Taran district secretly disposed of bodies of suspected militants believed to have been abducted and extrajudicially executed, cremating them without the knowledge or consent of their families. The CBI in its report to the Supreme Court in December 1996 stated that Punjab police secretly had cremated over 2,000 bodies in Tarn Taran; of these, 585 bodies had been identified fully, 274 had been identified partially, and 1,238 were unidentified. Most reportedly were killed by Border Security Force personnel while they were attempting to enter the country from Pakistan, were unidentified victims of accidents or suicide, or died in clashes between militant factions. However, 424 persons apparently were militants killed in the interior of the district, 291 of whom subsequently were identified. These numbers demonstrate the extent of the violence during those years and, given the pattern of police abuses prevalent during the period, credibly include many persons killed in extrajudicial executions. The NHRC is seeking to obtain compensation for the families of those victims whose remains were identified, but the Government has challenged the NHRC's jurisdiction in the cases. In September 1998, the Supreme Court upheld the right of the NHRC to investigate the cases. In August 1998, the Committee for the Coordination on Disappearances in Punjab (CCDP) member and former Supreme Court Justice Kuldeep Singh presented the Chief Minister of Punjab with a list of approximately 3,000 persons who either were missing or had died in encounters with security forces during the period of unrest in Punjab. Former Justice Singh also announced that the CCDP would form a threemember commission to investigate the mass cremations. The Commission received little cooperation from state government authorities and made little progress during the year (see Section 4).

Amnesty International in its April report on human rights defenders in the country expressed concern that Punjab police officials continued to obstruct the judicial inquiry into the death of human rights monitor Jaswant Singh Khalra, hindering efforts to probe the Tarn Taran cremations. Khalra was investigating the cremation of unidentified bodies by Tarn Taran police. Several witnesses observed Punjab police officials arrest Khalra outside his Amritsar home in September 1995. Police officials subsequently denied that they had arrested Khalra, and he has not been seen since. In July 1996, following its investigation, the CBI identified nine Punjab police officials as responsible for Khalra's abduction and recommended their prosecution.

One of the suspects subsequently died, reportedly by suicide; none of the others were charged by year's end. One human rights organization credibly alleged that police intimidated a witness in the case in August, threatening to kill him if he testified against them. These events prompted extended public debate over the accountability of Punjab police for abuses committed while suppressing a violent insurgency. According to human rights monitors in Punjab, approximately 100 police officials either were facing charges, were prosecuted, or were under investigation for human rights abuses at year's end.

There are credible reports that police throughout the country often do not file required arrest reports. As a result, there are hundreds of unsolved disappearances in which relatives claim that an individual was taken into police custody and never heard from again. Police usually deny these claims, countering that there are no records of arrest. In Manipur 14-year-old Yumlembam Sanamacha of Thoubal district has been missing since soldiers arrested him in February 1998. The army reportedly detained him because of his alleged links with insurgent groups. The All-Manipur Students' Union petitioned the Guwahati High Court for Sanamacha's release. The Court ordered the army to produce the boy, but it failed to do so and his whereabouts remain unknown. On May 5, 1999, police in Siliguri, West Bengal, arrested 14-year-old Pinter Yadav and his 9-year-old cousin. According to local human rights monitors, the boys were beaten and, when Pinter began to vomit blood, he was taken to a local police station. He has not been seen since, and efforts by family members to petition police for information were unsuccessful.

Militants in Jammu and Kashmir and the northeastern states continued to use kidnappings to terrorize the population, seek the release of detained comrades, and extort funds. Sometimes kidnaped persons later were killed (see Sections 1.a. and 1.g.). According to government figures, there were 634 kidnappings in the northeastern states during 1999. There were no significant new developments in the case of the 1995 kidnappings of American, British, German, and Norwegian nationals, despite police cooperation with foreign diplomats.

On April 15, the BNLF abducted two officials of the Mizoram Public Health Engineering Department. The rebels released the captives on May 16, after the intervention of three local church leaders. On April 19, members of the Reang ethnic minority abducted a teacher in Aizawl, Mizoram. On May 13, NLFT guerillas abducted two tea garden staff from Kailashahar. On May 14, NLFT militants injured three persons and abducted three others in Udaypur (see Section 1.c.). Also on May 14, tribal guerillas abducted three persons and set a number of houses on fire in Radhakishorpur and Kanchanpur, Tripura. On May 15, NLFT militants killed four persons and abducted three others in west and south Tripura (see Section 1.a.). CPM sources allege that all of the victims were CPM supporters, and that the NLFT was punishing them for voting for the CPM in the council elections. On May 17, the NLFT shot two villagers whom they had kidnaped from Manu on February 28. On May 23, NSCN(K) supporters abducted seven persons in Borduria village, Tirap district, Arunachal Pradesh. On May 26, ATTF killed a tribal person and kidnaped four other persons (see Section 1.a.). On May 31, an NLFT militant abducted CPM worker Ajit Debbarma from Jampuijala, West Tripura. On June 6, in the Andaman Islands, Tamil immigrants from Sri Lanka abducted and took hostage Manoranjan Bhakta, a former Congress Party Member of Parliament, for more than 24 hours on Katchal Island. On June 14, the Manipur based Hmar People's Conference (HPC) released the two engineers and four technicians of the Northeastern Electric Power Corporation (NEEPCO) who were abducted on March 31 from Mizoram. On June 22, NLFT rebels kidnaped a tribal family in Khowai. On June 29, tribal militants abducted seven nontribals in Melaghar, Gandacherra and Brahmacherra. On July 3, North Tripura tribal guerrillas kidnaped a nontribal youth; in retaliation a mob killed an elderly tribal woman and burned down a number of houses. Also on July 3, NLFT militants abducted the manager of Golakpur Tea estate in north Tripura. On July 4, tribal militants in Dhalai, Tripura, kidnaped a health department official. On July 14, tribals set fire to more than 150 houses, injured 3 persons, and kidnaped another in Teliamura. On July 23, NLFT militants kidnaped four tribals from a Garo colony in South Tripura. On August 16, nine Tripura villagers were kidnaped in Brahmachhara Udaypur subdivision. On August 17, militants abducted three persons from Manu and killed a villager at Panisagar (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and confessions extracted by force generally are inadmissible in court; however, torture is common throughout the country, and authorities often use torture during interrogations. In other instances, they torture detainees to extort money and sometimes as summary punishment.

In 1997 the U.N. Special Rapporteur on Torture reported that the security forces systematically torture persons in Jammu and Kashmir in order to coerce them to

confess to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants. Information is not made public regarding instances of action taken against security force personnel in Jammu and Kashmir for acts of torture.

In May the NHRC ordered the government of Jammu and Kashmir to pay \$4,395 (200,000 rupees) to the family of Ghulam Rasool, following its investigation into Rasool's 1996 death while in police custody in Kathua, Jammu and Kashmir. Police arrested Rasool in Kathua on October 31, 1996. He was found dead in his cell the following day. The autopsy showed that the cause of death was cardiorespiratory arrest arising from the dislocation of the spine. It also showed that Rasool had suffered injuries to his scalp, face, back, left eye, and both arms and legs. The NHRC concluded that police had tortured Rasool to death. It further directed the Jammu and Kashmir government to initiate legal proceedings against the police officials responsible. Human rights monitors maintain that there is a similar pattern of security force abuses in the northeastern states. On July 28, members of the Assam Rifles arrested Khuraijam Pranam of Bishenpur, Manipur and allegedly tortured him for 2 days before turning him over to local police. Pranam survived and underwent treatment in Imphal Hospital. On August 18, the Guwahati High Court directed the Manipur government to ensure that Pranam was not harmed in the hospital, and to allow family members to visit him. Police abuses against indigenous people include torture (see Section 5).

The U.N. Special Rapporteur on Torture noted in 1997 that methods of torture included beating, rape, crushing the leg muscles with a wooden roller, burning with heated objects, and electric shocks. Because many alleged torture victims die in custody, and others are afraid to speak out, there are few firsthand accounts, although marks of torture often have been found on the bodies of deceased detainees. The U.N. Special Rapporteurs on Torture and on Extrajudicial Killings renewed their requests to visit the country during the year, but the Government did not permit them to do so (see Section 4).

The prevalence of torture by police in detention facilities throughout the country is supported by the number of cases of deaths in police custody (see Section 1.a.). Delhi's Tihar jail is notorious for the mistreatment of prisoners, with 1 of every 11 custodial deaths occurring there. Police and jailers typically assault new prisoners for money and personal articles. In addition police commonly torture detainees during custodial interrogation. Although police officers are subject to prosecution for such offenses under Section 302 of the Penal Code, the Government often fails to hold them accountable. On April 20, police in Gujarat allegedly beat to death Colonel Pratap Save in a local police station (see Section 1.a.). The PUCL reported that police tortured to death Sudath Kumar in Moodabidri police station, Karnataka, on May 30 to 31 (see Section 1.a.). Human rights groups allege that police in Andhra Pradesh tortured and then hanged an unarmed suspected Naxalite, Chandraiah, on June 10 (see Section 1.a.). On August 4, Krishna Pada Seal died, just after he and his family were released from prison; according to the PUCL, prison officials tortured them during detention (see Section 1.a.). The PUCL alleged that police in Mangalore district, Karnataka, were responsible for the August 29 custodial death of Sudath Kumar Jain, a 40-year-old local film projectionist who died in a hospital after sustaining injuries (see Section 1.a.). During the year, Amnesty International expressed concern about the September 1999 torture death of 21-year-old Devinder Singh (see Section 1.a.).

The U.N. Special Rapporteur on Torture stated in 1997 that, in Jammu and Kashmir, torture victims or their relatives reportedly have had difficulty in filing complaints because local police were issued instructions not to open a case without permission from higher authorities. In addition the Armed Forces (Jammu and Kashmir) Special Powers Act provides that unless approval is obtained from the central Government, no "prosecution, suit, or other legal proceeding shall be instituted ... against any person in respect of anything done or purported to be done in exercise of the powers of the act." This provision allows the security forces to act with virtual impunity.

There also were incidents in which police beat journalists (see Section 2.a.), demonstrators (see Section 2.b.), and Muslim students (see Section 2.c.). Police also committed abuses against tribal people (see Section 5).

The rape of persons in custody is part of the broader pattern of custodial abuse. Limits placed on the arrest, search, and police custody of women appear effectively to limit the frequency of rape in custody, although it does occur on occasion. According to HRW, in February in Tamil Nadu, 12 women were detained illegally, tortured, and repeatedly sexually assaulted in custody, because of their ties to a suspected robber who had himself died in police custody. In addition to the 12 women, police detained and beat the young sons of suspected robbers, according to a local

human rights organization. The same organization reported that the victims declined to press charges against the police. On September 3, Captain Ravinder Singh Twatir of the 12th Battalion, Rashtriya Rifles, was sentenced to 7 years of rigorous imprisonment and dismissed from the army for raping a girl in Naugam village, Doda district, Jammu and Kashmir on February 14. As of September no action had been taken against an alleged accomplice in the rape, special police officer Bharat Bhusan. The NHRC received a report of only one case of custodial rape between April 1997 and March 1998. The 24-hour reporting requirement applies to custodial rape as well as custodial death. However, the requirement does not apply to rape by policemen outside police stations. NGO's claim that rape by police, including custodial rape, is more common than NHRC figures indicate. Although evidence is lacking, a higher incidence of abuse appears credible, given other evidence of abusive behavior by police and the likelihood that many rapes go unreported due to a sense of shame and a fear of retribution among victims.

Human rights monitors allege that on July 19, central reserve police force personnel raped a tribal housewife in Lamdam village, Manipur. They allege that the rape was committed in retaliation for an attack carried out on a CRPF patrol by People's Liberation Army militants the previous day (see Section 1.g.).

There is a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear among noncombatants in insurgency-affected areas (see Section 1.g.), but it is not included in NHRC statistics because it involves military forces.

From April 1998 to March 1999, the NHRC received 1,297 complaints of custodial death (1,114 in judicial custody and 183 in police custody), no cases of custodial rape, and 2,252 complaints of other police abuses. By year's end, the NHRC had not released the statistics of its actions against police during this time period. However, from April 1997 to March 1998, the NHRC received 1,012 complaints of custodial death (819 in judicial custody and 193 in police custody), 1 case of custodial rape, and 1,413 complaints of other police excesses. As a result of NHRC action during this earlier period, criminal prosecutions were brought against 43 persons; departmental action was taken against 60 officers, 51 of whom were placed under suspension; and monetary compensation in amounts ranging from \$1,100 (50,000 rupees) to \$2,100 (100,000 rupees) were recommended for payment in 20 cases.

According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (see Sections 5, 6.c., and 6.f.).

Police corruption undermines efforts to combat trafficking in women and children (see Section 6.f.).

Security forces killed and injured numerous militant group members, many in so-called encounter deaths, particularly in Jammu and Kashmir and the northeastern states (see Section 1.a.).

Militant groups sometimes used automatic weapons, hand grenades, bombs, landmines, and other weapons in political violence in Jammu and Kashmir and the northeastern states; numerous security forces and civilians were killed and injured.

Religiously motivated violence led to a number of deaths and injuries as well as damage to property (see Sections 1.a., 1.g., and 5).

Some militant groups in the northeast have used rape as a tactic to terrorize the populace; however, no cases are known to have been reported during the year.

Prison conditions are very poor. Prisons are severely overcrowded, and the provision of food and medical care frequently is inadequate.

Prisons operate above capacity because of thousands of prisoners awaiting hearings (see Section 1.d.). For example, in Bihar 80 percent of prisoners are unconvicted remand prisoners awaiting completion of their trials. Delhi's Tihar jail, with a designed capacity of 3,300 persons, houses 9,000 prisoners. Birsa Munda jail in Ranchi, Bihar, designed to hold 364 persons, houses more than 1,800 male and female prisoners. In May the PUCL visited Sakchi jail, Jamshedpur, Bihar, following complaints of abuse of prisoners. The human rights activists found that the prison, designed to hold 200 prisoners, housed 786 persons, of whom only 55 had been convicted; the rest were at various stages of the judicial process. Amnesty International reported that overcrowding in Arthur jail, Mumbai, led to rioting on June 19. Designed to hold 50 prisoners, Arthur jail has 180 inmates. Prison guards reportedly attacked inmates with razors and wooden poles to quell rioting that erupted following a fight between two prisoners. Forty inmates were injured in the incident. An August 3 report from Aizawl, Mizoram, stated that its central jail, designed to house 500 prisoners, had 846 inmates. The NHRC reported in February on its November 1999 visits to jails in Guwahati and Shillong. In Guwahati the commission found 780 inmates in a district jail designed to hold 507 (see Section 1.d.). In Shillong the commission found 374 inmates in the central jail, which was designed to hold 150 persons. One of the inmates was a 10- or 11-year-old girl

awaiting trial. The Government prepared a national prison manual during the year to facilitate reform. It also continued to provide financial aid to the states. However, the Prison Act of 1894 remains unamended. According to the SAHRDC, in the poorest states, such as Bihar, where 265 police stations have no lock-up facilities, the lack of prisons led police to shackle prisoners to trees. An NHRC investigatory team visiting Meerut jail in Uttar Pradesh in 1998 found about 3,000 inmates in a facility designed to hold 650 persons. As a result of this and other jail visits, the NHRC hired a consultant to draft the prison reform bill to be submitted to the Government. The draft bill, meant to be enacted by the national Parliament, encountered opposition from state governments asserting that prison management is the responsibility of the states. No new initiatives were taken on the bill during the year. The 1,114 deaths in judicial custody in 1998–99, occurring in a prison population of approximately 246,000 persons, many of whom are held for years, include a large proportion of deaths from natural causes that, in some cases were aggravated by poor prison conditions (see Section 1.a.). A study conducted by the NHRC in 1997–98 found that tuberculosis was the cause of death in 76 percent of deaths in judicial custody. Deaths in police custody, which typically occur within hours or days of initial detention, more clearly imply violent abuse and torture. The NHRC has no authority to investigate abuses by security forces directly, and security forces in Jammu and Kashmir and the northeastern states are not required to report custodial deaths to the Commission.

With the exception of an agreement with the ICRC for visits to detention facilities in Jammu and Kashmir, the Government does not allow NGO's to monitor prison conditions (see Section 4). However, 15 states and union territories have authorized the NHRC to conduct surprise check-ups on jails. Although custodial abuse is deeply rooted in police practices, increased press reporting and parliamentary questioning provide evidence of growing public awareness of the problem. The NHRC has identified torture and deaths in detention as one of its priority concerns. In 1998 it created a "Special Rapporteur and Chief Coordinator of Custodial Justice" to help implement its directive to state prison authorities to ensure that medical check-ups are performed on all inmates. In June the country's first women's correctional facility was opened in the Tihar complex in New Delhi.

d. Arbitrary Arrest, Detention, or Exile.—During the early 1980's, the Government implemented a variety of special security laws intended to help law enforcement authorities fight separatist insurgencies, and there were credible reports of widespread arbitrary arrest and detention under these laws during the year.

Although the law that had been subject to the most extensive abuse, the TADA, lapsed in May 1995, 1,502 persons previously arrested under the act continued to be held as of January 1, 1997, in a number of states, according to the NHRC's 1996–97 report. Human rights sources estimate that about 1,000 persons remained in custody under TADA or related charges at year's end. A small number of arrests under the TADA continued for crimes allegedly committed before the law lapsed. In 1997 the Government asserted that every TADA case would be reviewed. However, few persons have been released as a result of the review. Criminal cases are proceeding against most of those persons still held under the TADA, with more than 3,000 charged under other laws in addition to the TADA. In 1996 the Supreme Court eased bail guidelines for persons accused under TADA, taking into account the large backlog of cases in special TADA courts. In March 1999, the state minister for home affairs told the Jammu and Kashmir state assembly that 16,620 persons had been detained under the TADA in the state since 1990; of these, 1,640 were brought to trial and 10 were convicted. TADA courts use abridged procedures. For example, defense counsel is not permitted to see witnesses for the prosecution, who are kept behind screens while testifying in court. Also, confessions extracted under duress are admissible as evidence. The special task force established by the state police forces of Karnataka and Tamil Nadu to capture a bandit hiding in forests in the border area between the 2 states had arrested some 121 persons under the TADA prior to the law's lapse; 51 of these persons were in custody at year's end.

During the year, the Government sent a draft Prevention of Terrorism Bill, 2000 to the Law Commission of India for review and possible introduction in Parliament. The bill is similar to the TADA, in that it would permit summary trials and the hearing of testimony exacted under duress. It also would allow witnesses to testify in camera, without having to disclose their identities to the defense at any stage of the proceedings. In addition it would compel journalists to disclose to authorities any information regarding terrorist groups or actions, or face charges of terrorism against them. Finally, the bill would require the law to be reviewed every 5 years, instead of every 2, which was the case with TADA. In August the NHRC issued an opinion stating that the new Prevention of Terrorism Bill was not necessary. Commenting on these and other provisions of the bill, the NHRC wrote: "These provi-

sions would seriously affect human rights guaranteed under the Constitution and violate basic principles of criminal jurisprudence as internationally understood." Similar bills are pending in the Madhya Pradesh and Andhra Pradesh state assemblies. If enacted they would provide for special courts to try offenses, place the burden of proof at the bail stage on the accused, make confessions to a police officer of the rank of superintendent of police admissible as evidence, extend the period of remand from 15 to 60 days, and set mandatory sentences for terrorism-related offenses. The Maharashtra state assembly enacted TADA-like legislation in November 1999. On September 6, the Mumbai Sessions Court issued the first conviction under the act, the Organized Crime (Control) Act. The court sentenced three alleged gang members to death on charges of conspiracy to murder former Mumbai mayor Milind Vaidya. The three persons have appealed their convictions to the Mumbai High Court. As of year's end, their case had not been heard.

The Constitution permits preventive detention laws in the event of threats to public order and national security. Under Article 22 of the Constitution, an individual may be detained—without charge or trial—for up to 3 months, and detainees are denied their rights or compensation for unlawful arrest or detention. In addition to providing for limits on the length of detention, the preventive detention laws provide for judicial review. Several laws of this type remain in effect.

The National Security Act (NSA) of 1980 permits the detention of persons considered to be security risks; police anywhere in the country (except Jammu and Kashmir) may detain suspects under NSA provisions. Under these provisions the authorities may detain a suspect without charge or trial for as long as a year on loosely defined security grounds. The state government must confirm the detention order, which is reviewed by an advisory board of three High Court judges within 7 weeks of the arrest. NSA detainees are permitted visits by family members and lawyers, and must be informed of the grounds for their detention within 5 days (10 to 15 days in exceptional circumstances). According to the Government, 1,163 persons were being held under the NSA at the end of 1997. The NSA does not define "security risk." Human rights groups allege that preventive detention may be ordered and extended under the act purely on the opinion of the detaining authority and after advisory board review. Any court may not overturn such a decision.

The Jammu and Kashmir Public Safety Act (PSA) of 1978 covers corresponding procedures for that state. Over half of the detainees in Jammu and Kashmir are held under the PSA. Jammu and Kashmir police reported that 514 persons were being held under the PSA as of December 1998. In September and November 1999 alone, the Jammu and Kashmir police arrested 25 members of the Kashmiri separatist All Parties Hurriyat Conference (APHC). The arrests followed a series of terrorist attacks in the state for which members of this group allegedly were responsible (see Sections 1.a., 1.g., and 4). On April 4, the Government released 3 of the 25 persons; in May it released 11 more of the APHC detainees and attempted to initiate a dialog with the APHC. By year's end, all of the remaining APHC detainees were released; no charges were brought against any of them. In December 1999, Shabir Shah, president of the Jammu and Kashmir Democratic Freedom Party, was released. At the time of Shah's release, Amnesty International expressed concern about the 25 arrested leaders of the APHC and explicitly suggested that the charges were politically motivated.

The Constitution provides that detainees have the right to be informed of the grounds for their arrest, to be represented by counsel, and, unless held under a preventive detention law, to appear before a magistrate within 24 hours of arrest. At this initial appearance, the accused either must be remanded for further investigation or released. The Supreme Court has upheld these provisions. The accused must be informed of their right to bail at the time of arrest and may, unless held on a nonbailable offense, apply for bail at any time. The police must file charges within 60 to 90 days of arrest; if they fail to do so, court approval of a bail application becomes mandatory.

In November 1997, the Supreme Court upheld the constitutional validity of the Armed Forces Special Powers Act (AFSPA) of 1958. In a representation made to the NHRC, the SAHRDC asserted that the act's powers were "too vast and sweeping and pose a grave threat to the fundamental rights and liberties of the citizenry of the (disturbed) areas covered by the act." The SAHRDC asserted that the powers granted to authorities under Section 3 of the act to declare any area to be a "disturbed area," and thus subject to the other provisions of the act, were too broad. Moreover, the SAHRDC noted that Section 4(a) of the act empowers any commissioned officer, warrant officer, noncommissioned officer, or any other person of equivalent rank in the armed forces to fire upon and otherwise use force, even to the point of death, if he believes that it is necessary for the maintenance of law and order. Further, Section 6 of the act states that "no prosecution, suit or other legal

proceedings shall be instituted, except with the previous sanction of the central Government against any person in respect of anything done or purported to be done in exercise of powers" conferred by the act.

The court system is extremely overloaded, resulting in the detention of numerous persons awaiting trial for periods longer than they would receive if convicted. Prisoners may be held for months or even years before obtaining a trial date. According to a reply to a parliamentary question in July 1994, more than 111,000 criminal cases were pending in the Allahabad High Court, the most serious case backlog in the country, of which nearly 29,000 cases had been pending for 5 to 8 years. A statement to Parliament in July 1996 indicated that criminal and civil cases pending before the country's high courts numbered nearly 2.9 million in 1995, roughly the same as in 1994, but an increase from 2.65 million in 1993. According to the Union Home Ministry, the total number of civil and criminal cases pending for 3 or more years in all courts throughout the country was 5,116,895 on December 31, 1998. In its most recent report, the NHRC reported that nearly 80 percent of all prisoners held between April 1996 and March 1997, were so-called "undertrials," i.e., unconvicted remand prisoners awaiting the start or conclusion of their trials. In its 1997-98 report, the NHRC stated that it "remains deeply disturbed by the presence of a large number of under trial prisoners in different jails in the country." In March 1999, the chairman of the NHRC said that 60 percent of all police arrests were "unnecessary and unjustifiable," and that the incarceration of those wrongly arrested accounted for 43 percent of the total annual expenditure on prisons. The NHRC reported in February on its November 1999 visits to jails in Guwahati (see Section 1.c.). The Commission found that 90 percent of the 780 inmates were unconvicted prisoners awaiting completion of trial. On February 27, the NHRC directed the Orissa government to pay \$1,000 (50,000 rupees) as interim relief to a 16-year-old boy who was victim of illegal detention and torture by police at Kandhamal. Accused of theft, the boy was sent to a regular prison to await trial, rather than a juvenile home. In March the NHRC reported that it had directed the West Bengal government to pay \$1,000 (50,000 rupees) in compensation to the court guardian of a 12-year-old girl who was in the custody of the West Bengal police for nearly a decade because she was the sole witness to her parents' murder. On July 9, Bihar police registered a case against then-Bihar Minister of State for Cooperatives Lalit Yadav, his cousin, and four others for alleged illegal detention and torture of a truck driver and cleaner at the minister's residence. The complaint alleges that Yadav kept the two men in wrongful confinement for a month, beat them, and tortured them. The two men's toenails allegedly were pulled out and they were forced to drink urine. Yadav was dismissed from his state government post and from his political party membership.

On November 28, the Government announced that it was allocating \$108.15 million (5.03 billion rupees) to state governments for the creation of 1,734 additional courts during 2000-2005, in order to hear more cases and reduce the number of remand prisoners.

In June 1997, Rongthong Kunley Dorji, a Bhutanese dissident, was placed in judicial custody pending review of an extradition request from the Government of Bhutan on charges that included political offenses as well as financial malfeasance. On June 12, 1998, Dorji was released on bail following the New Delhi High Court's decision to deny a government appeal and let stand a lower court's order to grant bail in the case. Dorji still awaits conclusion of his extradition hearing.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—There is an independent judiciary with strong constitutional safeguards. Under a Supreme Court ruling, the Chief Justice, in consultation with his colleagues, has a decisive voice in selecting judicial candidates. The President appoints judges, and they may serve up to the age of 62 on the state high courts and up to the age of 65 on the Supreme Court.

Courts of first resort exist at the subdistrict and district levels. More serious cases and appeals are heard in state-level high courts and by the national-level Supreme Court, which also rules on constitutional questions. State governments appoint subdistrict and district judicial magistrates. High court judges are appointed on the recommendation of the federal law ministry, with the advice of the Supreme Court, the High Court Chief Justice, and the chief minister of the State, usually from among district judges or lawyers practicing before the same courts. Supreme Court judges are appointed similarly from among High Court judges. The Chief Justice is selected on the basis of seniority.

When legal procedures function normally, they generally assure a fair trial, but the process often is drawn out and inaccessible to poor persons. Defendants have the right to choose counsel from attorneys who are fully independent of the Govern-

ment. There are effective channels for appeal at most levels of the judicial system, and the State provides free legal counsel to the indigent.

The Criminal Procedure Code provides for an open trial in most cases, but it allows exceptions in proceedings involving official secrets, trials in which statements prejudicial to the safety of the state might be made, or under provisions of special security legislation. Sentences must be announced in public.

Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The Government does not interfere in the personal status laws of the minority communities, with the result that personal status laws that discriminate against women are upheld.

In Jammu and Kashmir, the judicial system barely functions due to threats by militants against judges, witnesses, and their family members; because of judicial tolerance of the Government's heavy-handed antimilitant actions; and because of the frequent refusal by security forces to obey court orders. Courts in Jammu and Kashmir are reluctant to hear cases involving terrorist crimes, and fail to act expeditiously on habeas corpus cases, if they act at all. There were a few convictions of alleged terrorists in the Jammu High Court during the year. Many more accused militants have been in pretrial detention for years. On April 1, the Jammu and Kashmir Home Minister submitted a written statement to the state assembly acknowledging that 115 foreign militants (primarily from Pakistan, but reportedly also from Afghanistan and Tajikistan) jailed in the state and elsewhere had not been tried, despite the fact that many of them had been imprisoned for 10 years (see Section 1.d.).

Criminal gangs in all four southern states have been known to attack rivals and scare off complainants and witnesses from court premises, denying free access to justice. In some cases, accused persons have been attacked while being escorted by police to the courts.

The U.N. Special Rapporteur on the Independence of the Judiciary requested to visit the country during the year, but the Government did not grant the Rapporteur permission to do so.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The police must obtain warrants for searches and seizures. In a criminal investigation, the police may conduct searches without warrants to avoid undue delay, but they must justify the searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Assam have special powers to search and arrest without a warrant.

The government Enforcement Directorate (ED), which is mandated to investigate foreign exchange and currency violations, searches, interrogates, and arrests thousands of business and management professionals annually, often without search warrants. However, the ED ultimately convicts very few persons. In 1997 only 28 persons out of thousands arrested were convicted, according to the Times of India.

The Indian Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail, in case of public emergency or "in the interest of the public safety or tranquillity." Every state government has used these powers, as has the central Government.

In early January, soldiers set fire to 47 shops in an open market in Pattan Town, northern Kashmir Valley, in retaliation for a nearby ambush in which militants killed 2 soldiers. The army used gasoline to spread the blaze and shot at fire trucks that arrived on the scene. Human rights activists were unaware of any effort to hold security force members accountable for the rampage in Pattan Town; government information on action against suspects was unavailable.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Government forces continue to commit numerous serious violations of humanitarian law in the disputed state of Jammu and Kashmir. Between 350,000 and 450,000 army and paramilitary forces are deployed in Jammu and Kashmir. The Muslim majority population in the Kashmir valley suffers from the repressive tactics of the security forces. Under the Jammu and Kashmir Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act, both passed in July 1990, security force personnel have extraordinary powers, including authority to shoot suspected lawbreakers and those persons disturbing the peace, and to destroy structures suspected of harboring militants or arms.

The Union Home Ministry was unable to estimate how many civilians were killed in crossfire by security forces in Jammu and Kashmir during the year. It reported that 84 such deaths occurred in Jammu and Kashmir in 1996–1997. The security forces continue to abduct and kill suspected militants; the security forces have not accepted accountability for these abuses. Many commanders' inclination to distance

their units from such practices has led to reduced participation in them and a transfer of some of these abuses to government-supported countermilitants.

According to credible reports, in addition to harassment during searches and arbitrary arrests (see Section 1.d.) security forces abduct and sometimes use civilians as human shields in night patrolling and searching for landmines; the abuses so far have occurred mostly in the Kupwara and Doda districts. Because of Doda's inaccessibility, the abuses there allegedly have been underreported greatly.

The spring and summer 1999 incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control near Kargil in the state of Jammu and Kashmir resulted in an increased counterinsurgency campaign, accompanied by repressive offensive measures. According to a credible government source, as of early December 1999 over 450 militants had been killed since the Kargil conflict began. That trend continued, with official sources reporting that security forces had killed 1,062 militants during the first 9 months of the year. In September 1999, then-chief of army staff Gen. Ved Malik said that security forces were killing 150 to 160 militants every month in Jammu and Kashmir.

Kashmiri militant groups also committed serious abuses.

Militants carried out several execution-style mass murders of Hindu (Pandit), Sikh, and Buddhist villagers in Jammu and Kashmir (see Sections 1.a. and 5). On March 20, suspected militants killed 35 Sikhs in Chatisinghpura village, Anantnag district (see Sections 1.a. and 5). On April 26, militants invaded a home in Golgam village and killed four members of a Hindu family. On July 30, militants hurled a hand grenade into a jeep carrying Hindu religious pilgrims near Gulmarg, killing one person and injuring five others (see Section 5).

In addition to political killings, kidnappings, and rapes of politicians and civilians (see Sections 1.a., 1.b., and 1.c.), insurgents engaged in extortion and carried out acts of random terror that killed hundreds of Kashmiris. Many of the militants are not citizens but Afghani, Pakistani, and other nationals. Since the 1990's, the militants have made liberal use of timedelayed explosives, landmines, hand grenades, and snipers. Militants previously had restricted landmine use to army convoys traveling outside of major cities, but during the year they began using command detonated landmines in Srinagar city. There was a significant upsurge in militant violence against security forces, and a tendency to use heavy weapons such as hand grenades and rockets. Militants killed and injured numerous security personnel and destroyed a great deal of security force property; many civilians also were killed. On January 3, a bomb explosion in a Srinagar market killed 16 persons, including 3 security force members. On February 10, militants planted a bomb on a Calcutta-bound train. The bomb exploded near Vijaypur, Jammu district, killing two persons and injuring four others. On March 27, militants hurled hand grenades at a police patrol in Bandipora town, killing 3 civilians and injuring 11 others. On April 12, militants exploded a powerful car bomb in Rawalpura on the outskirts of Srinagar as an army convoy was passing by; one civilian was injured in the blast. On April 19, a 15-year-old boy recruited by militants died in an explosion when he attempted to drive an explosivesladen car into army headquarters, Badamibagh Cantonment, Srinagar; four soldiers and three civilians were injured in the attack. Also on April 19, in Baramulla, 2 students, aged 17 and 11, were killed and 20 passersby were injured when militants hurled a hand grenade at a security force vehicle convoy and missed; the hand grenade exploded in a market in Sopore town. On April 22, a group of militants attacked an army post in Punch district, killing two soldiers. On April 26, militants detonated a homemade bomb in Gharanarial, Jammu, killing five Border Security Force members. On April 29, an 18-year-old student was killed and four police personnel were injured when militants detonated an explosive device in Sher Bagh, Anantnag district. On May 10, four soldiers were killed when their vehicle hit a landmine planted by militants at Nihalpura village, Baramulla district. On May 15, Ghulam Hasan Bhatt, Minister of Power, Jammu and Kashmir state, his driver, two body guards and radioman were killed when militants detonated a landmine under their passing vehicle. On May 16, one soldier was killed and two others were injured when militants fired rockets at an army camp in Sudru village, Banihal. Sixteen persons were killed, including 11 militants, 3 civilians, and a soldier, when militants armed with rockets and hand grenades attacked an army camp at Khundroo, Anantnag on June 1. On August 10, in Srinagar, a car bomb explosion set by militants killed 10 persons and injured approximately 30 others. The car bomb explosion occurred just minutes after police and journalists had rushed to, and civilians had vacated, the site of a hand grenade attack. On August 21, a landmine blast in Kupwara district killed three security force personnel, including a senior-level brigadier. On August 24, a landmine injured five security force personnel when a vehicle drove over it in Puthkhai, northern Kashmir. On September 23, two bomb explosions killed seven civilians in Sangalsan village, Udhampur. On October 8,

three Border Security Force members were injured when their bus struck a landmine planted by militants near Khooni Nala village. On October 20, two soldiers were killed in Udampur district when militants detonated an improvised explosive device that they had strapped to a mule and sent into the army camp. On November 28, shortly after the beginning of the Government's unilateral ceasefire for the holy month of Ramadan, a landmine blew up an army truck, killing 3 soldiers and wounding 12 others; Hizbul Mujaheddin claimed responsibility. On December 5, a landmine explosion in the Adipora area of Baramulla district injured three soldiers.

Extremist and terrorist activities in the northeast claimed many lives. In addition to ambushes, terrorists increasingly resorted to destroying bridges, and the laying time bombs on roads, on railway tracks, and in trains. On February 27, Assam Minister for Public Works and Forests Nagen Sharma and four others were killed when suspected ULFA militants detonated an explosive device as the minister's vehicle passed a near NijBahjani, Nalbari district. On March 5, suspected ULFA militants attempted to kill a second Assam minister, Hiranya Konwar. They detonated an improvised explosive device as the minister's car neared Rongali Doegarh, Sivasagar district; no persons were injured in the attack. On May 20, 5 persons were killed and 11 others were injured when militants threw a hand grenade into a passing jeep at Manikerbasti, west Tripura. Also on May 20, UBLF militants lobbed bombs at a passenger jeep from north Maharanipur in Khowai, killing 5 tribals and injuring 11 others. On May 21, 15 persons were killed when suspected NLFT militants threw hand grenades at Bengali villagers in Baghber village, Tripura. The militants then attacked villagers with machetes and set fire to 60 homes in the village. On October 23, suspected ULFA militants killed 15 persons and wounded 8 others in 2 separate attacks. The first occurred in the Kakogam Market, Tinsukia district, where militants fired automatic guns at civilians, killing 11 persons. The second attack occurred at Naoholia, Dibrugarh district where militants indiscriminately fired at civilians, killing four persons and injured five others.

On February 12, a Naxalite mine blast killed 21 persons in Bihar (see Section 5). On March 7, Naxalites killed Andhra Pradesh minister for local government A. Madhava Reddy in a landmine explosion near Hyderabad. Reddy was returning from a political rally. As home minister in the state from 1994–95, Reddy had overseen anti-Naxalite operations. In a letter to the PUCL, G.N. Saibaba, general secretary of the All India People's Resistance Forum; Varavara Rao, executive member of the Revolutionary Writers Association; and Gadar, general secretary of the All India League for Revolutionary Culture alleged that police had summarily executed three unarmed members of CPI(M) on February 1. The three writers alleged that police detained the three victims—Kumar, Sujanta and Venkanna—in the Musmi village, Warangal district. The PUCL alleges that police killed five women in an April 27 encounter in the Chandragiri Hills, Warangal district, Andhra Pradesh. According to the human rights organization, police surrounded the women and lobbed hand grenades at them, killing them.

During the year, police arrested numerous persons suspected of involvement in previous terrorist attacks and brought charges against some suspects. Charges also were brought against persons accused of involvement with human suicide bomb attacks to advance Sikh separatism, as well as against dozens of captured separatist insurgents in Jammu and Kashmir for bombings, killings, and acts of sabotage.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there are some limitations. A vigorous and growing press reflects a wide variety of political, social, and economic beliefs. Newspapers and magazines regularly publish investigative reports and allegations of government wrongdoing, and the press generally promotes human rights and criticizes perceived government lapses.

Under the Official Secrets Act, the Government may restrict publication of sensitive stories; however, while the Government at times interprets this power broadly to suppress criticism of its policies, the Government nonetheless introduced a right to information bill in the 2000 Monsoon Session of Parliament. However, during the year the bill lapsed; it must be reintroduced if Parliament is to take any further action on it.

The 1971 Newspapers Incitements to Offenses Act remains in effect in Jammu and Kashmir. Under the act, a district magistrate may prohibit the press from publishing material resulting in incitement to murder or any act of violence. As punishment the act stipulates that the authorities may seize newspapers and printing presses. Despite these restrictions, newspapers in Srinagar, the capital of Jammu and Kashmir, report in detail on alleged human rights abuses by the Government,

and regularly publish press releases of militant Kashmiri groups. The authorities generally allowed foreign journalists to travel freely in Jammu and Kashmir, where they regularly spoke with militant leaders and filed reports on government abuses.

In Assam the state government has attempted to impede criticism by filing a number of criminal defamation charges against journalists.

In October 1998, the Manipur government announced curbs on the publication of insurgency-related news. The publication of insurgents' press releases, public invitations to slain militants' funerals, and calls to boycott Republic Day and Independence Day functions were prohibited. Penalties for violating the prohibition included arrest and criminal prosecution of newspaper owners and editors, and cancellation of newspapers' registration. These restrictions continued during the year.

The Press Council of India is a statutory body of journalists, publishers, academics, and politicians, with a chairman appointed by the Government. Designed to be a self-regulating mechanism for the press, it investigates complaints of irresponsible journalism and sets a code of conduct for publishers. This code includes a commitment not to publish articles or details that might incite caste or communal violence. The Council publicly criticizes newspapers or journalists it believes have broken the code of conduct, but its findings, while noted by the press community, carry no legal weight.

At the state level, regional political parties have the ability to control regional media. In some instances, allegations of violence against journalists have been made against state governments. According to Reporters Without Borders, on July 6, a magistrate in Sibsagar town, Assam, beat Parag Saikia, a journalist of the daily newspaper *Aji*. The magistrate reportedly had summoned the journalist for publishing a July 1 article about the local authorities' alleged involvement in corruption. The journalist later was admitted to the hospital with various injuries. Between July and August, in the state of Andhra Pradesh, state police obstructed or attacked journalists and photographers in at least 10 different cities as they attempted to report on civil disturbances resulting from protests over power tariff hikes. The Andhra Pradesh Journalists' Union claims that the state chief minister of Andhra Pradesh played a role in the dismissal of the editor of the Telugu daily newspaper *Andhra Prabha*. The editor reportedly was fired for publishing stories critical of the state government's power policy.

Nonviolent pressure on journalists comes from official sources as well: the editor of the vernacular daily newspaper *Naharolgi Thoudang* was arrested on charges of indulging in anti-national activities. He was released after a court ruled that the allegation was baseless. In Assam a similar incident occurred as police intercepted the editor of the largest circulating Assamese daily in April, accusing him of having participated in a function organized by a militant organization. In April the Assam Human Rights Commission requested the police to report on the detention of *Asomiya Pratidin* editor Haider Hussain for visiting an ULFA camp in Bhutan; police detained Hussain in the first week of March. The Commission cited the constitutional guarantee of freedom of expression; Hussain was released several days later. Some newspapers receive more than \$1.29 million (60 million rupees) annually in advertising revenue from the state government. The threat of losing this revenue contributes to self-censorship by smaller media outlets, which heavily rely on government advertising.

In Calcutta the Communist Party of India (Marxist) (CPI(M)) often threatens journalists; however, as the power of the party diminishes, journalists find it easier to criticize the government. At least nine journalists were injured while attempting to give a deputation to the director of information. The alleged assailants were state information officers, government employees owing allegiance to the Marxist government. In July alleged members of the CPI(M) severely beat a team of three reporters and a cameraman of ETV, a new vernacular cable television channel. Another reporter was injured severely in state finance minister Asim Dasgupta's constituency during municipal elections (see Section 3). On numerous occasions, CPI(M) supporters beat reporters of another Bengali cable channel, *Khas Khobor*. Earlier in the year, CPI(M) officially requested its supporters to boycott the channel. The matter was resolved when a former CPI(M) activist replaced the editor.

In the northeast part of the country, violence against journalists has become a problem and results in significant self-censorship. On August 20, two unknown assailants shot and killed Thounaojam Brajamani Singh, the editor of the *Manipur News*, a daily newspaper published in Manipur. According to Reporters Without Borders, two men on a motorcycle followed Singh after he left the newspaper office. They overtook Singh and shot him in the head at point-blank range; Singh was the only employee whom they targeted. Singh had received anonymous death threats on August 15. No one had claimed responsibility for the murder, and police investigations were ongoing by year's end. On August 26, militants bombed a newspaper of-

fice owned by an NGO at Konung Lampak, Manipur. Altogether, at least seven journalists have been killed in Assam over the past decade. There was no further information on the 1996 killing of journalist and human rights activist Parag Das in Assam (see Sections 1.a. and 4).

On July 31, V. Selvaraj, a journalist with the biweekly *Nakkeeran*, was shot and killed in Perambalur, Tamil Nadu. Thirteen persons were charged in connection with Selvaraj's killing. A motive for the killing has not been established; however, local police maintain that there was personal enmity between Selvaraj and his 13 assailants. The trial had not begun by year's end.

Intimidation by militant groups also causes significant selfcensorship. According to the Committee to Protect Journalists, in January English-language newspapers throughout Gujarat received written notice from the Bajrang Dal, a radical Hindu nationalist group, threatening them with dire consequences if they continued to publish exaggerated reports of antiChristian violence (see Sections 2.c. and 5). In 1999 Kashmiri militant groups threatened journalists and editors and even imposed temporary bans on some publications that were critical of their activities.

The Government maintains a list of banned books that may not be imported or sold in the country; some—like Salman Rushdie's "Satanic Verses" because they contain material government censors have deemed inflammatory.

On February 16, customs agents at the Calcutta airport blocked the distribution of 3,000 issues of *Time* magazine because they contained a 1-page interview with the brother of Mohandas Gandhi's assassin, which they deemed would be defamatory and derogatory to national prestige.

Television no longer is a government monopoly, but this is due more to technological changes than to government policy. Private satellite television is distributed widely by cable or dish in middle-class neighborhoods throughout the country. These channels have been providing substantial competition for Doordarshan (DDTV), the national broadcaster, in both presentation and credibility because DDTV frequently is accused of manipulating the news for the benefit of the Government; however, cable operators are not free of criticism. In some parts of the country, to varying degrees, satellite channel owners use their medium to promote the platforms of the political parties that they support.

In late summer the Government proposed measures to control objectionable content on satellite channels—specifically, tobacco and alcohol advertisements—that would hold cable distributors liable under civil law. As a result, cable operators in New Delhi and some other areas held a 3-day blackout during the Olympic Games to demonstrate the gravity of their concern. The Government since has clarified its position, stating that the (often foreign) satellite broadcasters, rather than the domestic cable operators, fall within the scope of the regulation.

AM radio broadcasting remains a government monopoly. Private FM radio station ownership was legalized during the year, but licenses only authorize entertainment and educational content. Licenses do not permit independent news broadcasting.

A government censorship board reviews films before licensing them for distribution. The board censors material deemed offensive to public morals or communal sentiment. During the year, Hindu fundamentalist groups resorted to violence and disrupted the shooting of "Water," a film involving the exploitation of widows, as they claimed it offended Hindu sentiments. A 1999 film by the same producer/director and cast, "Fire," which dealt with lesbianism and which had been cleared by the censor board, was not allowed to be screened in most states; only Madhya Pradesh and West Bengal took proactive steps to allow the film to be shown. At times offended Hindu mobs, led by members of the Shiv Sena, a Hindu fundamentalist political party, provoked violence at movie theaters that were able to show the film. The fact that the lead actress of both films was a Muslim exacerbated tensions. Producers of video newsmagazines that appear on national television are required to submit their programs to Doordarshan, the government television channel, which occasionally has censored stories that portrayed the Government in an unfavorable light. This has led to self-censorship among producers so that DDTV rarely has to exercise its power of censorship.

The Government does not limit access to the Internet.

Arundhati Roy's book "The Greater Common Good," which discusses the socio-environmental costs of the Sardar Sarovar dam, was serialized in magazines in the country during the year. In 1999 political parties in favor of the Narmada project burned copies of the book and successfully threatened bookstores in Gujarat to remove it from their shelves.

Citizens enjoy academic freedom, and students and faculty espouse a wide range of views. In addition to about 10 national universities and 256 state universities, states are empowered to accredit locally run private institutions.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. The authorities sometimes require permits and notification prior to holding parades or demonstrations, but local governments ordinarily respect the right to protest peacefully, except in Jammu and Kashmir, where separatist parties routinely are denied permits for public gatherings. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

Srinagar and other parts of Jammu and Kashmir occasionally came under curfew, but more often were affected by strikes called by militants.

On March 27, Calcutta police beat primary school teachers participating in a peaceful procession to the legislative assembly, after holding a meeting on demands they had made of the state government. On August 13 and 14, police killed 2 persons and injured 3 others after they fired on a crowd of 1,500 Muslims in Agra. The crowd had gathered to protest efforts by majority Hindus to prevent them from using a plot of land close to a Hindu temple. The minority community wanted to use the land, which was under the supervision of Muslim religious authorities, as a graveyard. Police allege that the protesters turned violent, throwing bombs and bottles filled with acid at police. The police maintain that they fired at the crowd with live ammunition only after efforts to quell the disturbance with tear gas and rubber bullets had failed. Some of the protesters told reporters that the police actions were unprovoked (see Sections 1.a. and 1.g.).

According to Amnesty International, in August the Gujarat government detained approximately 600 persons who were planning to attend a hearing on the Narmada dam (see Section 2.d.). The police charged the protestors with disturbing the peace and released them shortly after their arrests.

The Constitution provides for the right to form associations, and the Government generally respected this right in practice.

In 1999 the Government introduced and enforced a new requirement that NGO's secure the prior approval of the Ministry of Home Affairs before organizing international conferences. Human rights groups contend that the new requirement provides the Government with substantial political control of the work of NGO's, abridging of their freedom of assembly and association.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice; however, it sometimes does not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit that freedom. India is a secular state in which all faiths generally enjoy freedom of worship; government policy does not favor any religious group. However, tension between Muslims and Hindus, and to an increasing extent between Hindus and Christians, continues to pose a challenge to the secular foundation of the State (see Section 5). In addition governments at state and local levels only partially respect religious freedom.

Although the law provides for religious freedom, enforcement of the law has been poor, particularly at the state and local levels, where the failure to deal adequately with intragroup and intergroup conflict and with local disturbances has abridged the right to religious freedom. In particular, some Hindu extremist groups continued to attack Christians during the year. In many cases, the Government response was inadequate, consisting largely of statements criticizing the violence against Christians, with few efforts to hold accountable those persons responsible or to prevent such incidents from occurring (see Section 5). Throughout the year, the Government generally described the violence and attacks as a series of isolated local phenomena, in some states calling for a national debate on conversions, which Hindus had advocated being banned.

The Government is led by a coalition called the National Democratic Alliance, which has pledged to respect India's traditions of secular government and religious tolerance. However, the leading party in the coalition is the Bharatiya Janata Party (BJP), a Hindu nationalist political party with links to Hindu extremist groups that have been implicated in violent acts against Christians and Muslims. The BJP also leads state governments in Gujarat, Himachal Pradesh, and Uttar Pradesh. Many BJP leaders and party workers are members of the Rashtriya Swayamsewak Sangh (RSS) and share some of its ideology. However, the BJP is an independent political party and the degree of RSS influence over its policy making is not clear. The RSS espouses a return to Hindu values and cultural norms. Members of the BJP, the RSS, and other affiliated organizations were implicated in incidents of violence and discrimination against Christians and Muslims. The BJP and RSS officially express respect and tolerance for other religions; however, the RSS in particular opposes conversions from Hinduism and believes that all citizens should adhere to Hindu cultural values. The BJP officially agrees that the caste system should be elimi-

nated, but many of its members are ambivalent about this. Most BJP leaders also are RSS members. The BJP's traditional cultural agenda includes calls for construction of a new Hindu temple to replace an ancient Hindu temple that was believed to have stood on the site of a mosque in Ayodhya that a Hindu mob destroyed in 1992; for the repeal of Article 370 of the Constitution, which grants special rights to the state of Jammu and Kashmir, the country's only Muslim majority state; and for the enactment of a uniform civil code that would apply to members of all religions. In mid-October, the RSS held a 3-day rally in Agra, which more than 75,000 Hindus reportedly attended. Speaking at the rally, RSS chief K.S. Sudarshan sparked controversy when he called for banning foreign churches and creating a national Christian Church based on the Chinese model. Sudarshan reportedly also encouraged Christian citizens to free themselves from the strong influence of foreign countries by setting up Indian nationalistic churches. Of particular concern for minority groups was Home Minister L.K. Advani's highly publicized participation at the Agra rally and vocal support of the RSS on his return to New Delhi. All of these proposals are opposed strongly by some minority religious groups. The BJP-led national Government took no steps to implement these controversial measures and has promised that it would not do so during its tenure.

Human rights groups and others have suggested that the response by authorities in these states to acts of violence against religious minorities by Hindu extremist groups has been ineffective, at least in part because of the links between these groups and the BJP, and have noted that the ineffective investigation and prosecution of such incidents may encourage violent actions by extremist groups. Some Christian groups also claim that BJP officials at state and local levels have become increasingly uncooperative. The Government also has been criticized for not attempting to restrain the country's radical Hindu groups.

The degree to which the BJP's nationalist Hindu agenda is felt throughout the country with respect to religious minorities varies depending on the region. In some states, governments took pains to reaffirm their commitment to secularism. In others, mainly in the south, religious groups allege that since the BJP's rise to power in the national Government, some government bureaucrats have begun to enforce laws selectively to the detriment of religious minorities. The situation in the east varied. For example, the Orissa government in November 1999 notified churches that religious conversions could not occur without notification of the local police and district magistrate. The Orissa Freedom of Religion Act of 1967 contains a provision requiring a monthly government report on the number of conversions, but this provision previously had not been enforced. After a conversion has been reported to the District Magistrate, the report is forwarded to the authorities and a local police officer conducts an inquiry. The police officer may recommend in favor of or against such intended conversion, often as the sole arbitrator on the individual's right to freedom of religion; if conversion is judged to have occurred without permission or with coercion, the authorities may take penal action. In Tripura there were reports of attacks on non-Christians by Christians.

No registration is required for religions. Legally mandated benefits are assigned to certain groups, including some groups defined by their religion.

There are many religions and a large variety of denominations, groups, and subgroups in the country, but Hinduism is the dominant religion. According to 1999 statistics (based on the 1991 census), Hindus constitute 82.4 percent of the population, Muslims 12.7 percent, Christians 2.3 percent, Sikhs 2.0 percent, Buddhists 0.7 percent, Jains 0.4 percent, and others, including Parsis, Jews, and Baha'is, 0.4 percent.

The Religious Institutions (Prevention of Misuse) Act makes it a criminal offense to use any religious site for political purposes or to use temples for harboring persons accused or convicted of crimes. While specifically designed to deal with Sikh places of worship in Punjab, the law applies to all religious sites. The state of Uttar Pradesh passed the Religious Buildings and Places Act during the state assembly budget session of March-May. The act requires a state government-endorsed permit before construction of any religious building may commence in the state. During the year, West Bengal's government implemented 15-year-old legislation that requires any person desiring to construct a place of worship to seek permission from the district magistrate; any person intending to convert a personal place of worship to one for the community must obtain the district magistrate's permission.

The current legal system accommodates minority religions' personal status laws; there are different personal laws for different religious communities. Religion-specific laws pertain in matters of marriage, divorce, adoption, and inheritance. For example, Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The personal status laws of the religious communities sometimes discriminate against women. Under Islamic

law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows a man to have up to four wives but prohibits polyandry. Under the Indian Divorce Act of 1869, a Christian woman may demand divorce only in cases of spousal abuse and certain categories of adultery; for a Christian man, adultery alone is sufficient. In May 1997, the Mumbai High Court recognized abuse alone as sufficient grounds for a Christian woman to obtain a divorce.

The Government was reviewing the legislation on marriage and drafted the "Christian Marriage Bill" during the year. The bill would replace the Indian Divorce Act of 1869, which is widely criticized as biased against women. If enacted it would place limitations on interfaith marriages and specify penalties, such as 10 years' imprisonment, for clergymen who contravene its provisions. The current form of the bill states that no marriage in which one party is a non-Christian may be celebrated in a church. The bill was not introduced during the most recent Parliament session in March-May due to the strong objections and reservations of the Christian community.

There is no national law that bars proselytizing by Christian citizens. Foreign missionaries generally may renew their visas, but since the mid-1960's the Government has refused to admit new resident foreign missionaries. New arrivals currently enter as tourists on short-term visas. During the year, as in the past, state officials refused to issue permits for foreign Christian missionaries, as well as other persons, to enter some northeastern states, on the grounds of political instability in the region. This restriction is not levied specifically against Christians. Many foreigners, including diplomats, are refused permits to the country's northeastern states on the grounds of political instability in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA), which restricts funding from abroad and, therefore, the ability of certain groups to finance their activities. The Government is empowered to ban a religious organization if it has violated the FCRA, has provoked intercommunity friction, or has been involved in terrorism or sedition. There is no ban on professing or proselytizing religious beliefs; however, speaking publicly against other beliefs is considered dangerous to public order, and is prohibited.

A January decision by the Gujarat state government to revoke the ban on the participation of government employees in Rashtriya Swayamsewak Sangh activities was criticized widely by those who felt that this would lead to the spread of RSS influence within the government services, as was the well-publicized participation of the state's chief minister at an RSS rally that month. In March the government of Gujarat convinced a BJP legislator to withdraw a bill that sought to regulate Christian missionary activity within the state; the bill was written to prohibit "forced" or "induced" conversions a crime that would have been punishable by a fine and up to 3 years in prison. In May the Gujarat government withdrew permission for state government workers to engage in RSS activities. Despite these steps by the state and national governments to address communal concerns, many in the minority communities continued to express unease about BJP rule.

In August 1999, a bill was introduced in Gujarat that would allow harsh punishment for anyone in the state found guilty of converting someone to another religion through the use of force, provision of material benefits, or fraud. Human rights groups feared that if passed the bill—called the Gujarat Freedom of Religion Bill, 1999—could be used to restrict the fundamental right to choose one's religion. However, the Gujarat state assembly took no action on the Freedom of Religion Bill, allowing it to lapse. It must be reintroduced to be further considered.

Violent attacks against Christians by Hindus, which began in late 1998, continued during the year. Attacks on religious minorities no longer appear to be confined to Gujarat and Orissa. There were several attacks by Hindu groups against Christian institutions in Uttar Pradesh in April (see Section 5). These incidents were the first signs of Hindu-Christian violence in Uttar Pradesh in over 6 years. The Government dispatched the National Commission for Minorities (NCM) to investigate the attacks in the north, but the NCM's findings that the attacks were not "communal in nature" sparked widespread criticism in the minority community (see Section 5). There is strong evidence that the NCM report misrepresented the victims in its claim that the victims themselves are satisfied entirely that there was no religious motivation behind the violence. Victims of the incidents claim that the local police were not responsive either before or during the attacks. The BJP government in Uttar Pradesh initiated an investigation by intelligence agencies into the June 21 custodial killing of a witness, Vijay Ekka (see Sections 1.a. and 5); the government also announced plans to set up a judicial inquiry by a sitting judge from the state High Court. The Mathura superintendent of police was transferred because of the Ekka killing; how-

ever, no further information was uncovered and no other persons were held accountable by year's end.

On June 26, the National Human Rights Commission ordered states affected by Hindu-Christian violence to provide written reports detailing the violence against Christians and the actions taken by state governments. No reports were made public by year's end, and according to human rights activists, states had not submitted them.

On occasion, Hindu-Muslim violence led to killings and a cycle of retaliation. In some instances, local police and government officials abetted the violence, and at times security forces were responsible for abuses. Police sometimes assisted the Hindu fundamentalists in perpetrating violent acts (see Section 5). Following riots in Ahmedabad, Gujarat from August 5 to 7, some police officers allegedly forced some Muslim residents to sing the Sanskrit anthem to prove that they were not "anti-national" (see Section 5). Government officials allegedly also subjected Christian-affiliated foreign relief organizations to arbitrary roadblocks; many of these organizations are not engaged in religious activities (see Section 4). In a few instances, state governments investigated and sometimes arrested suspects in cases of anti-Christian violence. For example, after an Australian missionary was murdered in Orissa (see Section 5), several suspects were arrested. In another instance, the governments of Karnataka and Andhra Pradesh investigated a series of 6 church bombings in June and July (see Section 5); the investigations led to the arrest of 45 persons and concluded that members of the Deendar Anjuman, a Muslim group, carried out the bombings. In general government response has been poor with respect to such incidents.

On July 14, the Maharashtra government announced its intention to prosecute Bal Thackeray, leader of the rightwing Hindu organization Shiv Sena, for his role in inciting the Mumbai 1992-1993 riots in which over 700 persons, the vast majority of whom were Muslim, were killed (see Section 5). On July 25, amid rioting by Shiv Sena supporters, Thackeray was arrested; a few hours later a judge ruled that the statute of limitations relating to the incitement charges had expired, and Thackeray was released.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens enjoy freedom of movement within the country except in certain border areas where, for security reasons, special permits are required. Under the Passports Act of 1967, the Government may deny a passport to any applicant who "may or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India." The Government uses this provision to prohibit the foreign travel of some government critics, especially those advocating Sikh independence and members of the violent separatist movement in Jammu and Kashmir. On April 9, the Government prevented four members of a Kashmir human rights organization from traveling to the 56th U.N. Commission on Human Rights (UNCHR) meeting in Geneva (see Section 4). Abdul Majid Banday, Mohammad Tufail, Mohannad Amin Bhat and Abdul Rashid Lone, had valid passports and letters of accreditation as members of a U.N.-recognized NGO, but authorities prevented them from boarding their flight.

Vehicle checkpoints, at which Border Security Forces routinely search and question occupants, are a common feature throughout most of Jammu and Kashmir. It also is common for police to block entry and exit points in preparation for gathering young males for police lineups. These searches tend to focus on troubled areas, as opposed to the mass searches that were common in the past. According to a credible source, such search operations seldom yield any results.

In September the PUCL reported that Bangalore police arrested 30 persons peacefully demanding access to public information on construction of the Bangalore-Mysore information corridor. The Karnataka government has proposed acquiring more than 20,000 acres of land in 168 villages. Those arrested were concerned about the status of farmland and homes in the village resulting from the continued planned government construction of an expressway between the two cities.

On October 18, the Supreme Court ruled that construction of the Sardar Sarovar Dam on the Narmada River in Gujarat could begin immediately, reaching a height of 90 meters, and could proceed in stages thereafter up to a finished height of 138 meters. The ruling stipulated that those displaced by the dam would be compensated. However, many human rights advocates and NGO's continued to allege that the construction of the dam would displace 40,000 families without adequately compensating those who are resettled (see Section 2.b.). (Opposition to the Narmada project was greatest during the early 1990's, resulting in prolonged financial and legal delays.)

Citizens may emigrate without restriction.

Since 1990 more than 235,000 Bangladeshis have been deported, many from Maharashtra and West Bengal. The occasional deportation of Bangladeshis judged to have entered the country illegally continued during the year, but there was no repetition of the systematic roundup of Bangladeshis for mass deportation that was conducted by the Maharashtra government in 1998. The Government estimates that there are 10 million Bangladeshis living illegally in the country. On August 28, the Supreme Court gave the central Government until January 2001 to repeal the Illegal Migrants Determination by Tribunal (IMDT) Act of 1985. The court ruled that the law, which is largely aimed at illegal Bangladeshi immigrants, is being applied only in Assam, and therefore is discriminatory. Bodo-Santhal ethnic clashes, which began in April 1998, continued throughout the year. More than 87,000 persons live under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals.

The spring and summer 1999 incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control around Kargil in the state of Jammu and Kashmir and the Indian military campaign to repel the intrusion forced as many 50,000 residents of Jammu and Kashmir from their homes, a number of whom took refuge on the Pakistani side of the line of control. Many had their homes destroyed. Since that conflict, artillery shelling of the region by Pakistan has kept many of the internally displaced persons from returning and driven others from their homes. On October 12, Jammu and Kashmir home minister Mustaq Ahmad Lone told the State Assembly that 43,510 persons remained displaced (see Sections 1.a., 1.c., and 1.g.).

In a number of northern states, most notably Orissa, Bihar, and West Bengal, hundreds of thousands of persons were displaced temporarily due to severe flooding and cyclonic storms during the monsoon season.

The law does not contain provisions for processing refugees or asylum seekers in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, nor is there a clear national policy for the treatment of refugees. The Office of the U.N. High Commissioner for Refugees (UNHCR) has no formal status, but the Government permits the UNHCR to assist certain groups of refugees (notably Afghans, Iranians, Somalis, Burmese, and Sudanese). The U.N. High Commissioner for Refugees, Sadako Ogata, visited the country in May (see Section 4).

The Government has not permitted the UNHCR to assist other refugee groups, including Sri Lankan Tamils, to whose camps in Tamil Nadu the Government continued to bar access by the UNHCR and NGO's (see Section 4). The Government provides first asylum to some refugees, most notably in recent years to Tibetan and Sri Lankan Tamil refugees. However, this policy is applied inconsistently. For example, the insistence of some border authorities on the presentation of passport and visas by those claiming refugee status occasionally has resulted in individuals or groups being refused admittance. This has occurred in recent years in cases involving Chin and Rakhine refugees from Burma, and Afghans who entered the country through Pakistan. Refugees are not required to make claims in other countries. Cramped and unhygienic conditions reportedly exist in some of the camps for Sri Lankan Tamils in Tamil Nadu.

The Government recognizes certain groups, including Chakmas from Bangladesh, Tamils from Sri Lanka, and Tibetans as refugees and provides them with assistance in refugee camps or in resettlement areas. According to UNHCR and government statistics, there were approximately 98,000 Tibetans, approximately 64,989 Sri Lankan Tamils in 131 camps, and perhaps as many as 80,000 Sri Lankan Tamils outside of the camps living in the country at year's end. The refugees in the camps are permitted to work, and the state and central governments pay to educate refugee children and provide limited welfare benefits. Many Chakmas from Bangladesh have been repatriated voluntarily, including all of the estimated 56,000 persons who had been residing in Tripura. Some 80,000 Chakma permanent residents remain in Arunachal Pradesh and Mizoram; the Supreme Court has upheld their right to citizenship. However, the Supreme Court's order to extend citizenship to this group still had not been enforced by year's end. The UNHCR reported that 13,390 Afghans, 747 Burmese, 139 Iranians, 105 Somalis, 50 Sudanese, and 56 others, including Iraqis and Ethiopians, were receiving assistance from the UNHCR in the country as of August 31. Although the Government formally does not recognize these persons as refugees, it does not deport them. Instead, they received renewable residence permits or their status was ignored. Increasingly during the year, some of these groups—Afghans, Iraqis, and Iranians in particular—were not granted renewal of their residence permits by the authorities on the grounds that they were not in possession of valid national passports. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports, and therefore were unable to regularize their status in the country.

The Tamil Nadu government provides educational facilities to Sri Lankan Tamil refugee children, and the central Government provides some assistance and channels assistance from NGO and church groups. The central Government generally has denied NGO's and the UNHCR direct access to the camps. NGO's report refugee complaints about deteriorated housing, poor sanitation, delayed dole payments, and inadequate medical care in the Tamil refugee camps. The NHRC has intervened to uphold the right of several Sri Lankan Tamils detained in so-called "special camps" to remain in the country. The Government uses these camps to hold suspected members of the LTTE terrorist organization. Human rights groups allege that inmates of the special camps sometimes are subjected to physical abuse and that their confinement to the camps amounts to imprisonment without trial. They allege that several of those acquitted by the Supreme Court in May 1999 of involvement in the assassination of former Prime Minister Rajiv Gandhi (see Section 1.a.) remain confined in these special camps. Some 1,399 new refugees arrived from Sri Lanka during the first 9 months of the year. Human rights groups allege that the Government did not permit 30 to 40 families, whom alien smugglers left stranded on sand bars in the shallow Palk Strait, to enter the country; however, during the year some 180 persons similarly marooned were permitted to enter.

Ethnic Chins are among the nonrecognized refugees in the northeastern states, particularly Mizoram. Chins and Chakma refugees have been targeted by student-led demonstrations protesting their presence in Mizoram. During the year, tensions between security forces and Chin National Force (CNF) insurgents operating in Burma allegedly resulted in the detention, interrogation, and expulsion of some persons associated with the CNF to Burma, where they credibly feared persecution. Human rights monitors allege that about 1,000 Chin refugees had been arrested in Mizoram and some 200 had been repatriated forcibly to Burma between July and September. According to one NGO, on August 3, a 25-year-old Chin refugee died in the Aizawl central police station, Mizoram (see Section 1.a.). An estimated 40,000 to 50,000 Chins live and work illegally in Mizoram.

Mizoram human rights groups estimate that some 41,000 Reangs, a tribal group from Mizoram that has been displaced due to a sectarian conflict, presently are being sheltered in 6 camps in North Tripura; conditions in such camps are poor and the Tripura government has asked the central Government to allot funds for their care. Reang leaders in the camps say that their community would return to Mizoram if they were granted an autonomous district council, allotted a set number of seats in the Mizoram Assembly, and granted financial assistance for resettlement. The Mizoram government rejected these demands and maintained that only 16,000 of the refugees had a valid claim to reside in the state. On August 7, following his meeting with Tripura chief minister Manik Sarkar, Union Home Minister L.K. Advani announced that an initial group of Reang refugees would be resettled in Tripura by October 31, and that repatriation of the entire group would be completed by year's end. However, while an NHRC staff member also visited Tripura to inquire into the situation of the Reangs, by year's end nothing had been done to repatriate them.

Section 3. Respect for Political Rights: The Right Of Citizens To Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a democratic, parliamentary system of government with representatives elected in multiparty elections. A Parliament sits for 5 years unless dissolved earlier for new elections, except under constitutionally defined emergency situations. State governments are elected at regular intervals except in states under President's Rule.

On the advice of the Prime Minister, the President may proclaim a state of emergency in any part of the national territory in the event of war, external aggression, or armed rebellion. Similarly, President's Rule may be declared in the event of a collapse of a state's constitutional machinery. The Supreme Court in May 1995 upheld the Government's authority to suspend fundamental rights during an emergency.

Some 50 persons were killed in election-related violence in state assembly polling in Gujarat, Bihar, and Manipur (see Section 1.a.), and there were localized allegations of voter fraud.

During the February 12 Bihar State Assembly election, extremists of the Maoist Coordination Center (MCC) and the PWG killed 21 persons, including 12 members of the security forces and 2 election officials. The extremist groups had warned voters to remain at home during the polls, or face attack. Seventeen more persons were killed in the second phase of voting in the state on February 22. On September 17

in Ahmedabad, Gujarat, police killed 6 persons and injured 15 others when they fired on a crowd of about 2,000 persons (see Section 1.a.). The crowd had rampaged through a Muslim-minority section of the city after reports that ballot boxes had been tampered with in the city's municipal corporation elections. In West Bengal, clashes between supporters of the Trinamul Congress Party and the CPI(M) left 71 persons dead in the first 9 months of the year (see Section 1.g.). Voting irregularities in the West Bengal election—such as fraud, delaying tactics, and intimidation—were reported widely.

Women are underrepresented in government and politics, although no legal impediments hinder their participation in the political process. A large proportion of women participates in voting throughout the country (with turnout rates slightly lower than those of men), and numerous women are represented in all major parties in the national and state legislatures. There are 66 women among the 790 Members of Parliament, including the Deputy Speaker of the upper house, and there are 8 women in the 74-member Cabinet. The 1993 passage of the “Panchayati Raj” constitutional amendments reserved 30 percent of seats in elected village councils (Panchayats) for women, which has brought more than 1 million women into the political life at the grassroots level. In September debate over the Women's Reservation Bill, which was designed to reserve one-third of parliamentary seats for women, subsided when the Government failed to introduce the bill during the monsoon session of Parliament. The bill was introduced but not debated in the winter session of Parliament. The Women's Reservation Bill first was introduced in late 1998.

The Constitution reserves seats in Parliament and state legislatures for “scheduled tribes” and “scheduled castes” in proportion to their population (see Section 5). Indigenous people actively participate in national and local politics, but their impact depends on their numerical strength. In the northeastern states, indigenous people are a large proportion of the population and consequently exercise a dominant influence in the political process. In comparison, in Maharashtra and Gujarat, tribal people are a small minority and have been unsuccessful in blocking projects that they oppose.

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

Independent human rights organizations operate throughout most of the country, investigating abuses and publishing their findings; however, in some states and in a few circumstances, human rights groups face some restrictions. Human rights monitors in Jammu and Kashmir have been unable to move around the state to document human rights violations due to fear of retribution by security forces and countermilitants. Since 1992 several individuals closely involved in the documentation of violations in Jammu and Kashmir, including lawyers and journalists, have been attacked and in some cases killed. International human rights monitors have had difficulty in obtaining visas to visit the country for investigation purposes. For example, during the year the authorities continued to deny HRW and Amnesty International permission to visit Jammu and Kashmir; however, some foreign diplomats gained improved access to some prisons in Jammu and Kashmir. The Government also continued to deny the U.N. Special Rapporteurs on Torture and Extrajudicial Killings permission to visit the country, despite their repeated requests. Moreover, the police and security forces have arrested and harassed human rights monitors. In May U.N. High Commissioner for Refugees Sadako Ogata was allowed to visit the country (see Section 2.d.).

In September 1999, the Ministry of Home Affairs sent a notice to several prominent NGO's asking them to justify their status as nonpolitical organizations under the Foreign Contribution (Regulation) Act. According to HRW, the notice effectively was a threat to cut off foreign funding. The NGO's, many of which worked on women's rights, communal violence, and Dalit and tribal issues, publicly had criticized the policies of the BJP-led government and the antiseccular activities of the Sangh Parivar, a collective of rightwing Hindu organizations of which the BJP is a member.

On May 24, an agent of the intelligence bureau visited and questioned the director of the South Asia Human Rights Documentation Center (SAHRDC) about his travel earlier in the month to Geneva to participate in the meeting of the U.N. Human Rights Commission. In 1998 the Andhra Pradesh government issued a directive to faculty members of state universities not to associate with the Andhra Pradesh Civil Liberties Union (APCLC), a well-respected human rights organization. Following protests by faculty organizations, the directive was rescinded.

On April 9, the Government prevented four members of a Kashmir human rights organization from traveling to the 56th annual meeting of the UNCHR in Geneva (see Section 2.d.).

According to HRW, on April 20, a mob of local residents and politicians raided the Almora and Jageswar offices of an NGO working primarily on women's health and empowerment in Uttar Pradesh. The attack allegedly was in response to a pamphlet that the NGO had published in 1999 on HIV transmission, which contained purportedly sexually offensive material. Police and protestors assaulted staff and trainees, and a number of persons were detained for a short period.

According to Amnesty, the chief judicial magistrate in Srinagar released on bail Ghulam Mohiuddin Najar, a political activist and teacher; however, immediately upon release, members of the Special Operations Group, a unit of the state police, shot and killed him at the court gate. According to Amnesty International, in February security forces in Jammu and Kashmir pointed guns at journalists who were attempting to investigate the killing of Najar.

Amnesty International reported the November killing of human rights defender T. Puroshottam in Hyderabad, Andhra Pradesh. A group of unidentified men wielding knives attacked Puroshottam, the Joint Secretary of the Andhra Pradesh Civil Liberties Committee, in a local shop. Puroshottam was involved in numerous investigations of alleged human rights violations by the police including torture and extrajudicial executions, had been attacked previously, and had received persistent threatening telephone calls. There has been no independent investigation into Puroshottam's killing.

There was no definitive resolution in the case of abducted and murdered Kashmir human rights monitor Jalil Andrabi. Human rights workers allege that the state is attempting to subvert the judicial process by withholding evidence (see Sections 1.a. and 1.b.). In Assam the investigation into the 1996 murder of human rights monitor and journalist Parag Das has yielded no definitive information on the identity of his killer. The assailant allegedly was a militant who previously had surrendered and was supported by the Government (see Sections 1.a. and 2.a.).

Several Christian-affiliated (in many cases, non-evangelical) international relief agencies stated that, during the year, their work in delivering services to the poor became considerably more difficult due to threats, increased bureaucratic obstacles, and, in some cases, physical attacks on their field workers by Hindu extremists (see Sections 2.c. and 5).

The Government appointed a National Human Rights Commission in 1993 with powers to investigate and recommend policy changes, punishment, and compensation in cases of police abuse. In addition the NHRC is directed to contribute to the establishment, growth, and functioning of human rights NGO's. The Government appoints the members and finances the operations of the NHRC. The NHRC is seriously understaffed and prohibited by statute from directly investigating allegations of abuse involving army and paramilitary forces.

From April 1, 1998 to March 31, 1999 (the most recent reporting year), the NHRC received 40,724 new complaints of human rights violations. The Commission had 13,512 cases awaiting consideration at the beginning of the reporting period. Of the 54,236 cases before it in the 1998-99 year, the Commission reviewed 53,711, leaving 525 awaiting review at the end of the year. Of the 53,711 cases considered during the year, 32,172 were dismissed; 10,718 were transmitted to other governmental authorities for disposition; 3,395 were concluded, and 7,426 were pending. In the previous 12-month period (April 1997 to March 1998), the Commission received 36,791 complaints. The increased number of complaints in the most recent reporting year is believed to be the result of the Commission's increased visibility.

The NHRC has sought to encourage a culture respectful of human rights by fostering human rights education in schools and universities, by offering assistance and encouragement to human rights NGO's, by supporting training programs for the police, military forces, and paramilitary forces, and by making recommendations to the central and state governments. During the year, the NHRC carried out, with the assistance of NGO's, a human rights training program for state police that included stress counseling. The NHRC also has influenced the legislative process, particularly by issuing a formal opinion that a new Prevention of Terrorism Act is not needed, and by proposing Prison Reform Legislation. State Human Rights Commissions exist in Assam, Manipur, Himachal Pradesh, Madhya Pradesh, West Bengal, Tamil Nadu, Punjab, Jammu and Kashmir, Kerala, and Rajasthan; Uttar Pradesh took legal steps to establish a commission but has yet to appoint members. In addition special courts to hear human rights cases have been established in Tamil Nadu, Uttar Pradesh, and Andhra Pradesh. The courts in Uttar Pradesh are not functioning, despite a September 1999 court order that they be reactivated. The NHRC also encouraged the establishment of human rights cells in police headquarters in the states.

The NHRC also was involved in programs to eliminate child labor (see Section 6.c.).

The state human rights commission established in Jammu and Kashmir by an act of the state legislature, in 1997, has no power to investigate independently alleged human rights violations committed by security force members. Credible human rights monitors say that the Jammu and Kashmir Commission has not yet demonstrated effective, independent protection of human rights in the state.

A People's Commission that was established in 1998 by retired Supreme Court Justice Kuldip Singh to highlight the fate of more than 2,000 persons who "disappeared" during the period of political unrest in Punjab (see Section 1.b.) continued to receive little cooperation from state government authorities.

The prison visits program in Jammu and Kashmir by the ICRC, initiated in October 1995, continued during the year (see Section 1.c.). ICRC representatives also continued training police and Border Security Force personnel in international humanitarian law.

The Government continued to refuse repeated UNHCR requests for access to the Sri Lankan Tamil refugee camps in Tamil Nadu (see Section 2.d.).

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

The traditional caste system as well as differences of ethnicity, religion, and language deeply divide society. Despite laws designed to prevent discrimination, other legislation as well as social and cultural practices have a profound discriminatory impact. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes are frequent in Uttar Pradesh, Bihar, and Tamil Nadu.

Women.—Domestic violence is common and a serious problem. According to a 1996 survey in Uttar Pradesh, 30 percent of married men acknowledged physically abusing their wives. In a survey of 10,000 women released during the year, more than half of the women said that violence was a normal part of married life. The Health Ministry released a different survey during the year that indicated that, of 90,000 women surveyed, more than half acknowledge being battered. Dowry disputes also are a serious problem. In the typical dowry dispute, a groom's family members harass a new wife whom they believe has not provided a sufficient dowry. This harassment sometimes ends in the woman's death, which family members often try to portray as a suicide or kitchen accident; recent research suggests that a significant percentage of kerosene attacks also are due to domestic violence. Although most "dowry deaths" involve lower and middle-class families, the phenomenon crosses both caste and religious lines. According to National Crime Records Bureau (NCRB) statistics, 6,917 dowry deaths occurred in the country in 1998, including 2,229 dowry deaths in Uttar Pradesh, 1,039 in Bihar, 598 in Madhya Pradesh, 500 in Andhra Pradesh, 420 in Maharashtra, 200 in Karnataka, 176 in Tamil Nadu, and 21 in Kerala.

Under a 1986 amendment to the Penal Code, the court must presume that the husband or the wife's in-laws are responsible for every unnatural death of a woman in the first 7 years of marriage—provided that harassment is proven. In such cases, police procedures require that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the post-mortem procedures. According to human rights monitors, in practice police do not follow these procedures consistently.

The issue of rape has received greater political and social attention than in earlier years. In July the NHRC directed the Andhra Pradesh government to pay \$1,100 (50,000 rupees) in compensation to each of four Dalit women who were raped in Godavari district. The NHRC overturned a state ruling that had denied the women monetary compensation because the victims and their attackers were members of low caste and tribal communities. The press consistently reports that such violence against women is increasing, although local women's organizations claim that there simply has been increased reporting. Only 10 percent of rape cases are fully adjudicated by the courts, and police typically fail to arrest rapists, thus fostering a climate of impunity. In May the Central Bureau of Investigation initiated an inquiry into the alleged gang rape of three women by police officials in Pilibhit district, Uttar Pradesh in August 1998. According to a complaint filed by a witness, three officers of the Madho Tanda police station in Pilibhit district entered the victims' home late on the night of August 16–17 and raped the three women. On May 30, a court in Jalpaiguri, West Bengal sentenced Kashinath Tripathy and Bhuson Barua to life imprisonment for the 1982 rape of a girl in Jalpaiguri.

In September in Kulkul village, Orissa, a group of villagers hacked to death a 60-year-old tribal woman, Namsi Ho, allegedly for practicing witchcraft. Police arrested four persons in connection with the killing. On October 16 and November 19, in Ganjam district, Orissa, villagers accused Kumari Behera, of sorcery, and tortured

and branded her with hot iron rods. Five persons were arrested in connection with the assaults.

According to NCRB statistics, in 1998 there were 15,031 reported rapes, 16,381 abductions of women, 6,917 dowry deaths, 41,318 reported cases of torture of women, 31,046 cases of molestation, and 8,123 cases of sexual harassment. The NCRB recorded 131,338 crimes against women in 1998, compared with 121,265 in 1997. In 1997, 678 cases of gang rape were recorded. Gang rapes often are committed as punishment for alleged adultery or as a means of coercion or revenge in rural property disputes and feuds. On February 1, the Committee on the Elimination of Discrimination Against Women (CEDAW) of the U.N. Commission on Human Rights (UNCHR) expressed concern that "there is a high incidence of gender-based violence against women, which takes even more extreme forms because of customary practices such as dowry, sati (the burning alive of widows on their husbands' funeral pyre) and the Devadasi system (the practice of dedicating or marrying young, prepubescent girls to a Hindu deity or temple as servants of God. Devadasis, who generally are Dalits, may not marry. They are taken from their families and are required to provide sexual services to priests and high caste Hindus. Reportedly, many eventually are sold to urban brothels" (see Sections 6.c. and 6.f.). The committee further stated that "discrimination against women who belong to particular castes or ethnic or religious groups also is manifest in extreme forms of physical and sexual violence and harassment."

Higher female mortality at all age levels, including female infanticide and sex selective termination of pregnancies, accounts for an increase in the ratio of males to females to 107.9 males per 100 females in 1991, from 104.7 males per 100 females in 1981, and from 102.9 males per 100 females at the turn of the century. In some districts of Tamil Nadu, female infanticide occurs despite government and NGO programs intended to counter the practice. In July the district collector of Dharmapuri, Tamil Nadu, formed a team to investigate the murder of a girl in Pararrapatti village. The team exhumed the buried body and arrested the girl's father and another accomplice. In August the maimed body of a newborn girl was found under a bridge in Tirunelveli, Tamil Nadu. Police believe that the child's mother abandoned her in the public place hoping that someone would take her in. On February 1, CEDAW expressed concern that "India has not yet established a comprehensive and compulsory system of registration of births and marriages. The Committee notes that inability to prove those important events by documentation prevents effective implementation of laws that protect girls from sexual exploitation and trafficking, child labor and forced or early marriage."

Numerous laws exist to protect women's rights, including the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning) Prevention Act, and the Dowry Prohibition Act. However, the Government often is unable to enforce these laws, especially in rural areas in which traditions are deeply rooted. According to press reports, the rate of acquittal in dowry death cases is high, and because of court backlogs it takes 6 to 7 years on average to rule on such cases. On February 1, CEDAW noted that "there is an urgent need to introduce comprehensive [legislative] reform to promote equality and the human rights of women."

Prostitution is widespread, with an estimated 2.3 million prostitutes in the country, some 575,000 of whom are children. Many indigenous tribal women are forced into sexual exploitation (see Section 6.c.). In Assam's Chars River islands, some women work as prostitutes in exchange for as little as \$0.23 (10 rupees). In 1998 prostitutes began to demand legal rights, licenses, and reemployment training, especially in Mumbai and New Delhi.

In 1997 Karnataka's government made sexual harassment a criminal offense.

The country is a significant source, transit point, and destination for many thousands of trafficked women (see Section 6.f.).

Literacy rates for women are significantly lower than rates for men; the 2000 U.N. Development Program (UNDP) Report for India found that 38 percent of women were literate, compared with 66 percent of men.

The law prohibits discrimination in the workplace, but enforcement is inadequate. In both rural and urban areas, women get lower wages than men for doing the same job. Women experience economic discrimination in access to employment and credit. This acts as an impediment to women owning a business, and the promotion of women to managerial positions within businesses often is slower than that of males. State governments have supported micro-credit programs for women that have begun to have an impact in many rural districts.

The personal status laws of the religious communities discriminate against women. Under the Indian Divorce Act of 1869, a Christian woman may demand divorce only in the case of spousal abuse and in the case of certain categories of adultery; for a Christian man, adultery alone is sufficient. In 1997 the Mumbai High

Court recognized abuse alone as sufficient grounds for a Christian woman to obtain a divorce. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows polygyny (under which a man may have up to four wives) but prohibits polyandry (under which a woman may have multiple husbands). On February 1, CEDAW noted that "steps have not been taken to reform the personal laws of different religious and ethnic groups, in consultation with them, so as to conform with the Convention. The Committee is concerned that the Government's policy of non-intervention perpetuates sexual stereotypes, son preference and discrimination against women."

The Hindu Succession Act provides equal inheritance rights for Hindu women, but married daughters seldom are given a share in parental property. Islamic law recognizes a woman's right of inheritance but specifies that a daughter's share only should be one-half that of a son.

Under many tribal land systems, notably in Bihar, tribal women do not have the right to own land. Other laws relating to the ownership of assets and land accord women little control over land use, retention, or sale. However, several exceptions exist, as in Ladakh and Meghalaya, where women may have several husbands and control the family inheritance.

Thousands of grassroots organizations work for social justice and the economic advancement of women, in addition to the National Commission for Women. The Government usually supports these efforts, despite strong resistance from traditionally privileged groups.

Children.—The Government does not provide compulsory, free, and universal primary education, and only approximately 59 percent of children between the ages of 5 and 14 attend school. Of a primary school-age population of approximately 203 million, about 120 million children attend school. No significant sectors or groups actively are excluded, but the economic reality is that children of wealthier families are more likely to attend school than those of poor families. According to a UNDP study conducted in 1993, the dropout rate from primary school was 34 percent. A significant gender gap exists in school attendance, particularly at the secondary level. According to UNICEF, 59 percent of boys and 38 percent of girls were enrolled in secondary school.

The central Government spends approximately 5.9 percent of its overall budget on education. The state governments also spend part of their budgets on education, but no comprehensive figure of combined federal-state expenditure is available. A 1993 study commissioned by the UNDP estimated that about 3.7 percent of the country's gross national product is devoted to education. On February 23, the Committee on the Rights of the Child of the UNHRC expressed concern "at the prevailing poor situation in the state party with respect to education, which is characterized by a general lack of infrastructure, facilities and equipment, insufficient numbers of qualified teachers and a drastic shortage of text books and other relevant learning materials. There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between: different states, rural and urban areas, boys and girls, the affluent and the poor, and children belonging to scheduled castes and tribes."

Child welfare organizations estimate that there are 500,000 street children nationwide living in abject poverty.

A coalition of about 50 NGO's conducted a detailed survey in the Calcutta municipal area and identified 145,000 children who were not attending school. Not all of them were street children. The NGO's received UNICEF assistance in training teachers to conduct transitional education for a target group of 45,000 5 to 9-year-old children. The course work is intended to allow these children to enter mainstream schooling. UNICEF has contributed \$94,000 (4.4 million rupees) for this activity; the West Bengal government has provided technical advice; the central Government contributed nothing to the project. By year's end, 300 teachers had received training and 235 centers are functioning. About 5,875 children are attending transitional education sessions at these centers.

Child prostitution occurs in the cities, and there are an estimated 575,00 child prostitutes nationwide. Trafficking in children for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.). On February 23, the U.N. Committee on the Rights of the Child of the UNCHR expressed concern "about the sexual abuse and exploitation of children, especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: Religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by security forces in areas of conflict, such as Jammu and Kashmir and the northeastern states; and trafficking and commercial exploitation, especially girls from neighboring countries, particularly Nepal. It is

also concerned about the lack of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures.”

According to an International Labor Organization (ILO) estimate, 15 percent of the country's estimated 2.3 million prostitutes are children.

A working group on child prostitution set up by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGO's, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

Runaway children, especially in larger cities, are at high risk for sexually transmitted diseases and HIV. They often work 18- to 20-hour days, frequently in hazardous conditions (see Section 6.c.), and suffer sexual and mental abuse. In addition schoolteachers often beat children.

The Union Ministry of Social Justice and Empowerment has set up a 24-hour “child help line” phone-in service for children in distress in nine cities. Run by NGO's with government funding, the child help line assists street children, orphans, destitutes, runaway children, and children suffering abuse and exploitation. During one 6-month period, the help lines received 25,000 calls, including 2,190 seeking medical assistance for children, 1,056 seeking shelter, 138 reporting missing children, and 125 reporting physical or sexual abuse of children.

As part of its ongoing effort, the NHRC seeks to examine conditions in juvenile homes and recommend improvements. In 1999 the Commission issued directions to all state governments to report within 24 hours any instance of death or rape in such institutions. The Commission reported that it had undertaken this initiative following receipt of reports of a young boy's death in such a home in Delhi in 1996. In March 1999, NHRC member Justice V.S. Malimath said that cases of abuse and torture of children confined to juvenile homes had been reported. In some cases, the Commission had acted to transfer oversight of homes to private voluntary organizations “after the (state) government failed to provide a healthy environment to children in these homes.” In its February 23 concluding observations regarding the country, the U.N. Committee on the Rights of the Child of the UNCHR expressed concern about “numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials.” The Committee also expressed concern “at the overcrowded and unsanitary conditions of detention of children, including detention with adults; lack of application and enforcement of existing juvenile justice legislation; lack of training for professionals, including the judiciary, lawyers and law enforcement officers, in relation to the Convention (On the Rights of the Child), other existing international standards and the 1986 Juvenile Justice Act; and the lack of measures and enforcement thereof to prosecute officials who violate these provisions.”

The Child Marriage Restraint (Amendment) Act of 1929, as amended in 1978, prohibits child marriage, a traditional practice in the northern part of the country. The act raised the age requirement for marriage for girls to 15 from 18 years, but the Government does not enforce it. According to one report, 50 percent of girls in Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh are married by age 16. NCRB statistics show that only 56 cases were registered under the Child Marriage Restraint (Amendment) Act during 1998. The NHRC, in consultation with the National Commission for Women and the Department of Women and Child Development, recommended in 1997 that a new draft “Marriage Bill” be enacted to strengthen the prohibitions of the 1929 act; however, the bill had not yet been introduced in Parliament by year's end. The NHRC in its 1996–1997 report, criticized the Government for rejecting this suggestion, a response that the Commission concluded amounted, “essentially, to a total disinclination to strengthen or alter the law, in any respect, or indeed to see to its better implementation in any manner.”

The traditional preference for male children continues. Although a law passed in 1994 prohibits the use of amniocentesis and sonogram tests for sex determination, the Government does not enforce the law. The tests are misused widely for sex determination, and termination of a disproportionate number of pregnancies with female fetuses occurs. In the 12 years since the southern state of Maharashtra passed a law banning the use of such tests for sex determination, the state government only filed charges against one doctor, who he was acquitted. Human rights groups estimate that at least 10,000 cases of female infanticide occur yearly, primarily in poor rural areas. Parts of Tamil Nadu (Dharmapuri, Salem, and Madurai districts) still have high rates of female infanticide. According to statistics compiled by the Dharmapuri office of the Directorate of Health Services, 1,260 female infants were killed in the district in 1997. Police have not investigated these cases. In 1998 the Tamil Nadu Human Rights Commission suggested that a separate mandatory police investigation into the death of every female infant become mandatory, but there is

no legislation that requires such action and none has been taken. In addition parents often give priority in health care and nutrition to male infants. Women's rights groups point out that the burden of providing girls with an adequate dowry is one factor that makes daughters less desirable. Although abetting or taking dowry theoretically is illegal under the Dowry Prohibition Act of 1961, it still is practiced widely.

Bonded and unbonded child labor continues to be a serious problem throughout the country (see Sections 6.c. and 6.d.).

People with Disabilities.—According to regional NGO's, there are over 90 million disabled persons in the country. Neither law or regulations require accessibility for the disabled. With the adoption of the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act in 1995, a nascent disabled rights movement slowly is raising public awareness of the rights of the disabled. Although the act provides equal rights to all persons with disabilities, most disabled-related organizations admit that its practical effects so far have been minimal, in part due to a clause that makes the implementation of programs dependent on the "economic capacity" of the Government. To a large degree, physical impediments still limit mobility, legislation prevents equality, and societal discrimination maintains the status quo of the disabled.

The Disabled Division of the Ministry of Welfare had a budget provision of more than \$38 million (1.65 billion rupees) for the 1998–99 fiscal year for a number of organizations and committees at the national, regional, and local levels. The Ministry delivers rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan commits the Government to putting a rehabilitation center in each of more than 400 districts, but services still are concentrated in urban areas. Moreover, the impact of government programs has been limited. Significant funding is provided to a few government organizations such as the Artificial Limbs Manufacturing Corporation of India, the National Handicapped Finance and Development Corporation, and the Rehabilitation Council of India. Each entity provides specific services or training, including producing aids and prosthetics, promoting disabled-oriented economic development activities, offering training to health-care professionals and vocational instructors concerning disabled-related issues, and providing comprehensive rehabilitation services to the rural disabled.

Additional mini-grants are offered to NGO's that coordinate programs for the disabled to facilitate their physical, social, and psychological rehabilitation and integration into mainstream society. During 1998–99, \$3 million (130.5 million rupees) was available. However, only half of this amount was allocated due to funding restrictions placed on each providing organization and the small number of them that exist.

Two significant programs to benefit the disabled are the National Project to Integrate Mentally Retarded in Family and Community and the National Institute for the Multiple Disabilities. The first project, launched in six states in 1998, primarily focuses on children from the economically weaker sectors and promotes awareness concerning the mentally disabled, their problems, and their rights. The second is the Ministry of Welfare, which provides rehabilitation services to the disabled and is fostering greater awareness among communities throughout the country. As a result of the passage of the Persons with Disabilities Act, there now is a Disabilities Commissioner who oversees implementation of the act and its protections for the disabled.

According to the Persons with Disability Act, 3 percent of positions in official offices and state-owned enterprises must be reserved for persons with visual, hearing, or orthopedic disabilities. The Government provides special railway fares, education allowances, scholarships, customs exemptions, budgetary funds from the Ministry of Rural Development, and rehabilitation training to assist the disabled. However, implementation of these entitlements is not comprehensive. Although the Government has taken significant steps toward improving the plight of the disabled, its involvement has been insufficient. The majority of responsibility for caring for disabled persons still lies with family members and voluntary groups.

The NHRC continues to receive complaints relating to harassment, intolerance, and discrimination against the disabled. It currently is gathering information on these cases and forwarding assessments to concerned NGO's and government entities. However, this process is slow, and its effects so far have been minimal.

The NHRC continued its efforts to improve conditions in mental hospitals and enhance awareness of the rights of those with mental disabilities during the year. In 1997 it commissioned an assessment of conditions at mental hospitals throughout the country, to be conducted by the National Institute of Mental Health and Neuroscience. The assessment, whose results the NHRC released in July 1999, found that conditions in mental institutions were unsatisfactory and in need of reform. The

rights of the mentally ill and mentally disabled are provided for in the Constitution and the Mental Health Act of 1987. However, the NHRC noted that despite these protections, conditions in many mental hospitals are unsatisfactory. They continue to embody old concepts of mental health care and essentially function as custodial rather than therapeutic institutions. Overcrowded and serving as "dumping grounds" for desperate relatives, some mental hospitals lack even basic amenities and have poor medical facilities. In August 1999, the NHRC reported that it had assumed the management of mental hospitals in Ranchi, Bihar, Agra, Uttar Pradesh, and Gwalior, Madhya Pradesh, at the direction of the Supreme Court. In February NHRC Chairman Justice J.S. Verma asked chief ministers of all the states and administrators of all the union territories "to issue clear directions to the inspector generals of prisons to ensure that mentally ill persons are not kept in jail under any circumstances." However, there was little follow-up to the NHRC direction.

Indigenous People.—The Innerline Regulations enacted by the British in 1873 still provide the basis for safeguarding tribal rights in most of the northeastern border states. They are in effect in Arunachal Pradesh, Nagaland, Manipur, and Mizoram, but not in Tripura, in which the tribal population has been reduced to 30 percent of the total population due to increased Bengali migration since partition. These regulations prohibit any person, including citizens from other states, from going beyond an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. No outsiders are allowed to own land in the tribal areas without approval from tribal authorities.

The 1991 census, the last conducted, showed that 8.08 percent of citizens belonged to scheduled tribes. According to the Indian Confederation of Indigenous and Tribal People (ICITP), 80 percent of the tribal population live below the poverty level. In May 1998, the NHRC established a panel to investigate the condition of the country's 20 million denotified tribal people, who in 1871 the British colonial government labeled as belonging to "criminal tribes"). During the year, the panel prepared a report for the NHRC on their condition and advised the NHRC in other ways. Denotified tribal peoples are tribal people. The colonial act listing these tribes was repealed in 1951, but the stigma remains and many of these tribal people still are discriminated against actively. On February 15, the NHRC recommended that the "Habitual Offenders Act," aimed at the denotified and nomadic tribes, be repealed. According to the ICITP, more than 40,000 tribal women, mainly from Orissa and Bihar, have been forced into situations of economic and sexual exploitation (see Sections 6.c. and 6.f.); many come from tribes that were driven off the land by national park schemes. Special courts to hear complaints of atrocities committed against tribal people were to have been established under the protection of Civil Rights Act of 1976, but this never was accomplished.

Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country often are ignored. Indigenous people suffer discrimination and harassment, have been deprived wrongly of their land, and have been subject to torture and to arbitrary arrest. There has been encroachment on tribal land in almost every eastern state, including by illegal Bangladeshi immigrants, and by businesses that illegally have removed forest and mineral products. Moreover, persons from other backgrounds often usurp places reserved for members of tribes and lower castes in national education institutions. Mob lynchings, arson, and police atrocities against tribal people occur in many states (see Section 1.c.). For example, on January 31, local landowners attacked the tribal village of Ghutewadi, Ahmednagar district, Maharashtra, killing a 60-year-old tribal woman and injuring 10 other women and a child. On July 4, a mob killed a 90-year-old tribal woman and set 16 houses on fire following the abduction of a nontribal youth from Futotip village in North Tripura. On August 17, a mob attacked Jatindra Kumr Jamatya, a tribal activist and member of the ruling CPI(M) in Nagrai, South Tripura.

In the Andaman Islands in 1999, the local government implemented a policy of permitting development of the Jawara tribal area, which threatens the indigenous group's way of life. The construction of a road through the forest that is inhabited by this group and the encroachment of Indian settlers have impacted negatively this indigenous group's cultural vitality, economic self-sufficiency, and physical and mental health. These integrative policies have been motivated partly by humanitarian concerns, although interest in commercial exploitation of virgin forests that we inhabited by tribal people is another strong factor behind these policies. A manifestation of this negative trend was a destructive outbreak of measles that affected about 30 persons among the Jawara tribal people, which was reported in the press in September 1999.

Such violations led to numerous tribal movements demanding the protection of land and property rights. The Jharkhand Movement in Bihar and Orissa, and the Bodo Movement in Assam, reflect deep economic and social grievances among indigenous people. In the Jharkhand area, tribal people complain that they have been relegated to unskilled mining jobs, have lost their forests to industrial construction, and have been displaced by development projects. During the year, the Government introduced and Parliament passed legislation creating new, largely tribal-populated states from the Jharkhand area of Bihar and the Chhatisgarh region of Madhya Pradesh. The Chhatisgarh State came into existence on November 1 and the Jharkhand State came into existence on November 15.

There also is some local autonomy in the northeast. In Meghalaya tribal chiefs still wield influence in certain villages. The Nagaland government controls the rights to certain mineral resources, and autonomous district councils in Tripura, Assam, and Meghalaya control matters such as education, rural development, and forestry in cooperation with the state governors.

Religious Minorities.—The potential for renewed Hindu-Muslim violence remains considerable and both sides committed human rights abuses during the year. Hindus and Muslims continue to feud over the construction of mosques several centuries ago on three sites where Hindus believe that temples stood previously. In 1998 the Sri Krishna Commission, established by the Government to inquire into the cause of Hindu-Muslim riots in Mumbai in December 1992 and January 1993, released its report (see Section 2.c.). The riots, which followed the destruction of an historic mosque in Ayodhya in December 1992, left more than 1,000 persons, mostly Muslims, dead. Maharashtra's BJP-Shiv Sena ruling coalition rejected the report, which laid responsibility for much of the violence on leaders from both parties. That government fell and was replaced by a Congress Party-led government, which submitted an affidavit to the Supreme Court in August promising to implement the Commission's recommendations. The same government established a special task force to implement the recommendations of the Sri Krishna Commission report. The recommendations included prosecuting the 31 police officials and several Shiv Sena, BJP, and Congress Party politicians found to have abetted the anti-Muslim rioting in Mumbai in 1993.

On January 30, Muslim and Hindu crowds in Bangalore clashed and threw stones at each other after an idol was desecrated in a Hindu temple. Two persons were injured in Hindu-Muslim clashes in Ahmedabad, Gujarat, from August 5 to 7. Human rights groups allege that following the riots, the state reserve police officers forced some Muslim residents of the city to sing the Sanskrit anthem "Vande Mataram" to prove that they were not "anti-national" (see Section 2.c.). On August 31, several hundred angry Hindus pelted Muslim houses with stones and tried to set fire to several homes after a Muslim eloped with a Hindu in a town in Vadodara district, Gujarat. On September 12, Muslim-Hindu violence in Nanded, a city 300 miles southeast of Mumbai, left approximately 60 persons injured. The attacks occurred during the annual Ganesh festival when a procession of Hindus passed by a mosque. According to some reports, Muslims in the mosque threw stones at Hindu worshippers whom they claim offended the mosque by making too much noise. The Maharashtra government ordered a judicial inquiry. On October 16, a gang entered Tahira village, Siwan district, Bihar, and murdered five members of a Muslim family. Police suspect unknown persons in nearby Mohajirpur village committed the killings in retaliation for the killings of Hindu villagers a few days earlier. On December 3, a group of men in Tirunelveli, Tamil Nadu, attacked and killed a Muslim preacher with crude bombs and sickles. No one was convicted in connection with the August 26, 1999 mob mutilation and burning to death of a Muslim cattle trader in Padiabada village, Orissa; about 400 persons witnessed the killing.

Attacks by Muslim militants seeking to end Indian rule in Jammu and Kashmir, and continuing political violence, has driven almost 95 percent of Hindus in the Kashmir valley (Pandits) to seek refuge in camps in Jammu, with relatives in New Delhi, or elsewhere, during the last few years. Throughout the year, militants carried out several execution-style mass killings of Hindu villagers and violently targeted Pandits, and in one instance the Sikh minority, in Jammu and Kashmir (see Sections 1.a. and 1.g.). On February 28, militants killed five truck drivers on the Srinagar-Jammu highway. The militants systematically halted commercial trucks traveling along the route and questioned the unarmed drivers and cleaners on board. Those persons identified as Hindus were taken out of the trucks and shot. On March 20, 17 unidentified gunmen in army uniforms killed 35 Sikh men in Chati Singhpora (near Anantnag in south Kashmir). The incident was the largest single massacre of civilians during the past 11 years of militancy, and at year's end, the only mass killing in Kashmir to have involved the Sikh community. According to various reports, militants separated unarmed male members of the Sikh families

from women and children, gathered the men a short distance from their homes, and killed them with automatic weapon fire. It was the first known attack on the Sikh minority in Jammu and Kashmir (see Section 1.a.). On March 25, security forces shot and killed five men, alleging that they had been responsible for the March 20 massacre. According to HRW, on April 17, gunmen entered the homes of several Hindu families in Kot Dara village, near Rajouri. They fired on unarmed civilians, killing six persons and injuring six others. On July 13, militants killed three Buddhist monks in Rangdum, Kargil district. On July 30, militants hurled a grenade into a jeep carrying Hindu religious pilgrims near Gulmarg, killing one person and injuring five others. On August 1 to 2, militants entered a camp of Hindus making the annual pilgrimage to Amarnath in the northern part of the state and fired automatic weapons at tents, the unarmed civilians in the camp, the pilgrims' local porters and guides, and army personnel nearby. A total of 32 persons were killed in the attack, all of them unarmed civilians. Similar attacks occurred throughout the night of August 1 to 2, killing some 100 persons in various places in Jammu and Kashmir (see Section 1.a.). On August 17, militants reportedly killed six Hindu villagers and seriously wounded seven others in Jammu (see Section 1.a.). On August 18, militants entered a Hindu village in the Koteswara area near Rajauri and indiscriminately fired at villagers, killing four persons and injuring six others. On August 18, militants killed three elderly men and a teenage boy, and wounded two other persons when they fired automatic guns at civilians in Ind village, Udhampur. On August 20, a person shot and injured a Hindu telephone kiosk operator in Qazi Gund, near Anantnag. Also on August 20, militants entered the Hindu village of Indeh, Udhampur district and killed four members of a Hindu family (see Sections 1.a. and 2.c.).

According to the Ministry of Home Affairs, about 51,000 Pandit families fled their homes in Jammu and Kashmir due to the violence. Of these, 4,674 families are living in refugee camps in Jammu, 235 families are in camps in Delhi, and 18 families are in Chandigarh. The rest still are displaced, but are living on the economy in Jammu and Delhi. The Pandit community criticizes bleak physical, educational, and economic conditions in the camps and fears that a negotiated solution giving greater autonomy to the Muslim majority might threaten its own survival in Jammu and Kashmir as a culturally and historically distinctive group. On August 18, the Jammu and Kashmir government adopted a proposal designed to facilitate the return of Pandits to the Kashmir valley and rehabilitation of the Pandits. However, various Pandit groups criticized the proposal for failing to address the political aspirations of Pandits, failing to provide economic guarantees, failing to provide adequate security for returning Pandits, and creating special economic zones that would aggravate communal tensions. The proposal abandoned during the year. The NHRC released a 39-page report in June 1999, in response to a petition from Hindu Pandits alleging that genocide had been committed against them. The NHRC found that the crimes against the Pandits "fall short of the ultimate crime: Genocide," but stated that compensation to the community had been inadequate. As a result, the Government's monthly subsistence payment to Pandit families was increased.

There were numerous attacks against Christian communities and Christian missionaries during the year. In August the SAHRDC stated that there had been 57 such attacks during the first 7 months of the year. The SAHRDC stated the attacks had taken three forms: Attacks on priests and nuns; attacks on evangelists and disruption of prayer meetings; and attacks on churches, hospitals, and other charitable institutions. Attacks occurred in Tamil Nadu, Goa, Punjab, Karnataka, Andhra Pradesh, Gujarat, Haryana, Orissa, West Bengal, Bihar, Maharashtra, Madhya Pradesh, and Uttar Pradesh. There were a series of incidents in Uttar Pradesh in April. On April 6, an angry mob, demanding a decrease in school fees and an increase in the number of passing students, harassed the principal of Sacred Heart school in Mathura. The principal disputed an allegation that the harassment was because of school fees, saying that she was harassed and chased by a group of young men (not parents of students) who also asked her questions about the religious texts read at the school. On April 10, Father Joseph Dabre, principal of St. Dominic's school in Mathura, was beaten by six young men who went to the school on the pretext of inquiring about admissions. On April 11, in Kosi Kalan near Mathura, 8 to 10 assailants attacked Father K.K. Thomas at St. Theresa's school when he rushed to the assistance of a servant girl and 3 nuns whom the assailants were attacking. Thomas was injured seriously; his attackers had not been found by year's end.

Prime Minister A.B. Vajpayee asked Uttar Pradesh Chief Minister Ram Prakash Gupta for a detailed report on the incidents in the Mathura area. State officials also ordered police to monitor closely churches, missionary centers, and other places of worship after the attacks near Mathura. On April 26, the NCM visited the sites of the attacks at Sacred Heart school, St. Dominic's school, and St. Theresa's school,

and issued a report on April 27. The report, which claimed that the Sacred Heart case had "no communal tinge," and that the Kosi Kalan case was a "case of robbery and nothing else," was criticized widely by the minority community. Several members of the Lok Sabha openly questioned the report's validity, and there is strong evidence that the NCM report misrepresented the victims in its claims that they themselves are entirely satisfied that there was no religious motivation behind the violence. Victims of the incidents claim that the local police were not responsive either before or during the attacks. These attacks on Christians in Uttar Pradesh were the first in the state in 6 years.

Following the violence in April in the vicinity of Mathura, on May 5, six missionaries who were distributing Bibles and other literature in Vivekanandnagar, Ahmedabad, were injured severely. Some evangelists and some Bajrang Dal activists attacked each other in this Vivekanandnagar when the Bajrang Dal activists forbade distribution of Christian literature. Both groups filed police complaints alleging that the other group attacked them. A Hindu bystander who attempted to intervene had his finger cut off, according to newspaper reports. On May 22, 30 persons were injured when a powerful bomb exploded during a Christian meeting at Machilipatnam in the southern state of Andhra Pradesh. The central Government and the state governments of Andhra Pradesh and Karnataka maintain that the bombing were carried out by a Muslim extremist organization, Deendar Anjuman. Following investigation by the Central Bureau of Investigation, on October 21, police in Karnataka arrested 31 persons in connection with the bombings in that state, including 4 persons who reportedly were Pakistani nationals (see Section 2.a.). The governments later made more arrests, and by year's end, they had filed charges of conspiracy, violating the Explosives Act, and fomenting religious hatred against approximately 45 suspects in Karnataka and Andhra Pradesh. On June 7, a Catholic priest, Brother George Kuzhikandum, was killed on the campus of Brother Polus Memorial School near Mathura. On June 21, Vijay Ekka, the prime witness to the June 17 killing of Brother George, died in police custody (see Sections 1.a. and 2.c.). In June in northern Punjab state, the Rev. Ashish Prabash Masih, age 23, reportedly was murdered and his body burned. Although police ruled out any communal undertones, the Punjab Christian Association stated that the murder was part of a concerted campaign against its community by Hindu nationalists. In April three nuns said that they were run down deliberately by a motor scooter in the northern state of Haryana on their way to a midnight Easter Mass. One of the nuns was injured seriously. The Christian Forum stated that the attack was the fifth on nuns and priests in Haryana in the year, but both the NCM and the Catholic Bishop's conference stated that the incident could have been an accident. On May 9 in Maharashtra, approximately 150 suspected activists of the Bajrang Dal and the Vishwa Hindu Parishad (World Hindu Council, or VHP) attacked the 45th Annual Convention of the Evangelical Alliance Christian Church and the Nashik District Church Council, set fire to three vehicles, and ransacked a bus carrying religious literature. Four persons were hospitalized. Rural police said that they arrested 33 persons, all of whom belonged to Bajrang Dal or VHP. Although political leaders from Maharashtra's ruling party criticized the attack, the Minister of State for Dairy Development joined a group of BJP, RSS, and VHP activists who traveled to meet and congratulate the accused when they were released from prison on bail. On May 12, in Indore, Madhya Pradesh, assailants threw stones and attempted to set fire to one church, while vandalizing two other churches.

On January 23, 1999, Australian missionary Graham Staines and his two young sons were killed. The three were asleep in their car in Manoharpur, Keonjhar district, Orissa, when a mob shouting Hindu slogans set fire to their car. Police arrested 51 suspects in connection with the crime and sought others. Dara Singh was arrested on January 31 and charged with the murders of Staines and his two young sons (see Section 2.c.); he also was charged with the murders of another Christian and a Muslim. Singh remained in custody and the charges against him and 14 others still were pending at year's end. On September 30, a special court in Bhubaneswar, Orissa, convicted a 13-year-old boy of complicity in the killing of Staines and his two sons. He was sentenced to 14 years' imprisonment. The Wadhwa Commission established to investigate the Staines murder presented its findings in August 1999. The report concluded that Dara Singh masterminded the killing and effectively exonerated the Hindu organizations and political parties that had been accused of complicity. The National Commission for Minorities, other human rights groups, and some Christian groups criticized the Commission's findings as a coverup. The National Commission for Minorities, separate inquiry found evidence suggesting that the Bajrang Dal was involved in the Staines murders. On June 2, a Hindu priest reportedly "reconverted" 72 tribal Christians in the same village in which Graham Staines and his sons were killed.

The burning of churches continued during the year. For example, on May 12, a hut used as a prayer cottage by Christians in Katiguda village was burned by what the local police referred to as "anti-socials." Also on May 12, in Indore, Madhya Pradesh, assailants threw stones, attempted to set fire to one church, and vandalized two other churches. On May 16, a cottage in Dharakote village that was used as a place of congregation for local Christians was set on fire. Armed police officers were deployed to the area, but by year's end no arrests had been made. On June 8, bombs exploded in four churches in Andhra Pradesh, Karnataka, and Goa. The blasts occurred in a Baptist Church in Ongole, Andhra Pradesh; a Catholic church in Tadepalligudem, Andhra Pradesh; a Catholic church in Wadi, Karnataka; and a church in Vasco, Goa. The bombs reportedly blew out windows and damaged pews; three persons in Ongole and two in Wadi received minor injuries. During the last week of June, a mosque in Gunter, Andhra Pradesh was bombed. None of the localities had a history of serious communal tensions before the blasts. In Karnataka police patrols reportedly were increased at all places of worship, and a special investigative unit was formed to investigate the bombings. By June 20, nine persons reportedly were arrested in connection with the blasts in Andhra Pradesh, including a leading member of a Shi'a Muslim organization (see Section 2.c.). A bomb exploded in the early hours of July 7 at a Lutheran church in Hubli, northern Karnataka, causing minor damage. On the evening of July 8, across town, a bomb exploded at Saint Peter and Paul Church, breaking windows; there were no injuries.

Since 1998 there has been increased harassment of Christian aid workers. Many report having been hampered in their work through threats, bureaucratic obstacles, and, in some cases, physical attacks on their workers. Several Christian relief organizations have reported difficulty in obtaining visa renewal for foreign relief workers (see Sections 2.d. and 4).

The NHRC expressed its concern at the upsurge of violence against Christians in the first 6 months of the year, demanding that the Government announce the steps that it was taking to protect the Christian community. Speaking in Parliament August 18 on the series of church bombings, Home Minister L.K. Advani said that "the Center, in consultation with the affected states, will take stern action against those found guilty of instigating attacks against Christians."

Members of militant Hindu organizations (including members of the Hindu Jagran Manch, the Vishwa Hindu Parishad, and the Bajrang Dal) reportedly are concerned about Christian efforts to convert Hindus. They claim that missionaries are forcing or inducing Hindus to convert to Christianity, including economically disadvantaged Dalits and tribals. In some cases, Hindus allegedly have reconverted, at times by force, tribals and Dalits belonging to other religions. However, many tribals follow traditional religious practices, and many Christian tribals were not Hindu prior to becoming Christian, although they often are considered Hindu by the Government and others. In September 1999, Vishwa Hindu Parishad working president Ashok Singhal called for enactment of a law banning forced conversions. Missionaries have been operating schools and medical clinics for many years in tribal areas, including the Dangs district in Gujarat. Tribals, such as those attacked in the Dangs district in 1998, and Dalits are outside of the caste system and occupy the very lowest position in the social hierarchy. However, they have made socioeconomic gains as a result of the missionary schools and other institutions, which have increased literacy among the lowest castes, among other achievements.

Other incidents affecting religious minorities during the year occurred in Tripura, at which Christian militants imposed bans on Hindu and Muslim festivals, and in Assam, in which Hindu concern over the continued influx of illegal Muslim immigrants from Bangladesh has grown over the past year (see Section 2.d.). On April 17, the secretary of the Noapara Baptist Church in Tripura was arrested with explosives in his possession. He allegedly was intending to take them to the NLFT.

The practice of dedicating or marrying young, prepubescent girls to a Hindu deity or temple as "servants of God" (also known as Devadasis), is reported by HRW to continue in several southern states, including Andhra Pradesh and Karnataka. Devadasis, who generally are Dalits, may not marry. They are taken from their families and are required to provide sexual services to priests and high caste Hindus (see Section 6.c.). Reportedly, many eventually are sold to urban brothels. In 1992 the Karnataka state passed the Karnataka Devadasi (Prohibition) Act and called for the rehabilitation of Devadasis, but this law suffers from a lack of enforcement and criminalizes the actions of Devadasis. Since Devadasis are by custom required to be sexually available to higher caste men, it reportedly is difficult for them to obtain justice from the legal system if they are raped.

National/Racial/Ethnic Minorities.—The country's caste system has strong historic ties to Hinduism. It delineates clear social strata, assigning highly structured religious, cultural, and social roles to each caste and subcaste. Members of each

caste—and frequently each subcaste are expected to fulfill a specific set of duties (known as dharma) in order to secure elevation to a higher caste through rebirth. Dalits (formerly called untouchables) are viewed by many Hindus as separate from or “below” the caste system; nonetheless, they too are expected to follow their dharma if they hope to achieve caste in a future life. Despite longstanding efforts to eliminate the discriminatory aspects of caste, the practice remains widespread.

The practice of untouchability (“untouchables”—now called Dalits—along with tribals occupy the lowest strata of the caste system) was outlawed in theory by the Constitution and the 1955 Civil Rights Act, but it remains an important aspect of life. “Untouchability” refers to the social restrictions imposed on persons because of their birth into certain Hindu castes. Dalits are considered unclean by higher caste Hindus and thus traditionally are relegated to separate villages or neighborhoods and to low paying and often undesirable occupations (such as scavenging, street sweeping, and removing human waste and dead animals). Many rural Dalits work as agricultural laborers for higher caste landowners. By custom Dalits may be required to perform tasks for upper caste Hindus without remuneration. The majority of bonded laborers are Dalits (see Section 6.c.). Dalits are among the poorest of citizens, generally do not own land, and often are illiterate. They face significant discrimination despite the laws that exist to protect them, and often are prohibited from using the same wells and from attending the same temples as higher caste Hindus, and from marrying persons from higher castes. In addition they face segregation in housing, in land ownership, on roads, and on buses. Dalits tend to be malnourished, lack access to health care, work in poor conditions (see Section 6.e.), and face continuing and severe social ostracism. In contrast the highest caste, the Brahmin, with 3.5 percent of the population, holds 78 percent of the judicial positions and about 50 percent of parliamentary seats. NGO’s report that crimes committed by higher caste Hindus against Dalits often go unpunished, either because the authorities do not prosecute vigorously such cases or because the crimes are unreported by the victims, who fear retaliation. In recent years, groups including some that use violence—have organized to protect Dalit rights.

The Constitution gives the President the authority to identify historically disadvantaged castes, Dalits, and “tribals” (members of indigenous groups historically outside the caste system). These “scheduled” castes, Dalits, and tribes are entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. The impact of reservations and quotas on society and on the groups they are designed to benefit is a subject of active debate. According to the 1991 census, scheduled castes, including Dalits, made up 16 percent and scheduled tribes 8 percent of the country’s 1991 population of 846 million. Christians historically have rejected the concept of caste. However, because many Christians descended from low caste Hindu families, many continue to suffer the same social and economic limitations that low caste Hindus do, particularly in rural areas. Low caste Hindus who convert to Christianity lose their eligibility for affirmative action programs. Those who become Buddhists or Sikhs do not. In some states, government jobs are reserved for Muslims of low caste descent.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 lists new offenses against disadvantaged persons and provides stiffer penalties for offenders. However, this act has had only a modest effect in curbing abuse. The NCRB reported that 25,638 crimes against scheduled castes and 4,276 crimes against scheduled tribes were recorded in 1998. This compares with 27,944 crimes against scheduled castes and 4,644 crimes against scheduled tribes recorded by the NCRB in 1997. However, human rights NGO’s allege that caste violence actually is on the increase.

Intercaste violence claims hundreds of lives annually; it was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh. According to HRW, on April 25, upper caste Rajputs shot and killed four Dalits and seriously injured three others in Rohtas district, Bihar. Subsequently, Rajputs burned down the entire Dalit village, leaving all 25 families homeless, reportedly in retaliation for an earlier attack. On March 12, a mob of upper caste men entered Kambalapalli village, Karnataka, where they reportedly believed that the killer of an upper caste person had taken refuge. The mob surrounded and set fire to one of the homes in the predominantly Dalit village; seven members of a Dalit family were killed in the blaze. On May 12, a group of men entered Lakhisarai village, Bihar, and indiscriminately shot at villagers, killing 11 persons, including 10 low-caste laborers. Police suspected that a criminal gang was responsible for the killings. On May 17, upper caste youths stripped two lower caste women and paraded them naked through their village of Rasoolabad, Kanpur district, Uttar Pradesh. The women’s alleged crime was to have allowed an upper caste woman to spend one night in their home. On June 3, approximately 50 armed men

suspected of belonging to an upper caste private army, the Ranvir Sena, killed 5 low-caste persons, including a woman and a child, in Rajebigha village, Bihar. The killings reportedly were perpetrated because the assailants suspected that the villagers had voted against a candidate favored by the upper caste community in February state assembly elections in Bihar (see Section 3). Police occasionally have arrested Ranvir Sena members after similar incidents in Bihar. However, generally members of the Ranvir Sena who are arrested were released on bail shortly thereafter, and none were convicted during the year in connection with attacks on low-caste villagers. According to HRW, police make little effort to prevent such killings, despite the fact that the Ranvir Sena often publicly announces its intentions days before each attack; allegedly, police also fail to provide protection for villagers in the aftermath of such attacks. On October 22, the NHRC directed the Tamil Nadu government to pay about \$10,990 (500,000 rupees) to 36 Dalit women and children. The Commission found police wrongly attacked and beat the women and children after entering their Ogalur village, Perambalur district, on November 30, 1998. The NHRC further found that police illegally detained the victims for 18 days. In issuing the order, NHRC chairman justice J.S. Verma wrote, "the present case is an instance of lawlessness on the part of the police even in discharging their duties."

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association. Workers may establish and join unions of their own choosing without prior authorization. More than 400 million persons make up the country's active work force. Some 30 million of these workers are employed in the formal sector. The rest are overwhelmingly are agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represent agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members are part of the 30 million member formal sector. Of these 13 to 15 million unionized workers, some 80 percent are members of unions affiliated with one of the 5 major trade union centrals. All major trade union centrals are affiliated to a greater or lesser extent with particular political parties. Central unions have stressed their independence and in some cases are attempting to sever previously tight party control.

Trade unions often exercise the right to strike, but public sector unions are required to give at least 14 days notice prior to striking. Some states have laws requiring workers in certain nonpublic sector industries to give notice of a planned strike.

The Essential Services Maintenance Act allows the Government to ban strikes and requires conciliation or arbitration in specified "essential" industries. Legal mechanisms exist for challenging the assertion that a given dispute falls within the scope of this act. However, the essential services never have been defined in law. The act thus is subject to varying interpretations from state to state. The Maharashtra government passed a law in February 1999 banning strikes in essential services, including transport services, milk supply services, the electricity department, and hospitals. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions. This prohibition is observed in practice.

The Kerala High Court declared in July 1997 that all general strikes (*bandhs*) were illegal and all organizers of protests would be liable for losses caused by shutdowns. Later in the year, the Supreme Court upheld the verdict drawing attention to the difference between a complete closedown of all activities (*bandh*), and a general strike (*hartal*). While it is likely that the ruling was introduced in relation to political strikes, unions stated that it remained a potential threat to their activities. Other court rulings during 1997 also declared strikes illegal and made striking workers pay damages because consumers and the public suffered during strikes.

According to Ministry of Labor statistics, as of June there had been 127 strikes and lockouts throughout the country during the year, involving 39,265 workers. In all, 63,000 "person-days" were lost due to strikes and 900,000 "person-days" were lost due to lockouts during this period. For example, in February over 100,000 workers of a colliery in Andhra Pradesh went on a 13-day strike demanding better wages and other benefits. The company later agreed to some of the workers' demands. In addition, during the year approximately 80,000 workers went on strike for about 2 weeks in Uttar Pradesh to protest the government's plans to reorganize the state electricity board along corporate lines. The government succeeded in reorganizing the electricity board along corporate lines despite the workers' protest.

When abuses, such as intimidation or suppression of legitimate trade union activities, are perpetrated against nationally organized or other large-scale unions or unionized workers, the authorities generally respond by prosecuting and punishing

those persons responsible. Unaffiliated unions are not able, in all instances, to secure for themselves the protections and rights provided by law.

In June the Government announced its intention to modify the Trade Union Act. The Government convened the Indian Labor Conference, which brought together government and trade union representatives to discuss modification of the Trade Union Act, but the conference took no substantive action on the act and it remained unchanged at year's end.

Unions are free to affiliate with international trade union organizations. The Indian National Trade Union Congress and the Hind Mazdoor Sabha are affiliated with the International Confederation of Free Trade Unions (ICFTU), while the All India Trade Union Congress is affiliated with the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The right to bargain collectively has existed for decades. The Trade Union Act prohibits discrimination against union members and organizers, and employers are penalized if they discriminate against employees engaged in union activities.

Collective bargaining is the normal means of setting wages and settling disputes in unionized plants in the organized industrial sector. Trade unions vigorously defend worker interests in this process. Although a system of specialized labor courts adjudicates labor disputes, there are long delays and a backlog of unresolved cases. When the parties are unable to agree on equitable wages, the Government may establish boards of union, management, and government representatives to determine them.

In practice legal protections of worker rights are effective only for the 30 million workers in the organized industrial sector, out of a total work force of more than 400 million persons. Outside the modern industrial sector, laws are difficult to enforce. Union membership is rare in the informal sector, and collective bargaining does not exist.

There are seven Export Processing Zones (EPZ's). Entry into the EPZ's ordinarily is limited to employees. Such entry restrictions apply to union organizers. All companies bus their workers directly to and from the factory. While workers in the EPZ's have the right to organize and to bargain collectively, union activity is rare. In addition unions have not pursued vigorously efforts to organize private-sector employees anywhere in the years since EPZ's were established. There have been efforts to organize workers in the EPZ's and unions have complained that such attempts were suppressed in Kerala and Gujarat. The fact that organizers are barred from EPZ's and workers are bused to EPZ's helps prevent unions from forming. Women constitute the majority of the work force in the EPZ's. The ICFTU reports that overtime is compulsory in the EPZ's, that workers often are employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers fear that complaints about substandard working conditions would result in their being fired. In March 1999, the Union Ministry of Commerce announced its intention to convert all EPZ's into free trade zones and eliminate government interference in their functioning. Because of trade unions' and the Union Ministry of Labor's opposition to this change, the Government did not implement the plan. In June the Government announced its intention to establish special economic zones patterned on the Chinese model, and on November 1, four out of seven existing EPZ's were converted without significant opposition. These zones are not exempt from labor legislation.

c. Prohibition of Forced or Compulsory Labor.—Both the Constitution and specific statutes prohibit forced or compulsory labor, and bonded labor, as a form of compulsory labor, also is prohibited by statute; however, such practices are widespread. The Bonded Labor System (Abolition) Act of 1976 prohibits all bonded labor, by adults and children. Offenders may be sentenced to up to 3 years in prison, but prosecutions are rare. Enforcement of this statute, which is the responsibility of state and local governments, varies from state to state and generally has not been effective, due to inadequate resources and to societal acceptance of bonded or forced labor. Labor inspectors at the state and local level have overwhelming case loads, and in many cases, do not receive adequate support or protection to challenge employers, who often have direct access to government officials. On the occasions when inspectors refer violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently result in acquittals. NGO's estimate that there are 5 to 40 million bonded laborers in the country, including a large number of children (see Section 6.d.). According to HRW, the majority of bonded laborers are Dalits (see Section 5), and bondage is passed from one generation to the next.

A Supreme Court decision defined forced labor as work at less than the minimum wage, which usually is set by the state governments. Under this definition, which differs from that of the ILO, forced labor is widespread, especially in rural areas.

Bonded labor, the result of a private contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt plus interest, is illegal but widespread. The Government estimates that between enactment of the Bonded Labor (Abolition) Act in 1976 and March 1999, 280,340 bonded workers were released from their obligations. Other sources maintain that those released constituted only one-twentieth of the total number of bonded laborers. State governments provide a sum of money to workers freed from bondage for their rehabilitation. In response to the 1997 Supreme Court decision requesting the NHRC to oversee implementation of the Bonded Labor System (Abolition) Act, the NHRC formed a high-level "Central Action Group," which reviews compliance routinely. The NHRC also appointed a special rapporteur to work in Andhra Pradesh, Karnataka, Kerala, and Tamil Nadu and report on compliance. In addition the NHRC briefed state governments on their responsibilities and instituted a system for receiving regular reports from the states. The NHRC also assessed the bonded labor problem, identifying districts in which it especially is acute. It identified and evaluated NGO's working in these areas, and conducted training in bonded labor law enforcement for district officials in the acutely affected areas. In November 1996, the Supreme Court directed each state to undertake a survey of bonded laborers. The surveys were carried out and identified 28,916 bonded laborers throughout the country. In February 1997, the Supreme Court required state governments to file detailed affidavits on the status of bonded laborers. Some press reports indicate that Tamil Nadu alone has an estimated 25,800 bonded laborers, in response to which the state government began implementing and continues to work on rehabilitation plans. In 1999 alone, it allocated \$1.25 million (54.4 million rupees) for these plans. According to Union Ministry of Labor Statistics, from 1976 to March 31, the Tamil Nadu government identified and released 63,894 bonded laborers. Government officials worked to release other bonded laborers in many of the country's states. In West Bengal, organized traffic in illegal Bangladeshi immigrants is a source of bonded labor (see Section 6.f.).

The working conditions of domestic servants and children in the workplace often amount to bonded labor. Children sent from their homes to work because their parents cannot afford to feed them, or in order to pay off a debt incurred by a parent or relative, have no choice in the matter. There are no universally accepted figures for the number of bonded child laborers. However, in the carpet industry alone, human rights organizations estimate that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labor. Officials claim that they are unable to stop this practice because the children are working with their parents' consent. In addition there is a reasonable basis to believe that products were produced using forced or indentured child labor in the following industries: Brassware; hand-knotted wool carpets; explosive fireworks; footwear; hand-blown glass bangles; hand-made locks; hand-dipped matches; hand-broken quarried stones; hand-spun silk thread and hand-loomed silk cloth; hand-made bricks; and beedis (hand-rolled cigarettes). A number of these industries expose children to particularly hazardous work conditions (see Section 6.d.). In its first attempt to address the issue of domestic child labor, during the year the Government issued a notification prohibiting government employees from hiring children as domestic help. Those employers who failed to abide by the law would be subject to penalties provided by the Bonded Labor System (Abolition) Act (such as fines and imprisonment), but also to disciplinary action at the place of work.

In 1998 an HRW team headed by the Karnataka state labor commissioner conducted surprise inspections on silk twining factories in and around the town of Magadi. The team found 53 child workers under the age of 14 years working in the plants, forbidden to talk to each other, and beaten for slow work. The labor commissioner estimated that there were 3,000 bonded child laborers in the Magadi silk twining factories. In response UNICEF has started a non-formal education program for the estimated 3,000 bonded child laborers working in the industry. By year's end, about 260 children had been enrolled. In addition UNICEF began a micro-credit program for the parents of these children to create income-generating opportunities as an alternative to child labor.

Female bondage, forced prostitution, and trafficking in women and children for the purpose of forced prostitution are widespread problems (see Section 6.f.). According to press reports, prison officials have used prisoners as domestic servants and sold female prisoners to brothels (see Section 1.c.). Devadasis, prepubescent girls given to a Hindu deity or temple as "servants of God," are taken from their families and required to provide sexual services to priests and high caste Hindus. Reportedly, many eventually are sold to urban brothels (see Sections 5 and 6.f.).

In Punjab persons routinely are sold in an organized trade in weekend bazaars for the purposes of forced domestic labor and forced sexual service. In 1998 one per-

son was arrested in connection with this human trade. He later was released on bail.

In December 1999, domestic media reported that child laborers were being sold in an organized ring at the annual Sonepur cattle fair in Bihar. According to these reports, children of impoverished families in surrounding districts are brought to the fair and sold. One reporter talked to a buyer, a shopkeeper, who paid \$21 (900 rupees) for a 12-year-old child. Persons sometimes are sold into virtual slavery (see Sections 5 and 6.f.).

NGO's such as the Bonded Labor Liberation Front worked to release bonded laborers throughout the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—Article 24 of the Constitution and the Child Labor (Prohibition and Regulation) Act of 1986 are the principal protections against the exploitation of children in the workplace. Provisions for the protection of children in the workplace also are made in the Beedi and Cigar Workers (Condition of Employment) Act of 1966, the Factories Act of 1948, the Mines Act of 1952, the Motor Transport Workers Act of 1961, the Plantations Labor Act of 1951, and the Minimum Wages Act of 1948. The Government prohibits forced and bonded labor by children, but does not enforce this prohibition effectively (see Section 6.c.).

The enforcement of child labor laws is the responsibility of the state governments. Enforcement is inadequate, especially in the informal sector in which most children who work are employed. The continuing prevalence of child labor is attributed to social acceptance of the practice, to the failure of the state and federal governments to make primary school education compulsory, and ineffective state and federal government enforcement of existing laws.

Work by children under 14 years of age is barred completely in "hazardous industries," which include passenger, goods, and mail transport by railway; carpet weaving; cinder picking; cleaning of ash pits; cement manufacturing; building and construction; cloth printing; dyeing and weaving; manufacturing of matches, explosives, and fireworks; catering within railway premises or port limits; beedi (cigarette) making; mica cutting and splitting; abattoirs; wool cleaning; printing; cashew and cashew nut descaling and processing; and soldering processes in electronics industries. In January 1999, the Government added 6 occupations and 33 processes to the list of occupations and processes in which children are barred from working by the 1986 Child Labor (Prohibition and Regulation) Act. The additions brought the totals to 13 occupations and 51 processes in which children are prohibited from working under the act.

In addition to industries that utilize forced or indentured child labor (see Section 6.c.), there is evidence that child labor is used in the following industries: Hand-knotted carpets; gemstone polishing; leather goods; and sporting goods.

In occupations and processes in which child labor is permitted, work by children is permissible only for 6 hours between 8 a.m. and 7 p.m., with 1 day's rest weekly.

The BJP-led coalition Government continued its predecessors' plan to eliminate child labor from hazardous industries and eventually from all industries, but it did not repeat the previous government's pledge to accomplish the former by 2000 and the second by 2010. This program, for which approximately \$56.69 million (2.64 billion rupees) has been budgeted since 1992, includes the enhanced enforcement of child labor laws, income supplements for families, subsidized school lunches in areas in which child labor is concentrated, and a public awareness campaign. The Government continued efforts initiated in 1987 to enhance enforcement of the Child Labor (Prohibition and Regulation) Act of 1986 and other laws prohibiting and regulating child labor. In 1988 the Government started the National Child Labor Project (NCLP) to release children from hazardous work places and provide them with transitional schooling leading to mainstreaming in regular schools, and other forms of assistance. In addition government programs assist working children in rural development, women and child development, health, and adult job-creation programs. The NCLP targeted 12 districts in which child labor was prevalent at its inception in 1988. The NCLP has grown to cover 91 districts in 10 states. From April 1999 To January 31, 145,725 children participated in the NCLP. Since its inception, the program is estimated to have helped more than 500,000 children leave work and start school. During their participation in the NCLP, the children's families are given a small stipend—usually \$2.15 to \$4.30 (100 to 200 rupees) per month. Nevertheless, government efforts to eliminate child labor have affected only a small fraction of children in the workplace. A 1996 Supreme Court decision raised penalties for employers of children in hazardous industries to \$430 (20,000 rupees) and established a welfare fund for formerly employed children. According to the South Asian Coalition on Child Servitude (SACCS), authorities are pursuing some 6,000 cases against employers. The Supreme Court ruling also has helped make local govern-

ment officials more aware of the prohibitions against child labor in hazardous industries. This in some cases, has helped improve cooperation between local officials and NGO's like SACCS that are removing children from hazardous workplaces. One recent example of such cooperation occurred on December 29, in Bhadohi district, Uttar Pradesh, in which SACCS and local law enforcement officials released 11 child laborers from work on looms for the production of hand-knotted carpets and initiated legal proceedings against the employer. During the year, SACCS helped release about 135 child laborers in Bhadohi district alone. According to the Tamil Nadu Labor Department, 155 child laborers were freed from illegal workplaces between April and October 1999, out of the 10,118 child laborers identified in 2 surveys carried out in the state in 1997. State labor officials acknowledged that many more child laborers exist in the state.

Estimates of the number of child laborers range widely. The Government census of 1991 puts the number of child workers at 11.28 million. The ILO estimates the number at 44 million, while NGO's state that the figure is 55 million. Interpolation of census figures by the National Labor Institute indicates that of a total of 203 million children between the ages of 5 and 14, 116 million are in school, 12.6 million are in full-time employment, and the status of 74 million is unknown. Most, if not all, of the 87 million children not in school do housework, work on family farms, work alongside their parents as paid agricultural laborers, work as domestic servants, or otherwise are employed. A Supreme Court-ordered survey of child labor throughout the country was completed during 1997 and documented the existence of some 126,665 wage-earning child laborers. When this figure was challenged as patently low, the states conducted a second survey, in which an additional 428,305 child laborers in hazardous industries were found. However, even the combined total of the two surveys understates the true dimension of the problem.

According to the ILO, labor inspectors conducted 13,257 inspections in 1997-98, finding 958 violations of the Child Labor Prohibition Act, prosecuting 676 of these cases, and obtaining 29 convictions. Those convicted of violating the Child Labor (Prohibition and Regulation) Act are fined \$460 (20,000 rupees) for each child employed. The Government is required to find employment for an adult member of the child's family or pay \$108 (5,000 rupees) to the family instead. According to the Government, in 1996-97, labor inspectors conducted 35,886 inspections, over twice as many as the following year. Between 1993 and the end of 1997, the Government released about 8,000 children from illegal workplaces and brought charges against approximately 4,000 employers. In the hand-knotted carpet producing area of Uttar Pradesh, the NHRC and NGO's have worked with the state government to establish a task force for the elimination of child labor. SACCS reported freeing some 135 child laborers in the hand-knotted carpet industry during the year from Bhadohi district in Uttar Pradesh alone.

Employers in some industries also have taken steps to combat child labor. The Carpet Export Promotion Council (CEPC), a quasi-governmental organization that receives funding from the Ministry of Textiles, has a membership of 2,500 exporters who have subscribed to a code of conduct barring them from purchasing hand-knotted carpets known to have been produced with child labor. The CEPC conducts inspections to insure compliance, and allows members to use voluntarily a government-originated label to signify adherence to the code of conduct. Rugmark, which is a private initiative, operates a similar voluntary label scheme. Rugmark has 228 exporter members who buy carpets from the 28,118 looms registered with Rugmark. However, the CEPC states that even with the program it is impossible to ensure that a carpet has been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry. A private sector research and consulting firm conducts the inspections, which cover only 10 percent of registered looms. The inspectors have difficulty locating unregistered looms. The Government also cooperates with UNICEF, UNESCO, the UNDP, and the ILO in its efforts to eliminate child labor. Since 1992 it has participated in the ILO's International Program on the Elimination of Child Labor (IPEC). Approximately 90,000 children were removed from work and received education and stipends through IPEC programs since the start of its program in 1992.

NGO's also have helped to free children from the work force. For example, since 1999 SACCS has freed over 34,000 children from the work force; it also operates an education and training center for children in New Delhi. From 1999 through year's end, SACCS freed 541 child laborers throughout the country through raids with law enforcement authorities on illegal workplaces. SACCS's intervention with parents resulted in the release of an additional 2,758 children, and its referral of cases to law enforcement agencies resulted in the release of 3,994 more child laborers over the same period. In many cases, charges were brought against the employers under the 1986 Child Labor (Prohibition and Regulation) Act.

The NHRC, continuing its own child labor agenda, organized NGO programs to provide special schooling, rehabilitation, and family income supplements for children in the glass industry in Firozabad. The NHRC also intervened in individual cases.

Primary school education is not compulsory, free, and universal (see Section 5).

e. Acceptable Conditions of Work.—The directive principles of the Constitution declare that “the State shall endeavor to secure ... to all workers ... a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.” Laws set minimum wages, hours of work, and safety and health standards. Laws governing minimum wages and hours of work generally are observed in industries subject to the Factories Act but largely are unenforced elsewhere and do not ensure acceptable conditions of work for the 90 percent of the work force not subject to the Factories Act.

Minimum wages vary according to the state and to the sector of industry. Such wages provide only a minimal standard of living for a worker and are inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act receive much more than the minimum wage, including mandated bonuses and other benefits. The state governments set a separate minimum wage for agricultural workers but do not enforce it effectively. Some industries, such as the apparel and footwear industries, do not have a prescribed minimum wage in any of the states in which such industries operate.

The Factories Act establishes an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards generally are enforced and accepted in the modern industrial sector, but tend not to be observed in older and less economically robust industries. State governments are responsible for enforcement of the Factories Act. However, the large number of industries covered by a small number of factory inspectors and the inspectors’ limited training and susceptibility to bribery result in lax enforcement.

The enforcement of safety and health standards also is poor. Although occupational safety and health measures vary widely, in general state and central government resources for inspection and enforcement of standards are adequate. However, as awareness grows, the courts have begun to take work-related illnesses more seriously.

Industrial accidents continued to occur frequently due to improper enforcement. Chemical industries are the most prone to accidents. According to the Director General of Mines’ safety rules, mining companies must seal the entrances to abandoned underground mines and opencast mines are to be bulldozed and reforested. These rules are obeyed seldom, if ever. According to the Coal Ministry, between 1995 to 1999, 1,201 persons were killed in registered mines and oil fields, 822 (68 percent) of whom died in coal mines, mostly underground; approximately 3,000 persons were injured in mining accidents. Illegal mining is rampant. For example, Oswal Fertilizer Ltd.’s (OFL) new Diamonium Phosphate fertilizer plant at Paradip, Orissa, began operations in May. Eleven workers died during the plant’s construction; an additional 6 persons were killed and 51 others were injured in a series of accidents at the plant from May to September. None of the workers was using safety equipment. Seven criminal cases have been brought against OFL in connection with the accidents.

Safety conditions tend to be better in the EPZ’s.

The law does not provide workers with the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

f. Trafficking in Persons.—The country is a significant source, transit point, and destination for numerous trafficked persons, primarily for the purpose of forced prostitution and forced labor.

The country’s legal code generally is technically adequate for dealing with the problems of trafficking, violence against women, and prostitution. The Prevention of Immoral Trafficking Act (PITA) of 1986 superseded and strengthened the All-India Suppression of Immoral Traffic Act (SITA). The PITA sought to toughen penalties for trafficking in children, particularly by focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage girls as victims. The PITA requires police to use only female police officers to interrogate girls rescued from brothels. The PITA also requires the State to provide protection and rehabilitation for these rescued girls. In addition the PITA grants a form of quasi-toleration of prostitution, as prostitution, per se, is not a crime under the PITA, which criminalizes only solicitation or practice in or near a public place. Some NGO’s note that this ambiguity, which is intended to protect trafficking victims, has been exploited to protect the sex industry. Due to the selective implementation of the PITA, the “rescue” of sex workers from brothels often leads to their revictimization. On June 25, 14 underage rescued sex workers fled the government shelter in Mumbai, citing poor conditions

and "inhuman treatment." On August 31, the Mumbai High Court instructed the Maharashtra government to improve conditions in its rescue homes.

The country's prostitution and trafficking laws fail to impose on the clients and organizers of the sex trade the same penalties imposed on prostitutes found soliciting or practicing their trade in or near (200 meters) public places. Using the PITA's provisions against soliciting or practicing, police regularly may arrest sex workers, extort money from them, evict them, and take their children from them. The client by comparison largely is immune from any law enforcement threat, as he has committed a crime only if he is engaged in sex with a sex worker in a public place or is having sex with a girl under the age of 16 years (statutory rape). Similarly, although the intention of the 1986 PITA was to focus enforcement efforts against the traffickers, pimps, and border operators, the opposite currently is the reality; a Calcutta NGO reports that an average of about 80 to 90 percent of the arrests made under the PITA in West Bengal state in the 1990's are of female sex workers. Police implementation of the PITA similarly is inadequate throughout the country; only a small fraction of arrests made under the PITA involve the trafficker. Implementation of the PITA's provisions for protection and rehabilitation of women and children who are rescued from the sex trade is extremely poor. NGO's familiar with the legal history of prostitution and trafficking laws regard the failure of the judiciary to recognize this inequity in the law's practice as a continuing "blind spot." Over the last several years, arrests and prosecutions under the PITA have remained relatively static, while all indicators suggest a growing level of trafficking into and within the country.

NGO's allege that ignorance of trafficking, a lack of political resolve to tackle it, and corruption at the enforcement level perpetuate the problem. Although the police are charged with enforcing the country's laws on prostitution and trafficking in women and children, NGO's, observers, and sex workers uniformly view police actions as part of the problem. Sex workers in Mumbai and Calcutta claim that harassment, extortion, and occasional arrests on soliciting charges usually characterize police intervention. The police seldom are seen as a positive force that addresses the violence of pimps and traffickers while protecting underage girls from bonded sex labor. A commonly held view among sex workers and NGO's is that local police and politicians responsible for the red light areas receive bribes from organized crime networks to protect the lucrative sex trade.

Over 1 million girls and women are believed to be forced into the sex industry within the country at any given time. Women's rights organizations and NGO's estimate that more than 12,000 and perhaps as many as 50,000 women and children are trafficked into the country annually from neighboring states for the sex trade. According to an ILO estimate, 15 percent of the country's estimated 2.3 million prostitutes are children. The traffic is controlled largely by organized crime.

There is a growing pattern of trafficking in child prostitutes from Nepal. According to one estimate, 5,000 to 7,000 children, mostly between the ages of 10 and 18, are drawn or forced into this traffic annually. Girls as young as 7 years of age are trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas of India to the major prostitution centers of Mumbai, Calcutta, and Delhi. Currently there are about 100,000 to 200,000 women and girls working in brothels in Mumbai and 40,000 to 100,000 in Calcutta. In Mumbai an estimated 90 percent of sex workers began when they were under 18 years of age; half are from Nepal. A similar profile is believed to exist among female sex workers in Calcutta, although the vast majority of women who are trafficked there come from Bangladesh, as opposed to Nepal. NGO's in the region estimate that about 6,000 to 10,000 girls are trafficked annually from Nepal to Indian brothels, and that a similar number are trafficked from Bangladesh.

Within the country, women from economically depressed areas often move into the cities seeking greater economic opportunities, and once there are victimized by traffickers who force or coerce them into the sex trade. However, in some cases family members sell young girls into the sex trade. For example, according to a local NGO researcher, in one village in Uttar Pradesh, girls 1 to 2 years of age are purchased from their parents and adopted by persons who train them for the sex trade through the use of pornographic materials, and sell them into the sex trade when they are 7 to 12 years old.

Many indigenous tribal women are forced into sexual exploitation. According to the Indian Center for Indigenous and Tribal Peoples (ICITP), more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into economic and sexual exploitation; many come from tribes that were driven off their land by national park schemes. In Punjab persons of both sexes are sold in an organized trade in weekend bazaars, ostensibly as farm labor; many instead are purchased for the purposes of

forced sexual service. In 1998 one person was arrested in connection with the trade. He was released later on bail.

The number of women being trafficked out of the country to other countries is comparatively low. In July authorities cooperated with U.S. investigators seeking evidence in the prosecution of Lakreddy Bali Reddy, a U.S. citizen of Indian birth, who was indicted for trafficking minor girls for sexual exploitation from a rural area of Andhra Pradesh to the U.S. Reddy allegedly paid the airfares and expenses of 350 to 400 young men and women aged approximately 13 to 18 years, mostly from low castes, and obtained their passports and visas—ostensibly to work as specialty cooks or laborers in his restaurants or apartment business. However, upon arrival in the U.S., the girls reportedly were put to work in a prostitution ring. Some of the girls claimed that Reddy had sex with them in India after their parents sold them; at least one victim was 12 years old.

In a study published in 1996, the National Commission for Women reported that organized crime plays a significant role in the country's sex trafficking trade, and that women and children who are trafficked frequently are subjected to extortion, beatings, and rape. How women are trafficked varies widely: some are abducted forcibly or drugged, while others are made false offers of marriage, employment, or shelter. Poverty, illiteracy, and lack of employment opportunities contribute to the trafficking problem, although organized crime is a common element in all trafficking incidents, as is police corruption and collusion.

Trafficking of persons within and into the country for forced labor also is a significant problem. In December 1999, the media reported that an organized ring was selling children from surrounding areas for labor at the annual Sonepur cattle fair in Bihar. There was a report that a 12-year-old child was purchased for \$21 (900 rupees). In July a Mangalore, Karnatakabased NGO reported that tribal children were being auctioned in the Dakshina-Kanara district of the state primarily for use as domestic servants. The Karnataka Department of Social Welfare initiated an investigation, which it completed during the year (see Sections 5 and 6.c.). It found that the children were not being auctioned, but that better-off families in the district were employing many of them as domestic servants. The Department of Social Welfare suggested that more efficient implementation of ongoing development programs for tribal people in the district offered the best remedy for the child labor problem.

In West Bengal, the organized traffic in illegal Bangladeshi immigrants is a source of bonded labor. In June police in Krishnagar, West Bengal detained 8 Bangladeshi women and 14 children transiting the district by bus. Agents allegedly smuggled the group from Jessore, Bangladesh across the border at Bongaon by offering them employment in Mumbai. Calcutta is a convenient transit point for traffickers who send Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and West Asia. Persons sometimes are sold into virtual slavery.

Many boys, some of whom are as young as age 4, are trafficked to West Asia or the Persian Gulf States (especially the United Arab Emirates), and end up as riders in camel races. Some such boys end up as beggars in Saudi Arabia during the hajj. It is estimated that there are anywhere from 100 to over 1,000 underage South Asian camel jockeys (from Pakistan, India, and Bangladesh) currently working in the United Arab Emirates alone. Criminal gangs procure most of the youths. The majority of such children work with the knowledge of their parents, who receive as much as \$200 (9,300 rupees) for their child's labor, although a significant minority simply are kidnaped. The gangs bringing the jockeys earn approximately \$150 (6,975 rupees) per month from the labor of each child. The usual procedure used for bringing the children to the Gulf States is to have their names added to the passport of a Bangladeshi or Indian woman who already has a visa for the Gulf; the children fraudulently are claimed to be her children. Girls and women trafficked to the Persian Gulf States end up either as domestic workers or sex workers.

NGO's and others allege that when police take action against brothels suspected of enslaving minors, the resulting police raids often are planned poorly and seldom are coordinated with NGO's or government social agencies. Therefore, the police action often worsens the situation of the girls and women indebted to traffickers and brothel owners. Girls rescued from brothels are treated as criminals and often are abused sexually by their police rescuers or by the staff of government remand centers, where they are housed temporarily before being brought back to the brothels as a result of the bribes paid by brothel operators, or legally released into the custody of traffickers and madams posing as relatives. In these cases, the debt owned by the girls to the brothel operators and traffickers further increases as the costs of bribing or legally obtaining release of the girls is added to their labor debt. NGO's invariably indicate the 1996 police roundup of 476 sex workers in Mumbai as an

illustration of the consequences of forced sweep rescues. Police in Mumbai carried out no such sweeps during the year.

As was the case in the 1996 raids, NGO's claim that they seldom are given advance notice of police raids on brothels and therefore are not able to lend valuable assistance in identifying and interviewing underage victims. Moreover police do not seek advice or assistance from NGO's in planning law enforcement action to protect the victims during raids. Although over 400 girls and women were arrested in the 1996 raids, few pimps or brothel managers were arrested, and none were prosecuted to conviction. The NGO's found themselves caught off guard by the large-scale police action and were illprepared to cope with a sudden huge demand for shelter for the rescued sex workers. As a result, many of the girls were sent to government centers known for their harsh conditions and considered by many to be in a worse state than the brothels. Ultimately, some of the girls died in state detention and many returned to the sex trade voluntarily, given their lack of options. Success stories from the 1996 raids were rare.

Some NGO's know about trafficking conditions in the brothel areas such as Kamathipura, including identification of traffickers and locations of girls being held captive by brothel owners. However, because of the lingering effects of the 1996 raids, most of these NGO's are reluctant to trust the police with this information. Cooperation among NGO's in sharing information and assessing out the magnitude and scope of the trafficking problem in Mumbai has not been significant to date, although it continues to improve. Some Mumbai NGO's have worked aggressively to sensitize, train, and create awareness of trafficking among local authorities. The case of the NGO Prerana, which has been working closely with government officials, is a good example. During the year, a Prerana pilot program trained employees of a large Maharashtra government enterprise to identify and assist trafficking victims during their daily bus commute; Prerana also has enlisted the assistance of state police, who help train the workers. Conversely, other NGO's working to rescue women and girls from forced sexual work report that complaint-based police rescues are quite effective. Unlike the sweep type rescues such as the one carried out in Kamathipura in 1996, these are focused attempts to rescue a small number of women and girls using specific information about the victim's location, names and appearance, often supplied by NGO's; police responses in such cases frequently have resulted in the rescue of the women and girls involved.

Similar efforts to improve NGO coordination are being made in Calcutta, where some 10 NGO's meet monthly as part of the "Action Against Trafficking and Sexual Exploitation of Children" forum. Every 3 months the group attempts to meet with its Bangladeshi and Nepalese counterparts. Calcutta NGO's such as Sanlaap also are seeking to build stronger working relationships with local police. As a result of this coordination, Sanlaap has built stronger working relationships with police and other law enforcement officials in Calcutta. It has organized and sponsored meetings between representatives of the sex workers and police to discuss such issues as violence against women and trafficking. The seminars have helped sensitize police to the fact that many of the sex workers are the victims of organized traffickers. Sanlaap invariably is the first organization Calcutta police turn to when they have rescued a trafficked sex worker. The NGO has been allowed to place a counselor at the West Bengal Remand Home for Women, where rescued trafficking victims are housed. It also has been permitted to place counselors in police stations within Calcutta's red light district and has convinced the courts to release young trafficking victims into its custody, instead of sending them to the remand home.

There are roughly 80 NGO's in 10 states around the country working for the emancipation and rehabilitation of women and children trafficked into the sex trade.

A group on child prostitution established by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGO's, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

MALDIVES

The Republic of Maldives, which comprises 1,190 islands (less than 200 of which are inhabited), with a population of approximately 270,000, has a parliamentary form of government with a very strong executive. The President appoints the Cabinet, members of the judiciary, and one-sixth of the Parliament. The President derives additional influence from his constitutional role as the "supreme authority to propagate the tenets" of Islam. Political parties are officially discouraged, and candidates for the unicameral legislature, the People's Majlis, run as individuals. The

Majlis selects a single presidential nominee who is approved or rejected in a national referendum. President Gayoom was approved for a fifth 5-year term in October 1998. The Majlis must approve all legislation and is empowered to enact legislation without presidential approval. Civil law is subordinate to Islamic law, but civil law generally is applied in criminal and civil cases. The judiciary is subject to executive influence.

The National Security Service (NSS) performs its duties under effective civilian control. The NSS includes the armed forces and police, and its members serve in both police and military capacities during their careers. The police division investigates crimes, collects intelligence, makes arrests, and enforces house arrest.

Fishing, small-scale agriculture, and tourism provide employment for over one-half of the work force. Tourism accounts for over one-quarter of government revenues and roughly 40 percent of foreign exchange receipts. Manufacturing accounts for 6 percent of gross domestic product.

The Government generally respected the human rights of its citizens in a number of areas; however, its record was poor in some other areas, particularly with regard to political and religious freedoms. The President's power to appoint a significant portion of the Parliament constrains citizens' ability to change their government. The Government limits freedom of assembly and association. There are significant restrictions on the freedom of religion; in the past, the Government has detained arbitrarily and expelled foreigners for proselytizing and detained citizens who converted. Although the Government has undertaken a number of programs addressing women's issues, women face a variety of legal and social disadvantages. Some of these disadvantages are linked to the Government's observance of Shari'a (Islamic law) and other Islamic customs. The Government also restricts worker rights. Nonetheless, in recent years there has been some progress in certain areas. The Majlis has assumed a more active political role in recent years, and its members routinely differ with government policy on many issues. The courts were reorganized in 1997, and a new Constitution, which provides for the protection of certain fundamental rights, went into effect at the beginning of 1998. In addition procedural rules limiting indefinite police detention were instituted in 1998, and the presidential nominating process involved competition among candidates for the first time in 1998. A continued easing of government restrictions and the Press Council's balanced handling of issues related to journalistic standards allowed a greater diversity of views in the media, although most media outlets are controlled by persons friendly to the Government or by the Government itself.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There were no reports of beatings or other mistreatment of persons in police custody during the year; however, convicted criminals may be flogged under judicial supervision when this punishment is prescribed by Islamic law as interpreted in the country (i.e., only when the criminal confesses to the crime and only for the offenses of marital infidelity and alcohol abuse). There were no public floggings during the year. In 1998 there were two private floggings (carried out without public spectators) due to the confession of an extramarital affair. The man was subsequently banished, and the woman was placed under house arrest for 12 months. Punishments usually are confined to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll. The Government generally permits those who are banished to receive visits by family members.

The country's prison was destroyed by fire in 1999. Following the fire, the Government transferred prisoners to a temporary facility on Maafushi, which houses a fluctuating population of approximately 300 inmates (including 20 women who are housed in a separate compound). Children also are housed in separate center for juveniles. Prison conditions at the current facility, including food and housing, generally are adequate. Prisoners are allowed to work in prison and given the opportunity for regular exercise and recreation. Spouses are allowed privacy during visits with incarcerated partners. However, Amnesty International (AI) reported that in 1998, in the since-destroyed prison, prisoners were mistreated. The Government is surveying prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison, and it has requested training for prison guards.

The Government has permitted prison visits by foreign diplomats. The issue of visits by human rights groups is not known to have arisen.

d. Arbitrary Arrest, Detention, or Exile.—The 1997 Constitution states that no person shall be arrested or detained for more than 24 hours without being informed of the grounds for arrest or detention; however, in 1998 authorities arbitrarily detained foreign Christians for allegedly proselytizing and detained citizens who supposedly converted (see Section 2.c.). Police initiate investigations based on suspicion of criminal activity or in response to written complaints from citizens, police officers, or government officials. They are not required to obtain warrants for arrests. Based on the results of police investigations, the Attorney General refers cases to the appropriate court. The authorities generally keep the details of a case confidential until they are confident that the charges are likely to be upheld. In the past, persons have been held for long periods without charge.

Depending upon the charges, a suspect may remain free, be detained in prison, or placed under house arrest for 15 days during investigations. The President may extend pretrial detention for an additional 30 days, but in most cases the suspect is released if not brought to trial within 15 days. Those who are released pending trial may not leave a specific atoll. The law providing for the indefinite detention of individuals under investigation was revised substantially in 1998. Within 24 hours of an arrest, an individual must be told of the grounds for the arrest. An individual can then be held for 7 days. If no legal proceedings have been initiated within 7 days, the case is referred to an anonymous three-member civilian commission appointed by the President that can authorize an additional 15 days' detention. After that time, if legal proceedings still have not been initiated, a judge must sanction the continued detention on a monthly basis. There is no right to legal counsel during police interrogation. There is no provision for bail.

The Government may prohibit access to a telephone and nonfamily visits to those under house arrest. While there have been no reported cases of incommunicado detention in recent years, the law does not provide safeguards against this abuse.

There were no reports of the external exile of citizens, although 24 foreigners suspected of proselytization were banished for life in 1998 (see Section 2.c.). The Government sometimes banishes convicted criminals to inhabited atolls away from their home communities; a man who confessed to an extramarital affair in April 1998 was banished for 1 year. AI reported that in 1999, 10 persons from Faafu Magoodhoo were banished, reportedly without trial, for trying to organize a demonstration against the local atoll chief.

e. Denial of Fair Public Trial.—The 1997 Constitution does not provide for an independent judiciary, and the judiciary is subject to executive influence. In addition to his authority to review High Court decisions, the President influences the judiciary through his power to appoint and dismiss judges, all of whom serve at his pleasure and are not subject to confirmation by the Majlis. The President nevertheless has removed only two judges since 1987. Both dismissals followed the recommendation of the Justice Ministry that found the judges' professional qualifications to be below standard. The President may also grant pardons and amnesties.

In September 1997, the court system, under the Ministry of Justice, was reorganized and court administration has improved. There are three courts: One for civil matters; one for criminal cases; and one for family and juvenile issues. On the recommendation of the Ministry of Justice, the President appoints a principal judge for each court. There is also a High Court on Male, which is independent of the Justice Ministry and which handles a wide range of cases, including politically sensitive ones. The High Court also acts as court of appeals. Under a 1995 presidential decree, High Court rulings can be reviewed by a five-member advisory council appointed by the President. The President also has authority to affirm judgments of the High Court, to order a second hearing, or to overturn the Court's decision. In addition to the Male courts, there are 204 general courts on the islands.

There are no jury trials. Most trials are public and are conducted by judges and magistrates trained in Islamic, civil, and criminal law. Magistrates usually adjudicate cases on outer islands, but when more complex legal questions are involved, the Justice Ministry will send more experienced judges to handle the case.

The Constitution provides that an accused person be presumed innocent until proven guilty, and that an accused person has the right to defend himself "in accordance with Shari'a" (Islamic law). During a trial, the accused also may call witnesses, and be assisted by a lawyer. Courts do not provide lawyers to indigent defendants. Judges question the concerned parties and attempt to establish the facts of a case.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in certain acts such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions

should come directly from the parties involved. However, the High Court allows legal counsel in all cases, including those in which the right to counsel was denied in the lower court. Under the country's Islamic practice, the testimony of two women is required to equal that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women are equal.

There were no confirmed reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The 1997 Constitution prohibits security officials from opening or reading letters, telegrams, and wireless messages or monitoring telephone conversations, "except as expressly provided by law." The NSS may open the mail of private citizens and monitor telephone conversations if authorized in the course of a criminal investigation.

Although the 1997 Constitution provides residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The Attorney General or a commanding officer of the police must approve the search of private residences.

The Government is attempting to concentrate the population on the larger islands by providing government services and concentrating job creation efforts there. The smaller islands are to be provided with only "basic services." However, no one is being coerced to move to the larger islands under this program.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law prohibits public statements that are contrary to Islam, threaten the public order, or are libelous.

The Penal Code prohibits inciting citizens against the Government. However, a 1990 amendment to the Penal Code decriminalized "any true account of any act of commission or omission past or present by the Government in a lawfully registered newspaper or magazine, so as to reveal dissatisfaction or to effect its reform."

Regulations that make publishers responsible for the content of the material they published remain in effect but did not result in any legal actions during the year.

Most major media outlets are owned either by the Government or its sympathizers. Nonetheless these sympathetic outlets do on occasion strongly criticize the Government.

The Press Council is composed of lawyers, private and government media representatives, and other government officials. The Council reviews charges of journalist misconduct (advising the Ministry of Information, Arts, and Culture on measures to be taken against reporters, when appropriate) and promotes professional standards within the media (recommending reforms and making suggestions for improvement). Private journalists have said that they are satisfied with the Council's objectivity and performance. The Government agreed that private journalists, rather than the Government, should take responsibility for preparation of a journalistic code of ethics. Individual newspapers and journals established their own ethical guidelines in many cases.

There were no reports of government censorship of the electronic media, nor were there closures of any publications or reports of intimidation of journalists. Television news and public affairs programming routinely discussed topics of current concern and freely criticized government performance. Regular press conferences with government ministers instituted in 1995 continued. Journalists are more self-confident than in the past; self-censorship appears to have diminished, although it remains a problem. Since it is not clear when criticism violates the law prohibiting public statements that are contrary to Islam, threaten the public order, or are libelous, journalists and publishers continue to watch what they say, particularly on political topics, to avoid entanglement with the Government.

Pornography and material otherwise deemed objectionable to Islamic values may be banned. In 1999 the Government banned the animated movie "The Prince of Egypt," on the grounds that it was offensive to Islam (see Section 2.c.).

In 1997 the Government banned a book written by an elderly close relative of the President for its derogatory comments about a deceased previous president, after the relatives of the latter complained.

Although 88 newspapers and periodicals are registered with the Government, only about 60 regularly publish. Aafathis, a morning daily, is often critical of government policy. Another daily, Miadhu, began publishing in 1996, and Haveeru is the evening daily. Both Miadhu's and Haveeru's publishers are progovernment.

The Government owns and operates the only television and radio station. It does not interfere with foreign broadcasts or with the sale of satellite receivers. Reports drawn from foreign newscasts are aired on the Government television station.

Cable News Network (CNN) is shown, uncensored, daily on local television. In 1996 a company began providing Internet service. The Government enacted no regu-

lations governing Internet access but blocks distribution of pornographic material via the Internet.

There are no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values. No seizures of foreign publications were reported during the year.

There are no reported restrictions on academic freedom. Some teachers reportedly are vocal in their criticism of the Government.

b. Freedom of Peaceful Assembly and Association.—The 1997 Constitution provides for freedom of assembly “peaceably and in a manner that does not contravene the law;” however, the Government imposes limits on this right in practice. The Home Ministry permits public political meetings during electoral campaigns but limits them to small gatherings on private premises.

The Government registers clubs and other private associations if they do not contravene Islamic or civil law; however, the Government imposes some limits on freedom of association. While not forbidden by law, the President officially discourages political parties on the grounds that they are inappropriate to the homogeneous nature of society. However, many Majlis members were active and outspoken critics of the Government and have stimulated closer parliamentary examination of government policy.

c. Freedom of Religion.—Freedom of religion is restricted significantly. The 1997 Constitution designates Islam as the official state religion, and the Government interprets this provision to impose a requirement that citizens be Muslims. The practice of any religion other than Islam is prohibited by law. However, foreign residents are allowed to practice their religion if they do so privately. On July 4, the commemoration of the day the country embraced Islam, President Gayoom stated that no other religion should be allowed in the country, and the Home Affairs Ministry announced special programs to safeguard and strengthen religious unity. The President, the members of the People’s Majlis, and cabinet members must be Muslims.

There are no places of worship for adherents of other religions. The Government prohibits the importation of icons and religious statues, but it generally permits the importation of individual religious literature, such as Bibles, for personal use. It also prohibits non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of Shari’a and may result in a loss of the convert’s citizenship.

Islamic instruction is a mandatory part of the school curriculum, and the Government funds the salaries of religious instructors. The Government has established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The Government also has set standards for individuals who conduct Friday services at mosques to ensure adequate theological qualifications.

In January 1999, the Government banned the animated movie “The Prince of Egypt” on the ground that “its portrayal of the Prophet Moses was offensive to Islam, because all prophets and messengers of God are not to be animated or portrayed in any way” (see Section 2.a.). During June 1998, the authorities detained 24 foreigners (including children) for alleged Christian proselytization without explaining the charges against them and then expelled them from the country for life. Following the expulsion of the foreigners, police took two female citizens into custody for allegedly converting to Christianity. As many as a dozen other citizens were questioned. The women were detained from mid-June to late September 1998, during which time they received extensive counseling. No formal charges were ever brought against them, and they were released to their families. In April 1998, the Government asked the Seychelles Government to stop the radio broadcast of Christian programming in the local language, Dhivehi, to the country. However, the broadcasts continued throughout the year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens are free to travel at home and abroad, to emigrate, and to return. Because of overcrowding, the Government discourages migration into the capital island of Male or its surrounding atoll. Foreign workers are often kept at their worksites. Their ability to travel freely is restricted, and they are not allowed to mingle with the local population on the islands. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the year. There were no reports of forced expulsion of those having a valid claim to refugee status.

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

Citizens’ ability to change their government is constrained, and the strong executive exerts significant influence over both the legislature and the judiciary. Under the 1997 Constitution, the Majlis chooses a single presidential nominee, who must

be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for President are not permitted to campaign for the nomination. The nominee is then confirmed or rejected by secret ballot in a nationwide referendum. From a field of five candidates, President Gayoom was nominated by the Majlis and was confirmed for a fifth 5-year term in October 1998. Observers from the South Asian Association for Regional Cooperation found the referendum to be free and fair.

The elected members of the Majlis, who must be Muslims, serve 5-year terms. All citizens over 21 years of age may vote. Of the body's 50 members, 42 are elected—2 from each of the 20 inhabited atolls and 2 from Male—and the President appoints 8 members. Individuals or groups are free to approach members of the Majlis with grievances or opinions on proposed legislation, and any member may introduce legislation. There are no political parties, which are officially discouraged.

The Office of the President is the most powerful political institution. The 1997 Constitution gives Islamic law preeminence over civil law and designates the President as the "supreme authority to propagate the tenets" of Islam. The President's authority to appoint one-sixth of the Majlis members, which is one-third of the total needed for nominating the President, provides the President with a power base and strong political leverage. The President currently also is commander in chief of the armed forces, the Minister of Defense and National Security, the Minister of Finance and Treasury, and the Governor of the Maldivian Monetary Authority.

Relations between the Government and the Majlis have been constructive. The Government may introduce legislation but may not enact a bill into law without the Majlis' approval. However, the Majlis may enact legislation into law without presidential assent if the President fails to act on the proposal within 30 days or if a bill is repassed with a two-thirds majority. In recent years, the Majlis has become increasingly independent, challenging government policies and rejecting government-proposed legislation.

In 1993 the Majlis introduced a question period during which members may question government ministers about public policy. Debate on the floor has since become increasingly sharp and more open. Elections to the People's Majlis were held in November 1999. According to observers from the South Asian Association for Regional Cooperation (SAARC), the elections were generally free and fair. Several losing candidates entered court challenges, but the courts upheld the election results.

Women are not eligible to become president but may hold other government posts. For reasons of tradition and culture, few women seek or are selected for public office, and women are underrepresented in government and politics. In order to increase participation by women in the political process, the Government continued a political awareness campaign in the atolls. In the November 1999 elections, six women ran for seats and two were elected. During the 1999 elections, observers from the SAARC noted that women participated equally in the electoral process. Following the elections, President Gayoom appointed an additional three women to the Majlis.

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

Although not prohibited, there are no active local human rights groups. The Government has been responsive to at least one foreign government's interest in examining human rights issues. The Government also facilitated visits of teams of SAARC election observers in 1994, 1998, and 1999.

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

The 1997 Constitution declares all citizens equal before the law, but there is no specific provision to prohibit discrimination based on these factors. Women have traditionally been disadvantaged, particularly in terms of education and the application of Islamic law to matters such as divorce, inheritance, and testimony in legal proceedings.

Women.—Women's rights advocates agree that wife beating and other forms of violence are not widespread. There are no firm data on the extent of violence against women because of the value attached to privacy in this conservative society. In 1997 the Government commissioned a study by a local nongovernmental organization (NGO) on domestic violence, but it was never completed. Police officials report that they receive few complaints of assaults against women. Rape and other violent crimes against women are extremely rare. None were reported or prosecuted during the year. Under Shari'a the penalty would be flogging, banishment, or imprisonment for up to 5 years.

Women traditionally have played a subordinate role in society, although they now participate in public life in growing numbers and gradually are participating at higher levels. Women constitute 38 percent of government employees, and about 10 percent of uniformed NSS personnel. Well-educated women maintain that cultural norms, not the law, inhibit women's education and career choices. In many instances, education for girls is curtailed after the seventh grade, largely because parents do not allow girls to leave their home island for an island having a secondary school. Nonetheless, women enjoy a higher literacy rate (98 percent) than men (96 percent). Due largely to orthodox Islamic training, there is a strong strain of conservative sentiment—especially among small businessmen and residents of the outer islands—that opposes an active role for women outside the home. However, the Government continued legal literacy programs to make women aware of their legal rights and workshops on gender and political awareness in the outer atolls. The Government also has built 10 of 15 planned women's centers in the atolls, which are facilities where family health workers can provide medical services. The centers also provide libraries and space for meetings and other activities with a focus of the development of women.

Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent any mutual agreement to divorce. Islamic law also governs intestate inheritance, granting male heirs twice the share of female heirs. A woman's testimony is equal to only one-half of that of a man in matters involving adultery, finance, and inheritance (see Section 1.e.). Women who work for wages receive pay equal to that of men in the same positions.

In October the Cabinet replaced the National Women's Council with a Gender Equality Council to serve as an advisory body to the Government to help strengthen the role of women in society and to help ensure equal participation by women in the country's development. Also during the year, the Government, with the assistance of the European Union and the U.N. Population Fund, expanded a program of small loans to women for development projects to additional islands.

Children.—The Government does not have a program of compulsory education, but it provides universal access to free primary education. The percentage of school-age children actually in school was as follows: (grades 1 to 5) 99.26 percent, (grades 6 to 7) 96.2 percent, and grades (8 to 10) 51.09 percent. Of the students enrolled, 49 percent are female and 51 percent are male. The Government is committed to the protection of children's rights and welfare. The Government is working with UNICEF to implement the rights provided for in the U.N. Convention on the Rights of the Child. The Government established a National Council for the Protection of the Rights of the Child in 1992. Government policy provides for equal access to educational and health programs for both male and female children. Laws protecting children's rights apply with equal force to children of either sex.

Children's rights are incorporated into law, which specifically protects them from both physical and psychological abuse, including abuse at the hands of teachers or parents. The Ministry of Women's Affairs and Social Welfare has the authority to enforce this law, takes its responsibility seriously, and has received strong popular support for its efforts. The Ministry noted an increase in reports of child abuse during the first part of the year with 138 reports involving 317 children, including 10 reports of sexual abuse. Penalties could be banishment or imprisonment for up to 3 years. It is not known if there were any prosecutions during the year. The Government is reviewing the law to see if improvements and additional protections are necessary. There is no reported societal pattern of abuse directed against children.

People with Disabilities.—There is no law that specifically addresses the rights of the physically or mentally disabled. In 1999 the Government initiated a survey and identified 30,000 persons in the country as disabled (primarily hearing and sight impaired). The Government has established programs and provided services for the disabled.

Persons with disabilities usually are cared for by their families. When such care is unavailable, persons with disabilities are kept in the Institute for Needy People, which also assists elderly persons. The Government provides free medication for all mentally ill persons in the islands, and mobile teams regularly visit mentally ill patients. In 1999 the Government enacted a new building code, which mandated that all new government buildings and jetties must be accessible to disabled persons. The CARE Society, an NGO that assists the disabled, with funding from UNICEF and the Australian Government, began programs to train disabled persons in life and work skills.

Section 6. Worker Rights

a. The Right of Association.—While the Government does not expressly prohibit unions, it recognizes neither the right to form them nor the right to strike. There

were no reports of efforts to form unions or of strikes during the year. However, small groups of similarly employed workers with mutual interests have formed associations, which include employers as well as employees. These associations may address a variety of issues, including workers' rights.

The work force consists of between 70,000 and 75,000 persons, including expatriate labor and seasonal and part-time workers. About 20 percent of the workforce are employed in fishing. The approximately 27,000 foreigners who work in the country make up almost half of the workers in the formal sector; most are employed in tourist hotels, the retail and wholesale trade, factories, or on construction projects. The Government employs approximately 22,000 persons, both permanent and temporary. It estimates that the manufacturing sector employs about 15 percent of the labor force and tourism another 10 percent.

Although workers can affiliate with international labor federations, this generally has not been the case. However, it is believed some seamen have joined such federations.

In 1995 the U.S. Government suspended Maldives' eligibility for tariff preferences under the U.S. Generalized System of Preferences because the Government failed to take steps to afford internationally recognized worker rights to Maldivian workers.

b. The Right to Organize and Bargain Collectively.—The law neither prohibits nor protects workers' rights to organize and bargain collectively. Wages in the private sector are set by contract between employers and employees and are usually based on the rates for similar work in the public sector. There are no laws specifically prohibiting antiunion discrimination by employers against union members or organizers. The Government has exerted pressure in the past to discourage seamen from joining foreign seamen's unions as a means to secure higher wages. There have been no reported complaints alleging such discrimination or claiming government interference with workers' attempts to join unions in the past 5 years.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is not prohibited by law. However, there were no reports that it occurred. The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no compulsory education law, but more than 98 percent of school-age children to grade 7 are enrolled in school. A 1992 law bars children under 14 years of age from "places of waged work and from work that is not suitable for that child's age, health, or physical ability or that might obstruct the education or adversely affect the mentality or behavior of the child." An earlier law prohibits government employment of children under the age of 16. There are no reports of children being employed in the small industrial sector, although children work in family fishing, agricultural, and commercial activities. The hours of work of young workers are not limited specifically by statute. The Government does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). A Unit for Children's Rights in the Ministry of Women's Affairs and Social Welfare is responsible for monitoring compliance with the child labor regulations. It relies upon complaints filed with it rather than initiating its own inspections to ensure compliance. As a result, oversight is incomplete.

e. Acceptable Conditions of Work.—In 1994 the Government promulgated its first set of regulations for employer-employee relations. The regulations specify the terms that must be incorporated into employment contracts and address such issues as training, work hours, safety, remuneration, leave, fines, termination, etc. There is no national minimum wage for the private sector, although the Government has established wage floors for certain kinds of work. Given the severe shortage of labor, employers must offer competitive pay and conditions to attract skilled workers.

There are no statutory provisions for hours of work, but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. In the public sector, a 7-hour day and a 5-day work-week have been established through administrative circulars from the President's office. Overtime pay in the public sector was instituted in 1990. Employees are authorized 20 days of annual leave, 30 days of medical leave, maternity leave of 60 days, and special annual leave of 10 days for extraordinary circumstances. There are no laws governing health and safety conditions. However, there are regulatory requirements that employers provide a safe working environment and ensure the observance of safety measures. It is unclear whether workers can remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Trade, Industries, and Labour set up a Labour Dispute Settlement Unit in 1998 to resolve wage and labor disputes and to visit worksites and enforce labor regulations.

In 1997 the Government for the first time worked closely with the International Labor Organization to address a number of labor issues. Although two draft labor laws were prepared in 1998: One to address issues such as the right of association, the right to organize, and acceptable work conditions related to health, environment, employer-employee relations, leave, and termination, and the other to deal with social security, pensions, and provident funds, these laws have not been enabled.

f. Trafficking in Persons.—The law does not address the problem of trafficking in persons; however, the Attorney General's Office believes that should a case arise it could be addressed under Shari'a. There were no reports that persons were trafficked to, from, within, or through the country.

NEPAL

Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 the King, formerly an absolute monarch, legalized political parties, after which an interim government promulgated a new Constitution. The King retains important residual powers, but has dissociated himself from direct day-to-day government activities. The democratically elected Parliament consists of the House of Representatives (lower house) and the National Council (upper house). In May 1999, the country's third national parliamentary elections were held, which international observers considered to be generally free and fair. In February 1996, the leaders of the Maoist United People's Front ("Maoists") launched a "People's War" that has led to violence in more than 50 of the country's 75 districts. The insurrection has been waged through torture, killings, and bombings involving civilians and public officials. The Constitution provides for an independent judiciary; however, the courts generally are inefficient and susceptible to political pressure and corruption.

The National Police Force maintains internal security and is subject to civilian control, but local officials have wide discretion in maintaining law and order. Police reaction to the "People's War" insurgency led to incidents of unwarranted force against prisoners and noncombatants. The army, which traditionally is loyal to the King, has sought to limit its domestic-security role in responding to the Maoist insurgency. The police committed numerous human rights abuses.

The country is extremely poor, with an annual per capita gross domestic product of approximately \$242. Over 80 percent of its 23 million persons support themselves through subsistence agriculture. Principal crops include rice, wheat, maize, jute, and potatoes. Tourism and the export of carpets and garments are the major sources of foreign exchange. Foreign aid accounts for more than half of the development budget. The economy is mixed, with approximately 50 public sector firms. Many former government firms have been privatized since 1992.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The police at times used unwarranted lethal force and continue to abuse detainees, using torture as punishment or to extract confessions. The Government rarely investigates allegations of police brutality or punishes police officers who commit abuses. The disappearance of persons in custody is a problem. Prison conditions remain poor. The authorities use arbitrary arrest and detention. Lengthy pretrial detention, judicial susceptibility to political pressure and corruption, and long delays before trial remain problems. The Government generally respects freedom of expression; however, at times it imposes some restrictions. The Government generally allows for freedom of assembly; some restrictions occur but are rare. The Government generally respects freedom of religion, although the Constitution imposes restrictions on proselytizing to spread religion. Women, the disabled, and lower castes suffer from widespread discrimination. Violence against women, trafficking in women and girls for prostitution, forced labor, and child labor also remain serious problems. There have been instances of forced child labor in the past, and there was one reported instance during the year.

The Government established a national human rights commission in May. In July the Government outlawed the feudal "Kamaiya" system, releasing some 200,000 bonded laborers and family members from their debts to their landlords.

During the year, the Maoists increased the scope of their campaign, frequently committing torture, killings, bombings, and other abuses.

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

a. Political and Other Extrajudicial Killings.—The police continued to commit extrajudicial killings. Most extrajudicial killings by police involved the Maoist insurgents, but police at times used unjustifiable lethal force in other situations as well.

On October 27 in Dolakha district, police clashed with a group of 24 Tibetans who had crossed into the country. After the Tibetans began throwing stones, police opened fire, killing one person and injuring five others. Police officers shot and killed six Nepalese citizens during countrywide civil unrest from December 26 to 31. Scores of police and hundreds of civilians were injured during the protests sparked by alleged anti-Nepali remarks from an Indian film star. On December 26 in Kathmandu, police who reportedly were protecting a crowded movie theater were surrounded by a group of persons who were throwing rocks and threatening to burn down the theater. After overhead shots failed to disperse the group, the police fired shots into the crowd, killing two persons. Another death occurred as police attempted to control rioters in Thamel, another area of Kathmandu. On December 27 in Kathmandu, police gunfire against disruptive civilians killed two more persons including an uninvolved adolescent in a neighboring building. On December 31 in Rajbiraj, police shot and killed a 40-year-old male while attempting to control a mob of persons. The Government announced that it would financially compensate the families of those killed and make arrangements for medical treatment for those injured in the December clashes. At year's end, a government commission was investigating the incidents.

On June 18, Ravi Upreti died of injuries reportedly sustained from beatings while in police custody in Jhapa in the eastern part of the country. On July 26, Sudish Rimal died shortly after being taken into police custody in the Sarlahi district. Family members alleged that he was tortured but declined to allow an autopsy, making confirmation of these charges impossible.

Both police and insurgents continued to be killed in the increasingly violent "People's War." Launched in February 1996 by leaders Baburam Bhattarai and Pushpa Kamal Dahal, the "People's War" is a self-declared Maoist insurgency. The Government continued to commit human rights abuses in its efforts to combat the insurgency. The police have killed nearly 1,000 Maoists since 1996. Some of the deaths are believed to have been extrajudicial killings. On January 14, police opened fire on a Maoist "cultural program" at a school in Accham district, killing nine persons and wounding numerous others (see Section 1.c.). Police later admitted that seven of the persons killed were innocent bystanders. Police killed at least 18 Maoists during a "search operation" in Rukum in February. An ensuing fire destroyed hundreds of homes in the area, though there are conflicting claims as to who started the blaze. On December 9, police fired on a meeting of the Maoist-affiliated All Nepal Women's Association in Bharatpur, killing one woman and injuring nine others, according to local media reports. Police claim that they fired on the crowd only after persons threw stones at and charged the police. At year's end, the 20 to 30 police officers charged with abuses against the public in connection with police sweeps in 1998 had not been brought to trial.

The Maoists were responsible for numerous abuses, and clashes between Maoist rebels and police led to a number of deaths during the year. On January 3, Maoists killed nine police officers during a 3-hour gun battle in Jumla. Six police officers were killed and five others were injured seriously in a Maoist ambush in Jajarkot on January 22. On February 19, Maoists killed 15 police officers and injured 20 others in an attack on a police post in Rolpa. A constable died instantly on May 25 when he stepped on a landmine planted by Maoists in Tanahu district. Three other police officers were wounded. A total of 25 persons were killed, including 12 police officers, in a June 8 Maoist attack on a police checkpoint in Jajarkot. On June 14, a group of more than 50 rebels attacked the police post at Junbesi. Three police officers died in the ensuing 2-hour firefight, after which the rebels bombed the post and seized weapons stored there. On July 15, a group of some 300 Maoists ambushed a police post in Thokarpa, killing 4 police officers and injuring 9 others. On September 25, Maoist insurgents attacked the district police headquarters of Dolpa, killing at least 14 persons and wounding 40 others (see Section 1.c.). On November 30, Maoists attacked a police post in Kalikot district, killing 11 police officers. Reportedly, some of the police deaths were executions based on a list that the Maoists consulted at the time.

Although their activities are focused on the police, the Maoists continued to kill, injure, and kidnap civilians as well. On February 14, Maoists pulled two men out of a political procession in Rukum and beheaded them in front of hundreds of onlookers. It is believed that the victims were targeted because they were carrying Ne-

pali Congress Party flags. A bomb planted by Maoists behind a police post in Dolpa killed an 11-year-old boy on February 15. Two other persons were injured in the blast. On February 24 in Sindhupalchowk, a group of rebels attacked a local official, tied him to a tree and hacked him to death with khukuri, large machete-like knives. On February 26, in Okhaldhunga in the eastern part of the country, a group of approximately 15 Maoists hacked to death another local official. On May 3, Maoists kidnaped Chitra Bahadur Thapa, a rival political worker, from his home in Bhotechaur. He was found dead 7 days later. On the night of July 13, Maoists severed the hands and legs of a resident of Gulmi. He died immediately. According to local press reports, on November 5, Maoists killed a policeman and injured seven other persons in an attack on a police post at a village in Ramechhap district.

According to mid-November government figures, since 1996, the insurgency has resulted in the deaths of 1,483 persons, including 234 police officers, 258 civilians, and 991 insurgents. These figures indicate that 98 police, 69 civilians, and 128 insurgents were killed through mid-November. The press has reported higher figures, and reports have claimed that more police than Maoists were killed during the year, pointing to a marked increase in the firepower and aggressiveness of the insurgency.

b. Disappearance.—The disappearance of persons in police custody is a problem. According to the Informal Sector Service Center (INSEC), a local human rights organization, 10 persons disappeared from police custody during the first 9 months of the year; 218 persons have disappeared since 1996. Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization, who disappeared after an arrest in Kathmandu in September 1999, was released on July 6 without ever having been charged. There are reports that Shrestha was held incommunicado and tortured during his incarceration (see Sections 1.c. and 4). According to Amnesty International (AI), on September 6, police detained opposition politician Ishwari Dahal; at year's end, he remained missing.

In December 1999, Suresh Ale Magar and Pawan Shrestha were released from jail in Kathmandu under a Supreme Court order, but immediately were re-arrested. At the time, police denied having them in custody, but Magar and Shrestha were released again in February (see Section 2.a.). On November 3, authorities released Maoist leaders Dinesh Sharma and Diananath Gautam, whom police had held in custody for more than 11 months. At a police-arranged press conference, Sharma initially said that he had been treated well; however, after his release he disappeared again. A statement later issued in his name alleges that police tortured him during his captivity.

AI reported that on January 8, 1999, lawyer and human rights defender Rajendra Dhakal disappeared after his arrest in Jamdi in Tanahun district. He reportedly was arrested because of his alleged involvement in Maoist violence. Dhakal, along with two teachers arrested at the same time, was taken to the Bel Chantan police post. The teachers later were released. Dhakal remains missing, and police now deny ever having arrested him (see Section 1.e.). On January 21, 1999, police arrested freelance journalist Milan Nepali. Nepali, who was associated with the left-leaning publication "Janadesh", later disappeared from police custody; as of year's end, Nepali's whereabouts were unknown (see Section 2.a.).

According to AI, Maoists abducted at least 30 children in Jajarkot district in July and August.

AI also expressed concern about other individuals currently held captive. According to AI, Dirgha Bahadur Dashoudi and Narayan Sharma, two teachers and members of the Tarun Dal from Dailekh district were abducted in early May, and the Chief Education Officer of Rolpa district, Rajendra Prasad Yadav was taken from a bus on which he was travelling on June 10. Yadav was released on September 16; the others remain missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and criminal law prohibit torture; however, the police at times use torture and beatings to punish suspects or to extract confessions. According to AI, torture methods include boxing of the ears, beating of the feet, and the rolling of weights over the thighs. AI noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often occurred while detainees were held incommunicado and unable to contact family members, doctors, or lawyers (see Section 1.d.). The Government has failed to conduct thorough and independent investigations of reports of police brutality and has refused to take significant disciplinary action against officers involved. Police often are unwilling to investigate and to discipline fellow officers, and persons are afraid to bring cases against police for fear of reprisals. The Constitution and the Torture Compensation Act, which was passed by Parliament in 1996, provide for compensation for victims of torture. According to the Center for Victims of Torture

(CVICT), 10 persons claimed compensation under the act during the year, all of the cases that were in the courts as of year's end. Another 20 persons made claims during 1999. According to the CVICT, during the year one of the claims made in 1999 resulted in a payment of \$70 (5,000 rupees) to the claimant; none of the cases filed during the year were resolved by year's end. The Government has begun human rights education for the police force. According to an August 1999 government newspaper report, the Government suspended seven police personnel and appointed a high-level commission to probe the death of trucker Ale Tamang following alleged police torture while in police custody (see Section 1.a.).

Bishnu Pukar Shrestha, who disappeared after an arrest in Kathmandu in September 1999, was released on July 6 without ever having been charged (see Sections 1.b. and 4). Shrestha reportedly was tortured early in his incarceration and allegedly was held in solitary confinement throughout most of his stay.

On January 14, police opened fire on a Maoist "cultural program" at a school in Achham district; according to INSEC, police killed nine persons and wounded seven others during the incident (see Section 1.a.). In February police officers allegedly set fire to "Maoist sympathizing" villages in Rukum in retaliation for the killing of 14 police officers in a single Maoist attack (see Section 1.a.).

Human rights groups have reported instances of torture in areas affected by the "People's War." Dozens of male detainees reported having torture inflicted on them by the police; women in these areas have reported instances of rape and sexual abuse by the police. AI, which visited the country in 1998, reported that it found evidence of "the systematic use of severe torture" by the police, and raised concerns over the relative impunity of the police for such actions; however, in contrast to previous years, there only were two reports of torture during the year. AI did not find systematic use of severe torture when it visited the country during the year.

On March 10, in Kathmandu, police charged a group of Tibetans with clubs and sticks, reportedly injuring several persons, including a 12-year-old monk. The Tibetans were chanting antiChinese slogans after a ceremony to mark the anniversary of the 1959 antiChinese uprising in Tibet. In 1999 in Pokhara police used tear gas and batons to break up a similar demonstration (see Section 2.b.).

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of limbs. The Maoists most often have targeted political leaders, local elites, and suspected informers. These targets included not only members of the majority Nepali Congress Party (NCP), but also members of the opposition Communist Party of Nepal-United Marxist/Leninist (CPN-UML). Throughout the year, Maoists looted banks and bombed or set fire to government offices and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions, as were foreign companies. There also were cases of intimidation, torture, or other degrading treatment. On February 17, Maoists set fire to the home of Rukum resident Bal Bahadur K.C., a district executive member of the CPN-UML party. The house was destroyed completely. On April 23, Maoists assaulted two teachers of a primary school in Rukum, beating them and smearing black paint on their faces. On April 26, 12 Maoists set fire to the Surhket home of NCP regional chairman Yagya Bahadur B.C. On May 6, Maoists kidnaped school headmaster Dharma Chandra Sharma from his home in Jumla. Sharma was released 2 days later after his captors shaved his head and paraded him around his village with shoes tied around his neck. Maoists were responsible for at least 17 violent incidents involving bombings, arson, and looting, on August 23. On September 25, Maoist insurgents attacked the district police headquarters of Dolpa, in the town of Dunai, killing at least 14 persons and wounding 40 others (see Section 1.a.). On October 23, approximately 30 members of the student wing of the Maoists attacked the Padma Kanya School's principal.

Prison conditions are poor. Overcrowding is common in prisons, and authorities sometimes handcuff or fetter detainees. Women normally are incarcerated separately from men, but in similar conditions. The Government still has not implemented a provision in the 1992 Children's Act calling for the establishment of a juvenile home and juvenile court. Consequently children sometimes are incarcerated with adultseither with an incarcerated parent, or, as one local NGO reports, as criminal offenders. The Department of Prisons states that there are approximately 10 children in jail or custody for offenses that they have committed and approximately 100 noncriminal dependent children housed along with their parents (see Section 5). In April the Government established separate juvenile benches in district courts where youth are tried. As a result, trials of persons under the age of 18 now occur in a separate room in the courthouse, though there are no separate juvenile courts as such. Likewise, there is no provision for separate juvenile detention facilities.

The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of appropriate facilities, the authorities sometimes place the mentally ill in jails under inhumane conditions.

The Government permits local human rights groups and the International Committee of the Red Cross (ICRC) to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that the authorities must arraign or release a suspect within 24 hours of arrest, but the police at times violate this provision. Under the Public Offenses Act of 1970, the police must obtain warrants for an arrest unless a person is caught in the act of committing a crime. For many offenses, the case must be filed in court within 7 days of arrest. If the court upholds the detention, the law authorizes the police to hold the suspect for 25 days to complete their investigation, with a possible extension of 7 days. However, the police occasionally hold prisoners longer, though the Supreme Court has, in some cases, ordered the release of detainees held longer than 24 hours without a court appearance.

Detainees do have the legal right to receive visits by family members, and they are permitted access to lawyers only after authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison. There is a system of bail, but bonds are too expensive for most citizens. According to the Department of Prisons, about half of the 6,000 persons imprisoned are awaiting trial. Due to court backlogs, a slow appeals process, and poor access to legal representation, pretrial detention often exceeds the period to which persons subsequently are sentenced after a trial and conviction.

Under the Public Security Act, the authorities may detain persons who allegedly threaten domestic security and tranquillity, amicable relations with other states, and relations between citizens of different classes or religions. Persons whom the Government detains under the act are considered to be in preventive detention and can be held for up to 6 months without being charged with a crime. Human rights groups allege that the police have used arbitrary arrest and detention during the "People's War" to intimidate communities considered sympathetic to the Maoists (see Section 1.b.). Since the insurgents began their terrorist campaigns, police have arrested 5,866 suspected Maoists. Of those persons arrested, 1,654 had been tried and 4,182 had been released.

The 1991 amendments to the Public Security Act allow the authorities to extend periods of detention after submitting written notices to the Home Ministry. The police must notify the district court of the detention within 24 hours, and it may order an additional 6 months of detention before authorities file official charges.

Other laws, including the Public Offenses Act, permit arbitrary detention. This act and its many amendments cover crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors express concern that the act vests too much discretionary power in the Chief District Officer (CDO), the highest-ranking civil servant in each of the country's 75 districts. The act authorizes the CDO to order detentions, to issue search warrants, and to specify fines and other punishments for misdemeanors without judicial review. Few recent instances of the use of the Public Offenses Act have come to light, since it has become more common, particularly with the Maoists, to arrest persons under the Public Security Act. In January local authorities in Biratnagar arrested Laxmi Mudbari, the central member of the Maoist-affiliated All Nepal Women's Association (Revolutionary), under the act; Mudbari remained incarcerated at year's end. Human rights commission officials reported several other cases of arrests or detentions under the act, but were unable to provide details of the cases.

Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (see Section 2.a.).

The police have arrested or illegally detained some suspected Maoist insurgents and held them incommunicado. There are no other political detainees.

The Constitution prohibits exile; it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and the Supreme Court has demonstrated independence; however, lower level courts remain vulnerable to political pressure and bribery of judges and court staff is endemic. The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. In the past it has ruled that provisions in the 1992 Labor Act and in the 1991 Nepal Citizenship Act are unconstitutional. In 1995 the Court also decided that the dissolution of the Parliament at the request of a former Prime Minister was unconstitutional, and ordered the body restored.

Appellate and district courts have become increasingly independent, although sometimes they bend to political pressure as well. In Rolpa, one of the districts most affected by the "People's War," human rights groups have accused the district courts of acting in complicity with CDO's in violating detainees' rights. These groups allege

that arrest without a warrant, prolonged detention without trial, and police torture occurs in these areas.

The judicial system consists of three levels: District courts, appellate courts, and the Supreme Court. The King appoints judges on the recommendation of the Judicial Council, a constitutional body chaired by the Chief Justice. The Council also is responsible for the assignment of judges, disciplinary action, and other administrative matters. Judges decide cases; there is no jury system.

Delays in the administration of justice are a severe problem. According to the latest statistics, approximately 150,000 cases are active throughout the country. The Supreme Court has a backlog of approximately 15,000 cases. At the Court's current rate, it never will clear this backlog.

The Constitution provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and for public trials, except in some security and customs cases. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last appeal, but the King may grant pardons. The King also can suspend, commute, or remit any sentence. On the recommendation of the Government, the King often pardons up to 12 prisoners—if they have served 75 percent of their sentence and shown good behavior—on national holidays.

Although prisoners have a constitutional right to legal representation and a court appointed lawyer, government lawyers or access to private attorneys is provided only on request. Consequently, those persons unaware of their rights may be deprived of legal representation.

There have been reports of cases in previous years in which authorities allegedly penalized attorneys involved in the defense of human rights. In January 1999, lawyer and human rights defender Rajendra Dhakal was arrested reportedly because of his alleged involvement in Maoist violence. He has not been seen since (see Section 1.b). Kathmandu newspapers reported that in July 1999, four lawyers pleading for a group of three detained journalists were ordered detained themselves by a district judge as they tried to express their views on the judicial order to detain the journalists. After other attorneys came to protest the arrests, the attorneys were released (see Section 2.a.).

Military courts adjudicate cases concerning military personnel, who are immune from prosecution in civilian courts. In 1992 the Supreme Court ruled that military courts could no longer try civilians for crimes involving the military services.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions. No such trials have occurred during the past 5 years.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, Or Correspondence.—The Government generally respected the privacy of the home and family. Search warrants are required before searches and seizures may be carried out, except in cases involving suspected security and narcotics violations. As amended, the Police Act of 1955 empowers the police to issue warrants for searches and seizures in criminal cases upon receipt of information about criminal activities. Within 24 hours of their issuance, warrants in misdemeanor cases must be approved by the CDO. Court judges must approve them in felony cases.

Government provisions permit discrimination in employment on the basis of political opinion; however, such discrimination is not known to occur.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution specifies that all citizens shall have freedom of thought and expression and that the Government may not censor any news item or other reading material; however, the Government imposes some restrictions on these rights. The Constitution prohibits speech and writing that would threaten the sovereignty and integrity of the Kingdom; disturb the harmonious relations among persons of different castes or communities; promote sedition, defamation, contempt of court, or crime; or contradict decent public behavior or morality.

The Press and Publications Act provides for the licensing of publications and the granting of credentials to journalists. The Act also includes penalties for violating these requirements. In addition the Act prohibits publication of material that, among other things, promotes disrespect toward the King or the royal family; that undermines security, peace, order, the dignity of the King, or the integrity or sovereignty of the Kingdom; that creates animosity among persons of different castes and religions; or that adversely affects the good conduct or morality of the public. However, throughout August and September, the press and several private FM radio stations produced a number of stories calling for the prosecution of a nephew

of the monarch who allegedly killed a popular local singer in a hit-and-run incident. This is the first time the local media has confronted a member of the royal family. The Press and Publications Act also provides a basis for banning foreign publications. However, foreign publications are widely available.

There are hundreds of independent vernacular and English-language newspapers available, representing various political points of view. The Government owns "Gorkhapatra," the second-largest circulating Nepali daily, and "The Rising Nepal," the second-largest English daily. Editors and writers at the government newspapers practice self-censorship and generally reflect government policy. Ruling political parties have influenced the editorial policy of the government newspapers to their advantage. However, despite the sensitivity of the Government to the "People's War," the press has not faced overt pressure to report on it in a particular way. Views of human rights groups, the statements of the police, and the press releases of Maoist leaders all have been reported in the local press.

Nevertheless, journalists and their advocates have suffered human rights abuses. Shambhu Prasad Patel, vice president of the Rautahat Branch of the Nepal Press Union (NPU), was shot and killed by two unidentified gunmen on January 23 at his residence; as of year's end, no one had been held accountable. On February 13, police arrested and briefly detained Dev Kumar Yadav, a Maoist-leaning newspaper reporter for Janadesh and council member of the Federation of Nepalese Journalists, Siraha (FNJS), and Nagendra Kumar Paswan, a reporter for Mahima and vice chairman of the FNJS. No charges were filed. The 1999 case against Krishna Sen, the editor of Janadesh who was arrested in connection with the publication of an interview with a Maoist leader, continued during the year. On February 18, Sen was charged under the Illegal Weapons Act and subsequently was sent to Rajbiraj jail in Saptari. Also in February police released Suresh Ale Magar, another columnist with Janadesh who had been held without a detention order (see Section 1.b.). On March 12, Jagdish Bhattarai, editor of the local weekly Nava Chetana and correspondent for Kantipur Daily in Palpa, was sentenced to 7 days in jail and fined approximately \$7.20 (500 rupees) for contempt of court. Bhattarai was accused of writing a 1998 editorial that denounced corruption and threatened to publish names of corrupt government officials. On May 8, the publication Gorkhapatra suspended associate editor Ram Prasad Acharya for publishing a Maoist press release. Freelance journalist Milan Nepali remains missing (see Section 1.b). In contrast to prior years, there were no reported incidents of seizure of either publications or equipment.

In February the censor board of the Ministry of Information and Communications banned public screening of the film "Aago" (Fire), claiming that the film undermined public safety. The film contained references to the Maoist insurgency. In July the board allowed the film to be shown after the references had been deleted.

The Broadcast Act of 1993 allows private television and FM radio broadcasts, but implementation of the Act has been slow. The Government owns the only television station, and controls one radio station that broadcasts both AM and FM signals. Radio, primarily short and medium waves, reaches the greatest number of persons and has the largest influence. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. With privatization of a number of radio bands, there was a marked increase in the range of programming options available. However, only government-owned Radio Nepal may originate its own local news broadcasts, and all stations must rebroadcast its news programs. The Government does not restrict access to foreign radio broadcasts, private cable networks, or to the purchase of television satellite dishes. Indian and Pakistani broadcast television also is readily available in many parts of the country.

Since 1996 two private cable television networks have been operating in the Kathmandu valley. They mainly provide entertainment programming, but commentary critical of government policies occasionally occurs during publicly broadcast discussion programs. Throughout the country, local entrepreneurs also are receiving international stations via satellite for viewing in local bars, and are reselling the signal to local residents. Television time on the government-owned television station also is leased to private producers.

There are four private radio stations and three community-owned radio stations that have their own transmitters, an increase of two and one, respectively, over 1999. During the year, a private company acquired a license to establish a 1,000-watt FM transmitter in the eastern part of the country, which will cover much of the eastern region and portions of India. Five private radio stations so far have been licensed to operate outside of the capital city, although none have begun their broadcasts. Although nongovernment radio stations are precluded legally from broadcasting locally developed news, private stations select which newspaper stories to read, permitting editorial perspective. Private stations also must broadcast the Gov-

ernment station's news program but are permitted to rebroadcast news from abroad. Private radio stations, like print media, practice self-censorship. In August 1999, one private radio station reported that a government official asked the station to stop a live call-in advice show dealing with the topics of HIV/AIDS and teenage problems. Other talk shows on sensitive topics continued without government comment.

There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, which successive governments so far have resisted, to open the airwaves and divest government-controlled printing operations. However, private FM radio and cable and satellite television have overtaken the Government's ability to regulate them.

No government efforts to curtail academic freedom were reported during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, although it may be restricted by law on vague grounds such as undermining the sovereignty and integrity of the State or disturbing law and order. These restrictions rarely were used during the year. Large public demonstrations are common, and police intervention is rare except in cases where crowds become violent or violate the terms of their parade permit. On March 10, the Tibetan community in Kathmandu held its annual ceremony to commemorate the anniversary of the 1959 anti-Chinese uprising in Tibet. Following the conclusion of the official ceremony, a large group of young persons left the event location and went onto a public street chanting anti-Chinese slogans. After attempting to restore order, police charged the crowd, reportedly injuring several persons in the process (see Section 1.c.). In March 1999, police arrested 27 Tibetan demonstrators commemorating the same event in Pokhara; the police used tear gas and batons to break up the demonstration. All of the protesters were released soon after the incident.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits the practice of all religions; however, although the Government generally has not interfered with the practice of religions, conversion and proselytizing are prohibited and punishable with fines or imprisonment, and members of minority religions occasionally complain of police harassment. Some Christian groups are concerned that the ban on proselytizing limits the expression of non-Hindu religious belief. The Constitution describes the country as a "Hindu Kingdom," although it does not establish Hinduism as the state religion.

The large majority of citizens are Hindu. There are smaller numbers of Buddhist, Muslim, and Christian citizens, as well.

April public observances of Easter in a Kathmandu park and a Passover Seder in a major hotel in Kathmandu were uneventful. However, in 1999, Christian groups in Kathmandu were prevented from observing Good Friday in a public park when they failed to obtain the proper permit; 3 members of a group of 400 persons reportedly were injured when police attempted to disperse the group's subsequent protest at a local government office. Easter services that year, which did have the proper permit, took place in a public park without incident.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. Although arrests or detentions for proselytizing are rare, there have been few incidents of punishment or investigation in connection with conversion or proselytization during the last few years. However, the Government on occasion investigates reports of proselytizing. It investigated a 1997 accusation against the Adventist Development and Relief Agency (ADRA), and cleared ADRA in 1997. Nongovernmental groups or individuals are free to file charges of proselytizing against individuals or organizations. Such a case was filed with the Supreme Court against ADRA and the United Missions to Nepal, an umbrella Protestant group, on December 31, 1999. The case still was pending at year's end.

For decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations have not proselytized and have operated freely. Missionary schools are among the most respected institutions of secondary education in the country; most of the country's governing and business elite graduated from Jesuit high schools. Many foreign Christian organizations have direct ties to Nepali churches and sponsor Nepali priests for religious training abroad.

The Constitution prohibits discrimination on the basis of caste, except for traditional religious practices at Hindu temples, where, for example, members of the lowest caste are not permitted.

The Press and Publications Act prohibits the publication of materials that create animosity among persons of different castes or religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and

the Government generally does not restrict travel abroad. However, for security reasons, the Government restricts travel by foreigners, including Tibetan residents in Nepal, to some areas near the Chinese border. The Government also has imposed restrictions on women's travel to the Gulf states to work as domestic servants, in response to cases of abuse of such women in the past. These restrictions do not apply to women who are traveling to the Gulf states for other reasons, nor do they apply for travel to other areas. Women's rights groups have protested the ban as discriminatory. The Government allows citizens abroad to return, and is not known to revoke citizenship for political reasons.

The Government has no official refugee policy. However, it does provide asylum for refugees and has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR), and with other humanitarian organizations, in assisting refugees from Bhutan and Tibet (China). The UNHCR has maintained an office in Kathmandu since 1989. Since 1959 the Government has accepted as residents approximately 20,000 Tibetan refugees, many of whom still reside in the country. Since 1991 it also has provided asylum to some 97,000 Bhutanese refugees, the great majority of whom are living in UNHCR administered camps in the eastern part of the country.

China and the Government of Nepal tightened control of movement across their border in 1986, but both sides have enforced these restrictions haphazardly. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. According to the UNHCR, police conduct in this regard has improved in the last 2 years, although border police sometimes extort money from Tibetans in exchange for passage. There were no reports of forced expulsion of Tibetan asylum seekers during the year.

There are approximately 98,000 ethnic Nepali refugees from Bhutan in UNHCR-administered camps in the southeastern region of the country. An additional 15,000 refugees reside outside the camps in either Nepal or India. The total represents approximately one-sixth of Bhutan's estimated pre-1991 population.

The UNHCR monitors the condition of the Bhutanese refugees and provides for their basic needs. The Government accepts the refugee presence as temporary, on humanitarian grounds, but offers little more than a place to stay. The Government officially restricts refugee freedom of movement and work, but does not strictly enforce its policies. Visitors to the camps universally describe conditions as excellent. Violence sometimes has broken out between camp residents and the surrounding local population. The UNHCR and other donors and relief organizations have defused tensions through a refugee-affected areas assistance plan aimed at improving conditions in communities adjacent to the camps.

In 1993 the Governments of Nepal and Bhutan formed a joint committee and began bilateral talks to resolve the refugee problem. No significant breakthroughs were made for several years. However, during the tenth round of bilateral talks December 24-27, Nepal and Bhutan agreed to prepare for verification at the camps in January 2001. Earlier lack of progress in the talks had left refugees frustrated, and both government leaders and international organization officials were concerned that the frustration could lead to unrest. Refugees continued to hold "peace marches" to protest their plight.

Section 3. Respect for Political Rights: The Right Of Citizens To Change Their Government

Citizens have the right to change their government peacefully. Citizens, through their elected representatives, also have the right to amend the Constitution with the exception of certain basic principles that they may not change—sovereignty vested in the people, the multiparty system, fundamental rights, and the constitutional monarchy.

Nepal is a constitutional monarchy with a parliamentary form of government. Parliamentary elections are scheduled at least every 5 years. Midterm elections may be called if the ruling party loses its majority, loses a vote of no confidence, or calls for elections. Under the Constitution all citizens aged 18 and over may vote.

The House of Representatives, or lower house, may send legislation directly to the King by majority vote. The National Council, or upper house, may amend or reject lower house legislation, but the lower house can overrule its objections. The upper house also may introduce legislation and send it to the lower house for consideration.

The King exercises certain powers with the advice and consent of the Council of Ministers. These include exclusive authority to enact, amend, and repeal laws relating to succession to the throne. The King's income and property are tax-exempt and inviolable, and no question may be raised in any court about any act performed by the King. The Constitution also permits the King to exercise emergency powers in

the event of war, external aggression, armed revolt, or extreme economic depression. In such an emergency, the King may suspend without judicial review many basic freedoms, including the freedoms of expression and assembly, freedom from censorship, and freedom from preventive detention. However, he may not suspend habeas corpus or the right to form associations. The King's declaration of a state of emergency must be approved by a two-thirds majority of the lower house of the Parliament. If the lower house is not in session, the upper house exercises this power. A state of emergency may be maintained for up to 3 months without legislative approval and for up to 6 months, renewable only once for an additional 6 months, if the legislature grants approval.

The Constitution bars the registration and participation in elections of any political party that is based on "religion, community, caste, tribe, or region," or that does not operate openly and democratically. During the most recent national elections in May 1999, there were sporadic incidents of violence that mainly occurred between supporters of rival political parties. Maoist efforts to disrupt the elections by intimidating voters and candidates had little effect. The elections generally were held throughout the country according to schedule. International observers considered the elections to be generally free and fair.

Women are underrepresented in government and politics. There are no specific laws that restrict women, indigenous peoples, or minorities from participating in the Government or in political parties. Tradition limits the roles of women and some castes in the political process. However, the Constitution requires that women constitute 5 percent of each party's candidates for the House of Representatives. A 1999 royal ordinance, which Parliament has ratified, also requires that 20 percent of all village and municipal level seats be reserved for female candidates. The 1999 elections resulted in an increase from 7 to 12 in the number of women in the 205-seat lower house and from 5 to 9 in the 60-seat upper house.

No specific laws prevent minorities from voting or restrict them from participating in the Government and political parties on the same basis as other citizens. Hindus and members of certain castes traditionally have wielded more power than others, but members of other religious and social groups have in recent years gained increasing influence in government, including senior leadership positions. There are no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group.

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

There are approximately 10 human rights NGO's. These include the Human Rights Organization of Nepal (HURON), the Informal Sector Services Center (INSEC), the International Institute for Human Rights, Environment, and Development (INHURED), and the Forum for the Protection of Human Rights (FOPHUR). The Nepal Law Society also monitors human rights abuses and a number of NGO's focus on specific areas such as torture, child labor, women's rights, or ethnic minorities. Groups are free to publish reports on human rights abuses. The Government also has allowed groups to visit prisons and prisoners. The Government rarely arrests or detains persons reporting on human rights problems, but in June 1998, the police arrested Gopal Siwakoti Chintan, a human rights activist, for alleged collaboration with Maoist rebels. The police also confiscated audiotapes and videotapes of interviews with victims of human rights violations from Chintan's office. The police later released Chintan due to insufficient evidence that he had collaborated with the Maoists. There were reports that the Government and Maoists limited the activities of human rights activists.

On July 6, police officers released Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization; Shrestha never was charged (see Sections 1.b. and 1.c.).

The insurgency has caused a number of NGO's in the midwestern districts to reduce their activities substantially. Agricultural development projects and community health offices have been frequent targets. Maoists also have targeted aircraft attempting to make humanitarian deliveries of foodstuffs to midwestern districts.

In May the Government formed the Human Rights Commission (HRC), a government-appointed commission with a mandate to investigate human rights violations. Since then the commission has received nearly 400 complaints of human rights violations. Although some cases involve disappearance of detainees, illegal detention, and arrest of acquitted persons, many other cases are relatively trivial. The HRC notes that none of its cases have moved forward. Many do not merit prosecution; for those that do, the HRC lacks the legal resources to pursue them in the courts.

The Government does not refuse visas to international NGO human rights monitors, or otherwise restrict their access when they are in the country. However, some

areas along the country's border with China are restricted. An organization monitoring Tibetan refugee flows has been denied access to these border areas.

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

The Constitution specifies that the State shall not discriminate against citizens on grounds of religion, race, sex, caste, or ideology. However, there still is a caste system. Discrimination against lower castes, women, and the disabled remains common, especially in rural areas.

Women.—Violence against women is a serious problem, but it receives limited public attention. In a 1996 study, 50 percent of the respondents said that they know someone who was the victim of domestic violence. In another 1996 survey, respondents listed the perpetrators of violence in 77 percent of incidents as family members, and 58 percent reported that it is a daily occurrence. There currently is no law against domestic violence.

Rape and incest also are problems, particularly in rural areas. Laws against rape provide for prison sentences of 6 to 10 years for the rape of a woman under 14 years of age and 3 to 5 years for the rape of a woman over the age of 14. The law prescribes imprisonment for 1 year or a fine for the rape of a prostitute. The law does not forbid spousal rape.

The dowry tradition is strong, with greater prevalence in the Terai region. The killing of brides because of defaults on dowry payments is rare, but does occur. More common is the physical abuse of wives by the husband and the husband's family to obtain additional dowry or to force the woman to leave to enable the son to remarry.

There is a general unwillingness among citizens, and particularly among government figures, to recognize violence against women as a problem. In a survey conducted by Saathi, a local NGO, 42 percent of the respondents said that in their experience medical practitioners were uncooperative or negligent in cases of violence against women and girls. This unwillingness to recognize violence against women and girls as unacceptable in daily life is seen not just in the medical profession, but among the police and politicians as well.

The police department has a "women's cell" in five cities, including Kathmandu. These cells include female officers who receive special training in handling victims of domestic violence. The police also have sent out directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. However, according to a police official, this type of directive is difficult to enforce because of entrenched discriminatory attitudes. Even though the police may make an arrest, further prosecution seldom is pursued by the victim or by the Government.

At least six NGO's in Kathmandu work on the problem of violence against women and on women's issues in general. Saathi's assistance program includes a women's shelter and a suicide intervention center. The shelter provides housing, medical attention, counseling, and legal advocacy for the victims of violence.

Trafficking in women remains a serious social problem in several of the country's poorest areas, and large numbers of women still are forced to work against their will as prostitutes in other countries (see Sections 6.c. and 6.f.).

Although the Constitution provides protections for women, including equal pay for equal work, the Government has not taken significant action to implement its provisions, even in many of its own industries. Women face systematic discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remain severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names.

Women have benefited from some changes in marriage and inheritance laws. In 1994 the Supreme Court struck down provisions of the Citizenship Law that discriminated against foreign spouses of Nepalese women. However, many other discriminatory laws still remain. According to legal experts, there are over 20 laws that discriminate against women. For example, the law grants women the right to divorce, but on narrower grounds than those applicable to men. The law on property rights also favors men in its provisions for inheritance, land tenancy, and the division of family property. In 1995 the Supreme Court also ordered the Council of Ministers to enact legislation within 1 year giving women property rights in regard to inheritance and land tenancy that were equal to those of men. Although legislation to comply with this order has been introduced, it remains stalled in Parliament.

According to the 1991 census, the female literacy rate is 26 percent, compared with 57 percent for men. Human rights groups report that girls attend secondary schools at a rate half that of boys. There are many NGO's focused on integrating women into society and the economy. These NGO's work in the areas of literacy,

small business, skills transfer, and prevention of trafficking in women and girls. There also are a growing number of women's advocacy groups.

Most political parties have women's groups. Members of Parliament have begun working for the passage of tougher laws for crimes of sexual assault, but have had little success so far.

Children.—Education is not compulsory. Government policy is to provide free primary education for all children between the ages of 6 and 12 years, but the quality of education is sorely inadequate, many families cannot afford school supplies and clothing, and schools do not exist in all areas. Schools charge fees for higher education. Roughly 60 percent of the children who work also attend school. However, approximately 70 to 75 percent of boys who work go to school, compared to only 50 to 60 percent of the girls who work. Free health care is provided through government clinics, but they are poorly equipped and too few in number to meet the demand. Community-based health programs assist in the prevention of childhood diseases and provide primary health care services. Due to poor or nonexistent sanitation in rural areas, many children are at risk from severe and fatal illnesses.

Forced prostitution and trafficking in young girls remain serious problems (see Sections 6.c. and 6.f.).

Societal attitudes view a female child as a commodity, to be bartered off in marriage, or as a burden. Some persons, in fact, consider marrying a girl before menarche an honorable, sacred act that increases one's chances of a better afterlife. As a result, child brides are common. According to UNICEF's Regional Office for South Asia, 40 percent of all marriages involve a girl under 14 years of age. The age difference in marriage often is cited as one cause of domestic violence.

A local NGO reports that approximately 100 children considered delinquents or accused of public offenses are incarcerated with adults because the Government has not established juvenile homes. Some of these delinquent children allegedly are as young as 9 years old, even though, under the law, children under 18 cannot be charged with crimes; the Government reports that about 10 persons under the age of 18 are incarcerated for crimes they have committed. The UNHCR believes that police sometimes have falsified the ages of young detainees in order to avoid challenge on this point. However, according to the press, almost 100 children are in jails as noncriminal dependents of incarcerated adults (see Section 1.c.).

People with Disabilities.—The disabled face widespread discrimination. Families often are stigmatized by and ashamed of disabled family members, who may be hidden away or neglected. Economic integration is further hampered by the general view that the disabled are unproductive. The mentally retarded are associated with the mentally ill. Sometimes, mentally ill and retarded persons are placed in prisons due to the lack of facilities or support.

The Government has long been involved in providing for the disabled, but the level of government assistance has not met the needs of the disabled. The 1982 Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, to transportation, to employment, to education, and to other state services. However, despite government funding for special education programs, the Government does not implement or enforce laws regarding the disabled. A number of NGO's working with the disabled receive significant funding from the Government, but persons who are physically or mentally disabled rely almost exclusively on family members to assist them.

Religious Minorities.—The adherents of the country's many religions generally co-exist peacefully and respect all places of worship. Most Hindus respect the many Buddhist shrines located throughout the country; Buddhists accord Hindu shrines the same respect. Buddha's birthplace is an important pilgrimage site, and Buddha's birthday is a national holiday. The country's Muslim minority is not well integrated with the Hindu and Buddhist communities.

Some Christian groups report that Hindu extremism has increased in recent years. In January 1999, the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections. Government policy does not support Hindu extremism, although some political figures have made public statements critical of Christian missionary activities. Some citizens are wary of proselytizing and conversion by Christians and, therefore, view the growth of Christianity with alarm.

Those who choose to convert to other religions—in particular Hindu citizens who convert to Islam or Christianity—sometimes are ostracized socially. Some reportedly have been forced to leave their villages. While this prejudice is not systematic, it can be vehement and occasionally violent. Hindus who convert to another religion may face isolated incidents of hostility or discrimination from Hindu extremist

groups. Nevertheless, converts generally do not fear to admit in public their new religious affiliations.

The caste system strongly influences society, even though it is prohibited by the Constitution. However, the Government allows caste discrimination at Hindu temples where, for example, members of the lowest caste are not permitted to enter. Otherwise, the Government makes an effort to protect the rights of the disadvantaged castes. In 1998 the Government formed the "Committee for the Upliftment of Depressed Communities," which runs income generation, public education, and scholarship programs for the disadvantaged castes.

National/Racial/Ethnic Minorities.—The country has over 75 ethnic groups that speak 50 different languages. The Constitution provides that each community "shall have the right to preserve and promote its language, script, and culture." The Constitution further specifies that each community has the right to operate schools up to the primary level in its mother tongue.

Discrimination against lower castes especially is common in the rural areas in the western part of the country. Although the Government has outlawed the public shunning of "untouchables," an exception was retained for traditional practices at Hindu religious sites. Economic, social, and educational advancement tend to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu valley, slowly are reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated urban-oriented castes (Brahmin, Chhetri, and certain elements of the Newar community traditionally dominant in the Kathmandu valley) continue to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources in their territories.

In remote areas, school lessons and national radio broadcasts often are conducted in the local language. However, in areas with nearby municipalities, education at the primary, secondary, and university levels is conducted almost exclusively in Nepali, which is constitutionally mandated as the official language of the State. Human rights groups report that the languages of the small Kusunda, Dura, and Meche communities nearly are extinct.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the freedom to establish and to join unions and associations. It permits restriction of unions only in cases of subversion, sedition, or similar conditions. Despite the political transformation in 1990, trade unions still are developing their administrative structures to organize workers, to bargain collectively, and to conduct worker education programs.

Union participation in the formal sector accounts for approximately 10 to 12 percent of the formal work force. In 1992 Parliament passed the Labor Act and the Trade Union Act, and formulated enabling regulations. However, the Government has not yet fully implemented the laws. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protects unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers. There have been few reports of discrimination against union members.

The law permits strikes, except by employees in essential services such as water supply, electricity, and telecommunications. The law empowers the Government to halt a strike or to suspend a union's activities if the union disturbs the peace or if it adversely affects the nation's economic interests. Under the Labor Act, 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal. Workers at a jute mill in Biratnagar struck from June 29 to July 4 to demand tenure, medical benefits, and annual leave. Workers returned to their jobs after management acceded to most of their demands. In August thousands of employees of various government-owned corporations went on strike to protest perceived inequities in their pay scales. The employees later returned to work voluntarily after the Government appointed a committee tasked with reaching an agreement on the issue. Several days later, the Government issued notices in local media stating that in the future, it would enforce the Essential Services Act of 1957 which prohibits strikes by employees of government-owned enterprises.

The Government does not restrict unions from joining international labor bodies. Several trade federations and union organizations maintain a variety of international affiliations.

b. The Right to Organize and Bargain Collectively.—The Labor Act provides for collective bargaining, although the organizational structures to implement the Act's provisions have not been established. Collective bargaining agreements cover an es-

timated 20 percent of wage earners in the organized sector. However, labor remains widely unable to use collective bargaining effectively due to inexperience and employer reluctance to bargain.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits slavery, serfdom, forced labor, or trafficking in human beings in any form; however, forced labor and trafficking in persons remain problems (see Section 6.f.). The Department of Labor enforces laws against forced labor in the small formal sector, but remains unable to enforce the law outside that sector.

Large numbers of women still are forced to work against their will as prostitutes (see Section 6.f.). Bonded labor, especially in agricultural work, was a perennial problem. Bonded laborers usually were members of lower castes. Bonded labor reportedly occurred among certain ethnic groups in the western Terai region. However, the Government in July outlawed bonded labor and released the “Kamaiya” bonded agricultural workers, from their debts. By year’s end, the Government had not yet provided land to the Kamaiyas for resettlement nor had it begun programs to prepare the Kamaiyas for economic independence; however, it had announced plans to do so. The Government has set up temporary camps for the Kamaiyas and begun arrangements for distribution of food under a food-for-work program.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution stipulates that children shall not be employed in factories, mines, or similar hazardous work and limits children between the ages of 14 and 16 years to a 36-hour work-week. The law also mandates acceptable working conditions for children. The law establishes a minimum age for employment of minors at 16 years in industry and 14 years in agriculture and mandates acceptable working conditions for children.

On July 21, the country passed its first comprehensive child labor law. The law, drafted with the assistance of the International Labor Organization (ILO), tightened earlier laws. It is the first national legislation to establish specific penalties for those who unlawfully employ children. It repeats the existing prohibition of the employment of children under the age of 14 years and renews the constitutional provision that children between the ages of 14 and 16 years may work, but no more than 6 hours a day and 6 days a week. The law prohibits child labor in tourism, cigarette or carpet factories, mines, or laboratories. Employers must maintain records of all 14- to 16-year-old laborers.

These legal protections notwithstanding, resources devoted to their enforcement are limited, and children work in many sectors of the economy. According to a 1996 ILO study, up to 40 percent of all children work, mostly in agriculture. Others work in the carpet weaving, pottery, basket weaving, sewing, and ironsmithing industries. NGO’s estimate that 2.6 million children are economically active, 1.7 million of which work fulltime. According to a 1996 ILO study, most working children in the country are girls. Roughly 60 percent of the children who work also attend school. However, approximately 70 to 75 percent of boys who work go to school, compared with 50 to 60 percent of girls who work. There also are reports that the Maoists use children, including girls, as soldiers, shields, runners, and messengers.

The Ministry of Labor’s enforcement record is improving. In February police rescued five children from a garment factory in Kathmandu. The children claimed that they were forced to work more than 12 hours a day and that some were abused sexually. According to a February 1999 press report, police found 14 boys aged 15 to 17 years who were employed forcibly in a wool factory in Jorpati. The Government introduced a number of programs beginning in 1998 that are designed to reduce child labor. For example, the Ministry of Labor has set up three centers for children of carpet weavers, who might otherwise join their parents at the loom. The centers provide day care or education for the children, depending upon their ages. The Government also conducts public awareness programs to raise public sensitivity to the problem of child labor.

The private sector has made its own efforts to eradicate child labor, especially in the carpet industry. Since 1996, the Rugmark Foundation has certified carpets made without child labor. Over half of all carpet factories now participate in this or a similar certification system. Partially as a result of this initiative, and of consumer pressure, children reportedly now constitute only 5 percent of the work force in the exportoriented carpet industry, and the carpet manufacturers association in August 1999 pledged publicly to end child labor in the industry by 2005. However, children’s rights activists still say that, in the smaller factories, children remain a part of the work force. Rugmark, in its self-policing function, reports that it found 20 children working in carpet factories in Kathmandu in April and May.

Trafficking in girls continues to be a serious problem (see Section 6.f.).

e. Acceptable Conditions of Work.—In April the Government passed legislation that raised the minimum monthly wage for unskilled labor to \$20 (1,450 rupees). The law also defined monthly minimum wages for semi-skilled labor at about \$21 (1,500 rupees), skilled labor at \$22 (1,610 rupees), and highly skilled labor at \$25 (1,800 rupees). The minimum wage for children ages 14 to 16 was set at \$16 (1,144 rupees). Wages in the unorganized service sector and in agriculture often are as much as 50 percent lower. The Labor Act calls for a 48-hour work-week, with 1 day off per week, and limits overtime to 20 hours per week. Health and safety standards and other benefits such as a provident fund and maternity benefits also are established in the Act. Implementation of the new Labor Act has been slow, as the Government has not created the necessary regulatory or administrative structures to enforce its provisions. Workers do not have the right to remove themselves from dangerous work situations. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remains minimal.

f. Trafficking in Persons.—The law prohibits trafficking and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remains a serious social problem in several of the country's poorest areas. Young women are by far the most common targets; trafficking of men and boys is not known to occur. While the vast majority of trafficking is of women and girls for the commercial sex industry, women and girls sometimes are trafficked for domestic service, manual or semi-skilled labor, or other purposes. Nepal is a primary sending country for the South Asia region; most women and girls trafficked from the country go to India. Local NGO's working against trafficking estimate that 5,000 to 7,000 Nepali girls between the ages of 10 and 18 are lured or abducted annually into India and subsequently forced into prostitution. In some cases, parents or relatives sell women and young girls into sexual slavery. Hundreds of girls and women return to the country annually after having worked as prostitutes in India. Most are destitute and, according to some estimates, 65 percent are HIV-positive when they return. There is legislation to protect women from coercive trafficking, including a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the Gulf (see Section 2.d.); women's rights groups have protested the ban as discriminatory.

Prostitution also is a problem in the Kathmandu valley. A children's human rights group states that 20 percent of prostitutes in the country are younger than 16 years old.

Since 1996 active special police units have dealt with crimes against women and children.

Despite recent attempts to increase the imposition of penalties on traffickers, enforcement of antitrafficking statutes remains sporadic. The fear of the spread of AIDS by returning prostitutes has discouraged the Government from promoting efforts to rehabilitate prostitutes. Government efforts focus more on preventing prostitution and trafficking in women. The Ministry of Labor and Social Welfare sponsors job and skill training programs in several poor districts known for sending prostitutes to India. In May 1999, the Ministry of Women and Social Welfare opened the Women's Self-Reliance and Rehabilitation Center (WOREC), a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. With the Government's endorsement, many NGO's have public information and outreach campaigns in rural areas. These groups commonly use leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education.

There are over 15 NGO's working against trafficking, several of which have rehabilitation and skills training programs for trafficking victims. WOREC and other organizations involved in the rehabilitation of trafficking victims state that their members have been threatened and that their offices have been vandalized because of their activities. According to press reports, on August 18, 1999, five convicted traffickers who had been given 20-year sentences but were released within 3 years attacked a 17-year-old living at a WOREC facility. The director of another prominent anti-trafficking group reported in July that traffickers regularly make threats against her organization.

In October NGO's, the U.N. Development Fund for Women (UNIFEM), and the Home Ministry together hosted a regional workshop with senior police officers to enhance cross border antitrafficking collaboration. NGO's and law enforcement officials discussed ways of improving bilateral and regional cooperation on investigating and prosecuting traffickers and ensuring better protection of victims.

In June 1999, the police hosted a workshop in Kathmandu to provide recommendations for new legislation regarding trafficking and the sexual exploitation of children. A followup workshop was held in July 1999. To date no new legislation

has been passed on the subject. There are many social and legal obstacles to successful prosecution, and convictions are rare.

PAKISTAN

On October 12, 1999, the elected civilian Government of former Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. In consultation with senior military commanders, General Musharraf designated himself Chief Executive, and suspended the Constitution, the Parliament, and the provincial assemblies. The office of the President, which is mainly ceremonial, was retained. General Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, and a civilian cabinet. The government bureaucracy continued to function; however, at all levels, the functioning of the Government after the coup was "monitored" by military commanders. In May the Supreme Court ruled that the Musharraf Government was constitutional and imposed a 3-year deadline—starting from October 12, 1999—to complete a transition to democratic, civilian rule. On December 31, local elections were held in 18 districts on a non-party basis; however the Government has not set a timetable for national elections. Corruption and inefficiency remained acute in all branches of government. The suspended Constitution provided for an independent judiciary; however, the judiciary was subject to executive branch and other outside influences, and suffers from inadequate resources, inefficiency, and corruption. The Supreme Court demonstrated a limited degree of independence; however, the overall credibility of the judiciary remained low, and General Musharraf took steps to control the judiciary and to remove his regime from judicial oversight.

The police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute, like Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. In August the Government announced a devolution plan that included some increase in local political control of the police; however, the Government had not implemented this plan by year's end. During some religious holidays, the regular army is deployed in sensitive areas to help maintain public order. After the coup, the army played a role in enforcing exit control restrictions at airports and border crossings, reportedly as part of the Musharraf regime's anticorruption accountability campaign. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country with great extremes in the distribution of wealth. Education, especially for females is poor and only 33 percent of the population are judged literate by a very low standard. Cotton, textiles and apparel, rice, and leather products are the principal exports. The economy includes both state-run and private industries and financial institutions. The suspended Constitution provided for the right of private businesses to operate freely in most sectors of the economy and there continued to be a strong private sector. The per capita annual income is \$490 (PRs 29,400).

The Government's human rights record was poor, and the Government committed numerous serious abuses; however, there were improvements in some areas, particularly with respect to freedom of the press. Citizens continued to be denied the right to choose or change their government peacefully. Police committed numerous extrajudicial killings; however, there were fewer such killings than in 1999. In Karachi there were fewer killings between rival political factions during the year; however, many of these killings reportedly were committed by or with the participation of the security forces. Police abused and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, no officer has been convicted and very few have been arrested. In Karachi there were signs of progress in redressing police excesses; however, in general police continued to commit serious abuses with impunity. Prison conditions remained extremely poor, and police arbitrarily arrested and detained citizens. The Government used arbitrary and sometimes incommunicado detention against leaders of the Sharif Government and their families; several major political leaders remained in jail or in self-imposed exile abroad at year's end. Case backlogs led to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive and other outside influences, and corruption, inefficiency, and lack of resources remained problems. The Government took steps to control the judiciary and to remove itself from judicial oversight. On January 25, General Musharraf ordered all Supreme Court, Shariat court, and provincial High Court justices to swear to uphold the post-coup

Provisional Constitutional Order (PCO), which suspended the Constitution and legislative bodies and prohibited the superior courts from making any decision against the Chief Executive “or any person exercising powers or jurisdiction under his authority.” Six Supreme Court justices, including the Chief Justice, and nine other provincial court justices resigned in protest. The Government’s anticorruption campaign violated due process. In October 1998, the National Assembly (NA) voted for a 15th constitutional amendment, which would have required the Government to enforce Shari’a (Islamic law) throughout the country. However, General Musharraf abandoned his predecessor’s attempt to enact the amendment. In April the Sindh Court found Nawaz Sharif guilty of treason and other charges; however, the court imposed a life sentence instead of the death penalty sought by the Musharraf Government. The court acquitted Sharif’s six codefendants. In October the Sindh High Court upheld Nawaz Sharif’s conviction. However, on December 9, the Government commuted former Prime Minister Nawaz Sharif’s prison sentence and exiled him and 18 of his family members to Saudi Arabia for 10 years. The Government infringed on citizens’ privacy rights. The press was able to publish relatively freely; however, several journalists practiced self-censorship, especially on sensitive issues related to the military. There was not a systematic harassment campaign against newspapers or commentators critical of the Government during the year; however, the broadcast media remain a closely controlled government monopoly. The Government restricted freedom of assembly. During the year, the Government sporadically permitted several large antigovernment demonstrations; however, it prevented other protests and arrested organizers, reportedly for security reasons. In March the Government instituted a country-wide ban on strikes, processions, and outdoor political demonstrations. The Government maintained some limits on freedom of association. The Government imposed some limits on freedom of religion, particularly for Ahmadis. The Government also imposed limits on freedom of movement. General Musharraf spoke out against some of the human rights abuses of the previous regime and held a conference on human rights in April; however, the Government made minimal progress toward achieving the goals set at the conference.

Significant numbers of women were subjected to violence, abuse, rape, and other forms of degradation by spouses and members of society. The Government publicly criticized the practice of “honor killings” but failed to take corrective steps, and such killings continued throughout the country. There was considerable discrimination against women, and traditional social and legal constraints kept women in a subordinate position in society. Violence against children, as well as child abuse, and prostitution, remained serious problems. Female children still lag far behind boys in education, health care, and other social indices. Governmental and societal discrimination against religious minorities, particularly Ahmadis and Christians remains a problem, and the Government failed to take effective measures to counter prevalent public prejudices against religious minorities. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances. The Government and employers continued to restrict worker rights significantly. Debt slavery persists, and bonded labor by both adults and children remained a problem. The use of child labor remained widespread, although it generally is recognized as a serious problem, and industrial exporters have adopted a number of measures to eliminate child labor from specific sectors. Trafficking in women and children for the purpose of forced prostitution was a serious problem. Mob violence and terrorist attacks remained problems; however, the number of incidents declined slightly during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Police committed extrajudicial killings. The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or of staged encounters in which police shoot and kill the suspects, is common. Police officials generally insist that these deaths occur during attempts to escape or to resist arrest; family members and the press insist that many of these deaths are staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. After an attempt was made on then Prime Minister Sharif’s life in January 1999, as many as 40 Sunni Muslims associated with the Lashkar-i-Jhangvi, the putative instigator, may have been killed in police encounters. The Human Rights Commission of Pakistan (HRCP) reported that there were fewer reports of extrajudicial killings during the year than there were in the previous year. In September a journalist reported that 19 persons died in police encounters or as victims of torture in the first 9 months of the year. Amnesty International (AI) estimates that at least 100 persons

die from police torture each year (see Section 1.c.). The HRCP estimated that 23 persons were killed in police custody or police encounters during the year. Police officials insist that these deaths occurred during attempts to escape or resist arrest. For example, in October police killed a suspect who reportedly attempted to resist arrest; there were no investigations of the incident during the year. In addition to killing suspects to prevent them from implicating the police in court, police reportedly killed suspected criminals to circumvent or overcome insufficient evidence, witness intimidation, judicial corruption, and sometimes political pressure. Police professionalism is low. The police view the killings of criminal suspects as appropriate given the lack of effective action by the judiciary against criminals. The judiciary on the other hand, faults the police for presenting weak cases that do not stand up in court.

According to a press report, Shaheen Akhtar, a 15-year-old rape victim charged with adultery was kept fettered in a hospital despite being diagnosed with advanced tuberculosis; Akhtar died in May (see Section 1.c.).

Police officers occasionally are transferred or briefly suspended for involvement in extrajudicial killings. However, court-ordered inquiries into these killings have resulted in few trials and no convictions. In February two police inspectors who were charged with killing a member of the Muttahida Quami Movement (MQM) in custody were denied bail after the Sindh High Court determined that they had falsified precinct records and appeared to have committed the crime. Punjabi police killed Tahir Prince in February 1999; after his mother filed a writ, the Lahore High Court ordered a case registered against two police officers, one of whom was dismissed mid-year on charges of corruption. Tahir Prince's family then accepted financial compensation and dropped the case against the two officers. In general police continued to commit such killings with impunity.

The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups. A committee of inquiry was established to look into the death of Pakistan Muslim League youth wing leader Qasim Khan, who died while in the custody of the Peshawar police in July 1999. However, despite requests from human rights activists, the committee did not publish its findings, and the officer who allegedly was involved in the killing retained his position.

The Muttahida Quami Movement (MQM), an urban Sindh-based political party that in the past demonstrated a willingness to use violence to further its aims, claimed that the police specifically targeted its adherents for extrajudicial killings. Altaf Hussain established the MQM in 1984 to promote the rights of Mohajirs, the descendants of Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947. Elements of the group became involved in extortion and other forms of racketeering, and the party split into the

MQM-Altaf—the original group headed by Altaf Hussain, a large breakaway group (MQM-Haqiqi), and a few smaller factions. The MQM-Altaf, in part because of its efficient organization and willingness to use violence, became the dominant political party in Karachi and Hyderabad, and sent several moderate and nonviolent leaders to the now suspended Parliament and the Sindh provincial assembly. Because of its past links, the MQM-Altaf has antagonized followers, suffered violent breakaways, and continually been at odds with successive governments. In a 1999 report, the MQM listed 10 persons, mostly MQM activists, that it alleged were killed extrajudicially by Karachi police between October 1998 and March 1999. Since the coup, reports of extrajudicial killings of MQM activists have dropped sharply. However, on September 13, two MQM activists were killed, probably by government forces.

Politically motivated and sectarian violence continued. After the coup, there was relative quiet until the traditionally tense Shi'a holiday of Muharram in April, when a number of violent incidents occurred between rival Sunni and Shi'a groups. One newspaper reported that an estimated 300 persons had died in sectarian attacks between late 1997 and 1999 (see Sections 2.c. and 5). Shi'a activists reported in April that approximately 40 Shi'as have been killed since the coup. According to government figures, 915 persons, 64 percent of them Shi'as, have died as a result of sectarian violence since 1994. On April 7, unknown gunmen in Karachi killed a Shi'a lawyer and the Secretary General of Tehrek-i-Jafaria Pakistan (TJP), his son, and his driver; the assailants may have been members of the extremist Sipah-e-Sahaba Pakistan (SSP—see Section 5). On April 12, in the worst incident of sectarian violence since the coup, unknown assailants attacked a Shi'a religious congregation in Rawalpindi with grenades and bullets, killing 19 persons and injuring 37 others. Police arrested several Sunni Muslims following the attack. In April an unknown gunman killed 15 Shi'a Muslims in the village of Mallow Wali. On May 11, unknown

assailants killed a leader of the SSP, which marked the first killing of a known Sunni leader since 1998 (see Sections 1.d. and 5).

Women were killed by family members in so-called "honor killings." In March women's rights activists told a local newspaper that the frequency of honor killings is on the rise. For example, on June 1, a man from Yar Hussain in the northwest frontier province (NWFP) allegedly killed his 20-year-old daughter, Mumlikat Bibi, while she was sleeping. The father reportedly opposed his daughter's efforts to choose a spouse without parental consent (see Sections 1.f. and 5).

There were at least two high profile killings during the year. In January unknown assailants killed the chief justice designate of the Baluchistan High Court; it is likely that Marri was killed as a result of a personal vendetta. On March 10, unknown assailants killed Iqbal Raad, one of the defense lawyers for former Prime Minister Sharif. However, many observers believe that Raad's involvement in the Sharif trial was not a factor in his death.

There were numerous bomb attacks during the year. On January 17, a bomb in Karachi killed 12 persons and injured 22 persons. On January 28, two separate explosions killed 6 persons and injured 40 persons. On February 5, a bomb exploded killing 7 persons and injuring 60 others. No one claimed responsibility for these attacks. In March during a high profile visit to the country by a foreign head of state, five explosions occurred in Hyderabad, Quetta, and Karachi; two persons were killed and four persons were injured in these explosions. On March 28, an explosion in Torkham along the Pakistan-Afghanistan border killed at least 7 persons and injured 27 others. In May a spate of bombings targeting Karachi police stations killed one person. On July 7, two explosions in the Punjab killed 3 persons and injured 11 others. On July 16, a bomb exploded on a train to Hyderabad, killing 10 persons and injuring 32 others. On September 3, a bomb exploded in Lahore's central bus station, killing 2 and injuring 12 others. On September 7, 7 persons were killed and 35 injured in an explosion at the Dharampura Bazaar in Lahore. In late September, a large explosion at an Islamabad market killed at least 16 persons and injured 100 others. A local magazine reported that between January and October, there were more than 17 bomb explosions that killed dozens of persons in Quetta. No one claimed responsibility for these attacks (see Section 1.c.).

Local newspapers reported that more than ten politically prominent Afghans were killed during the year (see Section 2.d.). For example, in April unknown assailants killed Arif Khan, the Taliban governor of Konduz province. Afghans attributed some of these killings to personal rather than political disputes. Police personnel did not arrest anyone in connection with these killings.

There were reports that four prisoners died in a riot in a Peshawar jail in October; however, prison authorities denied these reports (see Section 1.c.).

Tension along the line of control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors. A senior army official in Pakistan-controlled Kashmir estimated that approximately 143 civilians were killed on the Pakistani side of the line of control.

b. Disappearance.—There were credible reports of politically motivated disappearances. For example, retired Major General Anwar Sher and an Afghan aide, Abdul Qaher Shariati, disappeared in July; they were active in organizing Afghans to pursue a peace process. There has been no police investigation into the disappearances. In the intra-Mohajir violence in Karachi, victims sometimes first are held and tortured by opposing groups (or, as the MQM-Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally are dumped in the street soon after the victims are abducted; however, the incidence of such crimes decreased greatly during the year.

In July a woman in Baluchistan was abducted by members of her tribe after a tribal jirga (council) forced the woman to annul her marriage (see Section 5).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The suspended Constitution and the Penal Code expressly forbid torture and other cruel, inhuman, or degrading treatment; however, police regularly torture, beat, and otherwise abuse persons. Police routinely use force to elicit confessions; however, there were fewer such reports and greater police cooperation in investigating such reports during the year. Human rights observers suggest that, because of widespread torture by the police, suspects usually confess to crimes regardless of their actual culpability; the courts subsequently throw out many such confessions. AI estimates that at least 100 persons die from police torture each year (see Section 1.a.). According to a 1999 Human Rights Watch report, children in detention also are subjected to torture and mistreatment (see Section 5).

Common torture methods include: beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and

public humiliation. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes.

Police personnel continued to torture persons in custody throughout the country. In June a local newspaper reported that prisoners waiting to appear in court routinely are held in fetters in police vans, even on extremely hot days. In 1999 70 prisoners awaiting or undergoing trial at Karachi prison, all MQM members, charged that they had been arrested illegally and tortured to induce confessions. According to MQM officials, police arrested over 700 MQM members during the past 2 years (see Section 1.d.); many of these persons reportedly were tortured in custody. In November 1999, Rana Sanaullah Khan, a PML member of the suspended Punjab provincial assembly, was arrested for criticizing the Musharraf Government; he reportedly was tortured in custody.

In March a judge sentenced two prisoners convicted of murdering almost 100 children to be executed by having their bodies cut into 100 and 98 pieces, respectively, and then having the pieces dissolved in acid. Legal experts criticized the judgment, and the case was under appeal at year's end.

Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of successive governments to prosecute and to punish abusers effectively is the single greatest obstacle to ending or reducing the incidence of abuse by the police. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them. Investigating officers generally shield their colleagues. However, in February Deputy Inspector General Fayyaz Ahmed Leghari stated that in 1999 Sindh police penalized 28,000 officers for malfeasance, and discharged or compulsorily retired 1,100 out of a total provincial force of 85,000. In February two police inspectors charged with killing an MQM activist in custody in 1998 were denied bail after the Sindh High Court determined that they falsified precinct records and appeared to have committed the crime (see Section 1.a.).

The 1997 Anti-terrorist Act allowed confessions obtained in police custody to be used in new "special courts." Human rights organizations and the press criticized this provision of the law because police torture of suspects is common. Police generally did not attempt to use confessions to secure convictions under this law and the Government agreed to amend the law after the Supreme Court in 1998 invalidated this and other sections of the Anti-terrorist Act. Due to greater scrutiny by NGO's and the media, including prison inspections in the Punjab and Sindh, the incidence of torture and abuse in prisons may be decreasing. In Karachi the Citizens Police Liaison Committee (CPLC) brought cases against police who make false arrests, practice torture, or take bribes. Cooperation between the CPLC and the police human rights complaint cell resulted in the dismissal of 216 policemen and the demolition or fines for 1,226 others between November 1998 and July 1999.

Police corruption is widespread. Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registering cases on false charges and may torture innocent citizens. Persons pay police to humiliate their opponents and to avenge their personal grievances. During the year, the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. The Government also deployed army officers to police stations.

In the past, successive governments recruited police officers in violation of considerations of merit and the department's regulations. In some instances, recruits had criminal records. Police corruption is most serious at the level of the Station House Officer (SHO), the official who runs each precinct. In 1998 300 new SHO's recruited on merit began a long-delayed special training course; the new SHO's have been hired and observers believe that they might improve police performance greatly. Some SHO's widely are believed to operate arrest-for-ransom operations, and establish unsanctioned police stations to collect illicit revenue. An August news report listed seven such stations in Karachi. SHO's are powerful; some are believed to have killed superior officers who tried to inhibit their corruption. Senior government officials have confirmed that police stations, and assignments therein, are sold to interested parties who then proceed to recoup their investment through illicit activities.

Actions taken to redress police abuses often have mixed results. In urban Sindh, the CPLC committees helped to curb some excesses, but complaints of large-scale police abuse persist.

Special women's police stations were established in 1994 in response to growing numbers of complaints of custodial abuse of women, including rape. These stations are staffed by female personnel, but receive even fewer material and human resources than regular police stations. For example, at the beginning of the year, the Karachi women's police station was housed in an unsafe building that had no bathing facilities and only one toilet for staff and inmates to share. Alerted to these con-

ditions, Sindh Inspector General of Police Aftab Nabi moved the station to improved quarters and began a fundraising drive for a permanent facility. According to the government's own Commission of Inquiry for Women, the stations do not function independently or fulfill their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. Based on Lahore newspaper reports from January to May 1999, the HRCF found 11 cases of violence, rape, or torture of women in police custody. In 1998 "Nasreen" accused the SHO of Lahore's Mozang police station of raping her after she visited the station to register a complaint against her in-laws. At the end of 1998, the case was under internal investigation by Lahore police; however, during the year, "Nasreen" and her family withdrew the case without stating a reason. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards reportedly also is a problem.

The Hudood Ordinances, promulgated by the central martial law government in 1979, aimed to make the Penal Code more Islamic. These ordinances provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for other crimes (see Section 1.c.). These so-called Hadd punishments require a high standard of evidence. In effect, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In 20 years, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines are imposed. From 1979 to 1995, over 1 million Hudood cases were filed, and 300,000 were heard by the courts. More recent statistics are unavailable. The laws are applied to Muslims and non-Muslims alike.

Women frequently are charged under the Hudood laws for sexual misconduct, such as adultery. In 1998 about one-third of the women in jails in Lahore, Peshawar, and Mardan were awaiting trial for adultery; that percentage likely remains accurate. Most women tried under the ordinance are acquitted, but the stigma of an adultery charge alone is severe. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor claimed that 80 percent of adultery-related Hudood cases are filed without supporting evidence. Men accused of rape sometimes are acquitted and released while their victims are held for adultery or fornication. The Commission of Inquiry for Women recommended that the Hudood laws be repealed as they are based on an erroneous interpretation of Shari'a (see Section 5).

The Federal Crimes Regulation (FCR), which applies in the Federally Administered Tribal Areas (FATA), permits the punishment of relatives, friends, and neighbors of suspects. Authorities are empowered to blockade villages or to detain tribal kinsmen to obtain the surrender of a fugitive (see Sections 1.e. and 1.f.).

Police routinely use excessive force against demonstrators or strikers. On June 3, in Rawalpindi police that were armed with batons attacked 200 small business owners during a demonstration, injuring a number of persons. On June 9, police personnel used force to disperse a group of protesters, injuring 4 persons. Police accused the protesters of throwing stones and bricks at them, but some eyewitnesses alleged that the police fired without provocation. On June 29, police used batons and deployed tear gas during a rally of small and medium businessmen. In all three incidents, the protesters were challenging government plans to collect sales taxes (see Section 2.b.).

Police at times also beat journalists (see Section 2.a.). For example, in August government agents allegedly beat journalist Mazhar Tufail.

Police failed in some instances to protect members of religious minorities—particularly Ahmadis and Christians—from societal attacks (see Section 5).

A number of bomb attacks killed and injured many persons during the year (see Section 1.a.). No one claimed responsibility for these attacks.

Prison conditions are extremely poor. Overcrowding is widespread. According to the HRCF, there are 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. In 1999 a journalist for the Nation newspaper visited Adiala jail in Rawalpindi and reported that the prison holds 4,277 prisoners but was built for 2,000. According to a February press report, Sindh provincial officials claimed that the 16 jails of Sindh province, with a total capacity of 7,759 prisoners, actually housed over 14,000. Karachi central prison is the most overcrowded, with a population of 4,087 prisoners in a space designed for only 991; only 2 toilets are available per every 100 prisoners and the daily food budget in the lowest class of cells equals about \$.020 per prisoner. The HRCF claimed that the Lahore district jail, built to house 1,045 prisoners, contains 3,200. In July 1999, the Punjab Home Department admitted before the Lahore High Court that over 50,000 prisoners were held in Punjabi jails meant for 17,271. In the NWFP 21 prisons with a total capacity of

7,397 prisoners house 10,194 persons, including 485 children. Some 80 percent of prisoners are awaiting trial, mostly for petty offenses.

Prisoners routinely are shackled. The principal of the institute for jail staff training in Lahore stated in a July 1999 press interview that fettering is the most convenient way to administer an overcrowded jail. While the Pakistan Prison Act of 1894 permits fettering for a variety of offenses, the punishment usually is given for administrative convenience, or to extract bribes from prisoners. The shackles used are tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. According to a press report, Shaheen Akhtar, a 15-year-old rape victim charged with adultery under the Hudood Ordinances, was kept fettered in a hospital despite being diagnosed with advanced tuberculosis; Akhtar died in May (see Section 1.c.). Although the Sindh High Court ruled fettering illegal in 1993, the practice continues, and visitors to Sindh jails regularly see fettered prisoners. On April 21, General Musharraf condemned fettering as a "tool of indignity." Following a Lahore High Court ruling in June, prison wardens in Lahore were ordered to remove fetters; however police personnel and prison administrators have resisted (see Section 4).

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors, no furnishings, and poor food. Prisoners in these cells reportedly suffer the most abuse, including beatings and forced kneeling for long periods of time. In 1998 the Senate's Committee on Human Rights reported that at one facility in Hyderabad, 60 prisoners were confined to a space 100 feet by 30 feet with only 1 latrine. Such unsanitary conditions are common in small, poorly ventilated, and decrepit colonial-era prisons. Inadequate food, often consisting of only a few pieces of bread, led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care is a problem. Mentally ill prisoners normally lack adequate care and are not segregated from the general prison population (see Section 5). Foreign prisoners, mostly citizens of African countries with minimal diplomatic representation, often remain in prison long after their sentences are completed because there is no one to pay for their deportation to their home country. Conditions in "A" and "B" cells are markedly better; prisoners in these cells are permitted to have servants, special food, and televisions. Authorities reserve "A" cells for prominent persons, including political leaders. Especially prominent individuals—including some political figures—sometimes are held under house arrest and permitted to receive visitors.

In September prisoners in Hyderabad prison rioted to protest poor prison conditions. On September 25, police used force to quell a large prison riot; no casualty figures were reported. Prisoners also held riots over prison conditions in Peshawar in October and in Dera Islami Khan in December. There were reports that four prisoners died in the Peshawar jail riot; however, prison authorities denied the reports.

The Government permits prison visits by human rights monitors (see Section 1.d.). Landlords in Sindh and political factions in Karachi operated private jails (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The law regulates arrest and detention procedures; however, the authorities do not always comply with the law and police arbitrarily arrested and detained citizens. The law permits the Deputy Commissioner (DC) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DC may renew detention in 30-day increments, up to a total of 90 days. Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, police may hold a suspect for 24 hours without charge. After the prisoner appears before a magistrate, the court can grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation. The Musharraf regime created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases; the National Accountability Ordinance allows those suspected of corrupt practices to be detained for 90 days without charge (see Section 1.e.).

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant, and have been known to file FIR's without supporting evidence. FIR's frequently are used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, the case is dropped for lack of evidence, but

then another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in custody continuously.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not fully observe the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detain individuals arbitrarily without charge or on false charges to extort payment for their release. In Karachi small squads of police stopped taxis and delivery trucks for bribes. Human rights monitors report that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also are reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5). Police also detained relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.). Police personnel also have been known to detain persons as a result of personal vendettas. Following an August house robbery in a Christian neighborhood in Islamabad, police reportedly arrested residents of the neighborhood and extorted bribes from them in exchange for their release.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases, trials do not start until 6 months after the filing of charges. In 1998 the HRCP estimated that there were almost as many individuals awaiting trial in jails as there were prisoners. According to the chief justice of the Lahore High Court, there were over 500,000 civil and criminal cases backlogged in the province's subordinate court system as of April 1999. In 1999 in 62 Lahore city courts, 7,000 prisoners were awaiting trial in 6,000 cases; in 3,500 of these cases, the police have not even brought a "challan," or indictment, to the court. Sindh Government officials reported in February that 11,945 of the 14,219 prisoners in Sindh jails are awaiting trial. In 1997 the Government justified the creation of Anti-terrorist courts by citing the large number of murder and other cases that are clogging the regular court system (see Section 1.e.). The anti-terrorist courts reportedly sentenced 32 persons to death and 15 persons to life imprisonment during the year. Double jeopardy applies to those convicted of possessing narcotics because of a 1990 federal Shariat court ruling that customs and narcotics cases be initiated separately. A February ruling by the Lahore High Court forbidding a second trial was ignored by an April sessions court decision in Lahore, which sent the accused back to prison for the second time on the same narcotics conviction.

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for over 3 years for the start of his trial on charges of killing his brother-in-law, Murtaza Bhutto. Charges were first filed against Zardari in 1997 and transferred successively to two courts, where several judges refused to preside. By year's end, only 2 of 223 witnesses have been heard. In April 1999, Zardari was tried and convicted separately on corruption charges.

The Government permits visits by human rights monitors, family members, and lawyers (see Section 1.c.). However, in some cases, authorities refuse family visits and, in some police stations, persons are expected to pay bribes to see a prisoner. The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade the fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. The Government continued to exercise such authority during the year. In March two persons from Mullah Said village were arrested under the Frontier Crimes Regulation following a shooting incident in which some persons from this village fired on residents of the neighboring Badan village (see Section 1.f.).

The Government sometimes uses mass arrests to quell protests or civil unrest. In 1999 police personnel arrested hundreds of persons, including two prominent members of the SSP, Maulana Muhammad Azam Tariq and Maulana Mohammad Ahmad Ludhianvi, following a wave of sectarian violence in Punjab and Sindh. Tariq and Ludhianvi were released during the year; however, Ludhianvi was killed in May by unknown assailants and Azam Tariq has taken refuge in Afghanistan (see Sections 1.a. and 5). Police arrested small businessmen during strikes in May and June; however, all of the demonstrators were released shortly after their arrests. On May 11, police arrested about 300 Muslim clerics and students in Lahore during protests against Musharraf's proposed changes to the blasphemy laws (see Sections 2.b. and 2.c.). In September Lahore police arrested more than 500 activists

of the Pakistan People's Party (PPP) for shouting slogans against the Musharraf regime and the army. During the year, police arrested hundreds of opposition party members in order to prevent planned demonstrations from occurring (see Section 2.b.).

The Government detained several high-profile businessmen in connection with General Musharraf's anticorruption campaign. In March police detained a leading Afghan rug merchant; the merchant was released after 2 months. On May 8, armed gunmen seized Amin Lakhani, a leading Karachi businessman. Several days later, the NAB admitted that it authorized Lakhani's seizure. Lakhani was held without charge for several weeks and questioned about his financial affairs. His brother, Sultan Lakhani, also was seized on May 8 and remained in detention without charge at year's end.

On a number of occasions, police arrested persons prior to demonstrations under the Criminal Procedures Code ban (see Section 2.b.).

Police personnel arrested about 150 journalists during a peaceful protest in April. In August police personnel arrested four journalists who reportedly criticized the police; the journalists were released after 4 days (see Section 2.a.).

In past years, persons occasionally were detained arbitrarily because of disputes with powerful or well-connected persons; however, there were no reports that this occurred during the year.

The Musharraf Government detained without warrants and without charges several dozen political figures, military officers, government administrators, and Sharif family members following the 1999 coup. Nawaz Sharif and members of his family, including Punjab chief minister Shahbaz Sharif; most of the Cabinet; several senior advisors to the Prime Minister or to the Government; and a number of military and police officials were arrested or placed under house arrest immediately following the coup. On several occasions during the year, police officials prevented Nawaz Sharif's wife, Kulsoom Nawaz, from speaking at public meetings. Many of the officials who were arrested following the coup were held incommunicado. Nawaz Sharif was held incommunicado from the time of his arrest until he was brought to court more than 1 month later. Most others were released within a few days. In December the Government released from detention former Minister of Information Mushahid Hussain who had been held under house arrest since the October coup. As of year's end, approximately 30 politicians and their relatives remained in custody.

Several key figures among those initially arrested without charge, including Nawaz Sharif, were held in connection with the "hijacking" on October 12, 1999 of the civilian airliner carrying General Musharraf back from a conference in Sri Lanka; former Prime Minister Sharif reportedly denied permission for the plane to land in Karachi. Along with Sharif's summary replacement of General Musharraf with the Director General of the Inter-Services Intelligence Directorate, this event led to the 1999 coup. In the weeks following Sharif's arrest, he was detained without charge and denied access to counsel and family members (see Section 1.e.). A First Incident Report was filed on November 10, 1999, which charged Sharif with attempted murder, hijacking, and criminal conspiracy. Former Sharif advisor Ghous Ali Shah, former Pakistan International Airlines chairman Shahid Khaqan Abbasi, former Director of Civil Aviation Aminullah Chaudhary, and former Inspector General of Police Rana Maqbool were charged along with Sharif. The accused were to be tried before an Anti-terrorist court. On November 26, 1999, three other individuals—former Punjab chief minister Shahbaz Sharif, former senator Saifur Rehman, and former secretary to the Prime Minister Saeed Mehdi—were named codefendants in the case. Following changes in the Anti-terrorist Act, the formal filing of charges against Nawaz Sharif occurred on December 8, 1999. Sharif was convicted and sentenced to life imprisonment in April. His six codefendants were acquitted; however, they were still in custody at year's end on a maintenance of public order charge" (see Section 1.e.).

Private jails exist in tribal and feudal areas.

Hundreds of MQM activists and legislators (including former Sindh Minister of Labor Shoaib Bokhari) were arrested in 1998 and remained in custody at year's end; some of these activists are being held without charge. According to MQM officials, police arrested over 700 MQM officials during the past 2 years (see Section 1.c.).

Many persons apprehended by the National Accountability Bureau (see Section 1.e.) remained in detention past the ordinance's stipulated 90 days detention without charge (see Section 1.d.). Siddiq ul-Farooq, a former press secretary to Nawaz Sharif, was arrested under the NAB in October 1999 and held without charge until May; at year's end, he was in detention pending commencement of the proceedings in his case. On April 4, Mian Manzoor Watoo, the former Punjab Chief Minister and head of his own PML faction, became the first senior politician to receive a jail term in a corruption case. In late 1999, MQM leader and former mayor of Karachi Dr.

Farooq Sattar was arrested by order of the NAB, removed from his domicile, and held in a cell without a bed, chair, or desk. On July 14, Sattar was convicted on a widely disputed corruption charge. In July Nawaz Sharif was sentenced to 14 years' imprisonment and banned from holding political office for 21 years on the basis of a corruption conviction. Most observers reported that Sharif's trial was fair; however, they believe the Government's decision to pursue the corruption case was politically motivated.

During the year, authorities released from prison thousands of persons convicted of petty crimes who were being held despite the fact that their prison terms had expired. For example, in January authorities released 12,000 prisoners who were convicted of petty crimes. In an October news report, a senior official in the Ministry of Interior stated that 47,000 persons who were jailed for minor offenses were released during the year. The Punjab Department of Jails reportedly released 15,000 prisoners who were convicted of petty crimes during the year.

Human rights groups alleged that as many as 50 private jails, housing some 4,500 bonded laborers were being maintained by landlords in lower Sindh (see Section 6.c.). Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords have defied the courts and police by holding tribal jirgas, which settle feuds, award fines, and even sentence persons to the death penalty in defiance of provincial laws. In January a newspaper reported that 56 landless agricultural workers escaped from a private jail in Sanghar district, Sindh. The landlord reportedly had forced them to work without wages for several years. In February 42 bonded laborers escaped from a private jail in Umerkot district, Sindh. Under pressure from the landowner, seven of the laborers signed affidavits that they had not been confined against their will. On March 8, the Lahore High Court ordered the release of 24 brick kiln workers, including 10 women or children. According to press accounts, the laborers were kept in chains, not compensated for their work, and were beaten frequently.

On December 9, the Government commuted former Prime Minister Nawaz Sharif's prison sentence and exiled him and 18 of his family members to Saudi Arabia for 10 years. The Sharif family was forced to surrender a number of assets to the Government and had to agree to withdraw from politics while in exile. Some observers stated that the Government exiled Sharif in order to remove him from politics and to reduce the power and influence of the opposition.

e. Denial of Fair Public Trial.—The suspended Constitution provided for an independent judiciary; however, in practice, the judiciary remains subject to executive branch influence, and despite the Musharraf regime's pledge to respect the independence of the judicial system, it took steps to control the judiciary and to remove the regime from judicial oversight. Provisional Constitution Order Number 1, issued on October 14, 1999, provided that all courts functioning at the time of the change in government would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority. The decree effectively removed the actions of the Musharraf regime from judicial oversight. General Musharraf further undermined the independence of the judiciary when he ordered that all Supreme Court, Shar'ia Court, and Provincial High Court justices take an oath to uphold the PCO that brought the military into power. Low salaries, inadequate resources, heavy workloads, and corruption contributed to judicial inefficiency, particularly in the lower courts.

On January 25, 4 days before the Supreme Court was due to begin hearings on the legitimacy of the coup, General Musharraf ordered all Supreme Court, Shariat court, and provincial High Court justices to take an oath committing themselves to uphold the PCO, which suspended the Constitution and legislative bodies and prohibited the superior courts from making any decision against the Chief Executive "or any person exercising powers or jurisdiction under his authority." Six Supreme Court justices, including the Chief Justice, and nine provincial High Court justices resigned in protest; however, 85 percent of the affected justices agreed to swear allegiance to the PCO. As a result of this decree, government directives and ordinances under the PCO are no longer subject to judicial review. Some government officials claimed that General Musharraf issued this decree due to concerns that judges were being bribed to rule against the Government in the court challenges to the military takeover. Many persons criticized this requirement, stating that it effectively ended the role of the judiciary as an independent body.

The Supreme Court at times demonstrated a limited degree of independence. For example, on May 12, in a unanimous decision, the Supreme Court upheld the legality of the coup on the grounds of state necessity; however, the court ordered the current Government to hold national elections no later than 90 days after October 12, 2002. The decision also affirmed the Supreme Court's continued right of judicial

rule, ruled that it was legal for the Musharraf Government to amend the Constitution as long as the amendments do not change the basic character of the Constitution, and reserved the right to review the military's performance and the continued necessity of the Emergency Proclamation and the PCO. Many observers criticized the Supreme Court decision as vague and contradictory.

The judicial system involves several court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for banking, antinarcotics, and anti-terrorist cases, as well as the federal Shariat court for certain Hudood offenses. The appeals process in the civil system is: Civil court, district court, High Court, and the Supreme Court. In the criminal system, the progression is magistrate, sessions court, High Court, and the Supreme Court.

The judiciary has argued that it has failed to try and convict terrorist suspects in a timely manner because of poor police casework, prosecutorial negligence, and the resulting lack of evidence. In response to this problem, the Sharif Government passed the Anti-terrorist Act in 1997; special anti-terrorist courts began operation in August 1997. The anti-terrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts produced only a handful of convictions in 1998. Under the act, terrorist killings are punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Cases are to be decided within 7 working days, but judges are free to extend the period of time as required. Trials in absentia were permitted, but then subsequently prohibited in October 1998. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Anti-terrorist Act, bail is not to be granted if the court has reasonable grounds to believe that the accused is guilty.

Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the anti-terrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect of the act's death penalty provisions contributed to the reduction in sectarian violence after its passage. The anti-terrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several persons have been tried, convicted, and executed under these provisions. In 1997 cases filed under Section 295 (a) of the Penal Code (one of the so-called blasphemy laws—see Section 2.c.) were transferred to the anti-terrorist courts. Human rights advocates feared that if blasphemy cases were tried in the anti-terrorist courts, alleged blasphemers, who in the past normally were granted bail or released for lack of evidence were likely to be convicted, given the less stringent rules of evidence required under the Anti-terrorist Act.

In November 1998, Nawaz Sharif announced the establishment of military courts in Karachi, which had been under Governor's Rule since October 1998. These courts were to try cases involving heinous acts and terrorism, which the Government stated were a serious challenge to public authority that the existing court system was inadequate to address. They were intended to bring swifter justice to the city, which had been plagued by terrorism, violence, and a general breakdown in law and order. Military courts began operation in December 1998. In January 1999, the Supreme Court ruled in an interim decision that military trial courts could not impose the death penalty. On February 17, 1999, the Supreme Court ruled that the military courts were unconstitutional and ordered the establishment of additional anti-terrorist courts; however, it allowed sentences already handed down by the military courts to stand. The anti-terrorist courts were to operate under the supervision of two Supreme Court justices, and courts of first instance and appellate courts were to render decisions within 7 days; in practice, this did not occur. Consequently in April 1999, the Sharif Government promulgated an ordinance transferring cases from military trial courts to anti-terrorist courts and expanded the jurisdiction to cover the same types of offenses as the military courts, including murder, gang rape, and child molestation. An April 1999 ordinance made strikes and go-slows illegal as "civil commotion" offenses; both are punishable by incarceration and fines (see Sections 2.b. and 6.a.). In December 1999, the Musharraf Government again modified the Anti-terrorist Act by adding a number of additional offenses, including acts to outrage religious feelings; efforts to "wage war against the state"; conspiracy; acts committed in abetting an offense; and kidnaping or abduction to confine a person. By ordinance the Musharraf regime created a special anti-terrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits the High Court justice to "transfer ... any

case pending before any other special court ... and try the case" in his court. Supporters of Nawaz Sharif maintained that these changes were designed to help the Musharraf regime prosecute Sharif.

The trial of Nawaz Sharif and six codefendants on charges of hijacking was the most widely publicized case tried by an Anti-terrorist court during the year. On April 6, Sharif was found guilty of hijacking and terrorism and sentenced to two terms of life imprisonment (to be served consecutively), an unspecified fine, 5 years' rigorous imprisonment in lieu of non-payment of the fine, forfeiture of all property, and a fine to compensate the 198 passengers and crew of the flight. Judge Jaffrey ruled that there was insufficient evidence to arraign Sharif on four offenses related to "waging war against the state" and criminal conspiracy; the charges were dropped. The six codefendants were found not guilty; however, they were still in custody at year's end on a "maintenance of public order charge."

Diplomatic observers who attended the Sharif trial concluded that the trial generally was fair, open, and transparent. The defendants were given free choice of and ready access to counsel. Diplomats and the media were granted free daily trial access and newspapers frequently reported on defense attorneys' criticism of General Musharraf and the army. In February the prosecution asked the judge to restrict media coverage of court statements by the accused. Judge Jaffrey rejected the prosecution's petition; however, the court reserved the right to prevent publication of sensitive national security data. Nawaz Sharif and his defense counsel expressed "full confidence" in the court. The prosecution appealed the codefendants' acquittals and Sharif's life sentences, arguing for the death penalty, and the defense appealed Sharif's conviction in the Sindh High Court in a trial that courtroom observers considered free and fair. On October 30, the appeals court upheld Nawaz Sharif's convictions for hijacking and terrorism but combined them into one offense. The court also denied the prosecution appeal to upgrade Nawaz's sentence to the death penalty, reduced the amount of property forfeiture, and affirmed the antiterrorism court's acquittals of the six codefendants.

By ordinance, the Musharraf regime created the National Accountability Bureau and special accountability courts to try corruption cases. The NAB was created in part to deal with as much as \$4 billion (approximately PRs 208 billion) that is estimated to be owed to the country's banks (all of which are state-owned) by debtors, mainly from among the wealthy elite. The Musharraf Government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute such cases, and the accountability courts were expected to try cases within 30 days. The ordinance prohibits courts from granting bail and gives the NAB chairman sole power to decide if and when to release detainees. The ordinance also allows those suspected by the State Bank of Pakistan of defaulting on government loans or of corrupt practices to be detained for 90 days without charge and, prior to being charged, does not allow access to counsel. During the year, many persons that were apprehended under the NAB ordinance remained in detention without charge for longer than 90 days (see Section 1.d.). In accountability cases, there is a presumption of guilt, and conviction under the ordinance can result in 14 years' imprisonment; fines; and confiscation of property. Those convicted also are disqualified from running for office or holding office for 21 years. On August 11, the Government announced that persons with a court conviction would be barred from holding party office.

The Musharraf regime denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, no serving members of the military or the judiciary have been charged by the NAB. In June the Government announced that NAB had arrested 132 persons to date; 82 persons were in detention, 53 were held in judicial lockups, and 29 were in the bureau's custody. A published list of persons charged with corruption by the NAB included former Prime Ministers Nawaz Sharif and Benazir Bhutto. On November 19, 1999, MQM leader and former mayor of Karachi Dr. Farooq Sattar was arrested on a corruption charge by the NAB. He was held for more than three months in prison without access to counsel and was transferred from Karachi to Attock Fort, a high-security army facility in NWFP in February. Sattar was convicted on July 14 and sentenced to 14 years' rigorous imprisonment, a \$1 million (PRs 50 million) fine, and 21 years of political disqualification. Sattar's lawyers complained about violations of due process and the remote venue of the trial.

The civil judicial system provides for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys are appointed for indigents only in capital cases. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, and lengthy court procedures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes. Under both the Hudood and standard criminal

codes, there are bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with nonbailable offenses should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, are able to obtain pre-arrest bail, and are thus spared arrest and incarceration.

The federal Shariat court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court. In two areas of the NWFP—Malakand and Kohistan—Shari'a law was instituted in 1999 by regulation and by ordinance, respectively. On September 20, 1999, the NWFP assembly passed a bill that incorporated the Kohistan ordinance into law (see Section 2.c.). In May the governor of the NWFP reportedly affirmed to the media his plan to implement Shari'a law in Malakand division.

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process holds up the promotion of many lower court judges to the High Courts. Although the higher level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates and minor court functionaries.

Persons in jail awaiting trial sometimes are held for periods longer than the sentence that they would receive if convicted. Court officials report that each judge reviews between 70 and 80 cases per day, but that action is taken on only 3 or 4 each week. At the end of 1997, 80,000 criminal cases were reportedly pending in Sindh, 67,800 of which were in Karachi. The Law Ministry, in reply to a question in the National Assembly in 1997, reported that there were over 150,000 cases pending with the superior judiciary, which includes the Supreme Court and the four provincial High Courts. During the year, there were approximately 125,000 cases pending. Clogged lower courts exacerbate the situation; the majority of cases in the High Courts consist of appeals of lower court rulings. Once an appeal reaches the High Court, there are further opportunities for delay because decisions of individual judges frequently are referred to panels composed of two or three judges. There continued to be charges that magistrates and police, under pressure to achieve high conviction rates, persuade detainees to plead guilty without informing them of the consequences. Politically powerful persons also attempt to influence magistrates in their decision-making, sometimes threatening to transfer magistrates to other assignments.

In July 1999, press reports noted that hundreds of prisoners remained in the Karachi central prison after the completion of their sentences. The Sindh Home Department stated that at least 10 percent of prisoners awaiting trial in Karachi central prison had no access to free legal aid or the possibility of bail, even if qualified. Reporters interviewing male prisoners in one block discovered that 16 percent of them were not represented by attorneys. As of March 1999, 6,000 cases awaited trial in 62 Lahore courts, with 7,000 prisoners awaiting a court date. In 3,500 of these cases, the police have not yet submitted a "challan," or indictment.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas is not known to have been invoked; however, Diyat occasionally is applied, particularly in the NWFP, in place of judicial punishment of the wrongdoer. Only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances apply to ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have the option of paying and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in non-capital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. In 1998 the Human Rights Commission of Pakistan noted that there were 58 persons in prison after the completion of their jail terms because they could not pay the Diyat.

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shariat courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Shariat court are entitled to the lawyer of their choice. There is a system of bail.

The Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses are distinguished according to punishment, with some offenses liable to Hadd, or Koranic, punishment (see Section 1.c.), and others to Tazir, or secular punishment. Although both types of cases are tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments are mandatory if there is enough evidence to support them. Hadd punishments regarding sexual offences are most severe for married Muslims; for example, if a married Muslim man confesses to rape or there are four adult male Muslim witnesses to the act, the accused must be stoned to death; if the accused rapist is not Muslim or married, if he confesses, or if the act is witnessed by four adult males (not all Muslim), the accused must be sentenced to 100 lashes with a whip, and such other punishment, including death, as the court may deem fit. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd criteria, then the accused may be sentenced to a lesser class of penalties (Tazir). Since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level, under which sentences may be imposed up to 25 years in prison and 30 lashes. No Hadd punishment has ever been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders. Under Tazir the evidentiary requirement for financial or future obligations is for two male witnesses or one male and two female witnesses; in all other matters, the court may accept the testimony of one man or one woman (see Section 5).

Administration of justice in the FATA is normally the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who are federal civil servants assigned to tribal agencies, oversee such proceedings and may impose prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently conduct punitive actions during enforcement operations. For example, in raids on criminal activities, the authorities have damaged surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity (see Sections 1.c. and 1.f.).

In remote areas outside the jurisdiction of federal political agents, tribal councils occasionally levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning.

Another related form of rough justice operating in the NWFP, particularly in the tribal areas, is the concept of Pakhtunwali, or the Pakhtun Tribal Code, in which revenge is an important element. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs—either real or perceived—to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence (see Section 5).

There are limited numbers of political prisoners. Sections of the Penal Code directly target members of the Ahmadi faith; according to Ahmadi sources, approximately 200 Ahmadis have been incarcerated under these provisions since their inception. Several minority religious groups argue that other sections of the Penal Code—particularly the related blasphemy laws—are used in a discriminatory fashion by local officials or private individuals to punish religious minorities. While precise numbers are unavailable, the Ahmadis estimate that 80 of their coreligionists were charged in criminal cases “on a religious basis” in 1999 (see Sections 2.c. and 5). On April 12, the Government announced its intention to require that deputy commissioners review all blasphemy cases prior to the filing of a FIR; however, the Government reversed this decision on May 16 due to intense pressure from some Islamic groups (see Section 2.c.).

Some political groups also argue that they are marked for arrest based on their political affiliation (see Section 1.d.). The Muttahida Quami Movement, in particular, has argued that the Government used Anti-terrorist court convictions in Sindh to silence its activists.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Government infringes on citizens' privacy rights. The Anti-terrorist Act allowed police or military personnel acting as police to enter and to search homes and offices without search warrants, and to confiscate property or arms likely to be used in an alleged terrorist act (which is defined very broadly). This provision was never tested in the courts. While the Anti-terrorist Act was partially suspended in 1998, the Government promulgated new Anti-terrorist Ordinances in October 1998 and in April 1999. Under these new ordinances, many blasphemy cases are now tried by anti-

terrorist courts. By law the police need a warrant to search a house, but not to search a person. Despite this law, police have entered homes without a warrant and sometimes stole valuables during searches. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, police seldom are punished for illegal entry.

The Government maintains several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicate that the authorities routinely use wiretaps and intercept and open mail. In 1997 the Supreme Court directed the Government to seek its permission before carrying out wiretapping or eavesdropping operations. The judiciary's directive has been widely ignored. A case in which it was alleged that 12 government agencies tapped and monitored citizens' telephone calls still was pending in the Supreme Court at year's end.

Police sometimes arrest and detain relatives of wanted persons to compel them to surrender. In some cases, the authorities have detained entire families in order to force a relative who was the recipient of an arrest warrant to surrender (see Section 1.d.). While the Government generally does not interfere with the right to marry, the Government on occasion assists influential families to prevent marriages they oppose. For example, in July 1999, police in Mirpurkas District, Sindh raided the home of Javed Dal, who had eloped with his cousin, and arrested his family members as hostages. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front Executive Committee to instigate the arrests, which were carried out without warrants (see Section 5). The authorities also fail to prosecute vigorously cases in which families punish members (generally women) for marrying or seeking a divorce against the wishes of other family members. In June Mumlikat Bibi was killed in her parents' home in the village of Yar Hussain in the NWFP. Her father, who reportedly opposed Bibi's efforts to choose a spouse without parental consent, was accused of being the culprit (see Section 5).

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or blockade an entire village (see Sections 1.c. and 1.d.). The Government demolished the houses of several alleged criminals, as well as the homes of those who reportedly tolerated nearby criminal activity.

On December 13, 1999, a Shariat court established by the Tehrik-i-Tulaba, an extremist group in Orakzai Tribal Agency, fined six alleged accomplices to a killing, and burned down their homes as punishment. On December 29, 1999, there were riots in Karachi in response to the demolition by security forces of up to 300 homes in the low-income Gharibabad neighborhood, which is widely considered to be an MQM-Altaf stronghold. Authorities claimed that the homes were built without permits and that they sheltered terrorists and criminals. In March police personnel arrested two persons from Mullah Said village following an incident in which several persons from the village shot at residents of the neighboring Badan village (see Section 1.d.).

Provincial governments sometimes forcibly moved landless laborers from their temporary camps. For example, in October local government officials forcibly moved 900 persons who recently had been freed from bonded labor from their temporary camps in Sikandarabad in Kotri district (see Section 6.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The suspended Constitution provided for freedom of speech and of the press, and citizens generally are free to discuss public issues; however, some journalists practice a degree of self-censorship. In contrast to the Sharif Government, the Musharraf Government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators are increasingly critical of the Government; however, direct criticism of the military is rare. Investigative journalism is rare; instead the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and nongovernmental entities sometimes pay for favorable media coverage.

Prior to the 1999 coup, any person deemed to have damaged the Constitution, including the publication of statements against the spirit of the Constitution, could be prosecuted for treason. However, prosecutions under this provision were rare. The suspended Constitution also prohibited the ridicule of Islam, the armed forces, or the judiciary.

The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammad, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see Section 2.c.). The Anti-terrorist Act stipulates imprisonment with rigorous labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with the intent to stir up sectarian hatred. No warrant is required to seize such material. While the Anti-terrorist Act was partially suspended in 1998, the Sharif Government promulgated new Anti-terrorist Ordinances in October 1998 and in April 1999.

In March police in Hyderabad registered criminal cases against Kulsoom Nawaz and 15 other PML leaders for making "provocative" speeches at a party convention held the previous day.

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum for political parties, commercial, religious, and various other interests to compete with and criticize each other publicly. Although the press does not criticize Islam as such, leaders of religious parties and movements are not exempt from public scrutiny and criticism. The press traditionally has avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) has served to hold press coverage of military matters under close restraint. Officially the ISPR closely controls and coordinates the release of military news and access to military sources. After the 1999 coup, journalists reported no attempts by the ISPR agencies to influence editorial content.

Detailed public discussion of the military as an institution is hampered severely since any published discussion, let alone criticism, of the defense budget is proscribed by law. However, in 1997 this code of silence was undermined when a National Assembly committee discussed defense appropriations and corruption in defense contracts in open session, thereby making possible (and legal) newspaper coverage of the same issues. Discussion of the defense budget continued during the year, especially in the English-language press. Personnel changes among senior army officers in September were widely discussed in the press and newspapers published calls for extending the accountability process to include former military officers.

Government leaks are not uncommon, but are managed carefully, and often are made to underpaid journalists who are on the unofficial payrolls of competing interests. Reports of intimidation, heavy-handed surveillance, and legal action to quiet the unduly curious or nondeferential reporter were common in the past; however, these reports have declined significantly since the coup. The Government has had considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its control over the supply of newsprint and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures; however, there were fewer such complaints during the year. On July 1, the Government ended its monopoly of newsprint supply and did not initiate new efforts to collect back taxes from selected newspapers. On August 28, the Government announced a draft ordinance for freedom of information, which would require every government office to designate a freedom of information officer who would be responsible for providing replies to written applications within 21 days. However, the act excludes all classified documents and does not define what constitutes classified information. By year's end, this ordinance has not been enacted. On December 30, the Government declassified the Hamoodur Rahman Commission Report, which criticizes the conduct of political and military leaders during the 1971 war with India.

On April 29, a newspaper reported that police attacked and arrested 150 journalists from Islamabad and Rawalpindi during a peaceful protest (see Sections 1.d. and 2.b.). In May journalists in Abbotabad accused the local army monitoring cell of harassing Shuja Ahmad, president of a local organization of journalists. On August 22, several unknown assailants attacked Mazhar Tufail, a journalist from the Awam newspaper (see Section 1.c.). The journalist claimed that his assailants were government agents who wanted information on his activities. On August 30, police in Dadu, Sindh arrested and charged with theft four journalists who reportedly criticized the police; authorities released the journalists after 4 days (see Section 1.d.). On July 10, police personnel entered the Lahore Press Club during a press conference and arrested the leader of the All Pakistan Traders Alliance, Umer Sailya. During the press conference, Sailya had criticized Musharraf and the military. In October a team of army monitors demanded immediate access to the premises of the Dawn newspaper and threatened to cut off power if refused; this occurred after the editors of Dawn received an unsigned letter threatening retaliatory action for recent articles criticizing the Government. However, many reputable journalists stated that

this incident was an electrical inspection and not a violation of freedom of press. On October 3, police officials prohibited more than a dozen journalists from covering a speech that General Musharraf delivered to a group of businessmen. On December 10, army personnel detained for several hours a journalist and four photographers who attempted to photograph the departure of Nawaz Sharif following his exile. The officers confiscated the film and subsequently released the journalist and photographers.

The State no longer publishes daily newspapers; however, the Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP). The APP is both the Government's own news agency and the official carrier of international news to the local media. The few small privately owned wire services usually are circumspect in their coverage of sensitive domestic news and tend to follow a government line.

The Print, Press, and Publications Ordinance requiring the registration of printing presses and newspapers was allowed to lapse in 1997 after several years of waning application. In practice, registering a new publication is a simple administrative act, and is not subject to political or government scrutiny.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but are likewise subject to censorship for objectionable sexual or religious content. English language publications were not affected by the direct proscription of books and magazines promulgated by the Chief Commissioner in Islamabad, who banned five Sindhi-language publications in 1997 for "objectionable material against Pakistan," i.e., expressions of Sindhi nationalism.

Privately owned newspapers freely discuss public policy and criticize the Government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. The effort to ensure that newspapers carry their statements or press releases sometimes leads to undue pressure by local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests. Such pressure is a common feature of journalism, and, when a group is extreme in its views, can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. At times landlords and their agents, who have become accustomed to terrorizing the powerless on their lands in an atmosphere of impunity, retaliate against journalists who report on their crimes. Journalists working in remote areas can expect more difficulties from local authorities and influential individuals than their big city counterparts. However, violence against and intimidation of journalists is a nationwide problem.

The broadcast media are mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV). Domestic news coverage and public affairs programming on these media are controlled closely by the Government and traditionally reflect its views. One private radio station, one television broadcaster, and a semi-private cable television station are licensed under special contractual arrangements with the Government. The semi-private television station, Shalimar Television Network (STN), occasionally has been closed due to disputes with the Ministry of Information and to financial difficulties. None of these stations is permitted to produce news and public affairs programming; the private television station rebroadcasts or simulcasts the regular PTV evening news. The Shalimar Television Network also rebroadcasts PTV news, in addition to current affairs programming from foreign broadcasters, such as the British Broadcasting Corporation. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, are foreign news stories censored for content. In 1999 after STN aired news stories critical of the Sharif Government's handling of the Kargil crisis with India, PTV announced plans to turn the STN into an "all-news" channel, scheduled to start in October 1999; as of year's end, these plans have not been implemented. The Ministry of Information monitors advertising on all broadcast media, editing, or removing advertisements deemed morally objectionable.

In 1999 the Secretary for Information was quoted in the press as stating that additional, private television and radio channels would soon be licensed, echoing a pledge made by General Musharraf. However, by year's end, no such licenses were granted. Satellite dishes are readily available on the local market and are priced within reach of almost everyone with a television set—well into the lower-middle classes. South Asian satellite channels (usually India-based) have become important sources of news and popular entertainment.

Literary and creative works remain generally free of censorship. Dance performances, even classical performances, are subject to protest by certain religious groups. Obscene literature, a category broadly defined by the Government, is subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, are broad-

cast on television; however, some sensitive series have been canceled before broadcast.

The Government and universities generally respect academic freedom. The atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to threaten academic freedom, despite the fact that a 1992 Supreme Court ruling prohibits student political organizations on campuses. On some campuses, well-armed groups of students, primarily from radical religious organizations, clash with and intimidate other students, instructors, and administrators on matters of language, syllabus, examination policies, grades, doctrine, and dress. These groups facilitate cheating on examinations, interfere in the hiring of staff at the campuses, control new admissions, and sometimes control the funds of their institutions. At Punjab University, the largest university in the province, Islami Jamiat-e-Tulaba (IJT—the student wing of the religious political party Jamaat-i-Islami) imposes its self-defined code of conduct on teachers and other students.

b. Freedom of Peaceful Assembly and Association.—The suspended Constitution provided for freedom “to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order;” however, while the Government until March generally permitted peaceful assembly, it later imposed significant restrictions on this right. Since 1984 Ahmadis have been prohibited from holding any conferences or gatherings (see Section 2.c.). Throughout the year, the Government occasionally interfered with large rallies, which were held by all political parties. On March 15, the Musharraf regime enacted an ordinance banning all public political gatherings, processions, and strikes. Government officials claimed that the ban was enacted as a safety measure for the visit of an official head of state; however, the ban remained in place at year’s end, although it has been enforced unevenly. Some groups circumvented the ban by meeting in private homes while using loudspeakers to carry the proceedings to supporters outdoors. The Government approved some public political gatherings, including a meeting of the Grand Democratic Alliance in September where parties debated which steps to take to return the country to democracy.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons where demonstrations seemed likely to result in violence. During the year, police made preventive arrests of political party organizers prior to announced demonstrations. For example, in July police arrested a group of Sharif supporters on their way from Lahore to Peshawar for a demonstration. On August 11, police arrested 40 PML supporters ahead of a planned public meeting on the country’s independence day. In September police in Lahore arrested more than 500 members of the PPP for shouting anti-Musharraf and anti-army slogans. In October police arrested approximately 300 opposition leaders prior to a planned demonstration commemorating the year anniversary of the coup.

The MQM has been harassed in its regular political activities, especially by the Sindh police. On February 19, police arrested 35 MQM and Jiye Sindh Qaumi Mahaz (JSQM, a national Sindhi political party) members during a public protest against layoffs of Urdu and Sindhi speaking workers from Pakistan Steel (see Section 1.d.). On February 19, police personnel arrested 40 members of JSQM who planned to participate in a strike (see Section 1.d.). Police frequently arrested PML leaders and supporters in order to prevent planned demonstrations during the year; the HRCP noted that all public PML demonstrations in Karachi were prevented, except for meetings at the party’s headquarters (see Section 1.d.).

In August 1999, the Sharif Government issued an ordinance related to the anti-terrorist courts (see Section 1.e.). One section of the ordinance made “illegal strikes, go-slows, (or) lock outs” punishable by up to 7 years’ imprisonment and a fine. A wide spectrum of opposition groups opposed this measure, fearing that it would be used to silence legitimate dissent. The anti-terrorist courts did not invoke this ordinance during the year.

Police also arrested about 300 Muslim clerics and students in Lahore in May and students in Lahore during protests against General Musharraf’s proposed changes to the blasphemy laws (see Sections 1.c. and 2.c.).

Police sometimes used excessive force against demonstrators. On April 29, a local newspaper reported that police attacked with batons and then arrested more than 150 journalists from Islamabad and Rawalpindi during a peaceful rally (see Sections 1.c. and 2.a.). On June 3, police attacked with batons a procession of 200 small business owners who were protesting a government campaign to collect sales taxes; police also arrested three demonstrators (see Section 1.c.). On June 9, police opened fire to disperse a protest in Peshawar; four persons were injured (see Section 1.c.).

Police accused the protesters of throwing stones and bricks; however, eyewitnesses alleged that the police opened fire without provocation.

The authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed their presence would increase sectarian tensions or cause public violence (see Section 2.d.).

The suspended Constitution provided for freedom of association subject to restriction by government ordinance and law; however, the Government maintained some limits on this right. While these ordinances and laws apparently have not been used since the martial law period, the Sharif Government revoked the licenses of almost 2,000 NGO's in Punjab. After the coup, the government of Punjab lifted the ban on the registration of new NGO's, but the old NGO's remained without licenses at year's end. Overall, NGO's reported improved relations with the Government during the year (see Section 4). There are no banned groups or parties.

c. Freedom of Religion.—The suspended Constitution provided for freedom of religion, and stated that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government imposes a range of limits on freedom of religion. Pakistan is an Islamic republic in which approximately 95 percent of the population is Muslim. The majority of the population is Sunni Muslim, but an estimated 15 percent of the population is Shi'a. The suspended Constitution required that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. In July General Musharraf amended the PCO in order to incorporate the Islamic provisions of the suspended Constitution, which include the definition of "Muslim" and "non-Muslim" and procedures regarding Shariat courts. While there is no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against apostasy is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts are common. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or charge persons who commit them.

In the Malakand division and the Kohistan district of the NWFP, ordinances require that "all cases, suits, inquiries, matters, and proceedings in the courts shall be decided in accordance with Shari'a." These ordinances define Shari'a as the injunctions found in both the Koran and the Sunna. Islamic law judges with the assistance of the Ulema (Islamic scholars), under the general supervision of the Peshawar High Court, try all court cases in the Malakand Division and the Kohistan District. Elsewhere in the country, partial provisions of Shari'a apply. For example, police are authorized to arrest or fine Muslims who eat or smoke in public places during Ramadan. In 1998 then-Prime Minister Nawaz Sharif, proposed an amendment to the Constitution (the 15th Amendment) that would have imposed Shari'a throughout the country; minority religious groups feared that the implementation of this amendment would have restricted further the freedom to practice religions other than Islam. However, the Musharraf Government did not enact the proposed 15th Amendment and reportedly has no plans to do so.

Discriminatory religious legislation has added to an atmosphere of religious intolerance, which has led to acts of violence directed against minority Muslim sects, as well as against Christians, Hindus, and members of Muslim offshoot sects, such as Ahmadis and Zikris (see Section 5).

The Ahmadis are subject to specific restrictions under law. A 1974 constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe Islamic practices. In 1984 the Government inserted Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslim and banning them from using Islamic words, phrases, and greetings. The constitutionality of Section 298(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis. Ahmadis suffer from various restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of faith, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Since 1984 Ahmadis have been prohibited from holding conferences or gatherings (see Section 2.b.). Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society.

Section 295(a), the blasphemy provision of the Penal Code, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. This sentence was increased to 10 years in 1991. In 1982 Section 295(b) was added,

which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the holy Prophet Mohammed." In 1991 a court struck down the option of life imprisonment. These laws, especially Section 295(c), have been used by rivals and local authorities to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No one has been executed by the State under any of these provisions, although religious extremists have killed some persons accused under them. Since 1996 magistrates have been required to investigate allegations of blasphemy to see whether they are credible before filing formal charges. On April 21, the Government announced its intention to require that deputy commissioners review all blasphemy cases prior to the filing of a FIR (see Section 1.c.); however, General Musharraf later reversed this decision due to strong pressure from some Muslim groups. On May 11, police arrested approximately 300 Muslim clerics and students in Lahore during protests against Musharraf's proposed changes to the blasphemy laws (see Sections 1.c., 1.d., and 2.b.). According to Ahmadi sources, approximately 3 dozen Ahmadis have been charged under the blasphemy laws since the October 1999 coup. For example, in October police arrested Nasir Ahmad of Rajanpur district under Section 295(b) for allegedly defiling a copy of the Koran. Mushtaq Ahmad Saggon and Nasir Ahmad, were convicted in Muzaffargarh in July 1999 under Sections 295(a) and 295(c) for preaching and distributing religious literature. Their case was transferred to an anti-terrorist court at Dera Ghazi Khan, and the Lahore High Court denied their request for bail.

In May a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years' imprisonment each and fined them each \$1,500 (PRs 75,000). The brothers were convicted of desecrating the Koran and blaspheming the Prophet Mohammed; both cases were registered by an ice cream vendor who allegedly fought with the brothers after he asked them to use their own dishes, stating that his were reserved for Muslim customers. Lawyers for the brothers filed an appeal in the Lahore High Court. On May 2, Augustine Ashiq Masih was charged with blaspheming the Prophet in Faisalabad. According to press reports, Masih converted to Islam, married a Muslim woman, and then converted back to Christianity, which angered local Muslims who brought the charges against him. Ayub Masih (detained since 1996) was convicted of blasphemy for making favorable comments about Salman Rushdie, the author of the controversial book, "The Satanic Verses," and was sentenced to death in April 1998. Ayub's family and 13 other landless Christian families were forced from their village in 1996 following the charges, and he survived an attempt on his life in 1997, when he was shot at outside of the courtroom while in trial. The case was pending appeal before the Lahore High Court at year's end.

Police also arrest Muslims under the blasphemy laws; government officials maintain that about two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. In February Muhammad Younis was sentenced to 13 months in jail in Multan for uttering derogatory remarks about the companions of the Prophet Mohammad. In March an anti-terrorist court in Sindh convicted Muslim author Gohar Shahi in absentia under the blasphemy laws. On August 5, Abdul Hasnain Muhammad Yusuf Aliwas was given a death sentence and 35 years' imprisonment by a Lahore court after being convicted under Sections 295(a), 295(c), and 298 for defiling the name of the Prophet Muhammad. Some of Ali's supporters claim that he was being persecuted for his allegedly unorthodox Islamic beliefs. In August Abdul Hasnain Muhammad Yusuf Ali, a Sufi Muslim was convicted of blasphemy under Sections 295(a) and 295(c) for defiling the name of the Prophet Muhammad. A Lahore court sentenced Ali to death. On October 4, police arrested Yunis Shaikh on blasphemy charges after he allegedly made remarks offensive to Islam and to the Prophet Mohammad during a lecture. Police denied bail and he was awaiting trial at year's end. In 1998 a Shi'a Muslim, Ghulam Akbar, was convicted of blasphemy for allegedly making derogatory remarks about the Prophet Mohammed in 1995. He was sentenced to death, the first time a Muslim had been sentenced to death for a violation of the blasphemy law. The case remained under appeal at year's end.

When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, judges and magistrates often continue trials indefinitely, and the accused is burdened with further legal costs and court appearances. Many judges also try to pass such cases to other jurists.

The Government distinguishes between Muslims and non-Muslims with regard to political rights. In national and local elections, Muslims vote for Muslim candidates by geographic locality while non-Muslims must vote for at-large non-Muslim can-

didates. Legal provisions for minority reserved seats do not include the Senate and the Federal Cabinet.

Furthermore according to the suspended Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3).

In June a prominent Christian-affiliated NGO that is active in defending those accused of violating the blasphemy laws received a series of death threats.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religions. In practice many non-Muslim students are compelled by teachers to complete the Islamiyyat. An education policy announced by the Government in 1998 included provisions for increased mandatory Islamic instruction in public schools.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved.

The Government designates religion on passports, and to get a passport citizens must declare whether they are Muslim or non-Muslim. Muslims must also affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims.

In September 1999, the Sharif Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly Christians, often can be ascertained from their names. General Musharraf and members of his staff apparently consulted with religious minorities on some of his initial cabinet appointments.

In December 1999, the Supreme Court ruled that interest is un-Islamic and directed the Government to implement an interest-free system by June 2001.

Following the coup, the Musharraf Government affirmed its commitment to protect the rights of religious minorities. According to minority community members, the Government made efforts to seek minority input into decision-making and offered some religious minorities cabinet positions.

The predominantly Ahmadi town and spiritual center of Chenab Nagar (formerly known as Rabway) in Punjab often has been a site of violence against Ahmadis (see Section 5).

In December 1999, several hundred persons looted and burned property in Haveli Lakha, Okara district, Punjab, which belonged to Mohammad Nawaz, a local Ahmadi leader accused of planning to build an Ahmadi house of worship (see Section 5). A neighbor reportedly incited the incident by accusing Nawaz of building the house of worship after the two were involved in a property dispute. Nawaz, a doctor, reportedly intended to build a free clinic next to his home. The mob destroyed the clinic and looted and burned Nawaz's home. According to Ahmadi sources, police personnel arrived at the scene, but did nothing to stop the crowd. At year's end, neither the neighbor nor anyone in the crowd had been arrested or questioned in connection with the incident, and police took no steps to find or return any of Nawaz's property. However, Nawaz and his two sons were arrested and charged with blasphemy. Several days later, they were released on bail; however, the blasphemy case against them was pending as of year's end. Three other Ahmadis in Haveli Lakha also were charged with blasphemy in connection with the incident, even though they were not in town at the time; however, the case against them was dismissed for lack of evidence.

Sectarian violence and tensions continued to be a serious problem throughout the country (see Section 5). More than 300 persons have died in incidents of sectarian violence in Punjab in the last 3 years, according to one credible newspaper report. Another newspaper reported that over 2,000 persons have died in sectarian violence since 1981 (see Section 1.a.). However, sectarian violence markedly decreased after the October 1999 coup.

Anti-terrorist courts also handed down convictions against several individuals accused of sectarian violence. On April 22, an anti-terrorist court in Rawalpindi sentenced 23 persons to life imprisonment for their role in leading a procession of persons that burned a Shi'a mosque in 1996. On July 3, an anti-terrorist court in Gujranwala convicted 2 men for reportedly killing a Shi'a senior police officer; however, the men later were released.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Most citizens enjoy freedom of movement within the country and the freedom to travel abroad; however, the Government limits these rights. The authori-

ties at times prevent political party leaders and religious leaders from traveling to certain parts of the country (see Sections 2.b. and 2.c.). Travel to Israel is prohibited by law. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement is rarely enforced against students.

Citizens regularly exercise the right to emigrate. However, an Exit Control List (ECL), which is made public but is constantly revised, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. At the end of 1999, the HRCP estimated that there were more than 5,000 entries on the ECL, including 400 PML leaders, all 45 MQM legislators and their family members, 20 journalists, and as many as 3,000 alleged bank defaulters. The Musharraf Government increased the use of the ECL reportedly to prevent those suspected of loan defaults or corruption from leaving the country. The focus apparently was on potential loan defaulters as part of the Musharraf Government's emphasis on accountability. According to a press report, the Musharraf Government added approximately 3,000 names to the ECL. No judicial action is required to add a name to the ECL; however, those named have the right to appeal to the Secretary of Interior and, if refused, to the Advocate General of the senior judiciary. In practice courts have directed the Government to lift restrictions on some politicians on the ECL. For example, Benazir Bhutto, former Prime Minister and leader of the PPP, was placed on the ECL and was prevented from leaving the country in December 1998. Bhutto was allowed to leave later that month following a court order to lift the travel restrictions against her.

Pakistan has not signed the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol and has not adopted domestic legislation concerning the treatment of refugees. In December 1999, the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change from the practice of granting "prima facie" status to all Afghans in the country; under the new policy, all refugee determinations are to be made on a case-by-case basis. However, means for screening Afghan refugees have not been established, and Pakistani law makes no provisions for asylum. The absence of legalized asylum, coupled with sharp economic competition, led to a more restrictive admissions policy and a deteriorating quality of life for some refugees.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation poured across the border. There remain an estimated 1.2 million Afghan refugees in the country who have been granted first asylum. There also are an estimated 2 to 3 million unregistered Afghans in urban areas throughout the country.

The Government has not granted permanent legal resettlement to Afghan refugees but allows them to live and work in the country. Many are self-supporting and live outside refugee camps, which has resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. The Government occasionally harasses refugees and threatens them with deportation. For example, authorities in Quetta detained a number of newly arrived Afghans, mostly non-Pashtun minorities, with plans to deport them. In December 1999, the UNHCR proposed that the Government establish a formal joint screening mechanism to determine whether or not the intended deportees are refugees according to internationally accepted standards. No such formal mechanism was established during the year, and the Government deported some persons without notifying UNHCR officials. However, the Government sometimes allowed the UNHCR to attempt to find solutions other than deportation for refugees, such as arranging for resettlement in a third country.

Most refugee camps are well established, and living conditions resemble those in neighboring villages, even though most direct assistance to the camps ended in the early 1990's. Most recent arrivals have gone to urban areas like Peshawar or Quetta, but some have settled in the new Akora Khattak camp (since 1996) and the Shamshatoo camp (since 1999). Conditions for newly arrived Afghans generally are worse than conditions in the well-established camps. For example, sanitation, health care, shelter, and fresh water are ongoing problems in the new camps. Some of the most recent arrivals still reside in makeshift tents. In 1999 874 Afghan refugees from Nasir Bagh camp were relocated to make room for construction of a new highway and housing development. Some were taken to Akora Khattak camp; however, many reportedly returned to Afghanistan or moved to other locations in Pakistan. Relocations declined in late 1999 and did not occur during the year.

According to Amnesty International, there was one report of the forced return of a person to a country where he feared persecution during the year. Professor Mohammad Rahim Elhan, a prominent Afghan scholar who had accused the Govern-

ment of interfering in the internal affairs of Afghanistan, was deported against his will to Afghanistan on June 21. However, he was subsequently permitted to reenter Pakistan. The Government cooperated with the UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. In 1999 approximately 92,000 Afghans returned to their home country. Afghan refugees have limited access to legal protection and depend on the UNHCR and group leaders to resolve disputes among themselves and with Pakistanis. In the past, police sometimes attempted to prevent Afghan nationals from entering cities and there were reports that some have been forced back into refugee camps. During the year, there were reports that the Government closed some Afghan schools and cracked down on unlicensed medical practitioners that treat mostly Afghans.

Most able-bodied male refugees have found at least intermittent employment; however, they are not covered by local labor laws. NGO's and private entities provided women and girls with better education and health care than is available in Afghanistan. However, Afghan women working for NGO's were targets for occasional harassment and violence by conservatives and Taliban sympathizers.

Several prominent Afghans also reportedly have been the targets of harassment and violence from Taliban supporters and conservatives in the refugee community. According to newspaper reports, at least 10 Afghans were killed during the year, reportedly for their political views (see Section 1.a.). On June 1, unknown gunmen injured Mohammad Enam Wak at his home in Peshawar (see Section 1.c.). Wak wrote a book calling for a federal system of government in Afghanistan. In July an Afghan leader, Haji Jan Mohammad, whose name reportedly appeared on a Taliban hit list, was killed by unknown assailants (see Section 1.a.). Police investigations of these Afghan killings were perfunctory at best; there were no arrests or convictions in any case.

The resettlement of Biharis continued to be a contentious issue. The Biharis are Urdu speakers from the Indian state of Bihar who went to East Pakistan—now Bangladesh—at the time of partition in 1947. When Bangladesh became independent in 1971, the Biharis sought resettlement in Pakistan. However, approximately 250,000 Biharis remain in refugee camps in Bangladesh. While the Mohajir community—descendants of Muslims who immigrated to Pakistan from India after partition—supports their resettlement, the Sindhi community opposes it. In 1993 the Government flew 342 Biharis to the country and placed them in temporary housing in central Punjab. No further resettlement has occurred.

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

Citizens continued to be denied their right to choose or change their government peacefully. After the imposition of a military government in October 1999, the Constitution and representative bodies, including the National Assembly, the Senate, and the provincial assemblies, were suspended indefinitely. General Musharraf appointed new members to the Cabinet, as well as new governors to all four provinces.

The Musharraf Government pledged to return the country to a democracy; however, General Musharraf stressed his priority to build first a strong economic and political foundation to avert another bout of “sham” democracy. General Musharraf pledged to abide by a May 12 Supreme Court ruling that mandates that national elections be held no later than 90 days after October 12, 2002. The Government established the National Reconstruction Bureau (NRB) to develop political reforms and a framework for elections. It is unclear whether or not the NRB has the institutional capacity to meet its mandate within the established deadline.

Citizens' right to change their government also was restricted by the executive's strong influence on the judiciary. On January 25, General Musharraf ordered all of the justices in the country to swear to uphold his PCO (see Section 1.e.).

The Musharraf regime did not ban political parties, and the parties active prior to the coup, including the Pakistan Muslim League (which was led by former Prime Minister Nawaz Sharif) continued their activities. However, the Government arrested hundreds of persons in opposition political parties during the year (see Sections 1.d. and 2.b.). On March 15, General Musharraf issued an ordinance banning all political gatherings held outdoors (see Section 2.b.). The National Accountability Ordinance prohibits those convicted of corruption under the NAB from holding political office for 21 years (see Section 1.d.). On August 11, the Government amended the Political Parties Act to automatically disqualify anyone with a court conviction from holding party office. Legal observers expressed concern over the concentration of power in the NAB, the fact that NAB chairmen have all been members of the military, and the presumption of guilt in accountability cases.

National elections for national and provincial assemblies last were held in February 1997. Election observers concluded that the elections generally were free and

fair. Nawaz Sharif's Pakistan Muslim League won a majority of seats and formed a government.

Elections for local government bodies were held in Punjab in May 1998. Elections were held in Baluchistan in March 1999 and a chairman was named in August. Elections have not been held in the two other provinces, NWFP and Sindh, since 1993, when these bodies were dissolved by a caretaker government because of corruption charges. Local government elections were postponed indefinitely in the NWFP and Sindh. Sindh was under Governor's rule from November 1998 until the October 1999 coup. In October 1999, Musharraf suspended the local and provincial governments; the provinces are ruled by governors appointed by General Musharraf. During the year, Musharraf focused on the perceived need to devolve power to the local level in order to reduce the power of the central Government. In March General Musharraf presented his plan for devolution and political restructuring at the local level. According to this plan, non-party based local elections were scheduled to be held from December through August 2001. On December 31, there were elections in 18 districts of the country. According to local and international election observers, the elections generally were free and fair. Religious minorities boycotted the polls. Directly elected union councilors are to select a chief mayor and members of district council. Critics of the plan claim that it is merely an attempt to dissipate pressure for a return to democracy at the national level. On June 7, the Government announced a number of measures designed to make the electoral commission independent of government control, including granting the commission full financial autonomy.

Because of a longstanding territorial dispute with India, the political status of the northern areas—Hunza, Gilgit, and Baltistan—is not resolved. As a result, more than 1 million inhabitants of the northern areas were not covered under the suspended Constitution and have had no representation in the federal legislature. An appointed civil servant administers these areas; an elected Northern Areas Council serves only in an advisory capacity and has no authority to change laws or to raise and spend revenue. In May 1999, the Supreme Court directed the Government to act within 6 months to give the northern areas an elected government with an independent judiciary. In November 1999, the Musharraf regime permitted previously scheduled elections to take place in the northern areas; independents and candidates from the PML, the PPP, and the Tehrik-e-Jafria Pakistan won seats.

The right of citizens to change their government also has been hampered at the provincial level by the Government's failure to release the 1998 census figures and by the likely underestimation of the population of Sindh. Held after a delay of 7 years, the national census was postponed repeatedly due to pressure from ethnic groups and provincial officials who feared diminished representation and access to federal funds. The 9.26 million census figure for Karachi, revised to 9.8 million in a February report, is estimated to be 3 to 5 million short of the actual figure.

Although women participate in Government, and former prime minister Benazir Bhutto is a prominent opposition figure, women are underrepresented in political life at all levels. Six women held seats in the 217-member National Assembly, up from 4 seats in the previous Parliament. Thirty-five women, more than ever before, campaigned for seats in the 1997 national elections. The Parliamentary Commission on the Status of Women in Pakistan recommended reserving one-third of seats in all elected bodies for women. The Musharraf Government announced in August that one-third of the seats in the upcoming local council elections would be reserved for female candidates; some political activists doubt that there would be enough female candidates in certain remote areas of the country to fulfill this requirement. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In 1997 only 37 out of 6,600 female registered voters actually cast ballots in Jamrud in the Khyber Agency due to pronouncements that voting by women was un-Islamic. General Musharraf appointed a woman to his National Security Council and three women to his Cabinet. Provincial governors appointed by General Musharraf also have named women to serve in provincial cabinets.

Minorities are underrepresented in Government and politics. Under the electoral system, minorities vote for reserved at-large seats, not for nonminority candidates who represent actual constituencies. The Musharraf regime abandoned a plan to abolish the separate electorate system due to pressure by some Muslim political groups. With separate electorates, representatives have little incentive to promote their minority constituents' interests. Many Christian activists state that separate electorates are the greatest obstacle to the attainment of Christian religious and civil liberties. Ahmadi leaders encourage their followers not to register as "non-Muslims," so most Ahmadis are completely unrepresented. In the National Assembly, Christians hold four reserved seats; Hindus and members of scheduled castes an-

other four; Ahmadis one; and Sikhs, Buddhists, Parsis, and other non-Muslims one (see Section 2.c.). Each of the four categories is maintained on a separate electorate roll, and minorities cannot cast votes for the Muslim constituency seats. Under Article 106 of the suspended Constitution, minorities also had reserved seats in the provincial assemblies. The 1997 general election report states that each Christian National Assembly member represents 327,606 persons; each Hindu and scheduled castes member, 319,029; the Sikh, Buddhist, Parsi, and other non-Muslim member, 112,801; and the Ahmadi member 104,244. These figures significantly understate the population of most of the minority groups because they are based on 1981 census figures. By year's end, the 1998 census figures for religious minorities had not been published. According to a local magazine, there are approximately 3 million Christians, 2.7 million Hindus, and several hundred thousand Ahmadis in the country.

Tribal people are underrepresented in government and politics. The 1997 elections for the eight National Assembly members from the FATA were, for the first time, conducted on the basis of universal adult franchise. Prior to 1997, in keeping with local traditions, tribal leaders, or maliks, appointed in the governor's name by the central Government's political agents in each agency, elected the FATA National Assembly members. In accordance with the Government's general ban on political party activities in the FATA, candidates were not allowed to register by political party and political party rallies were not allowed. However, several political parties did campaign covertly. Tribal people, including large numbers of women in some areas, registered to vote despite campaigns by some tribes against their participation. However, on election day, far fewer registered women than registered men actually voted.

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

There are several domestic human rights organizations, and new human rights and legal aid groups continue to form. These groups generally are free to operate without government restriction; however, they are required to be licensed. Human rights groups report that they generally have good access to police stations and prisons. The Government has provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. These threats became more explicit and public in 1998, with signed graffiti calling for the killing of well-known human rights activist Asma Jahangir.

The Musharraf Government made some attempts to ease some of the previous government's restrictions on NGO's; the Sharif Government revoked the licenses of almost 2,000 NGO's in 1999. General Musharraf appointed several persons with prominent NGO backgrounds to his Cabinet and many NGO workers reported a smoother working relationship with the Government during the period covered by this report. The new government in Punjab under General Musharraf lifted the previous ban on NGO registration (see Section 2.b.).

International human rights observers are permitted to visit the country and travel freely. Several international organizations, many focused on refugee relief, maintain permanent offices in the country, although some report difficulty in securing visas for their foreign staff.

The Ministry of Human Rights, established in 1995, is now a department within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs. Some 125 employees staff the department, which is headquartered in Islamabad and has four regional offices. The department has set up a "fund for women in distress and detention" and a "relief and revolving fund" for victims of human rights violations. Because of its limited budget, the department operates primarily on a case-by-case basis but seeks help from donor agencies for projects to build institutional capacity and human rights awareness. The department finalized and began limited implementation of a reform program for jails. However, the department is not viewed as effective by human rights observers. The Government has failed to take follow-up action on the 1997 report of the Commission of Inquiry for Women.

In April the Government organized a conference on human rights and pledged to take "small but meaningful steps" including: an 8-month public relations campaign on human rights themes; requiring deputy commissioners to move female burn victims to hospitals (see Section 5); banning the use of fetters in prisons and jails (see Section 1.c.); ordering deputy commissioners to review all blasphemy cases prior to the filing of a FIR (see Section 1.d.); creating a commission for police reforms; releasing 20,000 prisoners from jail; calling for a Commission on the Status of Women; and changing the law so that women married to foreign husbands can claim citizenship for their children. The Government subsequently took no apparent steps to organize the public relations campaign and backtracked on having deputy commis-

sioners review blasphemy cases (see Sections 1.e. and 2.c.). The Government made limited progress in the following areas: the Lahore High Court ordered local jail authorities to remove all fetters (see Section 1.d.); the Government reportedly released 47,000 prisoners who were convicted of petty crimes and that already had served their prison terms; the Government inaugurated a National Commission on the Status of Women on September 1; and in late April President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children (see Section 5).

On July 23, several clergy in the NWFP shot at a female NGO worker's home and ransacked her NGO-sponsored medical camp.

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

The suspended Constitution provided for equality before the law for all citizens and broadly prohibited discrimination based on race, religion, caste, residence, or place of birth; however, in practice there is significant discrimination based on these factors.

Women.—Domestic violence is a widespread and serious problem. Human rights groups estimate that anywhere from 70 to 90 percent of women are victims of domestic violence at the hands of their husbands, in-laws, or other relatives. The Progressive Women's Organization reported in 1999 that every one of two women is the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported that violence against women "has been described as the most pervasive violation of human rights" in the country, and it called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands are known to kill their wives even for trivial offenses. In 1999 the Pakistan Peace Coalition surveyed 1,000 women in 10 communities in rural Punjab; 82 percent of the respondents reported that they feared violence from their husbands over trivial matters. While abusers may be charged with assault, cases rarely are filed. Police usually return battered women to their abusive family members. Women are reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also are reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which are rarely invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim is a direct lineal descendant of the perpetrator. Police and judges tend to see domestic violence as a family problem, and are reluctant to take action in such cases. Thus, it is difficult for women to obtain relief from the justice system in cases of domestic violence.

The Shirkat Gah Women's Resource Center in Karachi published a report in 1999 that summarized reports in the English language press about violence against women between 1993 and 1998. Even though it limited itself to reports of violence by close male relatives, Shirkat Gah documented 535 women who were killed or who committed suicide during the period; 95 of these women were killed or committed suicide after they expressed interest in marrying a man of their own choice.

During the year, the press reported on hundreds of incidents of violence against women, and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women reportedly were burned with acid. During the year, 593 burn cases were recorded in Lahore newspapers; cases were registered in 74 percent but suspects were arrested in only 10 percent. Human rights monitors assert that many cases are not reported by hospitals and that, even when they are, the police are reluctant to investigate or file charges. Furthermore, human rights monitors agree that most "stove deaths" are in fact killings based upon a suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women. The Government has failed to take action in honor killing cases, particularly when influential families are involved. By year's end, there was no progress in the 1998 case of Shahnaz, who died after her husband poured gasoline on her and set her on fire. The police registered a case against her husband and three in-laws. The case remained pending.

A crisis center for women in distress was opened in 1997 in Islamabad. The center, the first of its kind in the country, is an initiative of the Ministry of Women's Development with the assistance of local NGO's. The center offers legal and medical referrals from volunteer doctors and lawyers, counseling from trained psychologists, and a hotline for women in distress. During the year, the crisis center served 75 women. A second crisis center in Vehari, in southern Punjab, opened during the year.

Rape is an extensive problem. The HRCP estimates that at least eight women, five of them minors, are raped every day, and more than two-thirds of those are gang-raped. In 1997 the National Assembly passed a law that provided for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low because rape, and gang rape in particular, is commonly used by landlords and criminal bosses to humiliate and terrorize local residents. It is estimated that less than one-third of all rapes are reported to the police. Police rarely respond to and sometimes are implicated in these attacks (see Section 1.c.). According to a police official, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e.). Accordingly, if a woman cannot prove the absence of consent, there is a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd—or maximum punishment for this offense—is public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence are followed. Hadd punishments are mandatory if evidentiary requirements are met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses are not Muslim, the punishment is less severe. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments, therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements are not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases are tried at this level. Under Tazir, a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the 20 years the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders.

According to an HRCP lawyer, the Musharraf Government has brought fewer charges against women under the Hudood Ordinance than in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. However, even in cases where a woman wishes to bring rape charges, she may have trouble bringing her attacker to justice. According to Amnesty International, men accused of rape sometimes are acquitted and released, while their victims are held on adultery charges.

According to Human Rights Watch, women face difficulty at every level of the judicial system in bringing rape cases. Police are reluctant to take the complaint and sometimes are abusive toward the victim; the courts do not have consistent standards of proof as to what constitutes rape and to what corroboration is required; and judges, police, and prosecutors are biased against female rape victims, tending toward a presumption of female consent and the belief that women lie about such things. Judges on the whole reportedly are reluctant to convict; however, if there is some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). Human Rights Watch also reported that women face problems in the collection of evidence; that the doctors tasked to examine rape victims often believe that the victims are lying; that they are trained insufficiently and have inadequate facilities for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; and that they tend to focus on the virginity status of the victim, and, due either to an inadequate understanding of the need for prompt medical evaluations or to inadequate resources, often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are physically or verbally abusive during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and women frequently are harassed by police or the alleged perpetrators to drop the case. Police sometimes accept bribes to get the complainant to drop a case, and sometimes request bribes to carry it forward. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one. The Parliamentary Commission of Inquiry for Women criticized Hudood Ordinances relating to extramarital sex and recommended that they be repealed asserting that they are based on an erroneous interpretation

of Shari'a (see Section 1.c.). The Commission charged that the laws on adultery and rape have been subject to widespread misuse, with 95 percent of the women accused of adultery being found innocent either in the court of first instance or on appeal. However, the Commission pointed out that, by that time, the woman may have spent months in jail, suffered sexual abuse at the hands of the police, and seen her reputation destroyed. The Commission found that the main victims of the Hudood Ordinances are poor women who are unable to defend themselves against slanderous charges. These ordinances also have been used by husbands and other male family members to punish their wives and female relatives for reasons having nothing to do with sexual propriety, according to the Commission. At year's end, 511 women were awaiting trial for adultery under the Hudood Ordinance in Lahore; 400 in Peshawar; and 300 in Mardan (see Section 1.e.).

Marital rape is not a crime. The 1979 Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for women has recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukhsati). The nikah (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally.

There are numerous reports of women killed or mutilated by male relatives who suspect them of adultery. Few such cases are investigated seriously and those who are arrested often are acquitted on the grounds that they were "provoked," or for a lack of witnesses. While the tradition of killing those suspected of illicit sexual relations in so-called "honor killings", in order to restore tribal or family honor, applies equally to offending men and women, women are far more likely to be killed than men. The Progressive Women's Organization, a human rights NGO, estimated that as many as 300 women are killed each year by their husbands or family, mostly as a result of "honor killings," known as "karo/kari" in Sindh. The problem is believed to be even more extensive in rural Sindh. "Karo/kari" (or adulterer/adulteress) killings are common in rural Sindh and Baluchistan. The HRCP reported an average of 30 killings per month for the first half of the year. Tribal custom among the Baluch and the Pathans also sanctions such killings. The Commission of Inquiry for Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who are the victims of rape may become the victims of their families' vengeance against the victims' "defilement." On June 1, Nazir Ahmad killed his wife, Yasmin, and a family friend, Nasir Farooq, on suspicion that the two were conducting an extramarital relationship. On December 12, Khalida was killed by her uncle and other relatives who accused her of having illicit relations with Momin Gorchani. Khalida's relatives also injured Momin's father and another one of his relatives. Police arrested one person in connection with the murder. AI also reported that if an accused adulteress is killed, and the adulterer manages to escape this fate, he may be required under the karo/kari tradition to compensate the family of the accused adulteress; sometimes, a woman from the adulterer's family is given compensation to repair the honor of the adulteress' family.

Trafficking in women also is a significant problem (see Section 6.f.).

There are significant barriers to the advancement of women beginning at birth. In general female children are less valued and cared for than are male children. According to a UN study, girls receive less nourishment, health care, and education than do boys. In February Dr. Sher Shah Syed, of the Pakistan National Forum on Women's Health in Karachi, reported that the maternal mortality rate is 600 per 100,000 pregnancies; this figure contradicts the Government's figure of 300 per 100,000 pregnancies. At Karachi's civil hospital, the maternal mortality rate was 2,257 per 100,000 in 1999. According to a 1996 report by the Islamabad-based human development center, only 16 women are economically active for every 100 men.

Discrimination against women is particularly acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates are 2 percent or less. A survey of rural females by the National Institute of Psychology found that 42 percent of parents cited "no financial benefit" as the reason they kept their daughters from attending school, and sent their sons instead. Similarly a study by the NWFP directorate of primary education concluded that most girls in rural areas do not go to school because they have to look after the household while their mothers help in the fields. In Karachi only 28 percent of girls completing matriculation (10th grade) exams in science during the year would be able to find places in government-run colleges, as opposed to 83 percent of boys passing the same tests. In Baluchistan conditions are much worse, with only 2 percent of the province's women having received any formal education. Education activists have noted that many parents

would like to educate their daughters; however, many parents reportedly choose not to send their daughters to school due to the poor quality of instruction and the lack of facilities.

Human rights monitors and women's groups believe that a narrow interpretation of Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes to an atmosphere in which discriminatory treatment of women and non-Muslims is more readily accepted.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of them, and often the laws are not observed. The Parliamentary Commission of Inquiry for Women has recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. It also has called for the punishment of those who coerce women or girls into forced marriages. A husband legally is bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or the age of 16 for females. However, the legal system is so complicated and lengthy that it can take years for the children to get maintenance.

In inheritance cases women generally do not receive—or are pressed to surrender—the share of the inheritance they legally are due. In rural areas, the practice of a woman “marrying the Koran” still is widely accepted if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman “married to the Koran” is forbidden to have any contact with males over 14 years of age, including her immediate family members. Press reports indicate that the practice of buying and selling brides still occurs in parts of the NWFP and the Punjab.

A special three-member bench of the Lahore High Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her wali (guardian—usually her father). However, in practice social custom dictates that couples are to marry at the direction of family elders. When this custom is violated, especially across ethnic lines, violence against the couple may result, and the authorities generally fail to prosecute such cases vigorously.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.).

The value of women's testimony is not equal to that of a man's in certain court cases (see Section 1.e.).

In December speakers at a seminar stated that large numbers of working women face discrimination and sexual harassment. Women routinely are denied equal opportunities for promotion, pay, and benefits. Additionally women in some sectors are denied days off and overtime benefits.

Although a small number of women study and teach in universities, postgraduate employment opportunities for women largely remain limited to teaching, medical services, and the law. Nevertheless, an increasing number of women are entering the commercial and public sectors.

Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

The Government took several positive steps to improve the status of women during the year. For example, in April President Tarar issued an amendment ordinance to the citizenship law, which enables women who are married to foreign husbands to claim citizenship for their children. In September the Government inaugurated a National Commission on the Status of Women (see Section 4). The Commission was established in order to advise the Government on policies directly affecting women; however, the Commission lacks the authority to ensure that its recommendations are implemented.

Children.—The Government, through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray, with studies showing that only 65 to 70 percent of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. In Sindh province, the number of students enrolled in primary education rose from 2.1 million to 2.6 million between 1992 and 1998, an increase of approximately 6 percent. During this period, an average population growth rate of 3 percent would have added 20 percent to the number of primary school age children. Even in relatively prosperous Karachi, enrollment figures are low. M.I. Memon, the

late head of the Board of Intermediate and Secondary Education in Karachi, estimated in 1998 that only 1.1 million of Karachi's school-age children actually were attending school: 500,000 in the public schools; 500,000 in private schools; and 100,000 in madrassahs (Islamic religious schools). Since the lowest estimate of school-age children in Karachi—the wealthiest and most developed city in the country—is 4 million, it would appear that no more than 27.5 percent of school age children are attending school. Even those children who go to school are not assured of being able to read and write. According to UNICEF figures, a nationwide sample of children in grade five revealed that only 33 percent could read with comprehension, while a mere 17 percent were able to write a simple letter. Development experts point to a number of factors for the poor state of public education, including the low percentage of gross national product devoted to education and inefficient and corrupt federal and provincial bureaucracies. Those fortunate enough to pursue higher education often face inordinate delays in receiving the results of final exams. On March 30, candidates for civil engineering degrees received results of the 1996 annual examinations. In 1999 one member of the Prime Minister's education task force estimated that up to 50 percent of the education budget is "pilfered."

Information about progress in educating girls is contradictory. A recent survey found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but was considerably higher than the 1990 figure of 50 percent. Since official government figures count at most 1.5 million school-age children in public and private schools and madrassahs in Karachi (of an estimated 4 million or more between the ages of 5 and 14), enrollment figures of 65 and 75 percent are difficult to account for. In all of Sindh province, a 14 percent jump in the number of girls in Sindh's primary schools in the 1992-1998 period placed female enrollment in 1998 at only 35 percent. Similarly the female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it is just over half that of males. However, an Oxfam report released in March 1999 stated that the proportion of girls enrolled in school fell by 10 percent in the first half of the 1990's and one doctor claimed in a February press report that the average time girls spend in school nationwide is 0.7 years.

The Government announced a new education policy in March 1998, which dealt mostly with the construction of new schools but that also included provisions for increased Islamic instruction in public schools. Education is a provincial responsibility. In 1998 the government of Punjab, the country's most populous province, began an ambitious program to improve the quality of its educational system. A comprehensive survey was performed to identify school buildings that were being misused as well as the large numbers of teachers and administrators who were not performing their duties or even showing up for work. Administrative action against these "ghost schools" began, and the Government was better placed to ensure that its education budget was not misused. The Punjab government also worked closely with both international and local NGO's to improve primary and secondary education. However, no legal action was taken against those found responsible for the misuse of government property.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffer a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, over 70 percent of deaths between birth and the age of five are caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, avoidance of responsibility, false data, and lack of cooperation among agencies. The problems associated with polio are illustrative. According to the World Health Organization (WHO), in 1997 91 percent of confirmed polio cases in the eastern Mediterranean region were in Pakistan (1,147). The WHO and the Center for Disease Control reported in 1999 that the full (three-dose) course of oral polio vaccine has been given to only 57 percent of children in Punjab, 50 percent in the NWFP, 42 percent in Sindh, and 22 percent in Baluchistan. However, even the high number of reported polio cases may be too low, and the reported protection rate may be too high. Public health professors at a Karachi medical school report that vaccines frequently are degraded by poor storage, and that vaccination rates are inflated. In 1999 the English-language newspaper *Dawn* reported that doctors in Sindh had persuaded the Sindh health department to order a halt to the reporting of polio cases. Doctors are required by law to vaccinate all children under 5 years old within a 1.2 mile range (3 miles in rural areas); however, they reportedly have taken steps to avoid the responsibility. Although the Government has undertaken six national immunization days since 1994, a Center for Disease Control official who observed a 1999 polio immunization campaign in Quetta, the capital of Baluchistan, reported that vaccination teams had no maps, census data, or plans. The International Labor Organization (ILO) reports that 8 percent of children suffer from

iron deficiency and 30 to 40 percent of children in the country suffer from stunted growth. According to a family-planning NGO, up to 50 percent of children are born iodine-deficient, resulting in high rates of mental retardation. During the year, the Government conducted a well-publicized campaign to encourage polio vaccinations; however, there were no statistics available on the number of children who were vaccinated.

Many children begin working at a very early age (see Section 6.d.). At the age of 5 or 6, many female children assume responsibility for younger siblings.

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

Children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). On September 11, an anti-terrorist court in Karachi convicted five men for kidnaping the 15-year-old son of a businessman in January; three of the five defendants were sentenced to death. In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently are abused by these landlords and held as bonded laborers for life. Landlords also have been known to pay impoverished parents for the "virginity" of their daughters, whom the landlords then rape. Incidents of rape and the s are common. A 1996 survey conducted in Punjab showed that 40 percent of reported rape victims were minors, with the youngest victim in the study only 8 years old. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been abused sexually. Sexual abuse of boys is more common in segments of society where women and girls traditionally remain within the home. An HRCP study in the NWFP found 723 cases of sexual abuse of boys and 635 of girls during the first half of 1998. A newspaper reported that there were 1,025 incidents of sexual abuse of children between January and September; in the majority of cases, children were abused by acquaintances. There were credible reports of boys being sexually abused in a jail located in Punjab province during the year. At a May conference in Karachi on trafficking in women, speakers claimed that over 15,000 child sex workers were operating in Lahore and other cities. Child prostitution involving boys and girls is widely known to exist but rarely is discussed. All forms of prostitution are illegal and a person who abducts a child under the age of 10 and commits sexual assault may be sentenced to the death penalty. The Shabab-i-Milli, the youth wing of the Jamaat Islami party, launched a campaign in May to combat child prostitution by raising public awareness of the problem. The Commission of Inquiry for Women has observed that child sexual abuse is a subject that "has been virtually ignored," and called for a public education campaign on the subject, including introducing it into school curriculums and training nurses and doctors in how to handle such cases.

In the aftermath of a September prison riot in Hyderabad (see Section 1.c.), military personnel discovered that adult prisoners abused sexually about 50 imprisoned minors. The Government did not take action against prison officials for permitting the abuse by year's end.

Children's rights theoretically are protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. However, the Government frequently fails to enforce these laws. There are two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. There is only one jail in each province for convicted prisoners under 21 years of age, and children frequently are incarcerated along with the general prison population, sharing prison conditions that are extremely poor (see Section 1.c.). Many children in prison were born to female inmates who were sexually abused by prison guards. Although Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders, in practice, children and adults essentially are treated equally. According to a local NGO, an estimated 4,200 children were held in the nation's prisons at year's end, some as young as 8 years old, compared with 4,000 in 1999. Imprisoned children often spend long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. One child spent 3 years and 4 months awaiting trial. Children are subject to the same delays and inefficiencies in the justice system as adults are (see Section 1.e.). Peshawar's jail in 1998 contained 183 children, 40 percent of whom were Afghan refugees. These prisoners were separated from the adult prisoners. According to some estimates, there are 900 children in Karachi's central jail, in a space meant to house 300; these children are 18 and under. Human Rights Watch reports that children frequently are beaten and even tortured while in detention; usually this is done to extract confessions, but it is done also to punish or intimidate child detainees or to extort payment from their families for their release (see Section 1.c.). Sexual abuse of child detainees by police or guards is reportedly a problem as well (see Section 1.c.).

Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. Juvenile offenders and, in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they reach majority. Conditions in these institutions reportedly are poor, similar to those found in jails. Abuse and torture of the children in such institutions is a problem; one study found that 17.4 percent of the inmates of the Youthful Offenders Industrial School in Karachi had been tortured or otherwise mistreated. Educational facilities in these institutions often are inadequate; however, during the year, an NGO in Karachi started a school for the approximately 1 dozen children forced to live in a Karachi women's prison. Extortion on the part of the staff at such institutions is reportedly widespread; parents of inmates often are required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also is a problem; some children reportedly have developed drug habits while in these institutions, and are supplied by their guards.

On July 1, the Government passed the Juvenile Justice System Ordinance. The ordinance abolished the death penalty for minors under 18 years of age, guarantees that the Government will provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published.

According to press reports, there are several madrassahs where children are confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassahs during the year. Sexual abuse of boys is widely believed to occur at some madrassahs.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country; the Bohra observe a form of Shi'a Islam that was practiced in medieval Cairo. There were no available statistics on the extent to which the Bohra practice FGM; however, the practice of FGM in the Bohra community reportedly has declined in the last few years.

People with Disabilities.—There are no laws requiring equal accessibility to public buildings for disabled persons. The vast majority of physically and mentally disabled persons are cared for by their families. However, in some cases these individuals are forced into begging, while organized criminal "beggarmasters" skim off much of the proceeds. Parents reportedly have given children as offering to Baba Shah Dola, a shrine in Punjab where the children reportedly intentionally are deformed by clamping a metal form on the head that induces microcephalitis. Some human rights organizations asked local authorities to investigate this practice; however, there have been no investigations. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified disabled persons. Organizations that do not wish to hire disabled persons can instead give a certain amount of money to the government treasury, which goes into a fund for the disabled. This obligation rarely is enforced. The National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

Mentally ill prisoners normally lack adequate care and are not segregated from the general prison population (see Section 1.c.).

Religious Minorities.—Government authorities afford religious minorities fewer protections than are afforded to Sunni Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge persons who commit them.

Sectarian violence between Sunni and Shi'a Muslims continued to be a serious problem throughout the country (see Section 2.c.). In Punjab in particular, a deadly pattern of Sunni-Shi'a violence in which extremists killed persons because of their membership in rival sectarian organizations, or simply for their religious identification, continued; however, there were fewer deaths during the year as compared to previous years. Anti-terrorist courts handed down convictions against several individuals accused of sectarian violence during the year; however, government authorities did not detain suspects in many other cases of sectarian violence. Several incidents of sectarian violence between rival Sunni and Shi'a groups occurred during Muharram in April, during which Shi'a Muslims mourn the deaths of the Prophet Mohammed's nephew Ali and his son Hussain. On April 7, a Shi'a lawyer and the secretary general of TJP, Syed Waqar Hussain, his son, and his driver were killed by unknown gunmen in Karachi; the assailants may have been members of the extremist SSP (see Section 1.a.). On April 12, in the worst incident of sectarian violence since the coup, unknown assailants attacked a Shi'a religious congregation in Mullaoli, Rawalpindi, with grenades and bullets, killing 19 persons and injuring 37 others (see Sections 1.a. and 1.c.). Police personnel arrested several Sunni Mus-

lims following the attack. On April 19, unknown gunmen killed TJP activist, Iqbal Hussain in Multan. On April 26, unknown assailants killed TJP activist, Syed Farrukh Birjis Haider and his personal aide in Khanewal. On April 28, unknown gunmen killed local Shi'a leader Hakeem Syed Shahbaz Hussain Sherazi in Chishtian. On May 2, unidentified assailants killed a Shi'a doctor, his pharmaceutical dispenser, and a patient in the doctor's Karachi office. The next day, unknown assailants killed Shi'a lawyer, Malik Ibrar Hussain in Toba Tek Singh, Punjab. On May 15, unknown assailants killed Shi'a lawyer Syed Sardar Hussain Jafri. Unknown assailants also killed Qudratullah Cheema, the chief of the Ahmadi community of Khanpur. On May 19, unknown assailants killed eminent Sunni cleric Maulana Yousuf Ludhianvi and Abdur Rehman, a teacher at the Sunni Banuri town religious school in Karachi; following these murders, hundreds of Sunni Muslims rioted in Karachi and torched a newspaper office, a movie theater, and a bank (see Section 2.c.).

Ahmadi often are targets of religious intolerance, much of which is instigated by organized religious extremists. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of 100 to 200 persons, the mullahs purportedly denounce Ahmadi and their founder, a situation that sometimes leads to violence. The Ahmadi claim that police generally are present during these marches but do not intervene to prevent trouble (see Section 2.c.).

On October 30, 2 assailants opened fire on an Ahmadi mosque in Ghatialian in Sialkot district, killing 4 Ahmadi and 1 Sunni Muslim. Three suspects were arrested; however, no formal charges were filed by year's end. On November 10, a mob composed of the cleric's followers killed five Ahmadi in Takht Hazara, Sarghoda district following a scuffle between a group of Ahmadi and a Sunni Muslim cleric. Police detained 25 persons for questioning and imprisoned 13 others in connection with the killings; however, no charges were filed against any of the suspects by year's end (see Section 2.c.).

On July 15, in response to pressure from some Muslim groups, the Government incorporated the Islamic provisions of the suspended Constitution into the Provisional Constitutional Order, including the clause declaring Ahmadi to be non-Muslims. Ahmadi suffer from harassment and discrimination and have limited chances for advancement into management levels in government service (see Section 2.c.). Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Ahmadi students in public schools are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to predominantly Ahmadi schools by the Government generally is poor. However, most Ahmadi are home-schooled or go to private Ahmadi-run schools. Young Ahmadi complain of their difficulty in gaining admittance to good colleges and consequently having to go abroad for higher education. Certain sections of the Penal Code discriminate against Ahmadi (see Section 2.c.), particularly the provision that forbids Ahmadi from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadi for using standard Muslim salutations and for naming their children Mohammed.

Other religious minority groups also experience considerable discrimination in employment and education. In the country's early years, minorities were able to rise to the senior ranks of the military and civil service. Today many are unable to rise above mid-level ranks. Discrimination in employment reportedly is common. Christians in particular have difficulty finding jobs other than menial labor, although Christian activists say the employment situation has improved somewhat in the private sector. Christians are overrepresented in Pakistan's most oppressed social group—that of bonded laborers. Like Ahmadi many Christians complain about the difficulty that their children face in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continue to express fear of forced marriages between Muslim males and Christian women, although the practice is relatively rare. Reprisals against suspected converts to Christianity occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities (see Section 2.c.). According to the HRCP, in January intruders broke into a church in Sialkot and desecrated religious literature. On March 12, men broke into the Lourdes Convent and attacked Sister Christine, a 78-year-old nun; she died in a nearby hospital a few days later. According to the Christian Liberation Front (CLF), an NGO, the perpetrators of the attack were Muslims who previously had accused Sister Christine of proselytizing. Police officials did not arrest anyone in connection with this attack. In May five masked men stopped a factory bus in Ferozwala on which female factory employees were traveling and raped six to eight Christian girls who were passengers; the assailants re-

portedly spared the two Muslim passengers on the bus. Initially police officials urged the girls to report that they were robbed, not raped; however, when the CLF complained to government officials, the officials immediately registered the cases as rape cases, arrested three suspects, and promised to investigate police behavior. The suspects were charged under the Hudood Ordinances and were scheduled to stand trial in September. One of the suspects was released for lack of evidence; however the other two cases had not been tried by year's end.

There are restrictions on certain testimony in court by non-Muslims (see Section 1.e.).

Although there are few Jewish citizens, anti-Semitic sentiments appear to be widespread, and anti-Semitic and anti-Zionist press articles are common.

Section 6. Worker Rights

a. The Right of Association.—The Industrial Relations Ordinance of 1969 (IRO) permits industrial workers to form trade unions subject to major restrictions in some employment areas. The Essential Services Maintenance Act of 1952 (ESMA) covers the state administration, government services, and state enterprises like oil and gas production, electricity generation and transmission, the state-owned airline, and ports. Workers in these sectors are allowed to form unions. However, the ESMA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. A worker's right to quit also may be curtailed under the ESMA. For each industry subject to the ESMA, the Government must make a finding, renewable every six months, on the limits of union activity. There is no provision allowing agricultural workers or teachers to unionize as they are not defined as "an industry." A presidential ordinance in 1998 banned all union activity in the water and power development authority (employing 130,000 workers) for 2 years. Following a 3-day conference on employment protection, human resource development, and industrial relations sponsored by the Musharraf Government and the ILO in May, the Government on July 17 passed an ordinance permitting water and power workers to engage in "responsible trade unionism."

Other restrictions on union activities include the Anti-terrorist Ordinance of 1999 (ATO). The ATO codified the crime of a "terrorist act," which includes "an act of civil commotion." Such acts are punishable by imprisonment of 7 years to life, as well as fines. "Civil commotion" includes illegal strikes, go-slows, and lockouts. Under the original ordinance, those distributing, publishing, or pasting a handbill or making graffiti or wall-chalking "intended to create unrest" were subject to arrest. According to the ILO, this ordinance prevented leafleting, posters, or even word-of-mouth notices of public meetings. In late 1999, the ATO was amended to eliminate references to handbills, graffiti, or the intent to create civil commotion (see Sections 1.e and 2.b.). According to government estimates, union members make up about 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claim that the number of union members is underestimated. Contract labor continues to flourish, undercutting the power of the unions and exploiting workers who are willing to work on temporary contracts with fewer benefits and no job security.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike that may cause "serious hardship to the community" or prejudice the national interest. The Government also may ban a strike that has continued for 30 days. Strikes are rare. When they occur, they usually are illegal and short. The Government regards as illegal any strike conducted by workers who are not members of a legally registered union. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. The courts may imprison employers for violating this prohibition, but they are more likely to fine them. The law does not protect leaders of illegal strikes. In May and June, there were strikes by small and large businessmen throughout the country to protest the Government's efforts to collect taxes. In May there was a 3-day strike by religious leaders against General Musharraf's proposed modification of the blasphemy law (see Section 2.b.).

Unions may belong to federations, and there are eight major federations. The Government permits trade unions across the political spectrum. While many unions remain aloof from politics, some are associated with political parties. Unions associated with opposition parties are allowed to carry on their activities freely.

In 1997 the Cabinet passed an amendment to the IRO which states that: 1) only employees of the represented industry can hold office in a trade union; and 2) if trade unions form a federation, the federation cannot bargain with individual employers; each component union has to bargain for itself. The first provision disadvantages smaller unions, which may not have enough officers capable of bar-

gaining. The second provision is an attempt to weaken the power of the federations. This amendment has been challenged by the trade unions and, as a result, has not yet come into force. Late in 1997, the Prime Minister announced the Government's new investment policy, under which, in order to improve working relations among employees and employers, trade union activity would be industry-based and not factory-based. The new policy also decrees that, in order to check the growth of trade unions, unions receiving less than 20 percent of the votes in a referendum are to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements of the investment policy.

The ILO has stated repeatedly that current law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity with respect to teachers, radio, television, railway, forestry, hospital, banking, and other Government employees, as well as to rescind the existing ban on strikes. The ILO also expressed concern about the practice of artificial promotions that exclude workers from the purview of Convention 111. In response to a Government request, the ILO has provided technical assistance to help bring the country's labor laws into conformity with the ILO's conventions. However, no legislative remedies have been applied.

In 1994 a government task force on labor recommended improvements on worker rights problems, which formed the basis for the development of a new government labor policy. The Government has not approved the new policy; however, it has implemented two components of the proposed policy: 1) improvements in the workers' welfare fund; and 2) increases in social security benefits for workers. Federations are free to affiliate with international federations and confederations. Pakistani trade unions belong to the ICFTU and to secretariats affiliated with the ICFTU.

The United States revoked generalized system of preferences (GSP) trade benefits in 1996 for failure to make progress on worker rights issues.

b. The Right to Organize and Bargain Collectively.—The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. The IRO prohibits antiunion discrimination by employers. Under the law, private employers are required to reinstate workers fired for union activities. However, in practice, such redress has not been available to workers, because workers usually do not pursue redress through the courts due to the fact that the legal system is normally slow, prohibitively expensive, and sometimes corrupt. In general, legal unions have the right to bargain collectively. However, the many restrictions on forming unions (see Section 6.a.) preclude collective bargaining by large sections of the labor force like agricultural workers who are not provided with the right to strike, bargain collectively, or make demands on employers. The National Bank of Pakistan Employees Union filed suit against the Government for implementing a banking companies ordinance that prohibited union activities in banks during working hours and allowed only current bank employees to serve as bank trade union officials. Labor unions report that workers are given artificial promotions (such as a new title with no salary increase) to make them ineligible for union membership. This practice is prevalent in the financial sector, particularly among foreign banks.

The ESMA also restricts collective bargaining. For each industry subject to the ESMA (see Section 6.a.), the Government must make a finding, renewable every 6 months, on the limits of union activity. In cases in which the Government prohibits collective bargaining, special wage boards decide wage levels.

The boards are established at the provincial level and are composed of representatives from industry, labor, and the provincial labor ministry, which provides the chairman. Despite the presence of labor representatives, unions generally are dissatisfied with the boards' findings. Disputes are adjudicated before the National Industrial Relations Commission. A worker's right to quit also may be curtailed under the ESMA. Dismissed workers have no recourse to the labor courts.

The ESMA exempts export promotion zones (EPZ's) from the IRO's granting of workers the right to form trade unions. There is only one EPZ, in Karachi, with nearly 6,000 employees, according to government sources. In 1996 the Cabinet decided to withdraw these exemptions beginning in January 2000. However, the Government has stated that it will honor agreements with investors regarding the exemptions, making it unlikely that the EPZ's exemption will be lifted before 2001.

c. Prohibition of Forced or Compulsory Labor.—The suspended Constitution and the law prohibited forced labor, including forced labor by children; however, the Government does not enforce these prohibitions effectively. Critics argue that the ESMA's limitation on worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO has objected to this violation of Convention 29. The Government has responded that the maintenance of essential services is required for the defense and security of the country, and that continued reviews have limited

these services to a few core areas like electricity generation and distribution, and air and sea ports.

There is a reasonable basis to believe that handmade bricks and hand-woven wool carpets are produced with forced or indentured child labor. Illegal bonded labor is widespread. It is common in the brick, glass, and fishing industries and is found among agricultural and construction workers in rural areas. A 1998 study by a trade federation reported that over 200,000 families work in debt slavery in the brick kiln industry and there are reports that this figure has grown with the arrival of Afghan refugees to the country. The Bonded Labor Liberation Front (BLLF) is an NGO that advocates for the rights of bonded laborers and provides a safe haven and educational and vocational training for those who have escaped their bondage. The BLLF states that it freed 820 bonded brick kiln workers (including 351 children) in 1999. There is no evidence that bonded labor is used in the production of export items like sporting goods and surgical equipment. However, bonded labor reportedly is used in the production of carpets for export under the peshgi system, by which a worker is advanced money and raw materials for a carpet he promises to complete. Many workers do not realize the extent of their exploitation. The lack of education among bonded laborers deprives them of the ability to perform the necessary calculations to know when they have paid their debts to bondholders. Bonded laborers who escape often face retaliation from former employers. Although police do arrest violators of the law against bonded labor, many of these individuals bribe the police to release them. Conservative estimates put the number of bonded workers at several million. The Government disputes that peshgi workers are "bonded" or "forced" laborers and argues that they are "contract laborers" who negotiate a salary advance in a free and open market.

Human rights groups report that as many as 50 private jails housing some 4,500 bonded laborers were maintained by landlords in rural Sindh (see Section 1.d.).

The suspended Constitution and the law prohibited slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and sold families to other landlords.

The Bonded Labor System (Abolition) Act of 1992 outlawed bonded labor, canceled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. The act makes bonded labor by children punishable by up to 5 years in prison and up to \$900 (PRs 50,000) in fines. However, the provincial governments, which are responsible for enforcing the law, have failed to establish enforcement mechanisms. Furthermore the law is written in English and is frequently incomprehensible to persons it is intended to protect. Hence the law is ineffective. Lacking employment alternatives, many workers who have been freed end up returning to bonded labor. In April General Musharraf announced that approximately \$1,700,000 (PRs 100,000,000) have been designated to fight bonded labor. However, these funds were not allocated by year's end.

There are reports that children in juvenile detention facilities are required to work. Children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail reportedly are involved in woodcrafts and television repairs (see Section 6.d.). Verifying these reports is difficult because of limited outside access to the jail.

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

Children sometimes are kidnaped to be used for forced labor. According to 1996 ILO estimates, 3.3 million children between the ages of 5 and 14 years (about 8 percent of this population group) are "economically active." Of these, about two-thirds work in agriculture. Seventy percent of the working children have the status of "unpaid family helpers." Many observers believe that the ILO estimates understate the true dimensions of the problem. Observers also believe that the incidence of bonded labor among such children is significant, but there are no reliable figures available on this. Some boys, usually between the ages of 6 and 9, are taken to countries in the Persian Gulf to serve as camel jockeys (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is common and results from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The suspended Constitution prohibited the employment of children aged 14 years and under in factories, mines, and other hazardous occupations. The Employment of Children Act of 1991, whose provisions were extended by the President in 1998 to the FATA, prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night. Penalties for the violation of the act include fines of up to \$335 (PRs 20,000) or 1 year in prison. The Government acknowledges that child labor is a problem. The

Constitution prohibits forced labor, including forced labor performed by children; however, forced and bonded labor by children is common (see Section 6.c.).

Children in juvenile detention facilities reportedly are required to work; children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail, reportedly are involved in woodcrafts and television repairs (see Section 6.c.).

In 1996 the Government announced the results of its first comprehensive child labor survey conducted with the assistance of the ILO's International Program for the Elimination of Child Labor (ILO-IPEC). According to the survey, 8.3 percent (or between 3.3 and 3.6 million) of children between the ages of 5 and 14 worked. The child labor force was predominately male (73 percent) and rural (71 percent). About 60 percent of child labor in the country occurred in Punjab. Some 45.8 percent of child laborers worked 35 hours or more per week and 12.6 percent worked 56 hours or more. The majority (67 percent) of child laborers worked in agriculture, forestry, hunting, and fishing industries; 11 percent in the manufacturing sector, 9 percent in wholesale and retail, and 8 percent in social and personal services. In occupational terms, craft and related trade work accounted for about 19 percent of child laborers, while 71 percent worked in unskilled jobs. Only the Government and exporters regard the ILO survey as an accurate measurement of the incidence of child labor. Many observers believe that it understates the problem, and give higher estimates of as many as 20 million child laborers. A 1997 survey by the Pakistan Institute of Labor Education and Research indicated that in one-fourth of 187 Karachi households, the eldest child worker (below the age of 14) provided more than 40 percent of household income. A recent ILO survey indicated that agriculture is the largest child labor industry; followed by the informal sector, which includes domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries rank third. The report also noted that when programs are developed to eliminate child labor in one industry, parents often shift their children to work in other industries. A survey conducted by the Human Rights Commission of Pakistan published in June 1999 noted that there are approximately 4,000 children working in auto workshops in the Mardan district of the NWFP. The report stated that most of the children were between the ages of 3 and 8. In a press conference in February, the president of the Punjab Laborers Front stated that 100,000 children between the ages of 5 and 12 years were working in more than 4,500 brick kilns in Punjab. The ILO, the Ministry of Labor, and the Federal Bureau of Statistics was scheduled to conduct a new survey in 2001 in over 30,000 households; this survey will include the agricultural sector and rural areas where the worst forms of child labor often occur.

Child labor, mostly female, is common in the carpet industry, much of which is family-run. Carpet manufacturers are working with ILO-IPEC to establish a program to eliminate child labor from the industry through monitoring and rehabilitation. Although surgical instrument manufacturers have acted to remove child laborers from their factories, child labor still occurs at rudimentary offsite filing and polishing centers run by subcontractors for low-end items. Almost all children working in the surgical instrument industry are male. According to the ILO and the Punjab Welfare Department, children constitute about 15 percent of the work force in the surgical instrument industry in Sialkot; 7,500 of these children are estimated to be under age 14. According to a June 1999 report issued by Public Services International, the average age of children in the surgical instrument industry is 12. Children in the surgical instrument industry are prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. The successful efforts to eliminate child labor in other industries have not been mirrored in the surgical instrument industry. Child labor is not regarded as a particular problem in the textile and apparel industries, but no specific studies of this sector have been performed. In October Fayyaz Ahmad, a child worker in a textile mill died as a result of injuries he sustained when his clothing became entangled in machinery.

In 1997 soccer ball manufacturers, importers, the ILO, and UNICEF implemented an 18-month action plan (the Atlanta Agreement) to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitored the production of soccer balls at newly established stitching centers, and set up as many as 185 rehabilitation centers to educate former child laborers and their younger siblings. At year's end, there were 153 rehabilitation centers; however, an additional 70 centers are projected for the next 2 years. The project also sought to identify unemployed adults, particularly women, from the families of former child stitchers to take up stitching work and replace lost income. Women initially were reluctant to move from their homes to stitching centers, so the project began to establish small, home-based stitching centers in individual villages; by year's end, there were 358 home-based

centers and 146 larger centers for female stitchers. The ILO currently monitors over 1,200 stitching centers. Saga Sports, which also manufactures soccer balls, has built modern community-based facilities in 10 villages with a high percentage of family stitching operations. The facilities contain work space for stitchers as well as dining areas, child care centers, recreation areas, and medical clinics. Each facility also has its own water system, waste disposal system, generator for electricity, and transportation system. Meals, child care, medical services, and use of the facilities are provided gratis to workers and their families; use of non-production areas is allowed to all community members. These centers reportedly have created approximately 6,000 jobs, 400 to 500 of which are held by women. During the year, Saga Sports became the first industry in Sialkot to permit freedom of association. By year's end, over 6,000 children have been removed from employment in the soccer ball industry.

Under a memorandum of understanding with the Government, the International Program for the Elimination of Child Labor (ILO/IPEC) program in Pakistan is involved with other child labor projects. Projects in Sialkot include one in the surgical instruments industry and one in the non-formal (non-exporting) sectors. The ILO works with the Government, employers, workers, and NGO's to pursue the Government's policy and plan of action for child labor. The Government established 30 rehabilitation centers (50 are planned) for former child laborers through the Pakistan Bait-ul-Mal, the Government's social welfare fund. Each center educates 120 children. The ILO created a similar program in conjunction with the European Union, specifically targeting child bonded laborers. In 1998 the ILO and the Swiss Agency for Development and Cooperation (SDC) launched a large project to combat child labor and child abuse in the NWFP. This program, which targets children in the automobile repair sector, aims to provide children with vocational training and informal education. In May the Government, in conjunction with the ILO, issued a national policy and action plan to combat child labor. Its three principal goals are: To immediately eradicate the worst forms of child labor, to progressively eliminate all remaining forms of child labor, and to ensure at least a primary education and vocational training for the targeted children. According to the plan, funding will be provided by the federal and provincial governments and "international donors;" however, no funds were allocated to implement this plan by year's end.

In response to international criticism, the Government has begun to push provincial authorities to enforce child labor laws. However, enforcement of these laws remains a problem. There are few child labor inspectors in most districts, and the inspectors often have little training and insufficient resources. They reportedly also are subject to corruption. By law inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in facilities smaller than this. Hundreds of convictions are obtained each year for violations of child labor laws, but low fines levied by the courts—ranging from an average of \$7 (PRs 364) in the NWFP to an average of \$140 (PRs 7,280) in Baluchistan—are not a significant deterrent. The 1991 Employment of Children Act allows for fines of up to \$350 (PRs 18,200). Penalties often are not imposed on those found to be violating child labor laws.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from the Ministry of Commerce. Other NGO's, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and international organizations, operates 33 education centers for children known collectively as the National Center for the Rehabilitation of Child Labor. Parents of working children are offered compensation of \$6 per month (PRs 300), plus a small daily stipend of about \$0.10 (PRs 5) in exchange for sending their children to school. Children in the centers receive free schooling, uniforms, books, and meals. However, many children apparently do not remain there for more than 1 year; the schools often are in areas far from their clients, and some children reportedly are sent to the schools in order to qualify for the stipend. The Bunyad Literacy Community Council also runs schools focusing on children who work in the soccer ball and carpet industries; its programs aim to transition children out of working and into mainstream schooling. Other local NGO's, such as the Society for the Protection of the Rights of the Child, are working to eliminate child labor.

e. Acceptable Conditions of Work.—Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is \$35 (PRs 1,976) per month, with only slightly higher minimum rates for skilled workers. It applies only to industrial and commercial establishments employing 50 or more workers and not to agricultural or other workers in the informal sectors. The minimum wage usually is inadequate to provide a decent standard of living for a worker and family, since families tend to be large, including members of the extended family.

Federal law provides for a maximum work-week of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Many workers are unaware of their rights because of their lack of education.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health and safety standards in the workplace, health care, education for workers' children, social security, old age benefits, and a workers welfare fund. Employees earning more than \$52 (PRs 3,120) per month are not considered workers for the purpose of these benefits.

The provinces have been ineffective in enforcing labor regulations because of limited resources, corruption, and inadequate regulatory structures. In general health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and its efforts to enforce existing legal protection are weak. Workers cannot remove themselves from dangerous working conditions without risking loss of employment. There is a serious lack of adherence to mine safety and health protocols. For example, mines often have only one opening for entry, egress, and ventilation.

f. Trafficking in Persons.—The law prohibits the trafficking of women under age 21 into the country for sexual purposes, as well as kidnaping and slavery; however, trafficking in persons, especially in women, is a significant problem. Trafficking in women is protected by powerful criminal interests and operates relatively openly. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. For example, despite the large numbers involved, only 88 cases have been registered in Sindh between 1990 and 1999. Of the 260 men and 110 women arrested, only 87 were charged and only 7 were sentenced.

Pakistan is a receiving country for thousands of trafficked women every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, and Afghan women also are trafficked into the country and some Pakistani women were trafficked overseas. The Commission of Inquiry for Women drew attention to the problem of "enforced prostitution and trafficking in women," noting that women are the victims of exploitation by police and pimps, and should be treated with compassion. Trafficking in women has occurred for decades; there are likely several hundred thousand trafficked women in the country. A Karachi-based NGO estimates that 100 to 150 women who are trafficked into the country each day from Bangladesh are sold for domestic labor throughout the country and for forced prostitution in Karachi. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab. Trafficking victims usually are deceived with false prospects of marriage or offers of legitimate jobs in Pakistan. They generally do not have legal residency, and, if arrested, end up in jail for violation of immigration laws or the Hudood ordinance. Without money to pay for bail, they often are bailed out by their pimps, who force them to return to prostitution. Small numbers of escaped victims of trafficking end up in shelters, but most do not because there are few such shelters available. Many women who are not bailed out are not repatriated; since they arrive without documentation, the Bangladesh High Commission will not take responsibility for them, and they remain confined to women's shelters. Some have been repatriated at the expense of individuals who discover them and pay for their return home.

Prices for trafficked women start at approximately \$550 (PRs 30,000) but can go as high as approximately \$5,000 (PRs 260,000). Physical beauty and educational level are major factors in determining prices. Some women sold in shops in Karachi reportedly are sent to Persian Gulf countries, where they are slaves; women sent to rural Pakistan reportedly are de facto slaves. Buyers in such shops reportedly purchase women for purposes of labor or sex; some are married to their buyers.

There are reports that Afghan and Bangladeshi girls are trafficked into the country for sexual purposes.

Young boys are trafficked from Pakistan to the Persian Gulf to work as camel jockeys; reports estimate that there are between several hundred and a few thousand boys between the ages of 4 and 10 working as camel jockeys, mostly in the United Arab Emirates (UAE). The majority of these boys are sent to the Gulf countries by their parents, landless agricultural workers who receive a monthly sum of money for their child's labor. Parents occasionally also accompany their children to the Persian Gulf. However, a significant minority of these children are abducted by traffickers in the country and sent abroad without the knowledge of their parents. The conditions such children live under often are poor, and many children reportedly are injured or maimed while racing camels. The children reportedly do not receive proper medical care or schooling, and when they become too old to race, they are sent back to the country and left to fend for themselves. In February the district

administration in Multan approached the Pakistan Ambassador to the UAE for the return of two children reportedly sold to a UAE citizen for approximately \$400 (PRs 20,000) each, and the federal investigation agency filed charges against four residents of Multan who were involved in the deal. To date, there has been no report on the return of the boys. Within the country, children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently are abused by these landlords and held as bonded laborers for life.

SRI LANKA

Sri Lanka is a longstanding democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. Chandrika Kumaratunga, head of the governing People's Alliance (PA) coalition, won reelection in 1999 for a second 6-year presidential term in a process marked by voting irregularities and at least six election-related deaths. Violence and fraud marked the October parliamentary elections as well; at least seven persons were killed in campaign-related violence in the period prior to the October election, which resulted in a reduced majority for the PA for the next 6-year period. The Government respects constitutional provisions for an independent judiciary. Through its rulings, the judiciary continued to exhibit its independence and to uphold individual civil rights, although the Supreme Court Chief Justice, in an attempt to reduce the court's workload, limited the fundamental rights cases that the court examined, preventing some torture victims from obtaining redress.

For the past 17 years, the Government has fought the Liberation Tigers of Tamil Eelam (LTTE), an insurgent organization fighting for a separate ethnic Tamil state in the north and east of the country. The conflict has claimed over 62,000 lives. In 1999 government forces took LTTE-controlled areas north and west of Vavuniya, but counterattacks starting in November 1999 erased most government gains. In January the LTTE began a buildup on the Jaffna peninsula and in April captured the important Elephant Pass military base. The clashes left large numbers of civilians dead or wounded and displaced more than 150,000 persons. Although the military halted the LTTE advance toward Jaffna in June, continuing clashes between the security forces and the LTTE killed several hundred more persons on both sides.

The Ministry of Defense controls all security forces (armed forces and police). The 60,000-member police force is responsible for internal security in most areas of the country, and it also has been used in military operations against the LTTE. The 120,000-member army (which includes the Army Volunteer Force), the 17,000-member navy, and the 18,500-member air force bear principal responsibility for conducting operations against the LTTE insurgents. The police paramilitary Special Task Force (STF) also battles the LTTE. The more than 15,000-member Home Guards, an armed force drawn from local communities and responsible to the police, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and appears to direct various anti-LTTE Tamil militias, although at times these groups seemed to act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy based on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from tourism and the repatriated earnings of citizens employed abroad. The gross domestic product (GDP) per capita is approximately \$850. Real GDP growth was 4.3 percent in 1999; because of increased exports and a surge in remittances from citizens abroad, growth by year's end reached 6.1 percent. In 1997 the Government intensified efforts to promote economic reform and liberalization, including privatizing public sector enterprises and promoting foreign investment and trade. These steps continued during the year, although privatization slowed due to the unsettled situation in the country.

The Government generally respected the human rights of its citizens in areas not affected by the insurgency, but there are serious problems in some areas, and the ongoing war with the LTTE continued to be accompanied by serious human rights abuses by both sides of the conflict. Security forces committed numerous extrajudicial killings. In the past, security forces almost certainly killed prisoners captured on the battlefield; however, there were no reports of this abuse during the year. The military and police reportedly tortured detainees, and one person died in

police custody. In addition nine individuals reportedly disappeared from security force custody in Vavuniya and in the east. In the past, persons also have disappeared or have been killed after last being seen near the army's forward defense lines in the north, areas that civilians are ordered by the military to avoid. The circumstances of such disappearances and killings were unclear, and with the many military offensives and forward defense line changes throughout the years, the risk to civilians remained high. The military took some measures to limit civilian casualties during operations, although more than 100 civilians died, with hundreds more injured, as a result of military-LTTE clashes. Torture remained a serious problem, and prison conditions remained poor. Arbitrary arrests (including short-term mass arrests and detentions) continued, often accompanied by failure of the security forces to comply with legal protections. New Emergency Regulations (ER) published in May further eroded due process protections. Impunity for those responsible for human rights abuses also remained a serious problem. Little progress was made in resolving many cases of extrajudicial killing or disappearance. In most cases, there was no investigation or prosecution, giving the appearance of impunity for those responsible for human rights violations. The Government infringed on citizens' privacy rights and restricted freedom of the press. The Government continued to engage in censorship of domestic newspaper reporting and some foreign television broadcasts on military and security operations during the year, implementing stringent censorship regulations and shutting down newspapers critical of the Government. On occasion in previous years, security forces harassed journalists; however, there were no reports of such harassment during the year. Serious restrictions remained on freedom of movement, especially from Vavuniya to Colombo and the southern part of the country generally. Violence and discrimination against women, child prostitution, child labor, and discrimination against the disabled continued to be problems. There is some discrimination and occasional violence against religious minorities, and there is institutionalized ethnic discrimination against Tamils. Trafficking in women and children for the purpose of forced labor occurs, and a significant number of male children are trafficked into prostitution for foreign pedophiles.

In March the Government named five commissioners including a new chairman for the National Human Rights Commission (HRC), which has 11 offices around the country; however, human rights observers believed the HRC was not pursuing its mandate aggressively due to poor leadership. Rights activists expressed some satisfaction with the new leadership. The Committee to Inquire into Undue Arrest and Harassment (CIUAH) continued to assist those alleging abuse at the hands of the military and police. Human rights groups state that the committee is somewhat effective; however, critics believe that the committee's services have not been advertised widely, and they question its continued viability. In November the Government established an Interministerial Permanent Standing Committee and an Interministerial Working Group on Human Rights Issues, chaired by senior officials, to investigate human rights abuses referred by the Supreme Court, U.N. organs, or international human rights organizations. The Government in November also established the Prosecution of Torture Perpetrators Unit, under the direct supervision of the Attorney General, to prosecute torture cases. In March authorities arrested five suspects and issued an arrest warrant for another, in connection with the mass graves in Chemmani exhumed in 1999. Several of those arrested received bail. The case has not yet come to trial, and it was still pending at year's end.

The Government did not attempt, as in the past, to use the ER to cover up security force misdeeds; however, the Government arrested one person under the Prevention of Terrorism Act (PTA) to stifle competition with the state telecommunications monopoly. The Government captured or accepted the surrender of at least two LTTE cadres throughout the year (it is widely believed that many LTTE cadres committed suicide to avoid capture). The Government also continued to provide relief to those displaced by the conflict although many were still in areas under LTTE control such as the Vanni. However, government restrictions on medical supplies and a significant reduction in food rations contributed to poor health conditions for civilians in the Vanni. The Attorney General's office continued to indict security force personnel (including paramilitary organizations) and antigovernment elements, primarily the leftist Janatha Vimukthi Peramuna (JVP), who were implicated in the 1997 reports of three regional commissions that documented the disappearance of more than 16,000 persons from 1988 to 1994. These persons disappeared after being removed forcibly by security force personnel and others. The Attorney General referred 348 files for action by the courts, involving 583 security force personnel and resulting in 4 convictions of 88 members of the police and military. A fourth commission, which was established in May 1998 to investigate the 10,000 cases of disappearance that the first 3 commissions could not investigate be-

fore their mandates expired, sent a report to the President on August 31 to assist in further investigations and possible indictments.

There are several former Tamil insurgent organizations currently aligned with the Government. These progovernment Tamil militants, who are armed and at times appear to be directed by the security forces, sometimes committed extrajudicial killings and were responsible for disappearances, torture, detentions, extortion, and forced conscription in Vavuniya and the east. The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) committed many such abuses. Both PLOTE and the Tamil Eelam Liberation Organization (TELO) supposedly were disarmed by the Government in Vavuniya after a May 1999 exchange of gunfire between the groups in Colombo.

The LTTE continued to attack civilians. The LTTE continued to commit serious human rights abuses in the ongoing war with the Government. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefield, and also was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. At least 170 noncombatants were killed from January through September in LTTE suicide bombings and other attacks outside of the northern conflict zone. Through a campaign of killing and intimidation, the LTTE continued to undermine the work of the local government bodies in Jaffna whose members were elected in free and fair elections in January 1998. In addition the LTTE warned Tamil politicians in the east to discontinue their political activities during part of the year; however, they later lifted their ban on such activity for some politicians.

Although it released four prisoners in February and another in June, the LTTE refused to free remaining military personnel and civilians in its custody. The LTTE continued to control large sections of the north and east of the country through authoritarian military rule. It denied those under its authority the right to change their government, infringed on privacy rights, routinely violated civil liberties, operated an unfair court system, restricted freedom of movement, used child soldiers, and severely discriminated against ethnic and religious minorities.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Police, Home Guards, and army personnel committed extrajudicial killings, including the killing of civilians in connection with the conflict with the LTTE. One person died in police custody at Kantale after being arrested for suspected terrorist activity in June (see Section 1.c.). The STF shot and killed two young Tamil civilians in March. Seven persons died in elections-related violence on September 29. On July 13, army soldiers allegedly killed a Tamil student in Jaffna, which led to more than a week of protest and boycotts by students. The exact number of extrajudicial killings was impossible to ascertain due to frequent censorship of news relating to military or police operations and to lack of regular access to the north and east where the war between the Government and the LTTE insurgents is being waged.

On April 30, gunmen in police uniforms killed the chief suspect in the 1993 killing of prominent politician Lalith Athulathmudali.

On October 27, while police allegedly looked on, 27 Tamil males between 14 and 23 years of age were hacked to death by local villagers armed with machetes and clubs; 15 others were injured. Police allegedly took part in the killings and did nothing to prevent the villagers from entering the detention camp. The victims were former child soldiers being detained at a government-run "rehabilitation" camp at Bindunuwewa near Bandarawela. President Kumaratunga sent two police teams to investigate. The HRC said the police were guilty of "grave dereliction of duty," and it did not believe that the mobs could have overpowered the police present. By year's end, police had arrested 3 employees of a local teacher's technical training college and detained 13 policemen in connection with the incident. Violence after the killings at Bindunuwewa continued for almost a week in the country's central hill area, and at least 14 people died during the week before police could restore order.

On December 19, nine Tamil civilians were reported missing in Mirusuvil after being arrested by the Sri Lanka Army (SLA). One person escaped, and after checking himself into the local hospital for torture wounds, reported the incident to police and the local magistrate. The magistrate, accompanied by police, took the person to the site where he and the other eight had been arrested and tortured. The escapee identified two SLA soldiers as the perpetrators, and the soldiers admitted to torturing nine civilians and murdering eight. The soldiers identified the place of burial, and the bodies were exhumed. On December 25, an additional SLA commissioned officer and six additional SLA soldiers were arrested for the torture and mur-

ders. The army commander is monitoring the matter and has ordered a separate inquiry into the incident (see Sections 1.b. and 1.c.).

In some cases, extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. In Thampalakamam, near Trincomalee, in February 1998, police and home guards allegedly massacred eight Tamil civilians, including three children, possibly in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier. The Government arrested 31 police officers and 10 home guards, and charged 4 with murder and 17 with unlawful assembly. The other 20 were released after the Attorney General determined that there was insufficient evidence against them. The case remained active during the year.

Impunity remains a serious problem. Since April 1995 at least several hundred persons have been killed extrajudicially by the security forces or have disappeared after being taken into security force custody; they are presumed dead. With the exception of the 6 security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy and the 4 convictions for abduction involving 88 security force personnel, no member of the security forces has been convicted for any of these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. In August 1998, the Government reimposed a state of emergency nationwide. There was no evidence that the Government was using the ER, as in previous years, to conceal extrajudicial killings or disappearances. Nevertheless, crucial safeguards built into the ER and the legislation establishing the HRC often were ignored by the security forces—especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished for this during the year.

In 1998 the court sentenced 6 persons to death and acquitted 2 others in the case of 16 police and army personnel prosecuted for the rape and murder of Tamil school-girl Krishanthi Kumaraswamy, the murder of 2 members of her family, and the rape and murder of another individual. At his sentencing, 1 of the convicted, former Lance Corporal Somaratne Rajapakse, claimed knowledge of mass graves at Chemmani in Jaffna containing the bodies of up to 400 persons killed by security forces in 1996. Five others convicted in the Kumaraswamy killings later also claimed knowledge of mass graves in the Chemmani area where they allegedly had buried between 120 and 140 bodies on the orders of their superiors. In 1998 the Ministry of Defense (MOD) stated that the police Criminal Investigation Department had been directed to examine the allegation, and forensic experts and detectives were to visit the site. Exhumations in 1999 in the presence of international observers and forensic experts yielded 15 skeletons. Two of the victims provisionally were identified as young men who had disappeared in 1996. In December 1999, the Government submitted its forensic report to a magistrate in Jaffna; the report stated that 10 of the remains, including a skeleton that was bound and blindfolded, showed signs of physical assault which led to their deaths. The cause of death was not determined for the remaining bodies; however, the report stated that physical assault leading to death could not be ruled out. By year's end, 13 of the bodies had not been identified. Family members provisionally identified the bodies. Rajapakse and others named a total of 20 security personnel, including former policemen, as responsible for the killings. On March 14, authorities arrested five suspects and issued an arrest order for another who fled. In June one suspect not charged with murder was released on bail. The case was pending at year's end, but fighting near Jaffna displaced key witnesses and delayed proceedings.

Although in June the courts ordered five soldiers arrested for the July 1999 gang rape and murder of Ida Carmelita, a young Tamil girl (two additional suspects were already in remand), the case remained pending at year's end. During the year, investigations conducted into the case found that the weapons used in the killing belonged to army personnel. Various witnesses testified at hearings held during the year. The case is to continue in 2001.

The 1997 death of Reverend Arulpalan was not investigated during the year.

In December 1997, three Tamil prisoners were hacked to death in prison by Sinhalese prisoners at Kalutara prison. Prison staff and army personnel at the prison allegedly failed to take measures to protect the detainees even as the attack occurred. At year's end, no charges had been filed in connection with the case. On January 6 and 7, 2 Tamil detainees in Kalutara prison died and more than 40 suffered injuries in clashes with other prisoners and prison guards. Authorities subsequently

moved many detainees to another facility, but by year's end, they had taken no action against those responsible for the killings.

The case against 8 soldiers and 1 reserve police constable arrested in February 1996 in the massacre of 24 Tamil villagers in Kumarapuram came to trial in September 1997. In November 1998, six of the soldiers were charged with murder, and the case was scheduled for trial during that year; however, the case had not gone to trial by year's end. The other two accused security force agents were released due to lack of evidence.

The case of the 22 STF members arrested on suspicion of murdering 23 Tamil youths at Bolgoda Lake in 1995 went to trial in June. Since key witnesses did not appear, the prosecution asked for the case to be rescheduled to October, when another hearing was held. The next hearing was scheduled for March 8, 2001.

The PA Government came to power in 1994 and promised to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994 it began prosecutions in several extrajudicial killings allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. The court held hearings in June and October, but the case was postponed until January 2001. Many witnesses for the case live in refugee camps, and they cannot come to court to give evidence; observers believe that the case likely will be protracted.

Former insurgent Tamil militant groups armed by and aligned with the Government committed extrajudicial killings in the eastern province and in the Vavuniya area in the north. The military wing of PLOTE and the Razeek group were responsible for killing a number of persons. The security forces arm and use these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE insurgents, and, in some cases, to fight in military operations against the insurgents. The exact size of these militias is impossible to ascertain, but they probably total fewer than 2,000 persons. Although the army in some instances took steps to convert Tamil militia groups into regular army units, military oversight of these groups remained inadequate, and complaints about them continued, especially in Vavuniya and Batticaloa. These groups frequently operated beyond government control. Complaints about their activities continued, especially in transit camps for internally displaced persons (IDP's) in Vavuniya. The militias gain access to these camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Persons killed by these militants probably included both LTTE operatives and civilians who failed to comply with extortion demands. Unknown assailants killed Jaffna media correspondent Mayilvaganam Nimalarajan in the early morning of October 20. Nimalarajan's outspoken criticism of paramilitary groups in Jaffna led many to believe that one of these groups killed him. In February two members of the Razeek group were killed in separate incidents; in March a member of PLOTE was killed in Batticaloa; in April two TELO members were killed. These deaths likely resulted from rivalry among the groups. In May 1999, the Government forbade these groups from carrying arms and from stockpiling weapons, but these prohibitions have generally not been effective.

Violence marred the period prior to parliamentary elections in October. By September 29, at least seven persons had died in election-related violence, and local monitoring organizations reported over 500 violent acts.

On January 5, assailants shot and killed pro-LTTE Tamil politician Kumar Ponnambalam. Police detained four persons, two of whom alleged that a local businessman had hired them to commit the murder. The investigation continued at year's end.

During the year, the Government ordered payment of compensation to victims of a 1999 air force bombing that killed 22 civilians at Puthukkudiyiruppu.

The LTTE committed many extrajudicial killings, including many bombings (see Sections 1.c. and 1.g.). On January 23, the LTTE killed 14 civilians in Kokkadicholai for alleged links to the security forces. On March 1, the LTTE killed a Jaffna municipal council member from the Eelam People's Democratic party (EPDP). On March 10, in an attack meant for government ministers scheduled to travel along a certain route near Parliament, the LTTE killed 30 civilians and injured 60 more with claymore mines, rocket propelled grenades, and automatic weapons during rush hour in a Colombo suburb. Other civilians died or suffered injuries in a fight between security forces and the LTTE that evening. On March 11, LTTE cadres who survived the first battle committed suicide or died at the hands of the security forces. In Batticaloa on November 7, two suspected gunmen killed newly-elected Tamil United Liberation Front (TULF) Member of Parliament Nimalan Saundranayagam and wounded his security guard.

On January 27, an LTTE bomb exploded at the post office in Vavuniya where military personnel were collecting paychecks, killing 11 persons and injuring more than 70 others, mainly civilians. Several bombings in commuter buses in January and February attributed to the LTTE killed 4 persons and injured more than 100 others. On May 17, an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons, including children, and wounded dozens of others. Credible witnesses reported gunfire 10 minutes after the explosion; they described it as a retaliatory attack by police that allegedly killed 4 persons (see Section 1.g.), but police and hospital records do not confirm this account. On May 30, an LTTE bomb in Nelunkulan near Vavuniya killed 2 persons and injured 40 others. On June 14, an LTTE bomb hit a bus transporting members of the air force, injuring more than a dozen soldiers and killing two civilians. On December 14, a bomb explosion linked to the LTTE killed two civilians and two police officers.

On January 5, a suicide bomb blast in front of the Prime Minister's office killed 14 persons and injured dozens of others. On June 7, an LTTE suicide bomber killed 23 persons, including the Minister of Industrial Development C.V. Gooneratne and his wife, at a parade in a Colombo suburb. On June 26, an LTTE suicide boat rammed the M.V. Mercs Uhana, a civilian transport ship carrying food and other supplies to Jaffna. Five of the ship's crew remain missing, and they may have died in the attack or fallen prisoner to the LTTE. On September 15, an LTTE suicide bomber killed himself, 5 others, and wounded more than 20 persons, in front of the National Eye Hospital in central Colombo. In a similar incident, on October 5, an LTTE suicide bomb killed 10 persons and injured 40 persons at a PA political rally at the north-central town of Medawachchiya.

The LTTE also has targeted progovernment Tamil groups in the past.

The LTTE also has committed a number of "lamp post" killings, although there were no reported lamp post killings during the year. At least 14 persons found guilty of offenses by the LTTE's self-described courts were killed in 1999 by the LTTE in public executions; their bodies were tied to lamp posts or otherwise left for public display. The LTTE has attacked government installations, killing and wounding civilians, and the LTTE reportedly sometimes also kills its own injured troops to avoid their capture (see Section 1.g.).

On October 2, at least 20 civilians were killed when a suicide bomber killed Mohammed Lathif Baithullah, a candidate for the Sri Lanka Muslim Congress, and his bodyguards, during campaigning for the October 10 parliamentary elections. All of the civilians were reportedly members of the Muslim community.

On October 19, a suicide bomb attack near the town hall in central Colombo left 3 dead and injured 24 others, including 3 foreigners.

No further investigation has been made into the November 1999 killing by unknown assailants of Ramesh Nadarajah, a Tamil Member of Parliament for the EPDP and editor of a weekly Tamil-language newspaper.

During the year, no investigation or arrests were made in connection with a grenade explosion in November 1999 that killed a person and injured 35 others at a political rally held by UNP.

In March 1999, municipal workers uncovered a pit near the Durraipa Stadium in Jaffna that contained the skeletal remains of several persons. Forensic evidence suggested that these remains were about 10 years old. This discovery potentially implicated the Indian Peacekeeping Force (IPKF), which occupied Jaffna at the time. Critics contrasted the prompt investigation of the Durraipa stadium graves with the slow investigation of the Chemmani mass graves.

b. Disappearance.—Disappearances at the hands of the security forces continued in the north and east. During the year, there were no reports of disappearances in Colombo, or Jaffna. The army, navy, police, and paramilitary groups caused as many as 11 disappearances in Vavuniya and Trincomalee through September 29. In January, bodies of three Tamils allegedly taken by the Home Guards near Trincomalee were found; two of them had been decapitated. In December eight Tamil civilians were reported missing in Mirusuvil after being arrested and tortured by the SLA. Two SLA soldiers were identified as perpetrators and admitted to murdering seven of the civilians. The bodies were exhumed. One SLA commissioned officer and six additional SLA soldiers were arrested later. At year's end, the army commander had ordered an inquiry into the incident (see Sections 1.a. and 1.c.). Human rights nongovernmental organizations (NGO's), including Amnesty International (AI), reported an increase in disappearances in Vavuniya during the second half of the year. As with extrajudicial killings, the exact number of disappearances was impossible to ascertain due to censorship of news about security force operations and infrequent access to the north and east. However, the U.N. Working Group on Enforced or Involuntary Disappearances lists Sri Lanka as a country with an extremely large number of nonclarified disappearances. Those who disappeared

during the year and in previous years are presumed dead. The commander of the army and the Inspector General of police both have criticized the disappearances and stated that the perpetrators would be called to account. Nonetheless there have been very few security force personnel prosecutions to date.

Three regional commissions were set up in November 1994 to inquire into disappearances that occurred from 1988-94, most during the 1988-89 period of the JVP uprising. The commissions found that 16,742 persons disappeared after having been removed involuntarily from their homes, in most cases by security forces. In other cases, antigovernment elements—in particular the leftist JVP—were determined to be responsible for the disappearances. After the reports were presented to the President in September 1997, the police created a Disappearances Investigations Unit (DIU) in November 1998 to examine 1,681 cases in which the commissions had evidence against specific individuals. In July 1999, the Attorney General created a Missing Persons Commissions Unit to consider institution of criminal proceedings based on results of DIU investigations. The Attorney General's office has opened over 1,175 files and referred 262 indictments to the high courts and 86 complaints to magistrates involving 583 members of the security forces on abduction and murder charges. Hearings and trials in at least 250 of these cases had begun by year's end. Of these the Attorney General's office successfully prosecuted 4 cases of abduction, involving 88 security force personnel.

In May 1998, a fourth commission was established to look into approximately 10,000 cases of disappearance that the initial 3 commissions had been unable to investigate before their mandates expired. The commission is not to investigate cases of disappearance that occurred after 1994, but is to focus only on cases that were not completed by the first three commissions. Human rights observers have criticized the Government for not extending the mandate of this commission to include cases of disappearance that occurred since the Kumaratunga government took office in 1994. The commission is charged with facilitating payment of monetary compensation to the families of persons who disappeared, as well as forwarding cases to the Attorney General for possible prosecution. The commission submitted an interim report to President Kumaratunga in December 1999 and a final report on August 31 (which by year's end still had not been made public) to assist in further investigations and prosecutions.

During the year, there were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in the Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators. Proceedings began in 1999 against an army major (who died before the court case began) and a former subinspector of police in the case of 31 youths who allegedly disappeared following their arrests in Divulapitiya in 1989. The case continued during the year.

In October 1999, the U.N. Working Group on Enforced or Involuntary Disappearances made its third visit to the country. Its report, released in December 1999, cited the PTA and ER as important factors contributing to disappearances and recommended the abolition or modification of these laws to bring them into conformity with internationally accepted human rights standards. The working group criticized the country's slow progress in resolving disappearances and noted the lack of implementation of its recommendations from visits in 1991 and 1992, including the creation of a central register of detainees. The report encouraged the establishment of an independent body to investigate disappearances that occurred after the Kumaratunga Government took office in 1994.

Progovernment Tamil militias also were responsible for disappearances. These militias detained persons at various locations that serve, in effect, as undeclared detention centers. Human rights observers believed that the PLOTE was a major offender in the case of disappearances. However, the HRC has no mandate or authority to enforce respect for human rights among these militia groups. When the HRC office director for Vavuniya complained about PLOTE activity, he received death threats. He eventually departed the country in 1999. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government has taken no clear steps to stop these militants' actions, although tighter restrictions on these groups' right to bear arms were implemented following a May 1999 shootout between PLOTE and TELO supporters near a popular shopping center in downtown Colombo.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east during the year. Although the LTTE has denied taking any prisoners from its battles, at year's end it was known to be holding 11 civilian crew members of vessels that it has hijacked since 1995, along with 11 security force personnel. In February the LTTE released four security force members after a hunger strike; in April the LTTE released one civilian prisoner. The LTTE has not noti-

fied the International Committee of the Red Cross (ICRC) of any new security forces prisoners since 1994.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—Despite legal prohibitions, the security forces and police continue to torture and mistreat persons in police custody and prisons, particularly Tamils suspected of supporting the LTTE. Suspected criminals also apparently were tortured. Several children reportedly have been tortured in detention during the last few years. The 1994 Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a 1999 AI report, the CATA does not implement several provisions of the U.N. Convention; this results in torture being prohibited under specific circumstances and allowed under others. Consequently torture continues with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, admissible in court. The Working Group on Enforced or Involuntary Disappearances and other human rights organizations cited the PTA as a major factor contributing to torture of prisoners.

The Government is developing regulations to prosecute and punish military and police personnel responsible for torture. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues have begun tracking criminal investigations of torture. By year's end, there were 146 cases under investigation. In addition the Government also ceased paying fines incurred by security force personnel found guilty in proceedings of the offense. Security force personnel have been fined under civil statutes for engaging in torture. According to the Attorney General's office, by year's end, 8 members of the security forces and police had been prosecuted under criminal statutes, but none of the cases had come to conclusion. Members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation.

Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drownings. In other cases, victims must remain in unnatural positions for extended periods, or they have bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were no reports of rape in detention during the year.

Medical examination determined that officers of the Counter-Subversive Unit of the Vavuniya police beat and burned with cigarettes a Tamil man arrested in March. Police at Kantale, near Trincomalee, arrested and tortured five young Tamils in June; one died as a result (see Section 1.a.). In December the bodies of seven Tamils who had been tortured and killed by the army in Mirusuvil were exhumed after one person escaped and notified authorities. A commissioned officer and eight soldiers were arrested, and at year's end, an inquiry continued (see Sections 1.a. and 1.b.). Torture appeared more prevalent in rural areas than in Colombo.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the High Courts or Supreme Court. Courts have granted awards ranging from approximately \$175 (14,200 rupees) to \$2,280 (182,500 rupees). In February the Colombo high court ordered compensation of \$625 (50,000 rupees) to a young man beaten in police custody in Vavuniya and Colombo in 1999. In August the Supreme Court ordered \$1,250 (100,000 rupees) in compensation for a Tamil man tortured in December 1999 at an army camp near Batticaloa. However, most cases take 2 years or more to move through the courts, and NGO's who represent torture victims complained that the new Supreme Court Chief Justice appointed in September 1999 grants hearings in only the most egregious cases.

At the invitation of the Government, the United Nations Committee on Torture sent a five-person mission to Colombo in late August to determine whether a systematic pattern of torture exists in the country and, if so, to make recommendations for eliminating the practice. By year's end, the mission had not submitted its confidential report to President Kumaratunga.

Progovernment Tamil militants, directly responsible to the security forces, also engaged in torture. The PLOTE in Vavuniya has drawn the most criticism for routinely torturing its opponents, and during the year, its members reportedly burned with cigarettes those who refused to pay protection money. Security forces have done little to stop this practice.

The LTTE reportedly used torture on a routine basis. Security force prisoners released by the LTTE stated that they had been subjected to torture, including being hung upside down and beaten, having pins inserted under their fingernails, and being burned by hot rods.

The LTTE was responsible for a number of bomb attacks during the year, which killed and injured dozens of civilians (see Sections 1.a. and 1.g.).

Prison conditions generally are poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. An increase in detentions associated with the war with the LTTE caused a significant deterioration in already poor conditions in short-term detention centers and in undeclared detention centers run by progovernment Tamil groups (see Section 1.d.).

The Government permitted representatives from the ICRC to visit approximately 160 places of detention. The HRC also visited over 2,000 police stations and over 500 detention facilities by year's end (see Section 1.d.).

Conditions also are poor in LTTE-run detention facilities. Some former prisoners reported being handcuffed and shackled during much of their captivity.

The LTTE permits the ICRC to visit detainees in the Vanni regularly (see Section 1.d.). The ICRC provided medical attention and helped negotiate the release of four servicemen held in Mallavi following a hunger strike in February (see Section 1.b.).

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to 3 months or longer. However, under the ER and the PTA, security forces may detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and in force island-wide since August 1998, allows pretrial detention for a maximum of four consecutive 3-month periods. The ER gives security forces broad powers for arrest and detention without charge or the right to judicial review. New ER provisions published in May lengthen to a year the period for which authorities may order individuals to remain at home or otherwise have their freedom of association and movement limited. The new ER provisions also permit police to hold individuals for up to 90 days to investigate suspected offenses, although the police must present detainees to a court within 30 days to record the detention. The court can order a further 6 months detention. The ER states that detention orders "shall not be called in question in any court on any ground whatsoever," which may contradict an individual's constitutional right to petition the Supreme Court to redress fundamental rights violations.

As required under the ER, the army generally turned over those that it arrested to the police within 24 hours, although the police and the army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate to visit those arrested, and police generally respected this in areas outside of the conflict. Due to censorship and infrequent access, observers could not determine the state of affairs in the north and the east.

Despite Government announcements that it would close all secret detention centers, there were continued credible reports that the military held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. This procedure, which allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (see Section 1.c.), did not comply with requirements to notify the HRC of arrests and to issue arrest receipts. The military maintained the detainees were "in transit," and claimed they did not violate the detainees' rights.

Large-scale arrests of Tamils continued during the year; these arrests were particularly prevalent after LTTE bombings, when many young Tamils were detained or arrested on suspicion of being LTTE cadres or sympathizers. The Government detained more than 2,819 persons under the ER and PTA from January to August 31, a higher number than that for all of 1999. Many detentions occurred during operations against the LTTE. Most detentions lasted several days to several months. The number of prisoners held at any given moment under the ER and the PTA consistently remained close to 2,000. Hundreds of Tamils indicted under the PTA remained without bail awaiting trial, some for more than 2 years. The high courts held hearings on 1,000 cases under the PTA or ER during the year. Many such cases drag on for years. On January 7 and 15, security forces detained several thousand Tamils in Colombo and the surrounding suburbs in "cordon and search" operations meant to find LTTE cadres after suicide bomb attacks (see Section 1.a.). Although authorities eventually arrested fewer than 100 persons, many of those rounded up for questioning spent hours in detention, often without access to sanitary facilities. On March 18, police at a Colombo checkpoint detained and publicly strip-searched one woman, who turned out to be Sinhalese, on suspicion of being an LTTE suicide bomber. On May 30, police detained hundreds of Tamils in downtown Colombo for almost 5 hours of questioning. Approximately 50 of the detainees were taken for photographing and further questioning. In addition those arrested,

most of whom were innocent of any wrongdoing, sometimes were detained in prisons with convicted criminals. Many lesser incidents of this sort occurred during the year. Tamils complained that they were abused verbally and held for extended periods at the security checkpoints that have been set up throughout Colombo (see Section 1.d.). The Government justified the detentions and arrests on security grounds, but many Tamils claimed that the detentions and arrests were a form of harassment. Tamils often suffered arbitrary searches in their homes.

In February the Government ordered the arrest of an engineer employed by a local Internet provider under the provisions of the PTA as part of its attempt to stifle competition with the state-owned telecommunications monopoly. The Government alleged that the company involved in a fundraising scheme to benefit the LTTE. Under international pressure, the Government dropped the charges against the engineer and released him in August; however, investigations of the company continued at year's end.

In July 1998, the President established the Committee to Inquire into Undue Arrest and Harassment (CIUAH). The committee, which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. The committee received more than 200 complaints between January and August 31. Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the committee acted as a deterrent to random arrests and helped to alleviate some of the problems encountered by detainees and their families. However, some critics claim that, following initial publicity, the committee's services have not been advertised widely. For example, the fax number for the committee is not in the Colombo telephone directory. Those wishing to contact the CIUAH usually are referred through human rights lawyers or find it by word of mouth. Many Tamils believe that the CIUAH does little to deter police agents from stopping them more frequently at security force checkpoints in the capital.

The HRC continued to investigate the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC legally is mandated to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes violated the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 160 detention centers, police stations, and army camps throughout the country that were recognized officially as places of detention. Such visits played an important role in enabling the ICRC to monitor the human rights practices of the security forces. The HRC, through its 11 offices, also visited places of detention; however, human rights observers believed that due to inadequate leadership and a failure of the HRC to give long term contracts to many of its workers, the organization was not pursuing its mandate (see Section 4).

The PLOTE continued to run places of illegal detention in Vavuniya. The EPDP also detained members for short periods in Jaffna as punishment for breaking party discipline.

The LTTE continued to detain civilians, often holding them for ransom. For example, in September 1999 the LTTE held three businessmen for a ransom of \$550,000 (40 million rupees). The businessmen were freed after making partial payment and promising to pay the balance. Unconfirmed reports indicated the LTTE was holding in custody more than 2,000 civilians in the northern part of the island. Those held included 11 civilian crew members of 3 vessels hijacked by the LTTE since 1995. In February the LTTE released 4 of the 15 servicemen that it held. In June it also released 1 of its 12 declared civilians prisoners. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees, aside from these crew members and security force personnel.

The Government does not practice forced exile. There are no legal provisions allowing or prohibiting its use.

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

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until the mandatory retirement age of 65 for the Supreme Court and 62 for other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation and followed by joint action of the President and the Parliament.

In criminal cases, defendants are tried in public by juries. They are informed of the charges and evidence against them, may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent

persons tried on criminal charges in the high courts and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assist some defendants. In addition the Ministry of Justice operates 11 community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. There are no jury trials in cases brought under the PTA. Confessions, obtained by various means, including torture, are inadmissible in criminal proceedings, but are allowed in PTA cases; most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to demonstrate that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants can spend up to 18 months being held in prison on administrative order waiting for their case to be heard. Once their case comes to trial, decisions are made relatively quickly. Courts held hearings on some 1,000 PTA and ER cases during the year.

Most court proceedings in Colombo and the south are conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, has restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east are in Tamil and English, but many serious cases, including those having to do with terrorism, are tried in Colombo. While Tamil-speaking judges exist at the magistrate level, only four high court judges, an appeals court judge, and a Supreme Court justice speak fluent Tamil. Few legal textbooks and no law reports exist in Tamil, and the Government has complied only slowly with legislation requiring publishing all laws in English, Sinhala, and Tamil.

In Jaffna LTTE threats against court officials disrupted normal court operations. Although magistrate and district level courts functioned during the year, the high court suspended activities due to security concerns.

The LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly impose severe punishments, including execution.

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and, therefore, legitimate security threats. Insufficient information exists to verify this claim and to determine whether these detainees or members of the now legal JVP, detained in similar fashion in past years, are political prisoners. Between 200 and 300 of those previously detained—mostly JVP members—were convicted under criminal law; some remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons.

The LTTE also holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy, and the Government generally respects these provisions in practice; however, it infringes on citizen's privacy rights in some areas. The police obtain proper warrants for arrests and searches conducted under ordinary law; however, the security forces are not required to obtain warrants for searches conducted under either the ER or the PTA. The Secretary of the Ministry of Defense is responsible for providing oversight for such searches. No judicial review or other means of redress exist for alleged illegal searches under the ER. Some Tamils complained that their homes were searched as a means of general harassment by the security forces (see Section 1.d.). The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for the LTTE-controlled areas and seize contraband. The Government censors news reports that cover military operations. Television stations practice self-censorship and some international news broadcasts which deal with the country specifically are blurred over. This censorship tightened after the publication of the new ER on May 3 (see Section 2.a.), although some restrictions had eased by year's end. For example, although blocks marked "censored" were inserted over missing text in newspapers in past years, there was no occurrence of this action in the last 6 months of the year.

Progovernment Tamil militant groups, nominally operating under government control, used forced conscription in the past, although it appears this practice abated after a 1999 order from the Government. In previous years, there have been credible reports that Tamil youth (in the east in particular) have been forced to join these groups under threats to themselves and their families; however, there were no reports that this practice occurred during the year.

The LTTE routinely invades the privacy of citizens, maintaining an effective network of informants. There are credible reports the LTTE has warned 66,000 displaced Muslims living in the Puttalam area not to return to their homes in Mannar

and Jaffna until the conflict is over. The LTTE also recruits children (see Section 6.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Hostilities between the Government and the LTTE continued throughout the year. After establishing positions on the Jaffna peninsula in January, the LTTE in March began a sustained campaign to recapture Jaffna. On April 22, the LTTE captured a large base at Elephant Pass, and in the following weeks, forced the armed forces to retreat to Jaffna. By late May, the front lines had stabilized just east of Jaffna in the Chavacachcheri area. From June through August, there were minor skirmishes, with the armed forces carrying out counterattacks from September through year's end that resulted in high casualties on both sides. More than 2,000 combatants and more than 100 civilians died during the year in incidents related to the conflict.

At year's end, approximately 490,000 persons were displaced by the conflict. Over 340,000 persons, principally in the Vanni region, remain displaced by the past several years of fighting; during the year the battles near Jaffna displaced an additional 150,000.

The Government in the past often publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, the armed forces were more secretive during the year, and it did not give public warnings before the commencement of its advances. Despite the use of unmanned aerial vehicles to assess targets before attacks, bombings and artillery fire against LTTE installations have killed civilians working at those installations or living nearby. More than 100 civilians were killed in the LTTE's advance on Jaffna in April and May, including 6 who died at Pallaikudu in May when the armed forces conducted an aerial bombing of an LTTE boat dock. More than a dozen persons were killed by the air force in bombings against Mullaitivu during the year. On April 19, artillery shells killed 15 and wounded 24 at a home for the elderly in Kaithady during a clash between the LTTE and the army. It was not clear which side was responsible. On November 23, 2 shells thought to be fired by the LTTE landed near a school in Muttur, near Trincomalee, killing 2 students and wounding 10 more. During the year, dozens of civilians were wounded in contested areas of the north and east in clashes between the armed forces and the LTTE.

On May 17, 23 people were killed and dozens were injured when a bomb exploded at a Buddhist temple in Batticaloa in the east, where people were gathered to celebrate the Buddhist festival of Vesak (see Section 1.a.). The bomb, concealed in a freezer box on a bicycle, exploded after the cyclist was stopped by two policemen and a soldier; the cyclist ran away. After the bomb exploded, security forces opened fire, killing four children and injuring eight more. Although the Government has blamed the LTTE publicly for this bombing, no one officially claimed responsibility, and at year's end, no investigation had been conducted. Furthermore the Government has not commented on the additional deaths and injuries caused by the security forces opening fire.

The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding; however, inaccurate mortar and artillery fire killed civilians. In September 1999, the air force dropped 3 bombs on a village near Puthukudiyiruppu in the Vanni, killing 22 persons (see Section 1.a.). Human rights observers, including the ICRC and AI, alleged that those killed were civilians. Government officials acknowledged that 22 men, women, and children were killed by the air force bomb; however, they alleged that the air force targeted an LTTE training camp, and at first they did not admit the possibility that civilians were killed in error. The Government later acknowledged quietly that the attack was an accident. During the year, the Government held an investigation and authorized compensation for the victim's families, admitting that the site had been bombed "in error." However, the Government did not admit formally to having killed civilians.

The security forces continued to receive instruction in international humanitarian law as part of their training courses (see Section 4). According to the military, the army also established human rights cells in each division, and it established a human rights office in each brigade and battalion. The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages.

The Government continued to provide food relief, through the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS), to displaced and other needy citizens, including those in areas controlled by the LTTE. Food rations were delivered by the Government to the Vanni area through a checkpoint that is controlled on one side by the security forces and on

the other by the LTTE. The border into the territory controlled by the LTTE (an “uncleared area” in Government parlance) was not closed during the year.

The Government maintained a long list of prohibited “war-related” medical items, such as sutures, plaster of paris, intravenous liquid supplies, bandages, and some drugs. NGO’s and other groups that sought to take these items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the Ministry of Defense. Delays were common and approval sometimes was denied, due to fear that supplies would fall into the hands of the LTTE. As a result, many medical items in the Vanni region were in short supply. This shortfall contributed to an already serious deterioration in the quality and quantity of medical care furnished to the civilian population. During the first half of the year, the Government proved particularly reluctant to allow medical supplies into LTTE-controlled areas. During this period, civilians injured in the conflict relied heavily on aid provided by international NGO’s who faced severe restrictions on moving medical supplies into the area. Government restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas also had a negative impact on the relief work of NGO’s in those areas.

The Ministry of Defense reported capturing several LTTE insurgents on the battlefield during the year. It sent these, and other cadres who surrendered or whom security forces arrested to rehabilitation centers. The ICRC continued to visit approximately 100 former LTTE members now in government rehabilitation camps, although the October massacre of more than 20 such detainees at a government-run detention facility at Bindunuwewa, near Bandarawella, led observers to question the continued security of residents of these facilities (see Section 1.a.).

In view of the scale of hostilities and the large number of LTTE casualties, some observers found the number of prisoners taken under battlefield conditions to be low and concluded that many LTTE fighters apparently were killed rather than taken prisoner. Some observers believed that, on the government side, an unwritten “take-no-prisoners” policy generally remained in effect. The military denied this claim, stating that other factors limited the number of prisoners taken, such as the LTTE’s efforts to remove wounded fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE’s occasional practice of killing its own badly wounded fighters (see Section 1.a.). There were no reported instances of security forces personnel executing LTTE cadres this year, and no army or other security forces personnel were prosecuted or disciplined for allegedly executing prisoners from previous years.

The Government refused to permit relief organizations to provide medical attention to wounded LTTE fighters, although it has offered to treat any LTTE wounded entrusted to government care. Credible reports told of wounded LTTE cadres surrendering to the Government and receiving appropriate medical care.

The LTTE admits that it kills security forces personnel rather than take them prisoner. Eyewitness accounts confirm that the LTTE has executed wounded soldiers on the battlefield. At the end of September, the LTTE admitted to holding only 11 security forces prisoners, all captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel that it has captured in recent years. However, the LTTE released two army deserters who surrendered to it in 1998, and in November 1999, it transferred over 11 SLA members who were captured during the year to the ICRC. In February the LTTE released four servicemen, and in June it released one civilian.

The LTTE uses excessive force in the war. During the course of the year, the LTTE killed a government minister (see Section 1.a.) and more than 200 other non-combatants. The LTTE has engaged in hostage taking, hijackings, and bombing of civilian targets.

In the past, the LTTE has used church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions; however, there were no reports that this occurred during the year.

The LTTE uses child soldiers. The armed forces captured a 14-year-old female LTTE cadre in fighting in September, and during the year credible sources reported LTTE efforts to recruit children to replenish battlefield losses. According to some reports the LTTE shows war movies and gives political speeches to children in schools. In September 1998, 25 young LTTE fighters surrendered as a group; at least one of those who surrendered was 13 years old. Most of the others were aged between 15 and 17 years. In 1998 the LTTE promised the U.N. Secretary General’s Special Representative for Children in Armed Conflict that it would not recruit children under 17 and would not use children under 18 in battle. It disregarded those promises.

The LTTE expropriates food, fuel, and other items meant for IDP's, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled and other parts of the Vanni region, with nutrition levels falling below the national average. Experts have reported an increase in anemia and a lower birth rate, both of which indicate lower levels of nutrition. There were confirmed cases of malnutrition, including hundreds of cases of malnourished children. Malnutrition resulted from several factors, including food shortages, poverty, and conflict-related dislocations. However, a survey completed by Medecins Sans Frontieres in 1999 found malnutrition levels in the war-affected areas at about the same level as in the war-free south of the country. Medical sources distinguish between "undernourished" children (of which there are many throughout the country) and "malnourished" children.

Landmines were a problem in Jaffna and the Vanni and to some extent in the east. Landmines, booby traps, and unexploded ordnance pose a problem to resettlement of displaced persons and rebuilding. A U.N. landmine team tasked with locating and mapping LTTE and army mines in the Jaffna peninsula suspended its mission in April, stating that it was impossible to continue as long as hostilities continued. According to the Landmine Monitor Report for 2000, both the LTTE and the military abandoned promises given in 1999 not to place new mines in areas designated for civilian resettlement. Sources reported 16 civilians were killed or wounded from January to give end of August in incidents involving mines or unexploded ordnance. On November 28, a landmine blast attributed to the LTTE killed 7 persons and injured 24 passengers on a bus in Anuradhapura district. In contrast 20 such accidents occurred in 1999. Sources have confirmed that the SLA is making great efforts to clear all explosives from areas that it has recaptured.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and expression; however, the Government restricts these rights in practice, often using national security grounds permitted by law. During the year, the Government limited the access of domestic and foreign media to information and continued to censor news relating to the military and security situation. In June 1998, the Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. The Government reissued its censorship order in November 1999 after the military suffered setbacks in the field. Even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country. In May the Government passed new ER to tighten censorship rules, to give the Government power to impound printing presses, and to close newspapers or broadcast stations it perceived as threats to national security. Subsequently a local NGO filed a fundamental rights case in the Supreme Court opposing censorship as a human rights violation. The court refused to consider the case. On November 1, International Press Institute (IPI) placed the country on its "watch list" of countries which "appear to be moving towards suppressing or restricting press freedom." IPI cited the new Emergency Regulations as an impediment to free media expression.

Despite earlier campaign promises to divest itself of its media holdings, the Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (SLBC, a radio station). There are a variety of independent, privately owned newspapers, journals and radio and television stations, most of which freely criticize the Government and its policies. However, some journalists practiced self-censorship due to fear of intimidation. There is also a privately owned newspaper published in Jaffna. The Government imposes no political restrictions on the establishment of new media enterprises.

The Government has failed to reform the press law and privatize government-owned media as promised during the 1994 election campaign. In 1997 there was an attempt to pass a broadcast reform bill that was ultimately unsuccessful and further revisions subsequently proposed by a blue-ribbon panel have yet to be implemented.

In a January speech, the President attacked the press and singled out individuals and media organizations for criticism by name. After passing the new ER in May, the Government created a special media information center to approve print and broadcast material produced in the country, including that of foreign journalists. Later that month, the SLBC defied an order by the censor and continued to broadcast the BBC's Sinhala-language news program. After a period of controversy, the Media Minister allowed the broadcasts to continue. The President officially eased censorship restrictions on foreign journalists in a circular published on June 5, although material for publication or broadcast within the country, regardless of au-

thor, remained subject to government approval. As a result of the Government's actions, journalists practiced self-censorship.

In late May, the Government used its power under the new ER to close two publications in Colombo and the independent newspaper in Jaffna, citing security concerns. The Supreme Court in late June declared the censorship regulations to be invalid, and it ordered the Government to allow the newspapers to reopen. The Government complied with the ruling, but it reissued the regulations in a manner consistent with the Supreme Court ruling.

On September 19, police arrested a young man for criticizing the President on a radio call-in show. Police traced the call to discover the caller's address. The young man's parents alleged that he had a mental illness and could not be held responsible for his comments. Regardless at year's end, the young man remained in prison pending a hearing of the case.

On January 2, unknown attackers set fire to the home of an actress who supported the opposition party candidate during the 1999 presidential election campaign. On January 26, presumed government supporters attacked a husband and wife singing duo, who also had supported the opposition presidential candidate. On April 6, the local BBC correspondent was assaulted while covering a rally that protested Norway's involvement in the country's peace process. Other journalists reported threats for expressing opinions critical of the Government. Several fled the country.

During the year, police detained two persons for questioning in connection with the 1999 murder of Rohana Kumara, editor of a Sinhala-language newspaper which had been critical of leading figures in the ruling coalition. By year's end, no one had been charged in connection with the case. Similarly authorities made no progress in the 1999 murder of Ramesh Nadarajah, a Tamil Member of Parliament and the editor of a Tamil-language weekly.

In March 1999, an army brigadier allegedly abducted and assaulted a journalist working for an independent Sinhala-language newspaper. Police arrested the brigadier, after which courts granted him bail. The case did not come to trial during the year.

In February 1998, armed men attacked a journalist who regularly reported on defense matters, including corruption in military procurements. The Government criticized the attack; it subsequently arrested and indicted two air force personnel in the case, including the bodyguard of a former commander of the air force. A formal indictment was handed down in 1999. Courts postponed the hearings several times during the year; the case was scheduled to reconvene in February 2001.

The editor of a leading national newspaper who was found guilty of defaming the President in 1997 appealed the verdict that year. On December 5, an appellate court upheld the lower court's ruling. The editor appealed the decision to the Supreme Court. Another defamation case filed by the President in 1995 led to the September 5 conviction of an editor of another important English-language weekly. The editor received a 2-year jail sentence, later suspended; he appealed. Other defamation cases filed by the President against editors of major newspapers critical of the Government or supportive of the opposition remained pending. Journalists viewed these cases as frivolous and intended only to intimidate and harass the media.

The Sri Lanka Tamil Media Alliance was formed in 1999 to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working in the war zones have complained of arbitrary arrest and detention and difficulty in obtaining press accreditation. In August 1999, the Sri Lanka Tamil Media Alliance filed the first-ever fundamental rights case on behalf of an ethnic Tamil reporter on the staff of the government-owned and-controlled Tamil language daily. Security forces arrested the reporter on August 21, 1999, on suspicion of affiliation with the LTTE and later released him. The court ruled that the security forces had acted within their rights in detaining the reporter and refused to award compensation.

Travel by foreign and national journalists to the conflict areas was restricted, but in September the Government began approving some requests for journalists (both local and foreign) to travel north and they organized transport for selected journalists to visit Jaffna; however, the Government did not announce a formal policy change. Both local and foreign journalists still were required to obtain advance permission from the Ministry of Defense for travel to conflict areas. The Foreign Ministry also had to approve visits to conflict areas by foreign journalists. Bureaucratic delays in processing requests have been reduced, but they still prevail. The Government occasionally arranges for groups of journalists to visit Jaffna and the vicinity of the front lines on tightly organized briefing tours. The Government remains the

only source of most news about security and defense matters that can be disseminated to the public legally.

The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. The LTTE has killed those reporting and publishing on human rights.

The Government generally respects academic freedom.

The LTTE does not respect academic freedom, and it has repressed and killed intellectuals who criticize it, most notably the moderate and widely-respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber in July 1999. The LTTE severely repressed members of a human rights organization, the University Teachers for Human Rights, which formerly was based on the Jaffna peninsula; most former members of this group have been killed.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government generally respects this right in practice. Although the PTA may restrict this freedom, the Government did not use the act for that purpose during the year. The right of assembly is also restricted under the emergency regulations, and the Government ordered the cancellation of two political rallies under the new emergency regulations in May. However, the Government generally granted permits for demonstrations, including those by opposition parties and minority groups. Nonetheless, both the main opposition UNP and the PA Government continued to accuse each other of political thuggery and hooliganism, complaining that supporters of the opposing party disrupted rallies and other political events.

New ER enacted in May restricted the right to organize rallies, including political demonstrations and discouraged public celebrations. Under the new emergency regulations, police ordered the cancellation of a JVP protest organized for May 9 and cancelled the UNP's first pre-election rally, scheduled for May 12. Nonetheless many political parties and factions continued to hold impromptu, short demonstrations without reprisals from the Government. A June presidential order lifted the restrictions on rallies.

Violence at political rallies sometimes occurs. A JVP supporter died on September 27 from injuries sustained when the police broke up a JVP rally held in Matale on September 25, which the Government claimed was illegal because participants had not applied for permits or requested permission to use loudspeakers.

The law provides for freedom of association, and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that purpose during the year.

The LTTE does not allow freedom of association in the areas that it controls. On the Jaffna peninsula, the LTTE occasionally has posted in public places the names of Tamil civilians accused of associating with security forces and other Government entities. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

c. Freedom of Religion.—The Constitution gives Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government respects this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in the country, but for the last 30 years, the Government has sought to limit the number of foreign religious workers given temporary work permits. Permission usually is restricted to denominations registered with the Government. The Government has prohibited the entry of new foreign clergy. It permitted those already in the country to remain; however, as foreign clergy have retired, Sri Lankans would replace them. For example, in 1962 the Government reached an agreement with the Catholic Church that new Jesuit clergy would not be permitted to enter the country on a permanent basis. However, the Jesuits want their clergy to be replaced by foreign members of their order as they retire. The local Catholic Church hierarchy does not support the Jesuits in the dispute, and it is not lobbying the Government to change the agreement. Most religious workers in the country, including most Christian clergy, are Sri Lankan in origin.

Some evangelical Christians, who constitute less than 1 percent of the population, have expressed concern that their efforts at proselytizing often meet with hostility and harassment from the local Buddhist clergy and others opposed to their work (see Section 5). They sometimes complain that the Government tacitly condones such harassment; however, there is no evidence to support this claim. In 1997 the Assemblies of God Church filed a fundamental rights case with the Supreme Court after the local village council in Gampaha had tried to block the construction of a church on the grounds that it would interfere with Buddhism. The Supreme Court ruled that the construction of the church could proceed. However, in May 1999 two

bombs exploded in the hall of the church; no one was injured, but the structure was damaged slightly. The denomination complained that it continues to face opposition at the local level in many places but stated that legal action or the threat of legal action generally has resulted in the Church being allowed to construct facilities for its congregations and conduct worship services.

The LTTE has discriminated against Muslims. In 1990 it evicted some 46,000 Muslims from areas under its control in the north. The LTTE also has expropriated Muslim homes, lands, and businesses, and threatened Muslims with death if they attempted to return to their homes before the conflict ends (see Section 5).

The LTTE attacked Buddhist sites, most notably the historic Dalada Maligawa or "Temple of the Tooth," the holiest Buddhist shrine in the country, in the town of Kandy in January 1998. In May an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons and wounded dozens of others (see Sections 1.a. and 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to Sri Lanka," and the Government generally respects the right to domestic and foreign travel; however, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils must obtain police passes in order to move freely in the north and east, and frequently they are harassed at checkpoints around the country (see Section 1.c.). These security measures have the effect of restricting the movement of Tamils.

The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city. For Tamils travel from Jaffna to other parts of the country remained extremely difficult, due to security restrictions imposed by the security forces and the limited availability of transportation. The ICRC in September replaced its relief and supply ship with a new vessel capable of carrying up to 75 persons. The ship evacuated civilians from Jaffna who needed medical treatment, but it also carried civilian passengers between Trincomalee and Jaffna on an as-needed basis. In addition the Government hired a passenger vessel with room for 400 persons that operated between Trincomalee and Jaffna and transported medical supplies; in July the ICRC began providing escort for the ship under the ICRC flag, at the request of the Government and with the agreement of the LTTE.

The armed forces initially prevented more than 1,000 civilians from vacating conflict areas on the Jaffna peninsula during fighting in April and May and imposed a curfew, prompting accusations that the security forces were using the population as "human shields." The military quickly decided to permit civilians to evacuate the area after intense pressure by human rights groups. During the April and May campaign, almost the entire population of the Thenmarachchi district, east of Jaffna, was trapped between the military and the LTTE. By early June, the situation had calmed sufficiently that many persons were able to leave. The LTTE and the military did not allow international NGO's to have access to the area until mid-June. Observers believe that many persons, including the elderly and invalids, may not have been able to leave the area during the heaviest fighting in May, and may have died as a result. The area still was contested at year's end. The U.N. High Commissioner for Refugees (UNHCR) and ICRC were unable to gain access to the region until fighting abated in June.

In November 1999, most residents of Vavuniya fled when the LTTE threatened to shell the town as part of its counterattack. Security forces kept nearly 5,000 residents of nearby welfare centers or transit camps where they were. Human rights groups accused security forces of endangering the lives of camp residents. One week later the LTTE withdrew its threat, and most residents returned.

Fighting between Government and LTTE has displaced hundreds of thousands of persons, with many displaced multiple times as front lines shift. Fighting in Jaffna from April to June this year displaced an estimated 150,000 more, most of whom sought shelter with friends or relatives. Another 340,000 displaced reportedly live in the Vanni. Since September 172,000 internally displaced persons (IDP's) have been living in welfare centers ranging from camps, where conditions vary considerably, to settlements with government social services and food aid. By year's end, 500,000 displaced persons, including those in the Vanni, had registered for government food aid and were receiving medicine and other essential supplies from the Government.

The Government has sought to resettle the displaced where possible and has arranged for a number of those from Jaffna to return to their homes. Some attempts at resettlement proved successful. Over the years, the Government, in cooperation with the UNHCR, built permanent housing for 18,000 Muslims in the Puttalam area. However, many of the resettled were displaced again by further fighting, in-

cluding those who in 1999 returned to their homes north and east of Vavuniya, but they were forced to flee again when the LTTE retook the area starting in November 1999.

From October 1996 until the end of 1999, over 150,000 persons are estimated to have moved out of LTTE-controlled regions through Vavuniya and other transit points in government-controlled regions. Of these over 100,000 persons reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance can take between 2 and 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. Clearance procedures were applied to everyone, including the elderly and the very young. Those wishing to travel must be sponsored by a registered Vavuniya resident, and only one person may be sponsored at a time. This has created a lucrative black market in sponsorships. During the year, persons crossed illegally from LTTE-controlled to government-controlled areas. These individuals encountered strenuous security checks in Vavuniya that often took months, further contributing to crowding in the transit camps. While the Government had a legitimate interest in identifying LTTE infiltrators, it also appeared reluctant to allow displaced Tamils to travel to Colombo where they might contribute to unemployment and other social problems. At year's end, about 42,000 displaced persons continued to live in substandard conditions with relatives or in camps in Vavuniya and Mannar. Some displaced persons wish to return to their homes.

Prior to 1996, the LTTE severely restricted the movement of Tamils under its control, often levying a large "exit tax" on persons who sought to travel to areas under government control and requiring travelers to leave all their property in escrow. In addition it usually would allow only one family member to travel at a time. Following the Government's capture of Jaffna, the LTTE began to allow persons to move more freely into, government-controlled areas, although it still extracts a small fee for "travel passes" to leave the Vanni, and it rarely allows entire families to leave at once. The LTTE occasionally disrupts the flow of persons exiting the Vanni region through the one established and legal checkpoint. The LTTE also disrupted the movement of IDP's from Trincomalee to Jaffna by hijacking or attacking civilian shipping. On June 26, an LTTE suicide boat rammed the M.V. Mercs Uhana, a civilian transport ship carrying food and other supplies to Jaffna (see Section 1.a.). On November 2, the LTTE temporarily hijacked the Russian vessel M.V. Utyous after the Sri Lankan navy destroyed three LTTE craft in a sea battle. After successfully evading the navy and escaping to shore, the LTTE released the Russian ship and its crew. In addition the LTTE also disrupted civilian air traffic to Jaffna; in August 1998, it began warning civilians and humanitarian workers not to use civilian flights serving the peninsula.

Humanitarian groups estimate that there are more than 200,000 IDP's in LTTE-controlled areas (see Section 1.g.).

Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1998. An estimated 65,000 Tamil refugees lived in camps there, having left the country at various times throughout the period of the conflict. Indian authorities reported 1,400 new refugees from between January and August 31; about 100,000 refugees may have integrated into Tamil society in India over the years.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. However, the UNHCR granted refugee status to four persons during the year who asked for that status after arriving in the country. The law does not include provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no instances of forcible repatriation of persons to a country where they feared persecution.

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

Citizens have the constitutional right to change their government through periodic multiparty elections based on universal adult suffrage. The country is a long-standing democratic republic with an active multiparty system. Power is shared between the popularly elected President and the 225-member Parliament. The right to change the government was exercised in December 1999 when Chandrika Kumaratunga was elected to a second 6-year term as President and again during parliamentary elections in October. Both elections were marked by violence. As of

September 29, the Center for Monitoring Election Violence (CMEV) recorded more than 500 acts of violence, including 7 killings, in the period leading up to parliamentary elections. Another local monitoring organization counted 2,036 acts of violence during the campaign period from close of nominations in September to election day on October 10; it noted violence ranging from defacement of campaign posters to assault and 73 killings. Violence also plagued the 1999 presidential elections; several persons died and many more were injured, including the President and the Justice Minister, in an LTTE suicide bomb attack.

By year's end, local observers had not issued reports on the elections; however, they expressed concern about whether the vote was free and fair. A European Union monitoring mission, in its final report, expressed concern about violence and irregularities in the voting, but it concluded that the election "did to a reasonable degree reflect the will of the electorate."

The incidence of electoral fraud has increased in recent elections. Elections Commission officers reported misuse of postal votes in the 1999 Northwest ("Wayamba") Province elections. In response to sharp criticism about the way that the vote was conducted, the President appointed a commission staffed by two retired judges to evaluate allegations of electoral fraud. Although they agreed that the poll was flawed, no new election was called. In February 1999, the President also created a bipartisan monitoring committee (which she chaired) to ensure that the remaining provincial council elections were "free and fair." Two local election monitoring organizations found that the 1999 presidential vote was flawed in more than 10 percent of polling stations. A group of 26 international observers invited by the Government to observe the elections stated that they saw no evidence of fraud in the 1999 presidential elections, but they admitted the possibility of irregularities and suggested ways for improving the voting system to prevent cheating. The EU sent a delegation of more than 70 monitors to observe the parliamentary elections in October. The Elections Commissioner granted the EU representatives access to polling and counting stations. Local monitoring groups also observed the polls.

The Commissioner of Elections recognized 46 parties at the time of general elections in October; however, only 13 parties actually held seats in the 225-member Parliament elected during the year. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. Historically, these two parties have alternated in power.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home, and they are underrepresented in government and politics. Nonetheless, in August 1994, voters elected a Parliament that chose a female Prime Minister for the third time in the country's history. In November 1994, a woman was elected President for the first time; she was reelected in December 1999 for a second term. Eleven women held seats in the Parliament that completed its term in August. In addition to the Prime Minister, the Minister for Women's Affairs, and the Minister of Social Services, a number of women held posts as deputy ministers in the last parliament. Of the 5,000 candidates for the October parliamentary elections, 116 were women and 7 of them won seats in the October elections. The President appointed three of these women, including the wife of the deceased leader of the Sri Lankan Muslim Congress, to ministerial posts.

The Parliament elected in October has 23 Tamil and 22 Muslim members.

The LTTE refuses to allow elections in areas under its control, although it did not oppose campaigning in the east during the October parliamentary elections. Through a campaign of killing and intimidation, it effectively undermined the functioning of local government bodies in Jaffna, whose members were elected in January 1998. This campaign included the killing of 2 of Jaffna's mayors and death threats against members of the 17 local councils. Throughout the period of the conflict, the LTTE has killed popularly elected politicians, including those elected by Tamils in areas the LTTE claims as part of a Tamil homeland.

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

There are several domestic NGO human rights groups, including the Movement for Interracial Justice and Equality (MIRJE), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), that monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGO's, although in February 1999, the Government began requiring NGO's to include action plans and detailed descriptions of funding sources as part of its official registration process. Some NGO workers saw this as an attempt by the Government to exert greater control over

the NGO sector after human rights groups criticized the Government's handling of the Wayamba elections in January 1999 (see Section 3). However, few NGO's complied with these new reporting requirements. The Government generally cooperated with NGO's, with members of Parliament, and with other officials frequently participating in seminars and other events concerning human rights and humanitarian affairs.

The Government continued to allow the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). In the past, the ICRC provided international humanitarian law training materials and training to the security forces on an ad hoc basis. The UNHCR, the ICRC, and a variety of international NGO's assisted in the delivery of medical and other essential supplies to the Vanni area, even with the many restrictions on such supplies (see Section 1.g).

By year's end, the HRC conducted more than 2,000 visits to police stations and 500 visits to detention facilities. The HRC has over 4,000 cases of alleged human rights abuse pending. The Commission's investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna resulted in exhumations in 1999 that provided the basis for the ongoing case (see Section 1.a.). Nonetheless, human rights observers believed that the work of the HRC was hampered severely by a lack of strong leadership within the organization. For example, after almost 4 years of operation, the HRC had failed to hire permanent staff. The organization also responded inadequately to requests from its field officers for protection when inquiries placed them in danger. The HRC also has been criticized for micromanaging the activities of the field offices, which are equipped poorly. The establishment of the CIUAH in 1998 strengthened claims of the HRC's ineffectiveness, since the responsibilities of the CIUAH clearly fell within the HRC's mandate (see Section 1.d.). New commissioners were appointed in March after the tenure of the previous commissioners expired. Activists have expressed some satisfaction with the new leadership, especially for its prompt investigation into the Bindunuwewu massacre.

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

The Constitution provides for equal rights under the law for all citizens, and the Government generally respects these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms that the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.).

Women.—Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continue to be serious and pervasive problems. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials is required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention. Police statistics indicated that there were 26,660 crimes against women during the period from January to July 1999, compared with 26,565 crimes between January and June of 1998. Although laws against procuring and trafficking were strengthened in 1995, facilitating the prosecution of brothel owners, trafficking in women for the purpose of forced labor occurs (see Sections 6.c. and 6.f.).

The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector, where they sometimes are paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national, civil, and criminal law. However, issues related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

Children.—The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrates

a strong commitment to children's rights and welfare through its extensive systems of public education and medical care. The 1997 Compulsory Attendance at Schools Act, implemented in January 1998, requires children between the ages of 5 and 14 to attend school (see Section 6.d.). Approximately 85 percent of children under the age of 16 attend school. Education is free through the university level. Health care, including immunization, also is free.

In the period January 1 to August 31, the police recorded 767 cases of crimes against children, compared with 1,491 in 1999. Many NGO's attribute the problem of exploitation of children to the lack of law enforcement rather than adequate legislation. Many law enforcement resources are diverted to the conflict with the LTTE, although the Bureau for the Protection of Children and Women of the police conducts investigations into crimes against these two groups.

There is a serious problem of child prostitution in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups claim that the number is much higher (see Sections 6.c. and 6.f.). A 1998 U.N. International Labor Office study placed the total at 30,000, a number which has not been confirmed and has been criticized by activists in the field as highly speculative. The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who cater to foreign tourists. Some of these children are forced into prostitution (see Section 6.c.). The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. Several foreign pedophiles were brought before courts during the year. The penalty for conviction is usually a fine and deportation. Four cases of pedophilia were brought to court this year, one involving a foreigner.

In 1995 the Ministry of Media, Tourism, and Aviation created a task force specifically to study the problem of sex tourism and related offenses. It was abolished at the end of 1997 and superseded by a presidential task force on child protection. Following the recommendation of the task force, the Government created the National Child Protection Authority (NCPA) in 1998. The law establishing the NCPA consolidated existing legislation and defined a child as anyone under age 18. Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The NCPA is composed of senior law enforcement officers as well as representatives from the education, medical, and legal professions; it reports directly to the President. By year's end, the NCPA had recruited permanent staff and moved into an office space that it shares with the Bureau for the Protection of Women and Children of the police force.

The LTTE uses child soldiers and recruits children for use in battlefield support functions and in combat. In September the military captured a 14-year-old girl who fought near Jaffna. Other LTTE recruits, some as young as 13, have surrendered to the military, and credible reports indicate the LTTE has stepped up recruiting efforts (see Section 1.g.). In May 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17; however, the LTTE has not honored this pledge.

People with Disabilities.—The law does not mandate accessibility to buildings or government services for the disabled. The World Health Organization estimates that 7 percent of the population is disabled. Most disabled persons who are unable to work are cared for by their families. The Department of Social Services operates eight vocational training schools for the physically and mentally disabled and sponsors a program of job training and placement for graduates. Some private companies, at the urging of the Government, have provided training and jobs to disabled veterans. The Government also provides some financial support to NGO's that assist the disabled, subsidizes prosthetic devices and other medical aids for the disabled, makes some purchases from disabled suppliers, and has registered 74 schools and training institutions for the disabled run by NGO's. The Social Services Ministry has selected job placement officers to help the estimated 200,000 work-eligible disabled persons to find jobs. In spite of these efforts, the disabled still face difficulties because of negative attitudes and discrimination. In 1996 Parliament passed legislation forbidding discrimination against any person on the grounds of disability. No cases are known to have been filed under this law.

Indigenous People.—The country's indigenous people, known as Veddhas, number fewer than 1,000. Some prefer to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In August 1998, the Government fulfilled a long-standing Vedda demand when the President issued an order

granting Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot program, Veddas received special identity cards to enable their use of these forest areas. However, some Veddas still complain that they are being pushed off of their land. Although many Veddas continue to pursue a traditional way of life, visits by tourists have become an important source of income for the community.

Religious Minorities.—Discrimination based on religious differences seems much less common than discrimination based on ethnic group or caste. In general the members of the various faiths tend to be tolerant of each other's religious beliefs. However, on occasion evangelical Christians have been harassed by Buddhist monks for their attempts to convert Buddhists to Christianity (see Section 2.c.). In 1988 the leader of an Assemblies of God congregation in the southern town of Tissamaharama was killed by unknown assailants. In April 1999, two bombs exploded in the church hall of this congregation, now run by the pastor's widow. No one was injured; however, the building sustained some structural damage (see Section 2.c.).

In the northern part of the island, LTTE insurgents expelled some 46,000 Muslim inhabitants from their homes in 1990—virtually the entire Muslim population. Most of these persons remain displaced. In the past, the LTTE expropriated Muslim homes, lands, and businesses and threatened Muslim families with death if they attempt to return (see Section 2.c.).

The LTTE also has attacked notable Buddhist sites. In May 23 persons were killed and dozens wounded when an LTTE bomb exploded near a temple at the Buddhist Vesak festival (see Sections 1.a. and 2.c.).

National/Racial/Ethnic Minorities.—There are approximately 1 million Tamils of comparatively recent Indian origin, the so-called “hill” Tamils or “Indian” Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. Approximately 75,000 of these persons do not qualify for either Indian or Sri Lankan citizenship and face discrimination, especially in the allocation of government funds for education. Without national identity cards, they also are vulnerable to arrest by the security forces. However, the Government has stated that none of these persons would be forced to depart the country. During 1999 the Government introduced a program to begin registering these individuals; 4,500 “Indian” Tamils received identity cards between January and September 22. Critics charged that the program did not progress fast enough.

Both Sri Lankan and “Indian” Tamils maintain that they have long suffered systematic discrimination in university education, government employment and in other matters controlled by the Government. In 1996 the Government established a parliamentary select committee to consider a package of constitutional reforms designed to devolve wide-ranging powers to local governments, thereby providing ethnic minorities greater autonomy in governing their local affairs. While the two main political groupings, the PA and UNP, reached consensus on many aspects of the devolution proposals, when the Government introduced the draft Constitution to Parliament in August in hopes of passing the measures, it had to suspend debate on the new Constitution due to political opposition. The LTTE rejected the devolution proposals.

Section 6. Worker Rights

a. The Right of Association.—The Government respects the constitutional right of workers to establish unions. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views. Over 70 percent of the plantation work force, which is overwhelmingly “hill” Tamil, is unionized. In total there are over 800,000 union members, 650,000 of whom are women. Approximately 20 percent of the nonagricultural work force in the private sector is unionized. Unions represent most workers in large private firms, but those in small scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates.

Most large unions are affiliated with political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labor unions have political affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. In 1999, the most recent year for which data are available, the Department of Labor registered 69 new unions and canceled the registration of 71 others, bringing the total number of functioning unions to 1,676. The Department of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

All workers, other than civil servants and workers in “essential” services, have the right to strike. By law workers also may lodge complaints with the Commissioner of Labor, a labor tribunal or the Supreme Court to protect their rights. However, in May the Government issued new emergency regulations in response to military events in the north, which prohibited strikes as part of placing the country on a “war footing.” Nonetheless, plantation workers and railway workers participated in strikes. The Government has periodically controlled strikes by declaring some industries essential under the ER. Despite this restriction, the Government in 1998 permitted a 5-week postal strike and a strike by plantation workers. The President retains the power to designate any industry as an essential service. The President attempted to break a doctors’ strike in June 1999 by declaring their services essential. The doctors defied the order, and after a standoff which lasted a week, the Government agreed to consider their grievances. The International Labor Organization (ILO) has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants collectively may submit labor grievances to the Public Service Commission but have no legal grounds to strike. Nonetheless, government workers in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in recent years. There were over 100 public sector strikes during the year.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity are not grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

Unions may affiliate with international bodies, and some have done so. The Ceylon Workers Congress, composed exclusively of Tamil plantation workers, is the only trade union affiliated with the International Confederation of Free Trade Unions (ICFTU), although a new trade union in the Biyagama export processing zone is affiliated with the Youth Forum of the ICFTU. No national trade union center exists to centralize or facilitate contact with international groups.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining, and it is practiced widely. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the export processing zones (EPZ’s), worker councils—composed of employees, employers and often a public sector representative—generally provide the forums for labor and management negotiation. The councils do not have the power to negotiate binding contracts, and they have been criticized as ineffective by labor advocates.

In December 1999, Parliament passed an amendment to the Industrial Disputes Act to require employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination. Employers found guilty of such discrimination must reinstate workers fired for union activities but may transfer them to different locations.

There are approximately 110,000 workers employed in the export processing zones (EPZ’s), a large percentage of them women. Under the law, workers in the EPZ’s have the same rights to join unions as other workers. However, few unions have formed in the EPZ’s, largely because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country is approximately 25 percent, the rate within the EPZ’s is only 10 percent. Labor representatives allege that the Government’s Board of Investment (BOI), which manages the EPZ’s, including setting wages and working conditions in the EPZ’s, has discouraged union activity. Work councils in the EPZ’s are chaired by the BOI and only have the power to make recommendations. Labor representatives also allege that the Labor Commissioner, under BOI pressure, has failed to prosecute employers who refuse to recognize or enter into collective bargaining with trade unions. While employers in the EPZ’s offer higher wages and better working conditions generally than employers elsewhere, workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZ’s, where wages and work conditions are set by the BOI.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is prohibited by provisions of the 1844 Abolition of Slavery Act; however, there were reports of its use. There are reports of women being trafficked to the country for the purpose of prostitution (see Section 6.f.). The act does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages. In the past there were credible reports that some rural children were employed in debt bondage as domestic servants in urban households; some of these children reportedly had been abused (see Section 5); however, no cases were

reported during the year. Some children were trafficked and forced into prostitution (see Sections 5 and 6.f.).

There are credible reports that some soldiers attached to an army camp north of Batticaloa forced local villagers to build a wall around the camp during the year, and they beat individuals who refused to comply. The military apparently transferred the officer responsible for the forced labor when notified of the abuse. Some members of the STF in the Batticaloa area forced villagers to work without compensation, clearing jungle areas and in other manual labor in and near STF camps during 1999; the villagers were threatened directly or indirectly with physical abuse if they did not perform the work.

d. Status of Child Labor Practices and Minimum Age for Employment.—In 1998 Parliament passed the National Child Protection Authority Act (NCPA) to combat the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that clearly established what types of employment are restricted for children, which age groups are affected, and what the minimum age for child labor is for particular jobs. The minimum age for employment is 14, although the law to permits the employment of younger children by their parents or guardians in limited agricultural work. In January Parliament repealed a regulation that permitted domestic employment for children as young as age 12. About 85 percent of children under the age of 16 attend school, and the law permits the employment of such persons for not more than 1 hour on any day before school. The 1997 Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it still is being implemented. The ultimate effect that this act may have on the child labor problem remains unclear.

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. There are no reports that children are employed in the EPZ's, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in non-plantation agriculture. A 1995 labor survey of the plantations indicated that half of all children in plantations drop out of school after the fourth grade, leaving a large pool of children between the ages of 10 and 15 available to pursue employment.

Despite legislation child labor still exists. A child activity survey carried out in 1998-1999 by the Department of Census and Statistics found almost 11,000 children working full time and another 15,000 engaged in both economic activity and house-keeping. The survey found 450,000 children employed by their families in seasonal agricultural work.

A recent study reported that child domestic servants are employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector often are deprived of an education. The law also permits employment in any school or institution for training purposes.

Regular employment of children also occurs mainly in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, eating houses, and repair shops. Children also are involved in the manufacture of coconut fiber products, bricks, fishing, wrapping tobacco, street trading, and farming. Government inspections have been unable to eliminate these forms of child labor (see Section 5), although an awareness campaign coupled with the establishment of hot lines for reporting child labor led to nearly 500 complaints from January through August. According to the Ministry of Labor, there were 10 prosecutions for child labor (below the age of 14) during the year. Under legislation dating from 1956, the maximum penalty for employing minors is about \$12 (1,000 rupees), with a maximum jail term of 6 months.

Additional thousands of children are believed to be employed in domestic service, although this situation is not regulated or documented. Many child domestics are subjected to physical, sexual, and emotional abuse.

Children work as prostitutes as well; internal trafficking in male children is a problem (see Sections 5 and 6.f.). Estimates of the number of child prostitutes range from 2,000 to 30,000; however, there are no reliable statistics. Although forced or bonded labor by persons of any age is prohibited by law, some rural children reportedly have served in debt bondage, although there were no reports of this during the year (see Sections 5 and 6.c.).

The LTTE continued to use high-school-age children for work as cooks, messengers, and clerks. In some cases, the children reportedly help build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided them with a mixture of LTTE ideology and formal education. The LTTE uses children as young as 13 years of age in battle, and children sometimes are recruited forcibly into the LTTE (see Section 5). In May

1999, the LTTE began a program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including schoolchildren and the aged. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is believed widely that the training was established in order to gain tighter control over the population and to provide a base for recruiting fighters.

e. Acceptable Conditions of Work.—The Department of Labor effectively enforces the minimum wage law for large companies through routine inspections; however, staffing shortages prevent the department from effectively monitoring the informal sector. While there is no universal national minimum wage, approximately 40 wage boards set minimum wages and working conditions by sector and industry. According to the statistics division of the Department of Labor, the Government in September mandated a \$5 (400 rupees) increase in the minimum wage for private sector workers, and government workers received an increase equal to 10 percent of their salary, with a minimum raise of \$12.50 (1000 rupees) per month. Minimum wage rates average approximately \$33.52 (2,682 rupees) per month in industry, commerce, and the service sector; and approximately \$1.42 (114 rupees) per day in agriculture. The minimum wage in the garment industry is \$39 (3,225 rupees) per month. These minimum wages are insufficient to provide a decent standard of living for a worker and the standard family of five, but the vast majority of families have more than one breadwinner. Most permanent full-time workers are covered by laws that prohibit them from working regularly more than 45 hours per week (a 5-1/2 day work-week). Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year.

Maternity leave is available for permanent and casual female workers. Employers must contribute 12 percent of a worker's wage to an employee's provident fund and 3 percent to an employee's trust fund. Employers who fail to comply may be fined, although the effectiveness of government enforcement of this provision is unknown.

Several laws protect the safety and health of industrial workers. However, the Ministry of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves. Health and safety regulations do not meet international standards.

f. Trafficking in Persons.—Penal Code amendments enacted in 1995 made trafficking in persons illegal; however, there are credible reports that trafficking in women and children occurs. Penalties for trafficking in women include imprisonment for between 2 and 20 years, plus a fine. For trafficking in children, the law allows imprisonment of between 5 and 20 years, plus a fine. According to police reports, there is a floating pool of approximately 200 foreign female sex workers in the country who were trafficked from the former Soviet Union, Thailand, and China.

Internal trafficking in male children also is a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO, estimates that there are at least 5,000 male children between the ages of 8 and 15 who are engaged as sex workers both at beach and mountain resorts. Some of these children are forced into prostitution by their parents or by organized crime (see Sections 5 and 6.c.). PEACE also reports an additional 7,000 young men aged 15 to 18 who are self-employed prostitutes. The country reportedly has a growing reputation as a destination for foreign pedophiles; however, officials believe that approximately 30 percent of the clients are tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles. As of September, a case against one foreign pedophile was pending in magistrate court. In 1999 a foreign pedophile was sentenced to 14 years in prison (the defendant has filed an appeal); another convicted pedophile was deported.

WESTERN HEMISPHERE

ANTIGUA AND BARBUDA

Antigua and Barbuda is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a bicameral legislative assembly compose the Government. A Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. Prime Minister Lester B. Bird's Antigua Labour Party (ALP) has controlled the Government and Parliament since 1976. In the March 1999 elections, the ALP retained power by winning 12 of 17 parliamentary seats, 2 more than it won in the previous elections in 1994. The Governor General appoints the 15 senators in proportion to the parties' representation in Parliament and with the advice of the Prime Minister and the leader of the opposition. The judiciary is independent.

Security forces consist of a police force and the small Antigua and Barbuda Defence Force. The police are organized, trained, and supervised according to British law enforcement practices. There were reports of occasional instances of excessive use of force by the police and prison guards.

The country has a mixed economy with a strong private sector. Tourism is the most important source of foreign exchange earnings. The country is burdened by a large and growing external debt, which remains a serious economic problem. Per capita gross domestic product was about \$7,500 in 1998.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. Prison conditions are poor, and there were allegations of abuse of prison inmates. Opposition parties complained that they received limited coverage or opportunity to express their views on the government-controlled electronic media. Societal discrimination and violence against women also continued to be problems.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and the authorities generally respected these prohibitions; however, there were allegations of abuse by prison guards.

There have been occasional reports of police brutality and threatening behavior. In August the families of two young men arrested by the police charged that police beat the young men leaving them with bruises and cuts on their arms, cursed them, and waved guns at family members in a threatening manner. Police authorities acknowledged the arrest but denied the alleged behavior by the policemen named by the families.

Prison conditions are poor. Conditions at the lone, 18th-century prison considerably worsened when a fire destroyed most of the facility in January 1999. Prisoners allegedly started the fire to protest random searches by prison guards. Following earlier prison riots and serious security breaches in 1997, the Government had decided to privatize the prison and hired a foreign security company, which replaced all prison officials, with the exception of a small administrative staff and women's prison officials, with its own employees.

Conditions at the prison have remained unsettled since the fire.

All prisoners are back in the compound, but repairs and renovations were not yet completed at year's end. In August the private firm's contract ended and was not renewed. A local management team was hired, with an acting superintendent on temporary duty from a neighboring island, and was charged with restoring order in

keeping with the June 1999 recommendations of a Royal Commission of Inquiry that investigated charges of abuse and other problems. A resident superintendent was trained to take over from the acting official, and the new team continued to train new hires and returning guards who had been discharged when the private firm ran the facility. The Commission recommended hiring more guards and using a rehabilitative approach. A psychologist was hired to oversee a newly established Rehabilitation Center, while some 30 new guard officer positions were filled to bring the staff to 94, including 16 female officers.

The prison remained overcrowded, with over 170 prisoners. In September inmates sent letters of complaint to the media, asking that the letters be forwarded to regional human rights organizations. They claimed that prisoners were chained naked to the floor in the maximum security section of the yet-to-be renovated prison. The authorities established a local review board to hear prisoner complaints and to monitor progress at the prison, but government officials and concerned private individuals agreed that problems are likely to continue until funds can be found to build a new prison outside the city precincts.

The women's prison facility is separate and has not experienced the problems encountered in the men's prison. There is no separate facility for juveniles, who are housed with adult inmates.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government respects these provisions in practice. Criminal defendants have the right to a judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention.

The Government does not use forced exile.

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

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The Constitution designates the Privy Council in London as the final court of appeal, which always is employed in the case of death sentences. There are no military or political courts.

The Constitution provides that criminal defendants should receive a fair, open, and public trial. In capital cases only, the Government provides legal assistance at public expense to persons without the means to retain a private attorney. Courts can reach verdicts quickly, with some cases coming to conclusion in a matter of days.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, of the press, and other forms of communication. Although the authorities generally respect these provisions in practice, the Government has restricted opposition parties' access to electronic media, effectively denying them equal coverage. The Government owns one of the two general interest radio stations and the single television station. A religious station broadcasts without impediment. One of the Prime Minister's brothers owns the second radio station, and another brother is the principal owner of the sole cable television company. The government-controlled media report regularly on the activities of the Government and the ruling party but limit their coverage of and access by opposition parties.

These restrictions led opposition leader Baldwin Spencer to initiate a constitutional challenge in 1993. In 1997 the High Court determined that the Government had denied Spencer his constitutional right to freedom of expression and called on the Government to provide the opposition with greater media access in the future. However, this ruling has had limited impact in practice. The Government continues to restrict opposition access to the media, and there continue to be allegations of censorship as the result of subtle coercive pressure by influential persons. The March 1999 report of the Commonwealth observer group that monitored the general elections noted that the governing ALP party received the greatest share of political coverage by the government-controlled electronic media. The report also indicated that fair and equal access to publicly owned electronic media did not appear to be available to opposition party figures.

However, print media, including daily and weekly newspapers, are active and offer a range of opinion, often publishing vigorous criticism of the Government. Nevertheless, efforts by print media to expand into electronic media have been re-

stricted. In 1996 a daily newspaper attempted to start a radio station but has been unable to secure a license to operate. The authorities charged the owners with operating a radio station without a license. The case went to trial, and the judge found in favor of the Government, charging the newspaper owners with criminal conduct and finding them liable for damages. The owners sued the State in December 1996 for illegal search and seizure and claimed that their constitutional right to broadcast had been violated. In December 1997, the judge ruled that constitutional rights had not been violated, even though the owners could rightly claim significant delay; the judge found that the Government had not been inconsistent in this case, since it had not granted other licenses. In 1998 the owners appealed the case to the Privy Council in London, pointing out that a progovernment station had been granted a license. On November 14, the Privy Council ruled in favor of the appellants, after finding that the Government had submitted fraudulent licenses and deceptive evidence to the court. (The Government had presented licenses supposedly issued to the Bird family for 25 years, but the signature on the licenses was that of an official who had retired prior to the date of issuance, and the law permitted licenses to have a validity of 1 year only.) The Privy Council ordered the Government to assign the appellants a broadcast frequency within 14 days. On November 15, the Government said that it would take steps to introduce new regulations to govern broadcasting, and on November 27, the police returned the impounded radio station equipment to the owners, who planned to begin broadcasting as soon as possible.

The police still have not issued an official report of their investigations in three possible arson attacks in November 1998. An arsonist destroyed an opposition newspaper; a fire of suspicious origin badly damaged the Ministry of Information; and the opposition United Progressive Party's outdoor convention site mysteriously was set on fire.

In March 1999, a newspaper dismissed two journalists due to a controversy surrounding a news story critical of the Government. The foreign-born newspaper publisher dismissed the reporters for making public their opposition to the publisher's decision not to publish the article critical of the Government just prior to the general elections. The Caribbean Association of Media Workers criticized the dismissals as undermining the newspaper's editorial independence and as a threat to press freedoms.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly. The police normally issue the required permits for public meetings but sometimes deny them in order to avert violent confrontations. While the authorities placed some restrictions on demonstrations in the past, the opposition held numerous rallies and public meetings to promote its platform without any interference.

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

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

Members of the Rastafarian community have complained that law enforcement officials unfairly target them. However, it is not clear whether such complaints reflect discrimination on the basis of religious belief by the authorities or simply enforcement of the laws against marijuana, which is used as part of Rastafarian religious practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The Government assesses all claims by refugees under the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The issue of provision of first asylum did not arise. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for a multiparty political system accommodating a wide spectrum of political viewpoints. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years; the last general elections were held in March 1999. The law obligates the Government to hold voter registration during a fixed period (of only 5 days) each year, and parties conduct their own registration drives free of government interference.

Except for a period in opposition from 1971 to 1976, the Antigua Labour Party has held power continuously since 1951. The opposition has charged that the ALP's

longstanding monopoly on patronage and its influence over access to economic opportunities make it extremely difficult for opposition parties to attract membership and financial support. In 1992 public concern over corruption in government led to the merger of three opposition political parties into the United Progressive Party.

The Commonwealth observer group that monitored the 1999 elections issued a report that noted irregularities in the electoral process and assessed the elections as free but not fair. The report indicated that the voters' register stood at 52,348 voters, of a total population of approximately 69,000 persons. Since 40 percent of the population were estimated to be below voting age, the voting rolls appeared to be inflated. According to the observer group, the voter registration period, which is limited to only a week every July, appeared too restrictive and potentially disfranchises citizens, such as persons who would reach the voting age of 18 after July but before the elections. The observer group recommended the establishment of an independent electoral commission to improve the voter registration process. By year's end, the Government had not acted on these recommendations.

There are no impediments to participation by women in government and politics, but they are underrepresented. No women have been elected or currently serve in the House of Representatives. Two women are senators, which are appointed positions. Eight of the 14 permanent secretaries (the top civil servant position in ministries) are women.

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

While there are no governmental restrictions, no local human rights groups have been formed. There were no requests, other than the letters from prisoners (see Section 1.c.), for human rights investigations or inquiries from individuals or international human rights groups during the year. In 1995 the Government created the post of Ombudsman. In 1999 the Ombudsman reviewed 220 cases, twice that of the previous year. The office of the Ombudsman generally is well regarded. The Ombudsman makes recommendations to the Government based on investigations into citizens' complaints; however, his recommendations often are not implemented to the satisfaction of alleged victims of government abuse and injustice.

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

The law prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally observed its provisions.

Women.—Violence against women is a recognized social problem. It is treated as a matter of public conscience, and there are nongovernmental social welfare groups focused on the problem. Women in many cases are reluctant to testify against their abusers. However, Parliament approved domestic violence legislation in January 1999, which supplements the 1995 Sexual Offenses Act. The latter provides penalties for rape and other sexual offenses. Organizations such as the Government's Directorate of Women's Affairs seek to increase women's awareness of their rights under the law. Police generally refrain from intervening in cases of domestic violence, and some women have charged credibly that the courts are lenient in such cases.

While the role of women in society is not restricted legally, economic conditions tend to limit women to home and family, particularly in rural areas, although some women work as domestics, in agriculture, or in the large tourism sector. Although the Government pledged to provide better family planning services, educational opportunities, and job training, it has been slow to implement new programs. The Directorate of Women's Affairs exists to help women advance in government and the professions, but there has been little progress.

Children.—The Government provides education for children through the age of 16; it is free, universal, and compulsory. Children have access to health care and other public services.

Child abuse remains a problem. While the Government has repeatedly expressed its commitment to children's rights, it has done little to protect those rights in practice. The Government still plans to establish a committee on children's rights and indicated it intends to strengthen monitoring and implementation of the U.N. Convention on the Rights of the Child. UNICEF helped support a study of the needs of children and families, and its recommendations are being used to develop a National Plan of Action on Child Survival, Development, and Protection.

People with Disabilities.—No specific laws mandate accessibility for the disabled, but constitutional provisions prohibit discrimination against the physically disabled in employment and education. There is no evidence of widespread discrimination

against physically disabled individuals, although the Government does not enforce the constitutional antidiscrimination provisions.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to associate freely and to form labor unions, and the authorities generally respect these rights in practice. Approximately 75 percent of workers belong to a union, and the hotel industry is heavily unionized. There are two major trade unions: The Antigua Trades and Labour Union (ATLU) and the Antigua Workers' Union (AWU). The ATLU is associated with the ruling ALP, while the larger and more active AWU is allied rather loosely with the opposition.

The Labor Code recognizes the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, and petroleum workers, in addition to health and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, there can be no strike. Because of the delays associated with this process, unions often resolve labor disputes before a strike is called.

Unions are free to affiliate with international labor organizations and do so in practice.

b. The Right to Organize and Bargain Collectively.—Labor organizations are free to organize and bargain collectively. The law prohibits antiunion discrimination, and there were no reports that it occurred. Employers found guilty of antiunion discrimination are not required to rehire employees fired for union activities but must pay full severance pay and full wages lost by the employee from the time of firing until the determination of employer fault. There are no areas of the country where union organization or collective bargaining is discouraged or impeded.

There are no export processing zones, but there are free trade zones which facilitate services such as international banking and gambling. The Labor Code applies fully to workers in these zones as elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor.—The Constitution forbids slavery and forced labor, including that by children, and they do not exist in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforces this law. There have been no reports of minimum age employment violations. The law prohibits forced or bonded child labor, and it is enforced effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—Minimum wage rates, which were established by law for various work categories in 1981, have never been revised and generally are viewed as irrelevant to current economic conditions. The Ministry of Labor periodically surveys average wages paid in various sectors and issues these as guidelines to prevailing market wages. The guidelines are not compulsory. The Ministry provides them to reflect increasing wage expectations, and to offset not having yet updated the 1981 minimum wage rates. In 1999 the guidelines indicated that employers pay an average salary of \$92.60 (EC\$250) per week, although the range of actual salaries varies widely, depending on skill level and experience. The existing published minimum wages for a variety of jobs would not provide a decent standard of living for a worker and family, and in practice the great majority of workers earn substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, 6-day workweek, but in practice the standard workweek is 40 hours in 5 days. The law stipulates that workers receive a minimum of 12 days of annual leave. The law requires employers to provide maternity leave with 40 percent of wages for 6 weeks of leave, while social service programs provide the remaining 60 percent of wages. The employer's obligation ends after the first 6 weeks, but social services will continue to pay 60 percent of wages for an additional 7 weeks, covering a total of 13 weeks.

The Government has not yet developed occupational health and safety laws or regulations, but a section of the Labor Code includes some provisions regarding occupational safety and health. Plans to incorporate comprehensive legislation on safety, health, and the welfare of workers into the existing Labor Code have not been implemented. Although not specifically provided for by law, workers may leave a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons. There were no recent reports that persons were trafficked to, from, within, or through the country.

ARGENTINA

Argentina is a federal constitutional democracy with an executive branch headed by an elected president, a bicameral legislature, and a separate judiciary. In October 1999, voters elected President Fernando de la Rúa; in December 1999, he replaced Carlos Menem of the Justicialist Party. The elections were considered free and fair. The judiciary is generally independent but is inefficient and subject at times to political influence.

The President is the constitutional commander-in-chief, and a civilian Defense Minister oversees the armed forces. Several agencies share responsibility for maintaining law and order. The Federal Police (PFA) report to the Interior Minister, as do the Border Police ("gendarmeria") and Coast Guard. The PFA also has jurisdiction in the federal capital. Provincial police are subordinate to the respective governor. Members of the federal and provincial police forces and the federal prison guards continued to commit human rights abuses.

Argentina has a mixed agricultural, industrial, and service economy. Following several years of economic growth during an economic reform and structural adjustment program, which included privatization and trade and financial sector liberalization, the economy slowed in 1998 and in 1999 entered a recession. There was no real economic growth during the year. Unemployment rose to 13.8 percent in 1999 and in October it had reached 14.7 percent. Income disparities remain a serious problem; the wealthiest 10 percent of the population received 36 percent of total personal income, while the poorest 10 percent received 1.5 percent of total personal income during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers continued to commit extrajudicial killings. Police torture and brutality are serious problems. In some cases the authorities investigated and sanctioned officers responsible for abuses. Prison conditions are poor. Police arbitrarily arrested and detained citizens, and lengthy pretrial detention is a problem. The judicial system is inefficient and is subject at times to political influence and to inordinate delays in trials. There were many reports of harassment, threats, and criticisms of the press by public officials. Police used violence against demonstrators on a number of occasions during the year, with one person killed as a result. Violence and discrimination against women also are problems. Child abuse and child prostitution continued to be serious problems. Anti-Semitism is a problem; however the Government took steps to combat it. Discrimination against indigenous people persist. Child labor is a problem. There were reports that women, and unconfirmed reports that children, were trafficked into the country.

The legacy of the human rights abuses of the 1976-83 military regime continued to be a subject of intense national debate, particularly the arrest of former junta leaders on charges of taking or seizing babies born to dissidents in detention and giving them to supporters for adoption. Efforts by judges in Cordoba and Bahia Blanca to institute "truth trials" in an effort to force the military to provide information on the fate of those who disappeared during the military regime met with resistance on the part of those called to testify.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings; however, police officers were responsible for a number of extrajudicial killings. The authorities investigated and in some cases detained, tried, and convicted the officers involved.

According to reports from nongovernmental organizations (NGO's), the police committed between 20 and 30 extrajudicial killings during the year. In July Amnesty International (AI) reported that 59 persons had died under suspicious circumstances in police stations throughout the country in the last 5 years. According to the report, of the 81 police officers implicated in the deaths, 36 were sentenced, 43 have been indicted, and 2 were cleared of charges.

On March 2, police in Buenos Aires killed two men who had taken hostages during an attempted robbery. After government negotiators failed to get the men to surrender, they entered a family home where they took three persons hostage and threatened to kill them. Government snipers then shot and killed both the hostage-takers.

AI reported that on February 16, transvestite Vanesa Lorena Ledesma, also known as Miguel Angel Ledesma, died while in police custody; the body showed signs of torture (see Sections 1.c. and 5). However, later the court denied police involvement and claimed that the victim died of a drug overdose.

On March 25, 28-year-old Jose Segundo Zambrano and 25-year-old Pablo Marcelo Rodriguez disappeared in Mendoza province. Their bloodstained car was found several days later, but their bodies were not discovered until July 3. The two men reportedly were police informants who had provided information about police officers who were involved in illegal activities. The victims' relatives and human rights organizations claimed that the killings were related to a police "mafia." By the end of July, the authorities had detained 21 officers, 4 of whom faced trial at year's end. Three were active-duty police and one was a former police officer.

In April police detained Juan Marcelo Carunchio, a 19-year-old man living in Cordoba province, on his way to a concert. A witness reported that she saw the police beat Carunchio and take him away. Following his detention, he was hospitalized in a coma and died a few days later. The authorities suspended five police officers suspected of involvement in the incident. On April 20, the authorities detained Francisco Eladio Bravo, head of the special forces unit, but further information was not available by year's end.

On July 2, two armed police intercepted a truck in Jujuy province, forced Manuel Fernandez to get out, and shot him from behind in the head. They allegedly planted cocaine and a weapon on the man and claimed that an armed encounter had taken place. On July 4, a judge ordered 10 police detained on suspicion of involvement in this case. As of November, they were still being detained, but no one had yet been charged.

In July in Corrientes province, police arrested 26-year-old Jorge Marcelo Gonzalez, whom they mistook for a car theft suspect and took him to police headquarters. They then tortured him and fatally shot him in the back of the neck. The police then attempted to convince the owner of the car to report it as stolen. On July 4, the authorities detained four police officers in connection with Marcelo's death. In July the authorities accused personnel of the Federal Penitentiary Service of ordering the murder of Gaston Maximiliano Noguera, an inmate at the Caseros prison. Noguera was one of a group of prisoners allowed to leave prison to commit crimes, apparently with the consent of the Federal Penitentiary Service officials in this prison. According to the Ministry of Justice and Human Rights, on the night of January 3, when he was supposed to have been in the Caseros prison, Noguera robbed a restaurant and killed a police officer. On January 4, he was found hanged in his cell. Carlos Sandez Tejada, a fellow inmate, claims to have killed Noguera as part of a deal made with prison officials. Noguera's prior cellmate, Miguel Angel Arribas, was going to provide testimony to the Ministry of Justice and Human Rights about the system of release for robbery but penitentiary guards shot him in December 1999 while transferring him to another prison. At year's end, the judge investigating the case was under 24-hour protection after having received threatening phone calls and a small wooden coffin sent to his home.

On November 10, in Salta province, provincial police efforts to breakup roadblocks mounted by unemployed workers resulted in the death of one protester. Incited by the violence, demonstrators later burned several buildings and looted stores in the towns of General Mosconi and Tartagal. Ultimate responsibility for the protester's death is still unresolved, with both other picketers and the provincial police potentially suspected.

The authorities have charged 10 persons, including 3 police officers, for the killing of 2 hostages trapped in a car during a bank robbery on September 17, 1999, in Villa Ramallo. One police officer, Aldo Cabral, provided the transmitter the robbers used during the bank robbery; the two others, Ramon Leiva and Oscar Parodi, reportedly were the officers who fired the shots that killed the hostages. Trial is scheduled for April 2001.

An investigation continued in the December 1999 deaths of two persons several blocks from a protest in which police fired tear gas and rubber bullets into a crowd of persons protesting the Federal Government takeover of the provincial government in Corrientes province; at least 40 persons were injured.

In April 1999, a court convicted a former chief of police of Rio Negro province and sentenced him to 26 months in prison for obstructing justice in the investigation of the November 1997 deaths of three young women in the town of Cipolletti. The authorities also charged two army officers, Claudio Kielmasz and Guillermo Gonzalez, with killing the women; their trial is scheduled for March 2001. The victims' families remain disappointed as they suspect that more than two persons were involved in the crime, and that details were covered up during the investigation.

In February in Buenos Aires province, a court convicted eight defendants, including a former police officer, of killing news photographer Jose Luis Cabezas in 1997 (see Section 2.a.).

In August in Mendoza the trial began of seven policemen and two civilians under indictment in the 1997 death of 18-year-old Sebastian Bordon. Several of these offi-

cers were among the 134 officials dismissed by Mendoza authorities on charges of misconduct in January 1999. In December a court found the officers guilty; however, it set them free because they had already served sufficient time in prison to be released. The court awarded the Bordon family compensation of \$70,000 (70,000 pesos); half to be paid by the provincial government and the other half by the four officers.

Several army officers were among 11 suspects in the investigation of an alleged coverup of the March 1994 death of army recruit Omar Carrasco. In 1996 the Federal Court of Neuquen sentenced Ignacio Canevaro to 15 years in prison, and Cristian Suarez and Victor Salazar to 10 years each, for the killing. They appealed the verdicts, and in 1996, the Supreme Court decided to uphold the lower court's decision. In April lawyers appealed the case again, this time claiming that there was substantial new evidence; however, in October, the Federal Court of Neuquen upheld its original sentence. On November 23, the authorities released both Suarez and Salazar based on a law that allows 1 year of good behavior in prison to count for 2 years of a sentence. They both served over 6 years of their 10-year sentence; Canevaro remained in prison at year's end.

Investigations continued into the 1994 bombing of the Buenos Aires Jewish community center (AMIA), in which 86 persons were killed, and the 1992 bombing of the Israeli Embassy in Buenos Aires. Fifteen former police officers have been linked to a stolen vehicle ring, which furnished the van used in the AMIA bombing, and face various criminal charges (see Section 5). The defendants' trial is scheduled for April 2001.

No new information was available in the following cases from previous years: the investigation of police officers Nestor Trotta and Roberto Martini for the killing of a youth in 1999; the investigation into the death of Carlos Andres Sutara in 1998, in which 14 police officers were implicated; the investigation of a police officer in connection with the killing of Walter Repetto in 1998; and the investigation of four police officers in the death of Juan Carlos Cardozo in 1999.

On February 9, 1998, the authorities detained five police officers from Rio Negro, including two chiefs of police, for the December 1989 murders of Sergio Sorbellini and Raquel Laguna. A court reportedly indicted the officers later that year, but all five police were later released without charges. At year's end, the investigation was still pending.

In October 1999, Spanish Judge Baltasar Garzon charged 186 persons with various crimes committed during the "dirty war" that the 1976-83 military regime conducted against alleged extremists. In November 1999, Garzon indicted the leaders of the military junta, including former military leaders General Leopoldo Galtieri, General Jorge Videla, Admiral Emilio Massera, and 95 other officers, including 1 active federal judge, on charges of torture, terrorism, and genocide. The courts had sentenced Videla, Massera, and Galtieri to life in prison in 1985, but former President Menem pardoned them in 1990. The 1986-87 "full stop" and "due obedience" laws put an end to further trials stemming from dirty war offenses. Judge Garzon continued efforts to extradite a number of Argentine citizens during the year, but the Government did not act on the requests on the basis that those charged already had been tried, convicted, and pardoned under Argentine law.

Two retired military officers were arrested overseas on the basis of international arrest warrants for abuses allegedly committed during the military regime. On August 7, on the basis of a warrant issued by France, Italian authorities arrested retired Major Jorge Olivera in Rome, charged with participation in the kidnapping of a French citizen in San Juan province in 1976. Following an extradition request presented by France in early September, the Penal Court of Appeals of Italy released him on September 19 after ruling that under Italian law, the statute of limitations for the crimes of kidnapping and torture had lapsed. Olivera returned to Argentina, but later in the month, the authorities confirmed accusations made by human rights groups that the document that had allowed his release was a false death certificate. The Italian Ministry of Justice and Human Rights and the General Prosecutor started to investigate the proceedings of the case, and at the same time French judicial authorities requested that Olivera be arrested if he should try to leave the country.

On August 24, on the basis of an arrest warrant issued by Judge Garzon in 1998 related to charges of genocide, terrorism, and torture during the military regime, Mexican officials arrested retired Lieutenant Commander Miguel Angel Cavallo in Cancun. Cavallo had been working for several years as a businessman in Mexico. At year's end, Cavallo's extradition to Spain was pending in the Mexican Justice Ministry, a decision that must be finally approved by the Mexican Foreign Minister. Argentine judicial authorities rejected Cavallo's request for extradition to Argentina.

These incidents demonstrated that while many of those accused of dirty war offenses are safe from prosecution in Argentina due to immunity laws, they run the risk of arrest if they travel abroad. In October Judge Juan Galeano filed a request with the Chilean Government for the arrest and extradition of General Pinochet for his involvement in the killing of Chilean General Carlos Prats in Buenos Aires in a car-bomb attack in 1974. The Prats killing has been under pretrial investigation for several years. At year's end, a Chilean response to the extradition request was pending and had been the subject of judicial proceedings in that country.

In March a federal court gave former naval officer Alfredo Astiz a 3-month suspended jail due to statements he made during a January 1998 interview with a news magazine in which he claimed that he was a trained killer of political and media targets. The navy stripped Astiz of his rank and retirement pay following the interview. Astiz is subject to an Interpol arrest warrant for human rights violations committed during the 1976-83 dirty war period. This warrant is based on his 1990 sentence to life imprisonment in France (where he was tried in absentia) for his role in the disappearance of the French nuns Alice Domon and Leonie Duquet. He has also been linked to the disappearance of a Swedish teenager, Dagmar Hagelin.

b. Disappearance.—There were no reports of politically motivated disappearances. The provincial police in Mendoza province compensated the families of Adolfo Garrido and Raul Bigorria, who disappeared in 1990 and are believed to have died in police custody, with a total of \$220,000 (220,000 pesos) as recommended in 1998 by the Inter-American Court for Human Rights.

Most reliable estimates place the number of those who disappeared during the dirty war at between 10,000 and 15,000 persons. In 1984 the National Commission on Disappeared Persons (CONADEP) issued a report listing 8,961 names of such persons, based on public testimony from friends, relatives, and witnesses. Since then the Ministry of Justice and Human Rights' Under Secretariat for Human Rights, which inherited the CONADEP files, has added over 700 new names, also based on voluntary reporting. At the same time, other names have been removed from the original list, either through confirmation of the death or survival of the person who disappeared, or through the identification of duplicate entries. The absence of documentary records of those who disappeared means that the Government must rely on public testimony, either voluntary or court-ordered. As CONADEP noted in its report, "It has been possible to determine that an important quantity of documentation existed which has been destroyed or which is being concealed by those responsible for the repression."

The Under Secretariat for Human Rights accepted claims for financial compensation from families of persons who died or disappeared during the dictatorship under a law that permitted filing of applications until May. It had received nearly 9,000 claims by the deadline; at year's end the Senate had approved a bill extending the deadline for 3 more years. A law granting former prisoners of the military regime the right to apply for compensation from the Government expired in September 1998. The Under Secretariat, which administered the law, received over 12,000 applications, and by year's end had approved over 7,000 of them. While some human rights groups routinely claim that the number of disappeared was as many as 30,000, the fact that less than half that number of applications for compensation has been received suggests the lower figure of between 10,000 and 15,000 may be more accurate.

Despite military immunity laws and pardons, investigators continued efforts to hold members of the former military regime responsible for the kidnaping and illegal adoptions of children born to detained dissidents during the dirty war. At the urging of the human rights organization Grandmothers of the Plaza de Mayo, judicial authorities continued to investigate such kidnaping and illegal adoption cases, thought to number approximately 250-300.

In December 1999, the authorities arrested retired General Guillermo Saurez Mason in connection with a child kidnaping case. In March they put 73-year-old retired General Juan Bautista Sasiain under house arrest, charged with participating in the kidnaping and concealment of 11 children of women prisoners during the military regime. Retired General Santiago Omar Riveros was arrested in August, bringing to at least nine the number of former general officers arrested in connection with baby kidnaping cases. As in the case of most of the other retired general officers, Riveros was released to house arrest due to his age. Former Army General Jorge Rafael Videla, the de facto president from 1979 to 1981, remains under house arrest, following his initial arrest in June 1998. The kidnaping cases are being investigated by three federal judges, Judges Bagnasco, Servini de Cubria, and Marquovich. By year's end, Judge Bagnasco was concluding his investigations and was prepared to turn his investigator reports over to an oral court for trials. Investigations by the two other judges continued at year's end.

In November Federal Judge Gabriel Cavallo ordered the preventive arrest of former police agents Julio Simon, known as "Julian, the Turkey", and Juan Antonio del Cerro, known as "Colors", and charged them with kidnaping 8-month-old Claudia Poblete in 1978. Poblete was the daughter of Gertrudis Hlaczik and Jose Poblete, who were detained in 1978 and are among those persons who disappeared.

In December 1999, Congress voted to block former General Antonio Bussi, who is charged with human rights abuses including torture and deprivation of liberty during the period of the dirty war, from taking his seat in the legislature. In May the lower house of Congress in an all-but-unanimous vote confirmed the earlier denial of Bussi's right to occupy a seat in that body.

In August the Supreme Court ruled against the Supreme Council of the Armed Forces, which had attempted to assert jurisdiction over the baby theft case. The Supreme Court decided that the case should continue under the jurisdiction of the civilian courts.

AI reported in May that Judge Maria Romilda Servini de Cubria and her judicial secretary Ricardo Parodi received death threats, apparently related to the investigations that the two were involved in regarding the kidnaping of children during the dirty war and other human rights abuses carried out during that period (see Section 1.e.).

In 1999 the Government created a reparation fund to be used by the Grandmothers of the Plaza de Mayo in carrying out activities to find and return children stolen from their parents during the 1976-83 military regime. The fund authorized \$600,000 (600,000 pesos) over 2 years, starting in January 1999, with the money coming directly from the national congressional budget. While full disbursement of this money has been delayed because of funding shortfalls, the fund has allowed the Grandmothers of the Plaza de Mayo to carry out a nationwide advertising campaign that resulted in more than 70 individuals coming forward to ask the organization's assistance in confirming their true identities.

In September a 23-year-old woman who had been ordered by a court to provide a blood sample for DNA analysis to determine whether she was one of the kidnaped babies was arrested and held overnight for refusing to comply. Her attorney succeeded in obtaining her release after citing her threat to commit suicide if the authorities proceeded with the forcible blood extraction.

In the disappearance case involving survivors of the Tarnopolsky family, Admiral Massera, who was ordered by the Supreme Court in September 1999 to pay \$120,000 (120,000 pesos) to a Tarnopolsky family member, refused to follow the court's directive. In November a lower court ordered Massera's "forced bankruptcy" in a further effort to oblige the former admiral to obey the earlier court order.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and the Criminal Code provides penalties for torture that are similar to those for homicide; however, police torture and brutality remain serious problems. Human rights organizations described widespread police brutality, the use of torture on suspects, and corruption within the police forces. In June 1997, the U.N. Committee against Torture criticized the Government for tolerating continued brutality and the use of torture in police stations and prisons. In December 1998, the Government responded to the U.N. Committee's criticism but did not make its reply public.

The body of a transvestite who died in police custody on February 16 reportedly showed signs of torture (see Sections 1.a. and 5.).

In March a group of police officers who were looking for the killers of a colleague in Carlos Paz (Cordoba province) fired between 15 and 20 shots at a van and beat up the 2 men in the van, a dentist, Humberto Gorriti, and businessman Raul Calvo. The police admitted later that they had made a mistake. This case remains under investigation.

In April relatives of 23-year-old Cristian Omar Lopez accused police officers of Diamante district (Entre Rios province) of beating him seriously after he and a group of friends were forced by the police for no apparent reason to leave a dancing place. At year's end, Judge Hugo Perotti was carrying out an investigation.

In July in Corrientes province, police tortured a man before killing him (see Section 1.a.).

In July Mason Aldo Bravo accused a group of officials from the Investigation Bureau of the Provincial Police of Santiago del Estero of kidnaping him for 3 days and torturing him. According to his report, the policemen broke into his house at night and attacked him. Judge Mario Castillo Sola was investigating the case.

In September police arrested 25-year-old Ariel Simonini in Tres de Febrero (Buenos Aires province) and charged him with stealing a weapon. According to Simonini, no evidence was found but before releasing him, a policewoman allowed three former police officers and a former intelligence official, who themselves were under

arrest, to torture Simonini. Simonini reported that they kicked and beat him in the stomach, head, legs and ribs. The authorities charged the policewoman as the instigator of the torture and the four men involved as participants.

Police used tear gas and rubber bullets to disperse protesters on numerous occasions, resulting in injuries (see Sections 2.b. and 6.a.). In one incident in Salta province, one protester was killed under circumstances that could have been the result of excessive use of force (see Section 1.a.).

During congressional debate over a labor reform law in April, federal police used force to suppress a group of protesters and injured over 30 demonstrators with blows and by firing rubber bullets. One demonstrator received a bullet wound from unknown sources. The Government disciplined 12 police officers for excessive use of force (see Sections 2.b. and 6.a.).

Prison conditions are poor. Many prisons and jails are overcrowded, and some facilities are old and dilapidated. According to the Federal Penitentiary Service and by the different provincial jurisdictions, in 1999 the prison system held 43,126 inmates in facilities designed to hold 23,523 persons, indicating a serious overcrowding problem.

Reliable information on medical care and food available to prisoners is unavailable, but the general impression is that such services are minimal and of low quality. The Buenos Aires provincial government has considered various solutions, including renting temporary warehouse quarters, and was considering building 18 new prisons in various police districts, but had taken no action to do so by year's end.

Pretrial prisoners cannot be held together with convicted prisoners, but reliable reports indicate that this form of prisoner separation often is not respected. Separate facilities for men and women and for adults and minors are provided for under the law and are available in practice. Facilities for women and for minors are not subject to the same serious overcrowding as prison facilities for men.

Security is a problem at some prisons and detention facilities, at times resulting in jailbreaks. In 1999 there were 60 reported cases of prison riots in facilities around the country.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Penal Code limits the arrest and investigatory power of the police and the judiciary; however, provincial police sometimes ignored these restrictions and arbitrarily arrested and detained citizens. Human rights groups find it difficult to document such incidents and state that victims are reluctant to file complaints because they fear police retaliation or do not believe that their complaints would result in any action.

Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that suspects have committed, or are about to commit, a crime, or if they are unable to determine the identity of a suspect. However, human rights groups argue that this provision of law is abused widely, that police often ignore the requirement that suspects must be unable to identify themselves, and often detain suspects who in fact do have identification.

Police occasionally detain teenagers and young adults, sometimes overnight, sometimes for an entire weekend, without formal charges. They do not always provide such detainees with the opportunity to call their families or an attorney. These detainees are released only upon a complaint from relatives or legal counsel.

In March 1999, the Federal Government promulgated Decree 150, which instructs police to prevent conduct that "without constituting misdemeanors nor infractions in the code of misdemeanors, should be avoided." This decree is interpreted to allow the police to detain persons for carrying suspicious objects or potential weapons. Critics complained that the decree revived the old police edicts that had been in effect until the Buenos Aires City Council passed its Code of Misdemeanors in March 1998. Human rights groups long had argued that these edicts were used as an excuse for arbitrary detentions, particularly of young persons, immigrants, prostitutes, and transvestites.

The law allows pretrial detention for up to 2 years, and the slow pace of the justice system often results in lengthy pretrial detentions. If convicted, a prisoner usually receives credit for time already served. Three-fourths of the inmates in the federal prisons of the greater Buenos Aires area were reportedly in pretrial detention. In the prison system of the province of Buenos Aires, this figure was reported to be as high as 90 percent. The law provides for the right to bail, and it is utilized in practice.

The law does not permit forced exile, and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, while the judiciary is nominally independent and impartial, its processes are inefficient, and at times subject to political influence. The system is ham-

pered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and incompetence. Allegations of corruption are reported widely, especially in civil cases.

The judicial system is divided into federal and provincial courts, each headed by a Supreme Court with chambers of appeal and section courts below it.

The Council of Magistrates has responsibility for submitting to the President for his decision a slate of three qualified candidates for each federal judicial vacancy. The council is also responsible for conducting impeachment hearings on judges implicated in wrongdoings and for general administration of the federal court system. It began the process of selecting candidates for judicial vacancies in several parts of the country in September 1999. Nonetheless, it still does not function fully; the number of judicial vacancies has increased significantly, and a number of impeachment cases against judges remain to be resolved. The council made its first recommendations to the executive on the appointments of new judges in July. Of the candidate lists advanced to him by the Council of Magistrates, President de la Rúa nominated two judges during the year. However, the Senate confirmed neither judge, as is required by law. At year's end, there were federal judicial vacancies for more than 113 positions nationwide. A number of prominent cases to discipline judges were initiated during the year, but were moving extremely slowly through the investigation process.

Trials are public, and defendants have the right to legal counsel and to call defense witnesses. A panel of judges decides guilt or innocence. The law does not mandate a trial by jury. Federal and provincial courts continued the transition to oral trials in criminal cases, instead of the old system of written submissions. However, substantial elements of the old system remain. For example, before the oral part of a trial begins, judges receive written documentation regarding the case, which, according to prominent legal experts, can bias a judge before oral testimony is heard. Lengthy delays in trials are a problem.

AI reported in May that Judge Maria Romilda Servini de Cubria and her judicial secretary Ricardo Parodi received death threats, apparently related to the investigations that the two were involved in regarding the kidnaping of children during the dirty war and other human rights abuses carried out during that period (see Section 1.b.). AI called on the Government to protect the work of Judge Servini and Parodi.

In June 1998, the Government allowed Father Juan Antonio Puigjane to leave prison and serve the remainder of his term under house arrest. Puigjane, a Capuchin monk, was a leader of the leftist "All for the Fatherland" movement, which in 1989 assaulted the La Tablada army barracks. Although he did not take part in the assault and denied any foreknowledge of it, the court sentenced him to 20 years in prison. Members of the movement who were involved in the 1989 attack are recognized by some international human rights groups as having been jailed for political reasons, but the Government maintains that those involved were tried and convicted properly of involvement in a violent rebellion against a democratically elected government.

The release of Puigjane followed the publication of a 1997 report by the Inter-American Commission on Human Rights (IACHR) on La Tablada, in which the IACHR absolved the Government of the use of excessive force in repelling the assault but concluded that the Government committed human rights violations after the attackers had surrendered. The IACHR also found that the Defense of Democracy Act, under which the La Tablada defendants were tried and convicted, effectively denied them the right of appeal.

In September the La Tablada prisoners launched a hunger strike to bring further pressure on the Government to act on their demand for an appeal. Efforts since 1998 to pass legislation that would have allowed the defendants a chance to appeal their earlier convictions ended in December when the legislation failed to gain the necessary support in both chambers of Congress. Following that, the Supreme Court rejected by a vote of 5-4 a request by the defendants for an appeal. With the legislative and judicial routes thereby closed, on December 29, the President, still under strong international pressure from the IACHR and a wide range of human rights groups, signed a decree commuting the sentences of 11 of the 13 defendants. With these commutations, 9 of the 13 defendants will be eligible for a parole hearing in 2002, one in 2003, and one in 2005. The two leaders of the assault, Enrique Gorriaran and his wife, Ana Maria Sivori, were convicted for their roles at La Tablada only in 1997. Since they were not tried under the Defense of Democracy Act, they were allowed an appeal, which confirmed their earlier life sentences. For this reason, they were not included in the December 29 presidential decree. As a result of the presidential decree, the La Tablada defendants ended their hunger strike after 116 days.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respects these prohibitions. Violations are subject to legal sanction. In practice, local police stop and search individuals without probable cause.

Several highly publicized cases of unauthorized telephone wiretaps in recent years raised public concern, and the Government introduced a bill in Congress in 1998 to prevent such activities, including the unauthorized recording of telephone conversations, the unauthorized photographing or filming of private acts, and the dissemination of such unauthorized records. Various draft laws have been proposed on the control of wiretapping, but none became law during the year. The use of wiretaps approved by a federal judge continued to be governed by a decree issued by then-President Menem in the early 1990's.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there were several reports that public officials harassed, threatened, and criticized the press.

A number of independent newspapers and magazines publish freely, and all print media are owned privately. Privately owned radio and television stations broadcast freely. The Federal Government owns the Telam wire service, a television station, and a radio network. A few provincial governments also own broadcast media.

During the year there were several reports of harassment and threats against journalists, and criticisms of the press by public officials. In its annual report released in September, the Argentine Association of Journalistic Entities (ADEPA), a media observer organization, reviewed several incidents and noted that they occurred principally in the provinces.

In July ADEPA expressed its concern to the provincial government in Santiago del Estero with respect to an incident in which the telephones of El Liberal, a local daily newspaper, were wiretapped. The incident occurred after El Liberal published a story on an alleged intelligence gathering network sponsored by the provincial government. The Inter-American Press Association (IAPA) criticized anonymous threats against three of El Liberal's journalists and the distribution of pamphlets with defamatory information about El Liberal. IAPA representatives met with Interior Minister Storani and expressed their concern over the situation in Santiago del Estero. In November the IAPA sent a delegation to Santiago del Estero to investigate the charges.

In July the Cordoba daily newspaper La Voz del Interior reported the harassment of one of its distributors. An attacker ambushed and threatened the driver of a distribution van with a revolver. The IAPA reported that the attackers informed the driver that the governor was uncomfortable with the content of paper. This incident occurred after La Voz published a series of articles on the questionable practices of provincial government officials of Santiago del Estero, which included accusations of wiretapping and having blueprints of reporters' homes.

In February an appeals court ordered television talk show host Bernardo Neustadt and Zidanelia Pacheco de Maroneses, whom Neustadt interviewed on his program New Times, to pay punitive damages to Judge Elisa Diaz de Vivar in the amount of \$80,000 (80,000 pesos) for allegedly defamatory comments de Maroneses made in 1993 about the judge during the program. The IAPA stated that the award was a setback for the freedom of the press because it would force journalists to censor those they interview, and because it provides special privileges to public officials, who should be open to public scrutiny.

In view of these incidents, many key media sources criticized the apparent lack of commitment on the part of some legislators to implement measures that would protect the role of the media as a "bridge" between politics and civil society, and cited the failure of some public officials to recognize openly the role of an independent media in a democratic society. ADEPA stated that these incidents violated freedom of the press and have recurred in recent years in a systematic fashion.

In February the District Court of Dolores (Buenos Aires province) sentenced to jail terms the eight persons charged with and found guilty of the highly publicized 1997 murder of photo-journalist Jose Luis Cabezas of the weekly magazine Noticias. The court sentenced some to life sentences without parole, and gave the others life sentences with parole. Although never confirmed, many believe Cabezas was murdered by operatives of the late businessman Alfredo Yabran for photos and stories that he produced regarding Yabran's alleged illicit activities. ADEPA expressed satisfaction with the sentencing of those charged with Cabezas' murder. The IAPA stated that the verdict was a step in the fight against impunity for those who violate freedom of the press. Cabezas' family, however, believes that the intellectual authors

of Cabezas' murder remain free, and that the incarceration of the eight persons who were found guilty does not put an end to the case.

No new information was available regarding the death of newspaper editor Ricardo Gangeme, who was killed in May 1999 in Chubut province.

In November the Supreme Court upheld Eduardo Kimel's 1999 sentence to 1 year in prison (suspended) and a fine of \$20,000 (20,000 pesos) for comments made in a book he wrote. In December the IACHR announced that the case will be investigated as a possible violation of the right to free speech.

The law provides for academic freedom, and the Government respects this in practice.

b. Freedom of Peaceful Assembly and Association.—The Constitution and the law provide for freedom of assembly, and the Government respects this right in practice. However, provincial police clashed with public sector protesters on a number of occasions during the year, using rubber bullets and tear gas to disperse protests that turned violent. In some incidents the police used deadly force against demonstrators (see Sections 1.a. and 1.c.).

During congressional debate over a labor reform law in April, labor groups led a march on the Congress. Clashes between protesters and the federal police resulted in injuries to over 30 demonstrators, including injuries from rubber bullets fired by police (see Sections 1.c. and 6.a.). In May several protesters and police officers were injured after the authorities used rubber bullets and tear gas to break up the protest (see Section 6.a.).

An investigation continued into the December 1999 deaths of 2 persons near an area in which the police injured over 40 protesters who were demonstrating against the Federal Government's takeover of the provincial government of Corrientes (see Section 1.a.).

The Constitution and the law provide for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution states that the Federal Government "sustains the apostolic Roman Catholic faith;" however, other religious faiths are practiced freely. The Government provides the Catholic Church with a variety of subsidies totaling \$8 million (8 million pesos), administered through the Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship. The Secretariat was transferred from the office of the presidency following the inauguration of President Fernando de la Rúa in December 1999. The Secretariat is responsible for conducting the Government's relations with the Catholic Church, non-Catholic Christian churches, and other religious organizations in the country. Religious organizations that wish to hold public worship services and to obtain tax exempt status must register with the Secretariat, and must report periodically to the Secretariat in order to maintain their status.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and laws provide for these rights, and the Government respects them in practice.

A committee composed of representatives of the Ministries of Justice, Foreign Affairs, and the Interior determines grants of refugee status, using the criteria of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A representative of the U.N. High Commissioner for Refugees may participate in committee hearings, but may not vote. The Government has granted refugee status to numerous persons and accepted refugees for resettlement. The issue of the provision of first asylum did not arise during the year.

In March 1999, the Government granted asylum to former Paraguayan General and coup plotter Lino Oviedo, who fled that country after the assassination of Paraguayan Vice President Luis Maria Argana, in which Oviedo allegedly was implicated. Oviedo was granted asylum under the condition that he would not participate in political activities. In September 1999, the authorities determined that he had been politically active from his base in Buenos Aires and ordered him moved to Tierra del Fuego province in Patagonia. Oviedo remained there until he fled the country in December 1999; in June he was captured in Brazil.

In September two Paraguayans, Luis Alberto Rojas and Fidencio Vega Barrios, wanted for extradition to Paraguay for their alleged involvement in the 1999 assassination of the Paraguayan Vice President, escaped from the National Police Headquarters in Buenos Aires where they were being held. The authorities had detained them since February; police collusion in the escapes was suspected. At year's end, the two men had not been found and were thought to have fled the country.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage. In October 1999, voters elected Fernando de la Rúa, leader of an alliance of opposition parties, as president; he succeeded President Carlos Saul Menem of the Justicialist party on December 10, 1999.

In December 1999, President de la Rúa requested and received congressional permission to suspend all three branches of the Corrientes provincial government and take direct federal control of the province. Public workers, including teachers, court workers, and public hospitals had been on strike or limiting services for much of the year, due to the provincial government's inability to pay salaries. The situation remained tense in the province during the year; in December, Congress passed legislation that extended the suspension of the Corrientes provisional government for 1 additional year.

There are no legal impediments to participation by women and minorities in politics and government; however, they remain underrepresented. The Constitution stipulates that the internal regulations of political parties and party nominations for elections be subject to requirements to increase women's representation in elective offices. A 1991 law mandates the use of gender quotas by all political parties in national elections. A 1993 decree requires that a minimum of 30 percent of all political party lists of candidates be female. As a result, the presence of women in Congress increased. About one-fourth of the 257 members of the lower house are women. Gender quotas have not applied in the Senate, where there are only 2 female members in the 72-person body. However, a December presidential decree mandates that for future elections in the Senate (with the full chamber being competed in 2001 in first-ever direct elections), at least one-third of all Senators elected must be women. There are two female cabinet-level officials, the Minister of Social Development and Environment and the Minister of Labor, Employment, and Human Resources Training. There are no women justices on the Supreme Court.

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

A wide variety of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. The Government is generally cooperative, although not always responsive to their views.

Some of the best-known human rights organizations include the Mothers of Plaza de Mayo, the Center of Legal and Social Studies, the Permanent Assembly for Human Rights, Service for Peace and Justice, and New Rights of Man. Within the federal government, the Ministry of Justice and Human Rights' Secretariat for Human Rights addresses human rights concerns at a domestic level. Human rights issues at the international level are handled by the Office of the Special Representative for International Human Rights of the Ministry of Foreign Relations, International Trade, and Worship.

In July the new chief of the army appointed by President de la Rúa proposed to establish a dialog among the Government, military, and human rights groups that would attempt to shed light on past abuses committed during the military regime. The proposal largely was rebuffed by human rights organizations, many of which oppose any contact with those officials whom they believe to be guilty of human rights abuses committed by the security forces during the dirty war period.

In November Congress passed a law calling for the human rights commissions of both chambers to write an annual report on human rights in the country, commencing in 2001.

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

The Constitution and law provide for equal treatment for all citizens, and the law provides for prison terms of up to 3 years for discrimination based on race, religion, nationality, ideology, political opinion, sex, economic position, social class, or physical characteristics.

The National Institute against Discrimination, Xenophobia, and Racism (INADI), an agency of the Ministry of Interior, has as its mandate identifying and combating all forms of intolerance in the country. INADI investigates violations of the anti-discrimination law and carries out educational programs to promote social and cultural pluralism and combat discriminatory attitudes. However, early in the year, INADI began a process of reorganization and leadership change, during which its

effectiveness was impaired seriously. With new leadership, the institute was active again by year's end.

In April an AI report expressed concern over reports that police targeted, tortured, and harassed gays, lesbians, and bisexuals. The report included information regarding the February death in police custody of a transvestite whose body showed signs of torture (see Sections 1.a. and 1.c). AI noted that police bylaws and provincial codes of misdemeanors allow police to detain or sanction members of sexual minorities for actions that do not constitute a criminal offence. The Association Against Homosexual Discrimination filed a complaint to the Office of the Human Rights Ombudsman in Cordoba regarding such treatment.

Women.—Domestic violence and sexual harassment against women are widely recognized as serious social problems. However, few official statistics on these crimes are available, so any accurate measure of the problems is difficult. The Government, through the National Council of Women, recently implemented a new database system, with the help of UNICEF, to standardize statistics on domestic violence, permit a more accurate evaluation of the scope of the problem, and promote better public policy. During the year, as part of a pilot project, two workshops provided training on the use of the software for this purpose.

Any person suffering physical or psychological domestic violence by a family member can file a formal complaint before a judge, with the level of injury inflicted determining the punishment under the civil and criminal codes. In addition, the Law on Protection Against Family Violence gives a judge the right to prevent the perpetrator of a violent act from entering the home or place of work of the victim, and temporarily to decide issues of family support, child custody, and arrangements for communication with children.

No statistics on domestic violence were available on a national level. However, as an indicator of the magnitude of the problem, in 1999 the city of Buenos Aires received 25,630 telephone calls regarding family violence. Courts in the city of Buenos Aires received 1,289 formal complaints through August, compared with 2,160 in all of 1999.

Rape is a problem, but reliable statistics as to its extent were not available. The crime of rape falls under the Law of Crimes Against Sexual Integrity, the name of which was changed in 1999 from the former Law of Crimes Against Honesty. This name change, sought by various women's rights groups, recognized that the nature of the crime is not a violation of female purity and chastity, but of the personal integrity of the victim. Marital rape and acquaintance rape are recognized by law, if force is involved, but the need for proof, either in the form of clear physical injury or the testimony of a witness, often presents a problem. The 1999 law expanded the definition of punishable sexual violations beyond forcible intercourse and increased the severity of punishments; in addition, it is no longer possible for an accused rapist to be excused from prosecution by offering to marry the victim. The penalties for rape vary from 6 months to 20 years and depend on the nature of the relationship between the rapist and victim and the physical and mental harm inflicted.

Public and private institutions offer prevention programs and provide support and treatment for women who have been abused, but transitory housing is almost nonexistent. The Buenos Aires municipal government operates a small shelter for battered women and a 24-hour hot line offering support and guidance to victims of violence, but few other shelters exist. NGO's working in the area of women's rights stress that women too often do not have a full understanding of their rights. Women lack information about what constitutes sexual harassment, what can be considered rape, or when physical and emotional abuse is considered a punishable crime.

During the year, Paraguayan authorities uncovered a trafficking ring that sent women and young girls to Buenos Aires, under the guise of working as domestic servants, and then forced them into prostitution (see Sections 6.c and 6.f.).

Despite legal prohibitions, women encounter economic discrimination and occupy a disproportionate number of lower paying jobs. Often they are paid less than men for equivalent work, even though this is prohibited explicitly by law. Working women also are represented disproportionately in the informal sector, where effectively they are denied work-related economic and social benefits enjoyed by registered workers. According to government statistics, in 1999 the underemployment rate for women was twice as high as that of men, and women in general earned 30 percent less than men. The wage differences were more pronounced at higher levels of education; for example, women with a college degree earned 46 percent less than men.

In 1992 the Government created the National Council of Women, an interagency organization under the authority of the President's Cabinet Chief, that carries out programs to promote opportunity for women in the social, political, and economic arenas. The new administration named Dr. Carmen Storani as the Council's Presi-

dent. The Council operates a web site that provides information on the organization and on issues relevant to the organization's goals.

Children.—While the Government voices strong commitment to issues of children's rights and welfare, including education and health, increasingly tight federal and provincial budgets mean that programs relevant to these areas continue to receive insufficient funding. The Ministry of Justice and Human Rights' Under Secretariat for Human and Social Rights works with UNICEF and other international agencies to promote children's rights. Education is compulsory, free, and universal for children up to the age of 15; however, adequate schooling is unavailable in some rural areas. There are numerous health care programs for children, although not all children have access to them.

NGO's and church sources indicate that child abuse and prostitution are increasing, although no statistics were available. The National Council for Minors and Family, a government organization reporting to the Ministry of Social Development and Environment, has developed an Action Plan, together with the Attorney General, the Ministry of Justice and Human Rights, the National Council of Women, and UNICEF, on the elimination of child prostitution. The most recent census (in 1991) noted that 4.5 million children under age 14 lived in impoverished conditions. There are street children in some large cities, although there are no reliable statistics on their numbers. There were unconfirmed press reports that Bolivian children sometimes were sold to sweatshops in Argentina (see Section 6.f.).

A May UNICEF report stated that sexual exploitation of children is widespread due to police inefficiency and lack of judicial intervention. The report indicated that the problem is substantial, but statistics on this crime were not available. The children involved usually work in the same institutions as adults. There were reports of children being trafficked from rural areas to urban areas of the country, and vice versa. Women and girls also are trafficked from other countries, although this reportedly involves very few underage girls (see Section 6.f.).

People with Disabilities.—A 1994 law intended to eliminate barriers for disabled persons mandates standards regarding access to public buildings, parks, plazas, stairs, and pedestrian areas. Street curbs, commuter train stations, and some buildings in Buenos Aires have been modified to accommodate wheelchairs, but many public buildings and lavatories are still inaccessible to the disabled. The Buenos Aires subway system installed a small number of elevators and escalators to facilitate use of the subway system by the disabled, and the subway administration pledged to increase the overall number of escalators in the system.

The law prohibits discrimination against disabled persons in employment, education, and the provision of other state services, and mandates access to buildings for the disabled. There has been some progress in these areas. The National Advisory Commission on the Integration of People with Disabilities—a governmental office—and numerous nongovernmental groups actively defend the rights of the disabled and help them to find employment.

Indigenous People.—The Constitution recognizes the ethnic and cultural identities of indigenous people and states that Congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. However, in practice, indigenous people do not participate in the management of their lands or natural resources. The National Institute of Indigenous Affairs (INAI) is the government agency responsible for implementing these provisions.

The principal indigenous groups—the Kollas in Salta and Jujuy, the Mapuches in the Patagonian provinces, and the Wichis and Tobas in the northern provinces—represent less than 5 percent of the national population. The INAI estimates that there are approximately 700,000 indigenous people, most of whom reside in rural areas. However, the nongovernmental Indigenous Association of the Argentine Republic estimates the indigenous population at 1.5 million persons. Other demographers in recent years have provided estimates of at most 450,000 persons. To clarify the discrepancy, the national census scheduled to take place during the year was to have collected information about indigenous identity for the first time; however, at mid-year, funding shortfalls required the Federal Government to postpone the census until the year 2001.

Existing census data show that poverty rates are higher than average in areas with large indigenous populations. Indigenous persons have higher rates of illiteracy, chronic disease, and unemployment. Government efforts to offer bilingual education opportunities to indigenous people continued to be hampered by a lack of trained teachers.

Since 1994 the Government restored approximately 2.5 million acres of land to indigenous communities. Nonetheless, some communities were involved in land disputes with provincial governments and private companies.

Religious Minorities.—Anti-Semitism is a problem; however the Government took significant steps to initiate a public dialog intended to highlight past discrimination, and to improve religious tolerance. Combating this and other forms of intolerance is a priority for the INADI. There were a number of reports of anti-Semitic acts, of anti-Semitic violence, and of threats against Jewish organizations and individuals during the year. During the year, however, no one was convicted for any anti-Semitic acts.

In February a Jewish country club in San Miguel received bomb threats. Following an evacuation of the building, it was established that the threats were spurious. Since it reopened in 1999, there have been several telephoned bomb threats made against the new AMIA Jewish community center building (which replaced the one destroyed by the bombing in 1994). No one has taken responsibility for the bomb threats, nothing was found in the building on these occasions, and no formal investigations were undertaken into the bomb threats.

In April several adolescents allegedly vandalized several tombs in the Jewish cemetery at Posadas, in Misiones province. Local police subsequently arrested seven adolescents between the ages of 12 and 17 in connection with the crime, but the police maintained that the acts of vandalism had no religious connotations.

Most published reports of antireligious acts were anti-Semitic in nature. However, in June statues of Jesus Christ and Saint Augustine were vandalized at a Catholic Church in Buenos Aires. No arrests were reported at year's end.

In January President de la Rúa committed the Government to implementing a Holocaust Education Project to be carried out under the auspices of the International Holocaust Education Task Force. During the year, the Government appointed a special representative to the task force, began a number of projects including a Holocaust monument in Buenos Aires, and donated a building for a Museum of the Shoah. The Ministry of Education is working to include Holocaust education in primary and secondary schools, and the schools now commemorate a national day of tolerance on April 19. In June the Government renewed the charter of the National Commission for Clarification of Nazi Activities (CEANA), in order to enable CEANA to continue its investigations into past pro-Nazi actions on the part of Argentina. In June President de la Rúa made a formal apology for Argentina's acceptance of Nazi war criminals as immigrants after World War II.

The authorities continued to investigate the 1992 bombing of the Israeli Embassy in Buenos Aires and the 1994 bombing of the AMIA Jewish community center, in which 86 persons died.

In May 1999, the Supreme Court (which is responsible for leading the investigation into the embassy bombing) released a report that concluded that the embassy bombing was the result of a car bomb. The court also formally determined that Islamic Jihad was responsible for the bombing, based on claims made by the group following the attack and on similarities with other bombings claimed by the group. In September 1999, the court issued an international arrest warrant for Islamic Jihad leader Imad Mughniyah. In December 1999, the court released a more extensive finding on the bombing, which encompassed the May report.

In late 1999, the Government sought the arrest and extradition of Mohammad Abbas Malik for questioning about the bombing. When he was arrested overseas on other charges, the authorities interviewed him in September, and he denied any connection with the Israeli Embassy bombing. Following the interview, the Government indicated that it had no further interest in Malik with in connection to the 1992 bombing.

In the AMIA case, the investigating judge determined in February 1999 that there was insufficient evidence to charge Iranian Nasrim Mokhtari, long suspected of complicity in the bombing. In July 1999, the Supreme Court ruled that she could leave the country. Wilson dos Santos, who reportedly had linked Mokhtari to the bombing, recanted his testimony in 1999 from earlier that year; the press reported in July 1999 that he had offered to return and testify in exchange for money. An investigator interviewed him in Brazil in 1999, evaluated the proposed testimony, and rejected his offer. However, subsequently the authorities decided to issue charges against Wilson dos Santos, and he was arrested in Switzerland and extradited to Argentina in December. He was charged with having given false testimony in the AMIA case, and the authorities still hope that he will be able to shed light on the events leading up to the 1994 attack.

In July 1999, the authorities brought formal charges against all the suspects being held in connection with the attack, including a number of former Buenos Aires provincial police officers. Fifteen former police officers have been linked to a stolen

vehicle ring, which furnished the van used in the bombing, and face various criminal charges (see Section 1.a.). The provincial police officers and others held in the AMIA case are suspected accessories to the crime and not those who are thought to have planned or executed the actual attack. In late February, the investigating judge formally presented for trial the report on his investigation regarding these suspected accessories. The defendants face charges of various acts of police corruption related to the vehicle used in the bombing. At year's end, Judge Galeano's investigation aimed at finding the actual perpetrators of the bombing continued.

In April President de la Rúa created a new task force of four independent prosecutors to investigate certain areas relating to the AMIA case. On the sixth anniversary of the AMIA bombing, President de la Rúa and much of his Cabinet attended a solemn ceremony commemorating the victims at the now-rebuilt cultural center.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form “free and democratic labor unions, recognized by simple inscription in a special register,” and this right is observed in practice. With the exception of military personnel, all workers are free to form unions. An estimated 35 percent of the work force is organized. Trade unions are independent of the Government and political parties, although many union leaders traditionally have supported the Justicialist Party. Most unions are affiliated with the General Confederation of Labor (CGT). A smaller federation, the Argentine Workers' Central, also is recognized legally. In the early part of the year, the CGT split into two factions, an “official” faction and a “dissident” faction, the latter of which conducted numerous marches and demonstrations—some of which became violent—in an effort to pressure the Government to take a more prolabor stance.

The International Labor Organization's (ILO) Committee of Experts has criticized the law, which allows only one union per industrial sector to negotiate salary, collect dues, and call a strike. The law makes it virtually impossible for new unions to challenge existing unions, thus giving the established unions a monopoly on these fundamental powers of representation. On November 21, the Labor Minister formed a tripartite commission to analyze the ILO observations, including this issue.

During congressional debate over a labor reform law in April, labor groups led a march on the Congress that was suppressed by the federal police, who injured over 30 demonstrators with blows and by firing rubber bullets. Ten police officers were injured in the altercation. One demonstrator received a bullet wound from unknown sources. The Government disciplined 12 police officers for excessive use of force (see Sections 1.c. and 2.b.).

The Constitution provides for the right to strike, and this right is observed in practice. Two national general strikes took place during the year. The first in June effectively shut down most public transportation, government offices, and schools throughout the country as millions of workers representing the three major labor federations protested the May reduction in government salaries, tax hikes, and other expenditure reductions as part of the Government's austerity plan. The second national general strike took place November 23-24, again with the support of all three major labor federations. This strike, in protest of labor reforms and further economic austerity measures, was more successful than the June strike in shutting down not only most public transportation, government offices and schools, but also many stores and businesses. While the November strike was generally peaceful, some prestrike acts of intimidation allegedly by union activists against bus and taxi companies left a number of busses and taxis damaged or burned in Buenos Aires and in other cities around the country. The police arrested no strikers or activists as a result of any of these incidents. In Cordoba, police made 10 arrests and there were at least 9 injuries in an effort to break up a demonstration by municipal workers. During the year, there also were scattered local work stoppage, and several unions, including transport workers, farmers, and teachers initiated numerous local and nationwide strikes to protest various issues including government labor policies, as well as nonpayment and late payment of wages by private companies.

Groups of unemployed and underemployed workers around the country frequently used roadblocks as acts of protest. Hundreds of small incidents took place, with groups of activists blocking roads and highways. Some of these roadblocks were spontaneous actions by groups demanding continuation of federal and provincial unemployment payments and job subsidy programs that were expiring. Others were organized by radical labor and social groups such as the Classicist Combative Movement. While most roadblocks were resolved by negotiated settlements, usually including promises of extended unemployment programs, a number ended in confrontations between the police and strikers. In May the provincial and border police in Salta province used force to disperse truckers at roadblocks, who were protesting

the withdrawal of government funds from a job subsidy program. Several protesters and police officers were injured after the authorities used rubber bullets and tear gas to disperse the protesters. Protesters allegedly looted shops and set a townhall on fire. On November 10, again in Salta province, provincial police efforts to break up roadblocks resulted in the death of one protester (see Section 2.b.). Incited by the violence, demonstrators burned several buildings and looted stores in the cities of General Mosconi and Tartagal. The Federal Government criticized the provincial government's use of force but resisted calls for federal intervention.

Unions are free to join international confederations without government restrictions; many unions also are active in international trade secretariats.

b. The Right to Organize and Bargain Collectively.—The Constitution provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration, and these rights are observed in practice. The Ministry of Labor, Employment, and Human Resources Formation ratifies collective bargaining agreements, which cover roughly three-fourths of the work force. According to the ILO, the ratification process impedes free collective bargaining as the Ministry not only considers whether a collective labor agreement contains clauses violating public order standards, but also considers whether the agreement complies with productivity, investment, technology and vocational training criteria. In recent practice, however, the Government has not refused to approve any collective agreements under the above criteria.

The Labor Reform Law, which went into effect in May, allows collective bargaining on a regional, provincial, or company basis depending on what the local union and company decide. Prior law only permitted negotiations by the heads of the national union on behalf of all the unions in the sector.

The new law also established a mediation service, which was being organized at year's end. Foreign experts, as part of an Organization of America States project, conducted a 1-week training in mediation for labor professionals, particularly government officials.

The new Labor Reform Law lengthened the probationary period for new workers from 30 days to between 90 and 120 days for large companies and to between 6 months and 1 year for small businesses. The new law also ended the practice known as "ultra-activity," which allows existing labor contracts to be renewed if the parties cannot come to terms on a new agreement.

Some labor unions strongly opposed the reform legislation. In August their opposition was strengthened when a bribery scandal emerged over alleged payments to key Senators to encourage votes in favor of the legislation. Most significantly, implementing regulations for the new labor reform law were still in the process of being developed at year's end, with no clear indication of when they would be approved. This fact, and an inconclusive closing in December of the judicial investigation into the alleged bribes, left the final impact of the new legislation unclear.

The law prohibits antiunion practices, and the Government enforces this prohibition.

There are three functioning export processing zones (EPZ's) with many others legally registered but not active. The primary commercial advantages of these zones are related to customs and duty exemptions. The same labor laws apply within these zones as in all other parts of the country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and there were no reports that it was used; however, there were reports that women were trafficked to the country (see Sections 5 and 6.f.). The law also prohibits forced and bonded labor by children; however, there were unconfirmed reports that children were trafficked to the country to work in sweatshops (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits employment of children under 15 years of age, except in rare cases where the Ministry of Education may authorize a child to work as part of a family unit; however, child labor does occur in practice and may be increasing. Children between the ages of 15 and 16 may work in a limited number of job categories, but not more than 6 hours a day or 35 hours a week. The penalty for employing underage workers ranges from \$1,000 to \$5,000 (1,000 to 5,000 pesos) for each child employed. On August 25, the President decreed the formal establishment of a National Commission for the Eradication of Child Labor, which is to work with the Government, organized labor, the business community, religious groups, UNICEF, and NGOs. Labor Minister Patricia Bullrich appointed Leandro Haleprin to head the commission.

A 1993 law requires that all children receive a minimum of 9 years of schooling, beginning at age 6. Government census figures indicate that about 5 percent of children between the ages of 6 and 14 are employed, most with older family members.

Local NGO's note that the figure is imprecise and could be as high as 10 percent. In 1999 in the greater Buenos Aires area, 12,500 children age 14 and below were in the work force. In a 1997 report, UNICEF stated that 252,000 children between the ages of 6 and 14 were employed—183,500 in urban areas and 68,500 in the country—principally harvesting tea and tobacco. An August UNICEF report on adolescents found that, for children between ages 13 and 17, 3 percent were in school and also economically active; 7 percent were not in school but were economically active; 84 percent were only in school; and 6 percent were neither in school nor working.

The Government prohibits forced and bonded child labor, and there were no confirmed reports of its use; however, there were unconfirmed press reports that children were trafficked to the country to work in sweat shops (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The monthly national minimum wage is \$200 (200 pesos), which is not sufficient to provide a decent standard of living for a worker and family. It is determined by a tripartite committee and has not been changed for at least 5 years.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is 8 hours, and the maximum workweek is 48 hours. Overtime payment is required for hours worked in excess of these limits. The law also sets minimums for periods of rest and paid vacation. However, enforcement of laws governing acceptable conditions of work is not carried out universally, particularly for workers in the informal sector who constitute about 40 percent of the work force.

Employers are required by law to insure their employees against accidents at the workplace, and when traveling to and from work. In December a presidential decree increased the maximum cash payments and maximum total payments for workers' compensation in an effort to strengthen worker protections. Workers have the right to remove themselves from dangerous or unhealthful work situations, after having gone through a claim procedure, without jeopardy to continued employment. Nonetheless, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases, the worker has the right to judicial appeal, but the process can be very lengthy.

f. Trafficking in Persons.—Although there are no laws specifically addressing trafficking in persons, laws against child abuse provide penalties for trafficking children for purposes of prostitution, and other laws prohibit alien smuggling, indentured servitude, and similar abuses. During the year, Paraguayan authorities uncovered a trafficking ring that sent women and young girls to Buenos Aires, under the guise of working as domestic servants, and then forced them into prostitution. In one prominent case, two girls escaped from an Argentine brothel in April and returned to their homes. The Paraguayan authorities charged a number of Paraguayans with involvement in the case; however, at year's end, none had been convicted. An Argentine television station also conducted an investigation of prostitutes working in greater Buenos Aires and reported a number of undocumented Paraguayan women and girls working in slave-like conditions, offering their services as prostitutes in exchange for their clothing, room, and board.

In 1999 police in Spain apprehended two Argentine citizens whom they charged with trafficking in women for purposes of prostitution.

There were unconfirmed press reports that Bolivian children sometimes were sold to sweatshops in Argentina.

BAHAMAS

The Commonwealth of the Bahamas is a constitutional, parliamentary democracy and a member of the Commonwealth of Nations. Queen Elizabeth II, the nominal head of state, is represented by an appointed Governor General. Prime Minister Hubert A. Ingraham's Free National Movement (FNM) has controlled the Government and Parliament since August 1992. The judiciary is independent.

The national police force maintains internal security, and the small Bahamas Defense Force (RBDF) is responsible for external security and some minor domestic security functions such as guarding foreign embassies and ambassadors; both answer to civilian authority. There continue to be reports that the police occasionally committed human rights abuses.

The economy depends primarily on tourism, which accounts for nearly two-thirds of the gross domestic product. Financial services, particularly offshore banking and trust management, are also major sources of revenue. While some citizens enjoy rel-

atively high income levels, there is considerable underemployment and poverty. The unemployment rate remained at 7 percent during the year.

The Government generally respects the human rights of its citizens; however, problems remain in several areas. There were reports that police occasionally beat and abused detainees, and prison conditions remain harsh. The police occasionally use arbitrary arrest and detention. Lengthy pretrial detention and delays in trials are problems. Violence and discrimination against women and violence against children also are problems. Discrimination against the disabled and persons of Haitian descent persists.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings. Three prisoners died while in custody at the prison (see Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other cruel and degrading treatment or punishment; however, the police occasionally beat and otherwise abused suspects. Many of the charges of abuse involved beatings to extract confessions. Human rights monitors and members of the public continued to express concern over such instances of police abuse against criminal suspects. Police officials continued to deny that there have been violations of defendants' rights. According to officials, these rights are protected by the trial judge, who determines the admissibility of the defendant's statement as evidence at trial.

The Police Complaints and Discipline Unit, which reports directly to senior police officials, is responsible for investigating allegations of police brutality. This unit determines if enough evidence of abuse or misconduct exists in a particular case to warrant discipline within the police system or, in some instances, criminal prosecution by the Attorney General. Local human rights observers doubt the police force's ability to investigate itself impartially in cases of alleged abuse and misconduct and believe that many incidents of improper police behavior go unreported. Police officials insist that their investigations are fair and thorough. There were 197 complaints against the police during the year. In 14 cases, the complainant dropped the charges. A total of 26 complaints were dropped because the police were found to be not at fault. The authorities sent 31 cases to the Police Tribunal, and 126 cases were under investigation at year's end. Police officials believe that a continuing turnover in personnel is a contributing factor in disciplinary cases. There are approximately 2,200 officers to police a total population (excluding tourists) of 293,000.

Corporal punishment is permitted by law with some restrictions. For example, caning is permitted at police stations but only if performed by a sergeant or higher ranking official. Cat-o-nine-tails are allowed at prisons but used rarely.

Conditions at Fox Hill, the only prison, continued to improve but remain harsh and overcrowded. The men's maximum-security block, originally built in 1953 to house 400 to 600 inmates, holds nearly 800 of the prison's total of over 1,400 inmates. The remaining prisoners are housed in medium- and minimum-security units which are currently at, or above, maximum capacity. The prison's female population is around 40 inmates, considerably less than the female unit's full capacity of 200. Male prisoners are crowded into poorly ventilated cells that generally lack regular running water. There are no separate facilities for inmates being held on "remand" (detention pending trial or further court action), although some eventually are segregated in a medium security wing after processing through maximum security. All inmates are screened for infectious diseases, and prison officials estimate that about 7 percent of the incoming prison population is infected with the HIV virus. Most prisoners lack beds. Many of them sleep on concrete floors and are locked in their cells 23 hours per day. Facilities for women are less severe and do have running water. Organizations providing aid, counseling services, and religious instruction have regular access to inmates. In August and September, three prisoners died while in custody at the prison. Prison officials were investigating the cases at year's end.

The Government has provided funds for improvements in prison facilities and prisoner rehabilitation programs. Prison officials have instituted some technical and vocational programs, and correctional officers are undergoing instruction to become certified trainers. Modern training facilities are equipped with new computers, and the prison also offers some educational and literacy programs for prisoners. In December an 80-cell minimum security cellblock opened, and the prison is constructing a new 80-cell maximum-security building, scheduled to open in 2001. This building,

which is to have larger cells and more extensive plumbing, should relieve some of the overcrowding in the existing block. Prison officials plan to renovate the current maximum-security unit once the new building is in service.

Domestic and international human rights groups were able to visit the prison during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, police occasionally arbitrarily arrest and detain persons. In general the authorities conduct arrests openly and, when required, obtain judicially issued warrants. The Government respects the right to a judicial determination of the legality of arrests.

Serious cases, including those of suspected narcotics or firearms offenses, do not require warrants where probable cause exists. Arrested persons appear before a magistrate within 48 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. They may hire an attorney of their choice, but the Government does not provide legal representation except to destitute suspects charged with capital crimes. Some local legal professionals and human rights observers believe that this lack of representation risks hasty convictions on the basis of unchallenged evidence, particularly in the case of poor or illiterate defendants. However, there is no statistical evidence to indicate that this is more than an occasional problem.

The Bail Act prohibits bail for repeat offenders and those accused of certain violent crimes. Judges tend not to grant bail to foreign suspects, particularly on more serious offenses, since the authorities consider foreign offenders more likely to flee if released on bail. Judges sometimes authorize cash bail for foreigners arrested on minor charges, but in practice, foreign suspects generally prefer to plead guilty and pay a fine rather than pursue their right to defend themselves, given possible delays in court cases and harsh conditions in the prison. Attorneys and other prisoner advocates continue to complain of excessive pretrial detention.

The authorities detain illegal immigrants, primarily Haitians and Cubans, at the detention center located off Carmichael Road until arrangements can be made for them to leave the country, or they obtain legal status. The detention center, which had been closed for repairs since suffering extensive damage from Hurricane Floyd in September 1999, reopened in December. Detainees had been housed in the women's prison at Fox Hill where conditions are austere. Female and child detainees were housed together with the general population and were afforded little privacy. Incidents of antagonism between detainees and guards were frequent. Most of these incidents involved the Cuban detainees, a few of whom had been in custody for over a year. There were numerous escapes from Fox Hill prison, particularly by Cuban detainees. In the newly reopened detention center, which can hold up to 600 detainees, women and men are housed separately. Haitians usually are repatriated within 2 weeks. Many detainees are provided with food and other items by relatives and friends on a regular basis, and those who can arrange and finance their repatriation generally are deported much more quickly. Illegal immigrants convicted of crimes other than immigration violations are held at Fox Hill prison where they may remain for weeks or months after serving their sentences, pending deportation.

Exile is illegal and is not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is independent in practice.

Magistrate's courts are the lowest level courts and only handle crimes with a maximum sentence of 5 years. Trial by jury is available only in the Supreme Court, which is the trial court that handles most major cases. Its decisions may be appealed to the Court of Appeal; the Privy Council in London is the final court of appeal. The Governor General appoints judges on the advice, in most cases, of the independent Judicial and Legal Services Commission.

The justice system derives from English common law. Trials are fair and public. Defendants enjoy the presumption of innocence and the right to appeal. Defendants can confront and question witnesses against them and present evidence on their own behalf. However, the judicial system is plagued by a large backlog of cases, and delays reportedly can last as long as 2 years. To reduce the backlog, the Government continued the process of streamlining appeals, computerizing court records, and hiring new judges, magistrates, and court reporters. The Supreme Court established a task force to recommend further reforms in the court system and published a report in October 1999 proposing modifications in the system to facilitate case flow management including the disposition of cases within 16 months of initial filing.

Despite these measures to improve efficiency, complaints persist of excessive pretrial detention, outdated record keeping, delayed justice for victims, and a failure to update new laws in the books. Some judges have been brought in from abroad; while familiar with English common law, they lack experience regarding Bahamian

law and procedures. There were isolated complaints of deviations from normal, fair court proceedings—particularly in civil matters—but there were no indications that this was a widespread problem.

The final appeals court recently ruled that death-row inmates appealing their sentences must be given the chance to be heard by bodies such as the United Nations Human Rights Committee and the Inter-American Commission on Human Rights.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary entry, search, or seizure, and the Government generally respects these prohibitions in practice. The law usually requires a court order for entry into or search of a private residence, but a police inspector or more senior police official may authorize a search without a court order where probable cause to suspect a weapons violation exists. Such an official also may authorize the search of a person (that extends to the vehicle in which the person is traveling) without a court order, should probable cause exist to suspect drug possession.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government respects the constitutional provision for the right of free expression, and the political opposition criticizes the Government freely and frequently.

Three daily and several weekly newspapers, all privately owned, express a variety of views on issues of public interest, including varying degrees of criticism of the Government and its policies. Foreign newspapers and magazines are readily available.

There is a government-run radio station and four privately owned radio broadcasters. The country's sole television station, the state-owned Broadcasting Corporation of the Bahamas, presents a variety of views, although opposition politicians claim, with some justification, that their views do not receive as extensive coverage as those of the Government.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice. Groups must obtain permits to hold public demonstrations, and the authorities generally grant such permits.

The Constitution provides for freedom of association, and the Government respects this right in practice. The law permits private associations.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

There is no legislation governing the processing of asylum seekers, and applications for political asylum are supposed to be adjudicated on a case-by-case basis at the cabinet level. Trained immigration officials screen asylum applicants, and the UNHCR reviews the interview records and offers advice on certain cases. Local and international human rights observers have criticized the Government for failing to screen potential asylum applicants adequately. These organizations have claimed that some Cubans and Haitians with a legitimate fear of persecution were repatriated without first having the opportunity to make a claim for asylum. Although the repatriation agreement between the Bahamas and Haiti expired at the end of 1995, the Government continued to repatriate illegal Haitian immigrants based on the terms of that agreement. The Government signed a repatriation agreement with Cuba in 1998.

At year's end, a total of 5,801 persons, including 4,897 Haitians, 374 Jamaicans, and 284 Cubans had been repatriated. Two Nigerian nationals requested asylum during the year. The Government granted one request and denied the other. A total of 39 Cubans requested asylum. All were denied.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Bahamas is a constitutional, parliamentary democracy with two major political parties and general elections at least every 5 years. An elected Prime Minister and Parliament govern. The political process is open to all elements of society, and

citizens 18 years of age and older are eligible to register and vote. Voting is by secret ballot. The two principal political parties are the ruling Free National Movement and the opposition Progressive Liberal Party (PLP). The PLP led the country for 6 years of internal self-government from 1967 to 1973 and held power from independence in 1973 until 1992. The FNM won general elections in 1992 and 1997. It holds 35 of 40 seats in the House of Assembly, and the PLP holds 4. The Coalition for Democratic Reform (a splinter party from the PLP) holds one seat. Both the ruling party and the opposition name members to the upper house, the Senate, in compliance with constitutional guidelines. Although it does pass legislation, the Senate is primarily a deliberative body that serves as a public forum to discuss national problems and policies.

There are no legal impediments to participation by women in government and politics; however, women are underrepresented. The 40-seat House of Assembly has 6 elected female members, including the Speaker of the House, and 6 appointed female Senators, including the government leader in the Senate. The Minister of Foreign Affairs, Janet Bostwick, also directs the Bahamian Bureau of Women's Affairs. Women also head the Ministry of Education and the Ministry of Commerce, Agriculture, and Industry. The Chief Justice of the Supreme Court is a woman.

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

Individual human rights monitors and several local human rights groups, as well as representatives of international human rights organizations, operate freely, expressing their opinions and reporting their findings on alleged human rights violations without government restriction. The Government allows them broad access to institutions and individuals.

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

The Government generally respects in practice the constitutional provisions for individual rights and freedoms regardless of race, place of origin, political opinion, creed, or sex. However, the Constitution and the law contain certain provisions that discriminate against women.

Women.—Violence against women continues to be a serious, widespread problem. Government crime statistics do not separate domestic violence from other incidents of violence. The Government operates a nationwide toll-free hot line, with two trained volunteers on each of the inhabited islands who are on call to respond in the event of a crisis. Government and private women's organizations conduct public awareness campaigns highlighting the problems of abuse and domestic violence. On November 16, the Department of Social Services in partnership with a private company established, for the first time, two safe houses to assist battered women. The Domestic Court, which deals exclusively with family issues such as spousal abuse, maintenance payments, and legal separation, continued to receive a high volume of cases. The court can and does impose various legal constraints to protect women from abusive spouses or companions. However, advocates for women's rights see a need to improve the effectiveness of enforcement of the court's orders. They cite a general reluctance on the part of law enforcement authorities to intervene in domestic disputes and a lack of police training and sensitivity in dealing with domestic violence. While police training includes some presentations on domestic violence, law enforcement authorities admit that the problem has not been a top priority in training or resource allocation.

The Constitution discriminates against women by not providing them with the same right as men to transmit citizenship to their foreign-born spouses. Additionally the law makes it easier for men with foreign spouses to confer citizenship on their children than for women with foreign spouses. Some inheritance laws also favor men over women. For example, when a person dies without a will, the estate passes to the oldest legitimate son, or in cases where there is no son, the closest legitimate male relative. Prominent women of all political persuasions continue to push for an amendment to the Constitution and related laws to redress this situation.

Women participate fully in society and are well represented in the business and professional sectors.

Children.—The Government places a priority on maintaining adequate expenditures for child welfare and education. Public education is compulsory for children through the age of 16.

Awareness of parenting and responsibility for children has increased. However, child abuse and neglect remain serious problems. There were a total of 147 cases of child abuse during the year: 33 cases of physical abuse, 94 cases of sexual abuse, 9 cases of neglect, 4 cases of emotional abuse, and 7 cases of abandonment.

The law requires that all persons who have contact with a child they believe to be abused sexually report their suspicions to the police. However, the same reporting requirement does not apply to cases of physical abuse, which health care professionals believe occurs quite frequently. The police refer reported cases of sexual and physical abuse to the Department of Social Services, which investigates them and can bring criminal charges against perpetrators. The Department may remove children from abusive situations if the court deems it necessary.

People with Disabilities.—The Government has constructed additional housing units in Nassau designed specifically for the disabled, but very few buildings and public facilities are accessible to the disabled. Although the 1973 National Building Code mandates certain accommodations for the physically disabled in new public buildings, the authorities rarely enforce this requirement. The code also fails to mandate accommodations in new private buildings, which often lack accessibility as well. Advocates for the disabled complain of widespread job discrimination and general apathy on the part of private employers and political leaders toward their need for training and equal opportunity. They note that there is no overarching legislation to implement and enforce equal opportunity policies in the workplace, educational institutions, or elsewhere.

The Disability Affairs Unit of the Ministry of Social Development and National Insurance works with the Bahamas Council for Disability, an umbrella organization of nongovernmental organizations that offer services for the disabled, to provide a coordinated public and private sector approach to the needs of the disabled. A mix of government and private residential and nonresidential institutions provides a range of education, training, counseling, and job placement services for both physically and mentally disabled adults and children. There is still no disability act; a government-sponsored task force drafted proposed legislation; however, it had not been introduced in Parliament at year's end.

National/Racial/Ethnic Minorities.—Unofficial estimates suggest that between 20 and 25 percent of the country's roughly 290,000 inhabitants are Haitians or citizens of Haitian descent, making them the largest and most visible ethnic minority in the islands. While 30,000 to 40,000 Haitian citizens reside in the Bahamas legally, some observers believe that similarly large numbers are in the country illegally.

Although Haitians and Bahamians of Haitian descent generally are well integrated into society, interethnic tensions and inequities persist. Recent crime statistics show Haitians as targets for petty theft crimes. Some members of the Haitian community complain of discrimination in the job market, and resentment of continued Haitian immigration is widespread. However, reports of ethnic violence or blatant discrimination against legally resident Haitians are scarce. Leaders of the Haitian community approve of the Government's humane approach to the repatriation of illegal migrants and point to the high number of ethnic Haitians in the public service.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides labor unions with the right of free assembly and association. Private sector and most public sector workers may form or join unions without prior approval. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions. Workers exercise the right of association extensively, with almost one-quarter of the work force (and one-half of the workers in the important hotel industry) belonging to unions.

Three major umbrella labor organizations—the National Workers Council of Trade Unions and Associations, the Trade Union Congress (TUC), and the National Congress of Trade Unions—along with individual labor unions, all function independently of government or political party control.

The Industrial Relations Act requires that, before a strike begins, a simple majority of a union's membership must vote in favor of a motion to strike. The Department of Labor must supervise the vote. Unions threatened several work stoppages against both public and private employers during the year. In order to resolve trade disputes more quickly, in 1996 Parliament amended the Industrial Relations Act to establish an industrial tribunal. According to the act, labor disputes first are filed with the Ministry of Labor and then, if not resolved, are turned over to the tribunal. The tribunal follows normal court procedures for the admission of evidence, direct examination, and cross-examination. The tribunal's decision is final and can only be appealed in court on a strict question of law. Some employers complain that the industrial tribunal is biased unfairly in favor of employees. All labor unions have the right to maintain affiliations with international trade union organizations.

b. The Right to Organize and Bargain Collectively.—Workers freely exercise their right to organize and participate in collective bargaining, which the law protects. Unions and employers negotiate wage rates without government interference.

The Constitution and the Industrial Relations Act prohibit anti-union discrimination by employers. The act requires employers to recognize trade unions, and it requires the reinstatement of workers fired for union activities. Employers may dismiss workers in accordance with applicable contracts, which generally require some severance pay. The Government enforces labor laws and regulations uniformly throughout the country.

Freeport is a specially designated free trade zone. Labor law and practice in this zone do not differ from those in the rest of the country. However, human rights advocates assert that the Port Authority has allowed the Hong Kong-based company Hutchinson-Whampoa, which now owns the harbor, airport, and many major hotels in Freeport, to discourage unions.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor by all persons, including children, and such labor does not exist in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 14 for industrial work or work during school hours. Children under the age of 16 may not work at night. There is no legal minimum age for employment in other sectors, and some children work part time in light industry and service jobs. The constitutional prohibition of forced and compulsory labor, including that by children, is respected in practice (see Section 6.c.).

e. Acceptable Conditions of Work.—The Fair Labor Standards Act permits the creation of a Wages Council to recommend the setting of a minimum wage, but the Government never has established such a council or a general minimum wage. However, in July the Government established a specific minimum wage of \$4.66 (B\$4.66) per hour for all hourly and temporary workers throughout the public sector. In view of the high cost of living, this wage alone would not provide more than a subsistence living for a worker and family. The act limits the regular workweek to 48 hours, provides for one 24-hour rest period, and requires overtime payment (time and a half) for hours beyond the standard.

The Ministry of Labor, responsible for enforcing labor laws, has a team of inspectors who conduct on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints, but inspections occur infrequently. The Ministry normally announces inspection visits in advance, and employers generally cooperate with inspectors to implement safety standards.

The national insurance program compensates workers for work-related injuries. The Fair Labor Standards Act requires employers to find suitable alternative employment for employees injured on the job but still able to work. The law does not provide a right for workers to absent themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons; however, the Penal code bans prostitution and prohibits the detention of persons against their will and for immoral purposes. There were no reports that persons were trafficked to, from, within or through the country.

BARBADOS

Barbados is a constitutional democracy with a multiparty, parliamentary form of government and is a member of the Commonwealth of Nations. The Queen is head of state and is represented by an appointed Governor General. Prime Minister Owen Arthur is the head of government and governs with an appointed cabinet. The judiciary is independent.

The Royal Barbados Police Force is charged with maintaining public order. The small volunteer Barbados Defence Force (BDF) is responsible for national security and can be employed to maintain public order in times of crisis, emergency, or other specific need. Police committed some human rights abuses.

The economy is based on tourism, services, light manufacturing, and agriculture, which makes it vulnerable to external economic developments. Per capita gross domestic product (GDP) was about \$9,323 in 1999. The country has registered 7 successive years of sustained economic growth. For the first quarter of the year, GDP grew at 4.6 percent.

The Government generally respects constitutional provisions regarding human rights; however, there were problems in a few areas. There were three extrajudicial

killings by police. Other principal human rights problems continued to be occasional instances of excessive use of force by police and societal violence against women and children. There was an upsurge in spousal abuse during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings. However, police committed three extrajudicial killings. In all cases, the police conducted investigations that found no wrongdoing on the part of the police officers.

On February 6, police shot and killed a suspect, Curtis Maynard, who they said was armed and attempted to flee. However, local residents mounted a demonstration and asserted that Maynard was never known to carry weapons and that, since he was surrounded by police, they should have captured him without gunfire.

On February 21, police shot and killed Kerwin Wilkinson when they responded to a report of a domestic dispute. The police said he resisted and brandished a machete; his girlfriend claimed that he was not holding the machete when police shot him.

On March 3, police shot and killed Tony Greenidge, an emotionally disturbed worker, who had slashed to death an elderly person. Greenidge then attacked a responding police officer, and another police officer shot and killed him.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits torture and cruel, inhuman, or degrading treatment or punishment; however, credible reports continued that law enforcement officials sometimes used force during detention to extract confessions from detainees.

In February a defendant accused and later convicted of child molestation alleged that the police slapped him, choked him, and denied him access to legal representation, and that due to this treatment, he signed a written confession. Also in February, another defendant alleged that his statement made in a deposition had been altered after the fact by police.

In September the Police Commissioner promised to investigate the alleged beating of a prisoner being held by police on a marijuana charge after his mother stated on a radio program that the police had mistreated her son brutally.

In December 1998, the police took two foreign citizens into custody for questioning in connection with a bank burglary. According to eyewitnesses, both individuals were in good health when the police apprehended them. However, 2 days later, the police took both men to the local hospital following complaints of abdominal pain. One man had to undergo extensive emergency surgery for life-threatening internal bleeding; doctors treated the second man for injuries to the abdomen and groin. Both men asserted that they were restrained physically and beaten by five or six men while in police custody. The police force's Criminal Investigation Department conducted an investigation and presented a report to the Director of Public Prosecutions in February 1999. The authorities filed charges against five police officers and started trial proceedings; however, at year's end, the case was unresolved and remained before the courts.

The majority of complaints against the police fall into the categories of unprofessional conduct and beating or assault. While the police force has a complaints and discipline department headed by a superintendent to deal with matters of inappropriate police conduct, there is no independent body to review complaints against the police. However, in December 1998, the Attorney General instituted a working group to make recommendations regarding the establishment of an independent complaints authority. In February the group presented its report to the Cabinet, and its recommendations were expected to be submitted to Parliament for further consideration.

Police procedures provide that the police may question suspects, and other persons they hold, only at a police station, except when expressly permitted by a senior divisional officer. An officer must visit detainees at least once every 3 hours to inquire about the detainees' condition. After 24 hours, the detaining authority must submit a written report to the Deputy Commissioner. The authorities must approve and record all movements of detainees between stations. The authorities generally adhere to these basic principles, although officials occasionally used excessive force.

The authorities issued firearms to special foot patrols in highcrime areas in response to public concern over violent incidents that had led to recent public concern. Aside from this exception, the police force mainly still is unarmed, in keeping with its British traditions. In February the police established a special task force unit

to address illegal weapons and crimes involving firearms. They also announced creation of a joint unit with the BDF to target high-profile crimes.

The only prison is antiquated and overcrowded, with over 625 inmates in a structure built for 350 inmates. The Caribbean Human Rights Network has called for reform of the penal system and advocates the development of alternatives to imprisonment such as community service to alleviate the problem of severe overcrowding. During the year, government officials took steps to introduce alternative, noncustodial sentencing.

The Government allows private groups to visit prisons to ascertain conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and imprisonment and requires detainees to be brought before a court of law within a reasonable time, and the Government generally respects these provisions in practice. Criminal defendants have the right to counsel, and attorneys have ready access to their clients.

The authorities do not use forced exile as a punishment or means of political control.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is free of intervention by other branches of government.

The judiciary includes the Supreme Court, which consists of the high court and court of appeal. The Governor General, on recommendation of the Prime Minister and after consultation with the leader of the opposition, appoints the Chief Justice and other judges. Judges serve until the age of 65.

The Constitution provides that persons charged with criminal offenses be given a fair public hearing within a reasonable time by an independent and impartial court, and the Government respects this right in practice. The judicial system provides for the right of due process at each level. The law presumes defendants innocent until proven guilty.

In February Parliament approved a package of new legislation intended to strengthen the powers of law enforcement officials. One of the new laws allows the Director of Public Prosecutions to appeal sentences in criminal cases that he considers too lenient.

The Government provides free legal aid to the indigent with the exception of a limit of about \$2,150 (1,300 pounds sterling) on expenses incurred for appeals by death row prisoners to the Privy Council in London. Two inmates have challenged this limit and are suing the Government on the grounds that it effectively deprives them of their right to due process.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property may be entered and searched.

The Government does not interfere routinely in the private lives of its citizens; however, the police sometimes resorted to searches of homes without warrants. The Government does not censor mail. However, the Government restricts the receipt of foreign publications deemed to be pornographic. Other foreign publications of a nonprurient nature are allowed without restriction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the authorities respect these rights in practice. There are two independent daily newspapers, both of which present opposition political views. The Government regularly comes under criticism in the newspapers and on daily call-in radio programs. There are six radio stations, two of which are owned by the Government. The Caribbean Broadcasting Corporation (CBC) television service (the only television source, excluding direct satellite reception) is government owned. Although CBC is a state enterprise, it regularly reported views opposing government policies. Critics allege that the Government sometimes uses its influence to discourage media reporting on sensitive issues, but the press remained vigorously critical of the Government on a broad span of issues. The Government prohibits the production of pornographic materials.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government respects this right in practice. Political parties, trade unions, and private organizations function and hold meetings and rallies generally without hindrance. The Public Order Act of 1970 requires police approval for public assemblies, and previously it had been enforced rarely. However, in February the authorities dispersed a protest march about the Maynard killing by police (see Section 1.c.) because no permit had been obtained. Permission later was granted for a demonstration held a few days afterwards.

The Constitution provides for the right of association, and the Government respects this right in practice.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens and legal residents move freely within the country and leave and enter it without restriction.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise. There were no reports of forced expulsion of anyone having a valid claim to refugee status. However, government practice remains undefined.

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

Citizens have this right in law and exercise it in practice. Political parties compete in free and fair elections by secret ballot at least every 5 years. In the 1999 elections, the Barbados Labour Party won a decisive victory, gaining a 26-to-2 majority over the Democratic Labour Party. There are no impediments to participation in the political process, and all citizens over age 18 may vote. The Prime Minister exercises executive power along with the Cabinet of Ministers that he appoints, balanced by the bicameral Parliament and the judicial system.

Although underrepresented overall, women participate in all levels of government and politics. There are three female members of Parliament; the Deputy Prime Minister, who also serves concurrently as Foreign Minister, is a woman, as is the Minister of Education.

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

Local groups involved with human rights operate freely and without government hindrance. The Caribbean Human Rights Network, a Caribbean-wide human rights organization which has its headquarters and a small staff in Barbados, investigates and reports on allegations of human rights violations throughout the region.

The Ombudsman's office, established in 1987, hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The office is prohibited from involvement in issues involving foreign affairs, immigration questions, and certain other matters. Because it focuses only on administrative conduct, it does not deal with complaints of police abuse; a separate department within the police force deals with matters of inappropriate police conduct.

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

The Constitution provides for equal treatment under the law, regardless of race, religion, or sex. The Government respects these rights in practice.

Women.—Violence and abuse against women continued to be significant social problems. Women's rights groups reported that victims of sexual assaults, domestic violence, incest, and rape are often reluctant to report such incidents. There are public and private counseling services for victims of domestic violence, rape, and child abuse. There was an upsurge in spousal abuse during the year.

The 1992 Domestic Violence Law specifies the appropriate police response to domestic violence, which is intended to protect all members of the family, including men and children. It applies equally to marriages and to common law relationships. Criminal penalties for violent crimes are the same, regardless of the sex of the offender or the victim. The courts heard a number of cases of domestic violence against women involving assault or wounding. Victims may request restraining orders, which the courts often issue. The courts can sentence an offender to jail for breaching such an order. Human rights monitors criticized an inconsistency in sentencing for rape, incest, and statutory rape. They noted that the lack of sentencing guidelines resulted in longer sentences for persons convicted of petty theft than for incest; and lesser sentences for incest than for rape or sexual assault of nonfamily members.

Women actively participate in all aspects of national life and are well-represented at all levels of both the public and private sectors. They form a large percentage of heads of household and are not discriminated against in public housing or other social welfare programs.

The National Organization of Women (NOW) is an affiliate of a regional women's organization called the Caribbean Women's Association. The Business and Professional Women's club, an affiliate of the NOW, runs a crisis center staffed by 30 trained counselors and provides legal and medical referral services. The center also

has a hot line for clients who wish to maintain their anonymity. The Government established a battered women's shelter, which opened in September 1999.

In August Minister of Labor Greenidge told a labor meeting that he supported strong legislation aimed at preventing sexual harassment in the workplace.

Children born overseas and out of wedlock to Barbadian men are considered citizens. However, Barbadian women married to nonBarbadian men were unable to confer citizenship on the child, until an act of Parliament took effect on August 16. Now a child born to a male or a female citizen has immediate citizenship.

Children.—The Government provides for compulsory education to the age of 16. The national health insurance program provides children with free medical and dental services for most medical conditions. The Government is committed to children's human rights and welfare, although violence and abuse against children remain serious problems. The Child Care Board is responsible for monitoring and responding to the critical welfare needs, interests, and rights of children. Statistics from the Child Care Board show that approximately 1,000 children suffered abuse in 1998-99.

People with Disabilities.—The law does not prohibit discrimination against the physically disabled in employment, education, or the provision of other state services. However, in 1997 the Ministry of Labor established the Disabilities Unit to address the concerns of the disabled, and in early 1998 it created an advisory committee on disabilities. The Labor Department, a unit within the Ministry that finds jobs for the disabled, long has advocated the introduction of legislation prohibiting discrimination. In May the Government, labor leaders, and the private sector jointly announced an agreement to promote a code of practice on the employment of persons with disabilities, as part of these groups' continuing social partnership. They also agreed to establish targets and time frames for the employment of disabled persons in the private and public sectors.

While there is no legislation mandating provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department sets provisions for all public buildings to include accessibility to persons with disabilities. As a result, the majority of new buildings have ramps, reserved parking, and special sanitary facilities for the disabled.

Section 6. Worker Rights

a. The Right of Association.—Workers freely exercise their right to form and belong to trade unions and to strike. Approximately 30 percent of the labor force belongs to trade unions. Overall union membership appears to have declined slightly in recent years as some workers moved to better-paying positions in higher-technology sectors. There are two major unions and several smaller ones, representing various sectors. The public service union, the National Union of Public Workers, is independent of any political party or the Government. Some officers of the largest union, the Barbados Workers' Union, are associated personally with the Democratic Labour Party. Most unions belong to the Congress of Trade Unions and Staff Associations, which was founded in 1995.

The law accords full protection to trade unionists' personal and property rights. All private and public sector employees are permitted to strike, but essential workers may strike only under certain circumstances and after following prescribed procedures.

In July the nonunion Barbados Police Association supported the police in a labor action over unfulfilled promises of increased wages and increased allowances. This action followed an October 1999 "sick-out" over the same issues. The police took action because they did not receive promised wage increases and increased allowances. For several years, the Government has been reviewing wage and pay scales of all public service employees, including the police. Police said that they are entitled to special consideration since they are not allowed to be represented by a trade union because of their domestic security function. The police labor action took place in July during the height of the local Carnival period. As the action proceeded, members of the BDF were called in to supplement those police who reported for work. As of year's end, the issues had not been resolved and were still under consideration.

Trade unions are free to form federations and are affiliated with a variety of regional and international labor organizations. The Caribbean Congress of Labor has its headquarters in Barbados.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, and the authorities respect it in practice. Normally, wages and working conditions are negotiated through the collective bargaining process, but a 1993 tripartite prices and incomes policy accord established a 2-year wage freeze. A revised (second) protocol contained provisions for negotiated

increases in basic wages and increases based on productivity, which covered 1995-97. In May 1998, the tripartite partners signed a third protocol covering 1998-2000, broadened to address the needs of disabled workers and to express support for international efforts against child labor.

Employers have no legal obligation to recognize unions under the Trade Union Act of 1964, but most do so when a significant percentage of their employees express a desire to be represented by a registered union. Several foreign-owned international data-processing companies challenged union claims in 1997-98 to represent their workforces, highlighting the country's need for legislation outlining the union recognition process. While there is no specific law that prohibits discrimination against union activity, the courts provide a method of redress for employees who allege wrongful dismissal. The courts commonly award monetary compensation but rarely order reemployment. New legislation that would address the union recognition process had been pending for about 2 years at year's end.

There are no manufacturing or special areas where collective bargaining rights are legally or administratively impaired. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced, compulsory, or bonded labor, including that by children, and there were no reports of its use.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum working age of 16 is observed broadly. Compulsory primary and secondary education policies, which require school attendance until age 16, reinforce minimum age requirements. The Labor Department has a small cadre of labor inspectors who conduct spot investigations of enterprises and check records to verify compliance with the law. These inspectors may take legal action against an employer who is found to have underage workers. The law prohibits forced or bonded labor by children, and the authorities effectively enforce it (see Section 6.c.).

e. Acceptable Conditions of Work.—The law sets and the authorities establish minimum wages for specified categories of workers. Only two categories of workers have a formally regulated minimum wage—household domestics and shop assistants (entry level commercial workers). Household domestics are entitled to a minimum wage of about \$0.75 (bds\$1.50) per hour, although in actual labor market conditions, the prevailing wage is triple that amount. There are two age-related minimum wage categories for shop assistants. The adult minimum wage for shop assistants was raised by 13 percent in June 1997, to \$2.13 (bds\$4.25) per hour; the juvenile minimum wage for shop assistants became \$1.62 (bds\$3.25) per hour. The minimum wage for shop assistants is marginally sufficient to enable a worker and family to meet minimum living standards; most employees earn more.

The standard legal workweek is 40 hours in 5 days, and the law requires overtime payment for hours worked in excess. The Government accepts International Labor Organization conventions, standards, and other sectoral conventions regarding maximum hours of work. However, there is no general legislation that covers all occupations. Employers must provide workers a minimum of 3 weeks' annual leave. Unemployment benefits and national insurance (social security) cover all workers. A comprehensive, government-sponsored health program offers subsidized treatment and medication.

The Factories Act of 1983 sets out the officially recognized occupational safety and health standards. The Labor Department enforces health and safety standards and follows up to ensure that problems cited are corrected by management. The Factories Act also requires that in certain sectors firms employing more than 50 workers create a safety committee. This committee can challenge the decisions of management concerning the occupational safety and health environment. Trade union monitors identify safety problems for government factory inspectors to ensure the enforcement of safety and health regulations and effective correction by management. Government-operated corporations in particular were accused of doing a "poor job" in health and safety. The Government has promised to undertake inspections of government-operated corporations and manufacturing plants as a priority. Workers have a limited right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

f. Trafficking in Persons.—There are no laws specifically addressing trafficking in persons. There were no reports that persons were trafficked to, from, within, or through the country.

BELIZE

Belize is a parliamentary democracy with a constitution enacted in 1981 upon independence from the United Kingdom. The Prime Minister, a cabinet of ministers, and a legislative assembly govern the country. The Governor General represents Queen Elizabeth II in the largely ceremonial role of head of state. Prime Minister Said Musa's People's United Party (PUP) holds 26 of the 29 seats in the House of Representatives. The Government generally respects the constitutional provisions for an independent judiciary; however, at times the judiciary is subject to political influence.

The Police Department has primary responsibility for law enforcement and maintenance of order. The Belize Defense Force (BDF) is responsible for external security but, when deemed appropriate by civilian authorities, may be tasked to assist the police department. Both the police and the BDF report to the Minister of National Security and are responsible to and controlled by civilian authorities. There were reports of abuse by the police.

The economy is primarily agricultural, although tourism has become the principal source of foreign exchange earnings. The agricultural sector is heavily dependent upon preferential access to export markets for sugar and for bananas. The Government favors free enterprise and generally encourages investment, although domestic investors are given preferential treatment over foreign investors in a number of key economic sectors. Preliminary estimates of annual gross domestic product growth placed it at 6.2 percent in real terms. Annual per capita income was \$2,771.

The Government generally respected many of its citizens' human rights; however, there were problems in several areas. Principal human rights abuses include several extrajudicial killings, occasional brutality and use of excessive force by the police when making arrests, poor prison conditions, allegations of arbitrary arrest and detention, lengthy pretrial detention, political influence on the judiciary, and judicial limits on freedom of the press. Violence and discrimination against women, abuse of children, and employer mistreatment of undocumented foreign workers also were problems. There were instances of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no political killings by the security forces; however, there were three instances of extrajudicial killing.

On January 24, six BDF soldiers shot and killed Samuel Ramirez, a Guatemalan farmer, near the border between the two countries. A public Commission of Inquiry ruled that Ramirez had attacked the soldiers and that the killing was justifiable.

On February 24, an off-duty police officer with a machete chased Kelvin "Brambles" Barrow into the sea, where Barrow drowned. The Ombudsman presented a report to the National Assembly, and the case was before the Department of the Public Prosecutor (DPP) at year's end.

On March 17, Hattieville prison inmates rioted. During the riot, a guard shot and killed one inmate. The Ombudsman's investigation revealed that the officer was delinquent, and the matter was before the DPP at year's end.

In September 1999, 38-year-old Daniel Tillett died while in police custody, after being arrested for fighting in public. On February 14, the Director of Public Prosecutions issued instructions to the Police Commission to proceed to indictment of the officer-in-charge, Jesus Cantun. At year's end, he was in jail awaiting trial.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture or other inhuman punishment; however, the police occasionally used excessive force when making arrests. The Government's Ombudsman stated that the second and third most common complaints that his office receives involve police misconduct and brutality and misconduct on the part of Department of Corrections personnel. The Ombudsman estimated that at year's end, his office would have approximately 10 pending cases of this type.

The Police Department's internal affairs and discipline section, the Director of Public Prosecutions, the Ombudsman's office, and on occasion, special independent commissions appointed by the Prime Minister, investigate allegations of abuse by officials. When the Internal Affairs Division was established in 1995, it received 50 complaints against police officers; in 1999, the number had increased to 299. The increase may reflect an increase in abuse by officials as well as an increase in the public's willingness to report such abuses.

On February 14, a police officer shot and wounded a BDF soldier in Orange Walk Town. Witnesses claimed that the two men were involved in a verbal altercation.

When the soldier pulled his machete, the police officer drew his firearm and shot the soldier in the abdomen. The exiting bullet struck an innocent bystander. Both victims recovered from their wounds. The officer was arrested and suspended from the force; at year's end, the Ombudsman was investigating the incident.

On April 4, police shot escaped prisoner Darrel "Bagga" Jones. All investigations determined this to be a justified use of force.

On May 20, while on duty at the national agriculture and trade show, a police officer shot and wounded a man. Immediately prior to the shooting, the sergeant in charge ordered the officer not to shoot. The victim had been brandishing a piece of cardboard that had a dead snake glued to it. The authorities suspended the officer from duty, and the Ombudsman was conducting an investigation at year's end.

On August 27, two national team soccer players claimed that police beat them while they were handcuffed in Orange Walk Town. Police Commissioner Hughington Williams suspended the chief inspector for the district, James Magdaleno, and assistant inspector Eli Salazar, pending the outcome of the investigation. Williams also took disciplinary action against constables Roger Briceno, Mateo Carrillo, and A. Coc. The matter still was before the police internal affairs division at year's end.

In April 1999, two Guatemalan men, Hector Balcarcel and Ricardo Guzman, were detained at the Guatemala-Belize border. They were taken into police custody, allegedly detained for 5 days, and Balcarcel allegedly was tortured. Balcarcel's report to the Human Rights Commission and the Guatemalan embassy claimed that he was stripped, handcuffed, burned with a lighter and habanero peppers on his genitals, beaten with a stick, and forced to drink his own urine. After an internal investigation, the police determined that these allegations were false. An internal review of this investigation still was underway at year's end.

In June 1999, the authorities arrested a police constable and charged him with extortion and corruptly soliciting a reward. They relieved him of duty and put him on trial in the Supreme Court; the court found him guilty and sentenced him to pay a fine.

On March 16, two inmates at the Hattieville prison, Nehru Smith and Bert Elijos, were sentenced to receive corporal punishment in accordance with prison rules for assaulting and nearly killing another inmate. Smith and Elijos received 12 and 6 tamarind lashes respectively. The Minister of Prisons gave official support and approval for the floggings. On March 31, the newly reappointed prison governor stated that the floggings were necessary, but that while he was in charge, no other prisoners would be punished in that fashion.

On March 17, between 300 and 400 prisoners at Hattieville reacted to the floggings by rioting. During the riot, one prisoner was killed, and three were hospitalized with gunshot wounds (see Section 1.a.). The matter still was before the DPP at year's end.

On August 28, an inmate at the Hattieville correctional facility was given 12 lashes for stabbing a fellow inmate in the neck during an altercation over \$2 (bz\$4). A visiting judge sentenced the prisoner to the lashings following a hearing. The punishment was administered in accordance with prison rules, despite the new prison governor's earlier vow that floggings would not occur.

Prison conditions are poor. Conditions at the Hattieville Department of Corrections—the country's only prison—have deteriorated continually since it opened in 1993. Although designed to house 500 inmates, it houses 745 male inmates and 20 female inmates, resulting in approximately 6 inmates in each 6-by-9 foot cell. The majority of prison accommodations do not have showers or toilets. Instead, inmates are provided with 5-gallon buckets. The prison psychiatrist provides mental health services for inmates. There is no separate facility for inmates with mental illnesses. First-time offenders are housed in the same building as those who commit capital crimes. Noncitizens constitute approximately 15 to 20 percent of the prison population. There are rare reports of human rights abuses in the form of physical brutality by prison wardens. Incidents of gang- and drug-related violence in the prison are on the rise. Frequent prison breaks, confiscation of weapons, and reports of beatings have occurred throughout the prison's history. Prison authorities estimated that they confiscated more than 1,500 deadly weapons by year's end. The authorities reported that there were 53 prison escapes during the year; all but 3 escapees were captured by year's end.

The prison includes a separate facility for women.

The Government took steps to curb recidivism and focus on rehabilitation. The Youth Enhancement Agency (YEA) houses over 60 youths between the ages of 13 and 25, who participate in rehabilitation and job training programs. Prison authorities provided training for inmates in basic skilled trades such as carpentry. Increasingly, youthful offenders are transferred from the main prison to the YEA facilities.

A job-training program at a citrus farm employs 44 inmates. There is a timeoff program for good behavior.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest or detention, and the Government observes these provisions to a degree; however, there were occasional accusations of arbitrary arrest and detention.

The law requires the police to inform a detainee of the cause of detention within 48 hours of arrest and to bring the person before a court to be charged formally within 72 hours. In practice the authorities normally inform detainees immediately of the charges against them. Bail is granted in all but the most serious cases. In cases involving narcotics, the police cannot grant bail, but a magistrate's court may do so after a full hearing. There are persistent allegations that security forces hold detainees for 72 hours and release them, but upon release, arrest them again. In May the newly appointed Supreme Court Chief Justice published and promulgated "The Judges' Rules," which outline a code of conduct to which police officers must adhere when dealing with arrested persons. Many detainees cannot afford bail, and backlogs in the docket often cause considerable delays and postponement of hearings, resulting in an overcrowded prison, and at times prolonged incarceration before trial.

The Constitution forbids exile, and it does not occur in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, at times the judiciary is subject to political influence. The appearance of judicial independence from the executive branch is compromised because some foreign judges and the Director of Public Prosecutions must negotiate renewal of their contracts with the Government and thus may be vulnerable to political interference. In February the Government appointed a new Supreme Court Chief Justice, Abdullahi Conteh, a jurist from Sierra Leone.

The judiciary consists of the magistrate's courts, the Supreme Court, the Court of Appeals, and a family court that handles cases of child abuse, domestic violence, and child support. Those convicted by either a magistrate's court or the Supreme Court may appeal to the Court of Appeals. In exceptional cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Privy Council in the United Kingdom.

Persons accused of civil or criminal offenses have constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, a public trial, and appeal. Legal counsel for indigent defendants is provided by the State only for capital crimes. In April 1999, the Government appointed an attorney to the Legal Aid Center to improve and strengthen legal aid services to the public. The judicial system is constrained by a severe lack of trained personnel, and police officers often act as prosecutors in the magistrate's courts.

Trial by jury is mandatory in capital cases.

A Political Reform Commission recommended that the family court be placed at the same level as the magistrate's courts, a recommendation that the Government adopted. However, trials in cases that come before the family court generally are private. The convicted party in family court may appeal to the Supreme Court. Defendants have the right to be present at their trial unless the opposing party fears for his or her safety. In such a case, the court grants interim provisions under which both parties are addressed individually during a 5day period.

There are lengthy trial backlogs in the judicial system. One factor commonly cited is the low pay offered to judges, resulting in high turnover rates. In addition an inordinate number of significant narcotics-related cases are taking years to resolve. In these cases, defendants often are released on minimal bail payments. In April 1999, two retired judges were named to the Supreme Court in a temporary capacity to help reduce backlogs. At year's end, only three justices served on the Supreme Court, instead of the full complement of five.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violators are subject to legal action. However, there were several cases in which the previous government exercised its power under the right of eminent domain in an arbitrary manner. Such cases take years to resolve in the courts.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—The Constitution provides for freedom of speech and of the press but also permits the authorities to make "reasonable provisions" in the interests of defense, public safety, public order, public morality, or pub-

lic health. These provisions include forbidding any citizen to question the validity of the financial disclosure statements submitted by public officials. Anyone who questions these statements orally or in writing outside a rigidly prescribed procedure is subject to a fine of up to \$2,500 (bz\$5,000), or imprisonment of up to 3 years, or both.

A wide range of viewpoints is presented publicly, usually without government interference, in seven privately owned weekly newspapers, three of which are affiliated directly with major political parties. There is no daily press. All newspapers are subject to the constraints of libel laws.

There are a range of privately owned commercial radio stations. In addition to these local stations, there are two British military stations that broadcast news directly from London. Popular radio call-in programs are lively and feature open criticism of and comments on government and political matters.

There are eight privately owned television broadcasting stations, including several cable networks in Belize City and the major towns. The Government's Belize Information Service issues press releases and maintains an Internet web site. Two independent television stations produce local news and feature programs. The Belize Broadcasting Authority regulates broadcasting and asserts its right to preview certain broadcasts, such as those with political content, and to delete any defamatory or personally libelous material from political broadcasts.

The law provides for academic freedom, and the Government respects it in practice.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects it in practice. Political parties and other groups with political objectives freely hold rallies and mass meetings. The organizers of public meetings must obtain a permit 36 hours in advance of the meetings; such permits are not denied for political reasons and are granted routinely in practice.

The Constitution permits citizens to form and join associations of their choosing, both political and nonpolitical, and the Government respects these provisions in practice.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The law provides for granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. The Government's Refugee Department officially closed on December 31, 1999. Since then, the UNHCR has relied upon a local nongovernmental organization (NGO) to monitor the status of asylees and to represent its interests. There were 12 refugees receiving UNHCR assistance and awaiting the opportunity to apply for asylum in the country. Most are African, originating from Nigeria or Sierra Leone.

The previous administration appointed members to an eligibility committee to review applications for asylum. The committee, which included a UNHCR representative, met on a weekly basis. In 1998 the Government turned down 30 requests for asylum. The Government has not established an eligibility committee since the change of administration in 1998. The Government has not accepted applications and no mechanism exists to adjudicate asylum requests. There is no legislation that formalizes the asylum process. The Government last honored the principle of first asylum in the case of four persons in 1995.

In the wake of the civil conflicts in Central America in the 1980's, over 40,000 predominantly Hispanic migrants came to Belize, many of them entering illegally and living without documentation. In May 1999, the Government instituted a 6-week amnesty initiative whereby undocumented migrants were eligible to obtain legal residency, provided: They had lived in Belize continuously for 4 years, married a Belizean citizen or had a stable common-law association, had Belizean children, or, if female, were at least 4 months pregnant. The amnesty is expected to benefit about 5,000 UNHCR-registered asylees, as well as 13,000 others. Officials continued processing amnesty applications during the year.

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

Belize is a democracy governed by a national assembly with executive direction from a cabinet of ministers headed by Prime Minister Said Musa. The law requires national elections every 5 years. The Government changed hands in August 1998

when the PUP won 26 of 29 seats in the House of Representatives in free and fair elections.

All elections are held by secret ballot, and suffrage is universal for citizens 18 years of age and older. National political parties include the People's United Party, the United Democratic Party (UDP), and the National Alliance for Belizean Rights (NABR). The country's ethnic diversity is reflected in each party's membership.

No laws impede participation of women in politics; however, they are somewhat underrepresented in electoral politics due to both tradition and socioeconomic factors. Voters elected 2 women to the 29-seat House of Representatives, and the Speaker of the House and the President of the Senate, both appointed, are women. Women also hold a number of other appointive offices, including four of nine senate seats, one cabinet position, and three are permanent secretaries in ministries. The Chief Elections Officer is also a woman.

There are no laws impeding participation by indigenous people or minority groups in politics. There are Mestizo, Creole, Maya, and Garifuna representatives in Parliament.

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

The Human Rights Commission of Belize (HRCB), an NGO affiliated with regional human rights organizations and partly funded by the UNHCR, operates without government restriction on a wide range of issues, including migrant and agricultural workers' rights and cases of alleged police abuse. The HRCB publishes human rights complaints and urges police and other governmental bodies to act upon them. The HRCB gained prominence through media reports about its workshops and seminars that educate citizens about human rights.

International human rights groups operate freely as well. Government officials generally are cooperative and responsive to their activities.

The Government's Ombudsman, a position created in 1999, stated that his office receives an average of two to three complaints of human rights violations per week. The second and third most common complaints his office receives involve police misconduct and brutality and misconduct on the part of Department of Corrections' personnel. The Ombudsman estimated that at year's end, his office would have approximately 10 pending cases of this type.

In his first annual report, the Ombudsman highlighted three primary concerns: unprofessional police behavior; lack of response by public officials to the Ombudsman's formal inquiries; and public officials' lack of knowledge regarding provisions of the Ombudsman Act. The report stated that the office had received 213 formal complaints (about all types of perceived abuse by government agencies) in its first 7 months of existence; of which the 3-person office had resolved 134 cases.

On May 9, the Office of the Ombudsman and the HRCB signed a memorandum of understanding coordinating efforts to curb human rights abuses.

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

The country is multiracial and multiethnic, and the Government actively promotes tolerance and cross-cultural understanding. Discrimination on ethnic or religious grounds is illegal and rare, although ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem. The Government continues to reserve certain professions for citizens, granting permits and licenses to noncitizens only in specific cases. These occupations include fishing, souvenir manufacturing, sightseeing tours, accounting, insurance, real estate, and legal services.

Women.—Violence against women is a problem. Based on reported cases, the Ministry of Human Development, Women, and Civil Society estimated that there were about 1,000 domestic violence cases during the year. A shelter for battered women offers short-term housing. The Belize Organization for Women and Development, an NGO, advises women on their rights and provides counseling. Laws prohibit rape and sexual harassment, but few offenders are charged and convicted. In October 1999, an expanded criminal code outlawed marital rape. Shortly thereafter, the Police Department created a police family violence unit in order to combat spousal abuse.

Despite constitutional provisions for equality, women face social and economic prejudice. Women find it more difficult than men to obtain business and agricultural financing and other resources. Most employed women are concentrated in female-dominated occupations with traditionally low status and wages. The Women's Bureau in the Ministry of Human Development, Women, and Civil Society is charged with developing programs to improve the status of women. That Ministry estimated

that women would receive 35 percent of all small business loans during the year. A number of officially registered women's groups work closely with various government ministries in promoting social awareness programs. Women have access to education and are active in all spheres of national life, but relatively few hold top managerial positions. However, women head the Belize Business Bureau, Belize Chamber of Commerce and Industry, Belize Citrus Growers Association, several prominent environmental NGO's, and the Belize Rotary Club. The law mandates equal pay for equal work, but female workers often earn less than men in similar jobs. There are no legal impediments to women owning or managing land or other real property.

There were reports that women have been trafficked for purposes of prostitution (see Sections 6.c. and 6.f.).

Children.—Education is compulsory for children between the ages of 5 and 15. After children finish their primary education, they may enter a secondary school, the government-run apprenticeship program, or a vocational institution. However, these programs have room for only about one-half of the children finishing primary school; competition for spaces in secondary school is intense. Education is nominally free, but various school, book, and uniform fees place education out of reach for many poor children.

The Family Services Division in the Ministry of Human Development, Women, and Civil Society is devoted primarily to children's issues. The division coordinates programs for children who are victims of domestic violence, advocates remedies in specific cases before the family court, conducts public education campaigns, investigates cases of trafficking in children (see Section 6.f.), and works with NGO's and UNICEF to promote children's welfare. The National Committee for Families and Children includes a representative from the Ministry of Human Development, Women, and Civil Society.

Child abuse is not considered to be widespread or a societal problem. In 1998 Parliament passed the Families and Children Act, and in 1999 the National Organization for the Prevention of Child Abuse (NOPCA) published a handbook for the public that outlined in plain language provisions of the law. The law allows authorities to remove a child legally from an abusive home environment, removes the limit placed on child support that a parent must pay, and allows men to file for support, as well as women. It requires parents to maintain and support a child until he or she reaches the age of 18, compared with the previous law's mandate of support up to the age of 16. The law also accepts DNA testing as legal proof of paternity and maternity. It requires that all adoptions be reported to the Human Development Department of the Ministry of Human Development, Women, and Civil Society, and that prospective parents be screened before they may adopt a child. The NOPCA instituted a nationwide telephone help line to encourage discourse and reduce abuse.

There were some reports that children were trafficked for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

People with Disabilities.—The law does not provide specifically for accessibility for disabled persons or prohibit job discrimination against them. The Government's Disability Services Unit, as well as a number of NGO's, such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired, provide assistance to physically disabled persons. Disabled children have access to government special education facilities, although the requirements to enter such programs are strict.

Indigenous People.—Among the country's indigenous people, the Mopan and Ke'kchi are grouped under the general term Maya, although their leaders say that they should be identified as the Masenal, meaning "common people." The Maya have sought official recognition of their communal claims to land, but the Government has been reluctant to single out one ethnic group for special consideration. The Government has designated 77,000 acres as 9 separate Mayan reserves; however, Mayan leaders claim that the Maya have an ancestral claim to a total of 500,000 acres. The Maya have formed cultural councils and other groups to advance their interests, sometimes with the collaboration of NGO's concerned with environmental and indigenous issues. Several Mayan organizations have filed suit to force the Government to recognize the Maya's ancestral land rights and to prevent further granting of logging concessions on the disputed land.

On October 12, the Government and the Mayan People of Southern Belize signed a collective agreement to address the grievances set forth in a petition by Mayan community leaders in the summer of 1998.

Section 6. Worker Rights

a. The Right of Association.—By law and in practice, workers generally are free to establish and join trade unions. Eleven independent unions, whose members constitute approximately 11 percent of the labor force, represent a cross-section of white-collar, blue-collar, and professional workers, including most civil service employees. However, several of these unions are inactive. The Ministry of Industry, Commerce, Public Services, and Labor recognizes unions after they file with the Registrar's Office. The law empowers members to draft the bylaws and the constitutions of their unions, and they are free to elect officers from among the membership at large. Unions that choose not to hold elections may act as representatives for their membership, but the national Trade Union Congress permits only unions that hold free and annual elections of officers to join its ranks. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

The law permits unions to strike and does not require them to give notice before going on strike.

Although no unions are affiliated officially with political parties, several are sympathetic to one or the other of the two main parties (the PUP and the UDP).

Unions freely exercise the right to form federations and confederations and affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining and unions practice it freely throughout the country. Employers and unions set wages in free negotiations, or, more commonly, employers simply establish them. The Labor Commissioner or his representative acts as a mediator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. Historically the Commissioner's guidance has been accepted voluntarily. However, should either union or management choose not to accept the Commissioner's decision, both are entitled to a legal hearing of the case, provided that it is linked to some provision of civil or criminal law.

The Constitution prohibits antiunion discrimination both before and after a union is registered. Unions may organize freely, but the law does not require employers to recognize a union as a bargaining agent. For example, although the registered Banana Workers Union actively advocated worker rights, it was not recognized by the banana industry's growers association due to low membership. Some employers have been known to block union organization by terminating the employment of key union sympathizers, usually on grounds purportedly unrelated to union activities. Effective redress is extremely difficult to obtain in such situations. Technically, a worker can file a complaint with the Labor Department, but in practice it is virtually impossible to prove that a termination was due to union activity.

The Labor Code applies in the country's export processing zones (EPZ's). There are no unions in the EPZ's, reflecting the general weakness of organized labor in the country.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and laws forbid forced, compulsory or bonded labor, including that performed by children, and generally it is not known to occur; however, there were reports that women were trafficked and infrequent reports that children also were trafficked for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Act prohibits all employment of children under age 12, and prohibits employment of children between the ages of 12 and 14, before the end of school hours on official school days. The minimum age for employment is 17 years for work near hazardous machinery. Inspectors from the Departments of Labor and Education enforce this regulation. During the year, truancy officers, who historically have borne the brunt of the enforcement burden, were more active. The law requires children between the ages of 5 and 15 to attend school, but there are many truants and dropouts. According to the Central Statistics Office, in the 1990's, 46 percent of children did not complete primary school, and 10 percent of those children never enrolled in school at all. On March 21, the Government ratified International Labor Organization Convention No. 182 on the worst forms of child labor.

Laws prohibit forced and bonded labor by children, and in general the Government effectively enforces this prohibition; however, there were infrequent reports of trafficking in children for purposes of prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage is \$1.12 (bz\$2.25), except in export industries, where it is \$1.00 (bz\$2.00) per hour. For domestic workers in private households and shop assistants in stores where liquor is not consumed, the rate is \$0.87 (bz\$1.75) per hour. The minimum wage law does not cover workers paid on a piecework basis. The Ministry of Industry, Commerce, Public Services, and Labor is charged with enforcing the legal minimum wage, which generally is

respected in practice. The minimum wage as sole source of income does not provide a decent standard of living for a worker and family. Most salaried workers receive more than the minimum wage.

The law sets the normal workweek at no more than 6 days or 45 hours. It requires payment for overtime work, 13 public holidays, an annual vacation of 2 weeks, and sick leave for up to 16 days. An employee is eligible for severance pay provided that he was employed continuously for at least 5 years.

The exploitation of undocumented Guatemalan, Honduran, and Salvadoran workers, particularly young service workers and possibly some agricultural workers, continued to be a problem. Banana farm owners slowly are moving the housing they provide for their workers away from the fields where poisonous pesticides are sprayed. Health clinics in the region report that the most frequently treated ailments are pesticide-related skin conditions. Company-provided housing often lacks electricity and water. The Government, the HRCB, and other concerned citizens all focus on this problem; however, since turnover rates of banana workers are so high, organizing this segment of the work force is difficult.

A patchwork of health and safety regulations covers numerous industries, and the Labor Department in the Ministry of Industry, Commerce, Public Services, and Labor enforces these regulations to varying degrees. Enforcement is not universal, and the ministries commit their limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints have been registered. Workers have the legal right to remove themselves from a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons.—Although the law does not specifically prohibit trafficking in persons, it does proscribe procurement for the purpose of prostitution. Nonetheless, one dance hall owner reportedly recruited women from Guatemala, Honduras, and El Salvador to work as prostitutes by promising them jobs as dancers, waitresses, or domestics. Upon arrival, the employer allegedly takes their passports, forces them to engage in prostitution, and holds their wages. The police have investigated, but had not made any arrests by year's end, nor had the Government taken any other steps to address this practice.

The Ministry of Human Development, Women, and Civil Society, the police department, and—in cases involving migrant children—the Ministry of National Security and Immigration investigate and attempt to remedy cases that involve trafficking in children (see Section 5). According to a spokesperson from the Human Development Department, there were infrequent reports of trafficking in children for the purpose of prostitution; most involved migrant children.

BOLIVIA

A constitutional, multiparty democracy with an elected president and bicameral legislature, Bolivia has separate executive, legislative, and judicial branches of government, with an attorney general independent of all three. President Hugo Banzer Suarez of the Nationalist Democratic Action party took office in August 1997. The government coalition controls the Senate but only has a plurality of 57 out of 130 seats in the Chamber of Deputies. However, the coalition holds the leadership positions in both chambers. The executive and legislative branches suffer from corruption and inefficiency to some extent. The judiciary, while independent, also is corrupt and inefficient.

The National Police have primary responsibility for internal security, but military forces can be called upon for help in critical situations, and this occurred during the year. The police provided security for coca eradication work crews in the Chapare region. A special counternarcotics force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. Civilian authorities generally maintain effective control over the security forces; however, some members of these forces committed human rights abuses.

Bolivia has extensive poverty, and many citizens lack access to such basic services as potable water, sewage, electricity, and primary health care. Per capita gross domestic product (GDP) is about \$1,087. According to the World Bank, between 1993 and 1999, approximately 67 percent of the population lived below the national poverty line. The country is rich in minerals and hydrocarbons, and extensive investments in petroleum deposits in the eastern and southern parts of the country are expected to form a basis for strong GDP growth in the future. However, most workers engage in traditional agriculture, and many citizens remain barely linked to the cash economy.

The Government generally respected the human rights of its citizens; however, problems remain in certain areas. Legal and institutional deficiencies prevented the full protection of citizens' rights. In April violent demonstrations and road blockages broke out in Cochabamba over a controversial municipal water project, and unrelated protests occurred across the country, leading to the deaths of protesters as well as members of the security forces; commerce was brought to a virtual halt. On April 8, President Banzer declared a state of siege, which Congress approved on April 13. The stage of siege ended on April 20. Nongovernmental human rights organizations criticized the state of siege and the killings, injuries, and preventive detentions that took place during it. Violent demonstrations and other confrontations due to an unrelated list of grievances against the Government also took place in September and October, and resulted in the deaths of up to 10 civilians, 4 security officials, and the spouse of 1 of the security officials. There were a number of allegations of torture. There were credible reports of abuses by police, including use of excessive force, petty theft, extortion, and improper arrests. Investigations of alleged official abuses were slow. Prison conditions are harsh and at times police arbitrarily arrested and detained persons. The most pervasive human rights abuse continued to be prolonged incarceration of detainees due to antiquated procedures and inefficiency and corruption in the judicial system. Other problems include infringements on citizens' privacy rights, government attempts to intimidate some news media, violence and discrimination against women, abuse of children, discrimination against and abuse of indigenous people, discrimination against Afro-Bolivians, child labor, inhuman working conditions in the mining industry, and trafficking in women.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings. However, security forces killed some protesters during violent demonstrations in April and September.

In April violent demonstrations and road blockages broke out in Cochabamba over a controversial municipal water project. These demonstrations, combined with unrelated protests across the country, brought commerce to a virtual halt. On April 8, President Banzer declared a state of siege. Under a state of siege, the President has the authority to forbid demonstrations that threaten the public order and detain persons who are suspected of plotting against the public order (see Section 1.d.). In the days that followed, there were violent clashes between security forces and demonstrators. It appears likely that at least three out of the four civilians killed during the April demonstration were killed by security forces. In addition, 1 army officer was killed, and over 50 persons were injured. The state of siege ended on April 20.

On October 10, the civilian justice system ordered 17 military officers and soldiers to testify or face arrest on charges in the death of a protester on April 8 in Cochabamba. The military officials did not testify and sought to have the case transferred to the military justice system at year's end. The Government agreed to pay all medical costs, as well as compensation up to \$1,575 (10,000 bolivianos), to those injured in the violent disturbances in April, September, and October, depending on the severity of the injury. In addition, the Government awarded up to \$2,362 (15,000 bolivianos) in compensation to the families of those killed in April and up to \$3,937 (25,000 bolivianos) to the families of those killed in September. At year's end, the Government was paying the medical costs and had compensated the families of those persons killed in April but had not yet compensated those injured in April, September, and October, nor paid compensation to the families of those killed in September.

The military justice case against alleged sharpshooter Captain Robinson Iriarte Lafuente, who was videotaped by television news organizations in civilian clothes kneeling alongside troops and firing a rifle during the disturbances in Cochabamba, was pending at year's end. On April 27, Captain Iriarte testified before the congressional Human Rights Committee that he fired shots in three different locations at walls and buildings to intimidate civilians who were rioting nearby. Iriarte claimed that each time he received permission from a superior officer at the scene. Armed Forces Commander Admiral Jorge Zabala earlier told the Congressional Human Rights Committee that, during the state of siege, soldiers only were authorized to fire live ammunition by order of their commander, and the 7th Division Commander, Brigadier General Jose Antonio Gil, testified that he gave no such order.

The Constitution provides for declaration of a state of siege, which the Congress must approve, and many administrations have utilized it. In August the Constitutional Tribunal affirmed the constitutionality of the state of siege. However, human

rights organizations criticized the state of siege and the resulting deaths, injuries, and detentions (see Section 1.d.).

Violent demonstrations and other confrontations, due to an unrelated list of grievances against the Government, also took place in September and October. Protesting groups ranged from illegal coca growers in the Chapare, indigenous farmers in the highlands, to urban and rural teachers' unions, to groups protesting a controversial municipal water project in Cochabamba. These demonstrations resulted in the deaths of up to 10 civilians, and approximately 180 civilians were injured. At least three of these deaths were not plausibly attributable to the security forces. The Government enjoined the security forces to act with restraint and to avoid head-to-head conflict with demonstrators, and their performances generally were in keeping with these orders, despite violent provocations (see Section 2.b.). In addition, four security officials and the spouse of one of them disappeared in the Chapare during the disturbances and later were found tortured and murdered. Another security official was missing and presumed dead at year's end.

The case of the November 1999 death of Miguel Angel continued to move slowly through the judicial system. Rivero Siles, a 17-year-old prisoner accused of murder, died due to severe burns suffered while he was held in a solitary confinement cell at San Sebastian prison in Cochabamba. Investigations into actions by police at the prison continued during the year. The authorities removed the prison governor, closed the solitary confinement cells, and replaced them with a regular jail cell that is used to punish prisoners for poor behavior by isolating them from the rest of the prison (see Section 1.c.).

The case of 18-year-old Marcelo Botelho, who police arrested in October 1999 in Santa Cruz and who died the next day in a hospital, was closed. Although there were allegations that the police had beaten Botelho, there were no eyewitness reports, and the Government did not pursue a case against the police.

On May 20, 1999, police arrested Peruvian businessman Carlos Freddy Cano Lopez, after he refused to pay a disputed taxi fare. Cano suffered third degree burns over 50 percent of his body when his cell mysteriously caught fire. The authorities transferred Cano to a hospital in Lima, Peru, where he died in June 1999. The authorities suspended the policemen in question and their judicial case was pending at year's end.

On January 13, the Government completed investigations and issued reports concerning the five unresolved cases of civilian deaths during the fatal confrontations between security forces and illegal coca growers in the Chapare in the spring of 1998. The reports were forwarded to the Cochabamba district attorney who recommended on February 1 that all five cases (plus two others) be closed. However, a judge in Villa Tunari decided to continue proceedings on three cases and following his decision allegedly received threats, which later apparently ceased. The three cases in question subsequently were transferred to a Superior Court in Cochabamba, which ruled that two of the cases should be closed and that one case, the death of Alberto Coca Cayo, should be sent back to the judge in Villa Tunari to continue proceedings. Military officers charged in the case petitioned for the case to be transferred to the military justice system. The case was transferred back to the superior court in Cochabamba, where the decision as to which jurisdiction would consider the case was pending at year's end.

After 2-1/2 years, the Government completed its investigations into the December 1996 events at Amayapampa and Capasirca that left nine civilians and one policeman dead in clashes between miners and security forces. The findings held five military officers responsible but absolved then-President Gonzalo Sanchez de Lozada and his ministers of any responsibility. The cases against the accused officers were pending in the military justice system at year's end; five officers were reassigned to nonoperational units pending the outcome of their legal cases. An attempt in Congress to censure Sanchez de Lozada and his ministers also was pending at year's end. The Government's delay in completing effective investigations and identifying and punishing those responsible for either civilian or security force deaths results in an atmosphere of impunity.

There was violence during the year against government security forces and coca eradication crews. On January 20, an unknown assailant shot and killed Joint Eradication Task Force (JTF) conscript Raul Almendras; police later arrested a coca grower as a suspect in the murder. On May 14, a government helicopter flying in support of eradication efforts was fired upon; one JTF soldier was wounded. The JTF in the Chapare was fired upon on August 2, and the Ecological Police, who provide security for the JTF, returned fire and wounded one of the assailants, who subsequently was arrested along with a companion. On August 18, there were two serious explosive incidents that injured a policeman and another government employee. One suspect subsequently was arrested. In separate booby trap blasts on October

11, a coca eradication soldier and a civilian were injured. On October 21, as the JTF near Puerto Zudanez was returning to base camp, it was fired upon. Two members of the JTF were killed and four were wounded. On November 13, the JTF column was ambushed while proceeding to eradicate coca in the Ismael Montes sector. One policeman, Abad Espinoza, was killed.

There were several reported cases of alleged criminals lynched or burned by civilians, sometimes resulting in death, for their alleged crimes.

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

The case of Jose Carlos Trujillo Oroza drew renewed attention as the most prominent of the cases of those who disappeared during the 1971–78 de facto regime of President Hugo Banzer Suarez. Trujillo's mother presented the case to the Inter-American Court of Human Rights in June 1999. The security forces had detained Trujillo, a 21-year-old university student, in December 1971, and he never was seen again after February 2, 1972. Trujillo's mother first presented his case to the Inter-American Commission on Human Rights in September 1992. In 1996 President Sanchez de Lozada's Government accepted responsibility for Trujillo's arrest and disappearance and named those responsible, but did not hold them accountable. On January 25, the Banzer Government accepted responsibility for Trujillo's arrest and disappearance before the Court. The Government offered to begin negotiations with Trujillo's mother, who is seeking the return of her son's remains and punishment for those responsible, with the goal of an amicable settlement. These negotiations still were unsuccessful at year's end. The Government was pursuing cases against some persons accused of torture and deprivation of freedom, but not murder, in the Trujillo case. At year's end, the family was appealing the decision of the judicial system not to pursue murder charges.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and the Government generally respects this provision; however, there were a number of significant allegations of torture, beatings, and abuse by members of the security forces. There were no independently confirmed reports of abuse or beatings by security forces of civilians during the year.

During the April state of siege (see Section 1.a.), there were allegations that the military took residents of Achacachi into custody in the middle of the night and beat them in an attempt to learn the names of those responsible for the death of an army captain. The army captain was an officer in a unit thought by demonstrators to be responsible for the earlier death of a civilian in Achacachi. A mob beat the captain, and after he was taken to a hospital, dragged him from the hospital and beat him to death. There also were allegations that arrestees from Patacamaya during the state of siege were beaten by the military prior to being transferred to the custody of the PTJ.

There were allegations that security officials beat protesters who they detained in the Chapare during the September-October disturbances, as well as allegations that they beat civilians to try to learn the location of missing security officials and the names of those responsible for their deaths.

There also were credible allegations that military officers and sergeants beat and otherwise mistreated military conscripts. The military justice case against superiors accused of allegedly beating conscript Roger Candia Vallejos in September and November 1999 continued at year's end.

Several police officers were fired and charged for off-duty crimes, and a number were dismissed for corruption. However, in general the police were not disposed to investigate their own colleagues, and prosecutors were reluctant to prosecute security officials for alleged offenses committed while on duty.

Neither the technical and judicial police nor prosecutors normally receive human rights training. Over 6,000 FELCN members, PTJ members, lawyers, prosecutors, and judges received training on bail provisions of the new Code of Criminal Procedures. In July foreign consultants conducted a 1-week human rights course for 33 FELCN investigators. The basic FELCN and UOPAR training includes a human rights module.

In September 1999, the military signed a cooperation agreement with the Ombudsman's office and, in November 1999, the military concluded an agreement for cooperation and coordination for human rights training with the Ministry of Justice and Human Rights, which took place during the year.

Indigenous communities in areas with little or no central government presence impose punishment reliably reported to include the death penalty on members who violate traditional laws or rules, although the Constitution prohibits such punishment.

Prison conditions are harsh. Prisons are overcrowded, and conditions can be life threatening for inmates without money. According to the Director General of the Penal System in the Ministry of Government, as of July there were approximately

8,500 prisoners in facilities designed to hold 4,400 prisoners. The majority of all prisoners were held for narcotics crimes. The Pardon and Extraordinary Freedom Jubilee 2000 Law, an amended version of which took effect on December 8, is expected to reduce this overcrowding. The law pardons prisoners under the age of 21 or over the age of 60; reduces felony sentences by one-third for all prisoners sentenced prior to August 30; and pardons prisoners who are parents of minor children and have completed at least 50 percent of their sentences. (Reductions in felony sentences are not extended to prisoners convicted of murder, parricide, or treason, nor to most prisoners convicted of terrorism, rape, or narcotics trafficking. In addition, prisoners who were convicted for murder, rape, kidnaping, terrorism, or narcotics crimes and sentenced to more than 10 years in jail are not eligible for the benefits given to prisoners under age 21 or over age 60, or to parents of minor children.) The one-third reduction in sentences is expected to be that many prisoners would then have served over 50 percent of their sentences and thus be eligible for parole much sooner than expected. The law is expected to lead to the release of between 1,500 and 2,000 prisoners over the course of 2001.

Ability to pay can determine a prisoner's cell size, visiting privileges, day-pass eligibility, and place or even length of confinement. Cell prices range from \$20 to \$5,000 (125 to 30,000 bolivianos), paid to prior occupants or to prisoners who control cell blocks. For example, in the poorest parts of San Pedro prison in La Paz, inmates occupy tiny cells (3 by 4 by 6 feet) with no ventilation, lighting, or beds. Crowding in some "low-rent" sections obliges inmates to sleep sitting up. Although only children up to 6 years old are supposed to live with an incarcerated parent, children as old as age 12 live with their fathers in San Pedro prison. According to the Director General, as of July there were 900 children living with a parent in prison. If such children have nowhere else to go, the Government considers it more humane to support them in prison than to leave them homeless in the streets. The standard prison diet, according to a 1995 study, can cause anemia; the diet has not been improved since then. The Government budgets only \$0.32 (2 bolivianos) per prisoner per day for food. Prisoners who can afford to use their own money to supplement the standard prison diet by buying food do so. There is no adequate health care within the prisons, and it is very difficult for prisoners to get permission for outside medical treatment. However, affluent prisoners can obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Drugs and alcohol are readily available for those inmates who can pay.

There are separate prisons for women; conditions for female inmates are similar to those for men.

Convicted juvenile prisoners are not segregated from adult prisoners in jails. Rehabilitation programs for juveniles or other prisoners are scarce to nonexistent. The Government has acknowledged these problems but does not have sufficient resources to correct them quickly.

On June 28, Brazilian prisoner Mustafa Samir was found hanged and on June 29, Peruvians Omar Casis and Renaldo Montesinos were shot and killed at the maximum security San Pedro de Chonchocoro prison located near La Paz. Investigations into these deaths were pending at year's end. The prison houses the country's most violent prisoners and terrorists.

Unlike 1999 there were no instances of prisoners dying from fires in their cells during the year. In November 1999, prisoner Miguel Angel Rivero Siles died as the result of a fire in his prison cell; in May 1999 Carlos Freddy Cano Lopez was arrested and suffered severe burns after his cell mysteriously caught fire. He died in a hospital that June (see Section 1.a.). These were the second and third times since 1998 that prisoners had been burned in their cells. In 1999 the authorities discharged the two policemen arrested for attempting to burn a drunken man in September 1998, but their judicial case still was pending at year's end. On November 29, 1999, the Ombudsman and the Ministry of Government signed an agreement that led to the closing of several prisons determined to have inhuman conditions, including the detention cell in La Paz where Cano Lopez was burned. The agreement also called for repair of other substandard prisons, including San Sebastian prison in Cochabamba where Rivero Siles was burned. The San Sebastian solitary confinement cells subsequently were removed and replaced by a regular jail cell (see Section 1.a.).

In October 1999, Marcelo Botelho died in a Santa Cruz hospital and human rights organizations alleged that police had beaten the victim. However, there were no eyewitness reports, and the Government did not pursue a case against the police (see Section 1.a.).

The Government permits prison visits by human rights monitors and news media representatives.

d. Arbitrary Arrest, Detention, or Exile.—There were some instances of arbitrary arrest and detention. Arrests are carried out openly. The law requires a valid warrant, which a court must confirm within 48 hours. However, there were credible reports that these legal safeguards were violated in some cases.

On April 8, President Banzer declared a state of siege (see Section 1.a.), which under the Constitution provides for the detention of persons who are suspected of plotting against the public order. Those detained must be brought before a judge within 48 hours. The authorities detained 22 persons seen as instigators of the protests. Those detained included Felipe Quispe Huanca, executive secretary of the Sole Trade Union Confederation of Peasant Workers of Bolivia (CSUTCB), and several other trade unionists, peasant leaders, and university students. Quispe, the leader of indigenous farmers who manned roadblocks outside La Paz, is a former terrorist in the Tupaj Katari Guerrilla Army who was imprisoned during 1992–97 and then granted conditional release. Another approximately 50 persons were arrested for violating the state of siege and later released. The Ombudsman and human rights organizations challenged the detentions as illegal, since the authorities detained the 22 persons on April 7, prior to the April 8 supreme decree that enacted the state of siege. All 22 detainees were released by April 14, and the state of siege ended on April 20. The La Paz superior court and the Constitutional Tribunal both ruled in favor of the habeas corpus petitions after the detainees already had been released. The Ombudsman's office noted that this state of siege was the first in which habeas corpus was used as a legal tactic to attempt to force the Government to release detainees. There were allegations that the military beat residents of Achacachi and arrestees from Patacamaya during the state of siege (see Section 1.c.).

Denial of justice through prolonged detention remains the most pervasive human rights problem. Judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures keep persons incarcerated for months, or even years, before trial. The Constitution provides for judicial determination of the legality of detention. Prisoners are released if a judge rules detention illegal, but the process can take months. Prisoners may see a lawyer, but approximately 70 percent cannot afford legal counsel, and public defenders are overburdened (see Section 1.e.).

According to a 1998 study, approximately 60 percent of those jailed still were waiting for the processing of their cases to be finished, and of those, 30 percent already had served what would have been the maximum sentence for the crime they were accused of committing.

The Government continued to address the problem of delay of justice by implementing the 1994 constitutional reforms to streamline the judicial system and by taking measures to correct other deficiencies as they come to light. In May provisions of the new Code of Criminal Procedures replaced the release provisions of the Personal Recognizance Law, promulgated in 1996, which were never utilized effectively. Most prisoners still await either trial or sentencing, but under the new Code of Criminal Procedures the courts are beginning to provide release on bail for some prisoners. Judges still have the authority to order preventive detention for suspects under arrest deemed to be a flight risk or for obstruction of justice. If a suspect is not detained, a judge still can order significant restrictions on a suspect's travel.

The expanding public defender program provides concise information about human rights to citizens and seeks to involve public defenders in arrest cases at the earliest possible juncture to ensure that human rights and due process are honored. A program of mobile public defenders who can reach the more remote parts of the country has proven effective.

Children from 11 to 16 years of age can be detained indefinitely in children's centers for known or suspected offenses, or for their protection, simply on the orders of a social worker. There is no judicial review.

The 1997 abduction case of Waldo Albarracin, President of the Bolivian Permanent Assembly for Human Rights (APDH), continued to move slowly through the judicial system. The authorities had yet to take any action regarding the four police officials accused of abducting Albarracin, although legal cases against two policemen were pending at year's end.

The Government does not use forced exile as a punishment.

e. Denial of Fair Public Trial.—The judiciary is independent; however, corruption and intimidation in the judicial system remain major problems. Poor pay and working conditions help make judges and prosecutors susceptible to bribes.

The judicial system has four levels of trial: Investigative, trial, superior court, and Supreme Court or Constitutional Court appellate review. Since the establishment of the Constitutional Court in 1998, the Supreme Court hears only appeals of substantive laws, not constitutional issues. The system is essentially a closed, written system. With rare exceptions, a judge does not interview witnesses, nor does an op-

portunity to examine and cross-examine witnesses before the judge exist. The highly formal and corrupt judicial system makes it difficult for poor, illiterate persons to have effective access to courts and legal redress.

In cases not involving the narcotics law, a judge of instruction is in charge of the first stage. The judge instructs the police about what witness statements he wishes to take. A prosecutor, who is an overseer of correct procedure, may intervene, if the judge deems it necessary, to give an advisory opinion. Often this opinion is provided in advance and contains the statements of all witnesses interviewed by the police or the prosecutor. If the judge finds that the evidence is conclusive of guilt, the judge submits the case to a sentencing judge for review. This second stage of trial involves an analysis of this evidence by the trial judge, who allows the defense to present additional evidence. The trial judge is not required to seek additional evidence, although the judge may add additional witnesses to be interviewed if deemed necessary.

In narcotics (Law 1008) cases, the FELCN handles the investigative stage, and there is no judicial review of cases to determine whether a case should move to the trial stage. This is expected to change when the new Code of Criminal Procedures takes full effect in 2001, and narcotics cases are expected to be handled the same as non-narcotics cases in the first two stages. The third stage of Superior Court review is essentially a review of all evidence, and the court may reopen the case for additional witnesses. The Supreme Court review, which is virtually automatic if sought in non-narcotics cases and is required in all narcotics cases, is a fourth iteration of that process. During the superior court and Supreme Court reviews, the courts may confirm, lower, raise, or annul sentences, or provide alternatives not contemplated in lower courts. The repetitive nature of this four-stage procedure requires a great deal of time before a final result is reached in an individual case.

Defendants have constitutional rights to a presumption of innocence, to remain silent, to an attorney, to confront witnesses, to present evidence on their own behalf, to essential due process, and to appeal judicial decisions. However, in practice almost none of these rights systematically exist. The full implementation of the new Code of Criminal Procedures on May 31, 2001, is expected to alleviate some of these problems. The new code is expected to facilitate more efficient investigations, transparent oral trials, and credible verdicts. Although the law provides for a defense attorney at public expense if needed, one is not always promptly available. The Government has hired 49 additional staff members to bolster rural public defense, achieving a total of 167 public defenders, legal assistants, and social workers.

In October 1999, the Constitutional Court ruled that the Judicial Council, established in 1998 to oversee the judicial process and to provide an impartial body to review the actions of judges, did not have the power to dismiss a Superior Court or higher level judge due to an administrative finding of malfeasance alone. The Court ruled that the removal of such a judge from office requires a final judgment and sentence of conviction in a criminal case tried before the Supreme Court. The Council retains its power to suspend without pay, for up to 13 months, judges against whom a criminal charge has been filed or against whom a disciplinary process has been initiated.

In early 1999, the Council had investigated numerous reports of judicial corruption, which led to the resignation or dismissal of more than 20 judges in Santa Cruz, Cochabamba, and La Paz. One of the dismissed judges, who allegedly accepted bribes from narcotics traffickers, protested his dismissal to the Constitutional Court, which ruled that only a court finding of malfeasance, rather than a finding by an administrative body such as the Council, was cause for dismissal. The Court's decision dealt a serious blow to the Judicial Council and weakened its role as a disciplinary body. At year's end, legislation was pending that would increase the Council's suspension powers to 3 years or would reinstate the Council's power to dismiss judges found guilty of malfeasance by the Council.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides for the sanctity of the home and the privacy of citizens; however, while the authorities generally respect these provisions, there were credible allegations of UMOPAR abuses involving thefts of property. Residents in the cocagrowing areas generally are reluctant to file and pursue formal complaints. On May 17, the Government reopened a human rights office of the Ministry of Justice and Human Rights in Chimore in the Chapare region (see Section 4).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the fundamental right to express ideas and opinions freely by any means of dissemination; however, there are some limitations on freedom of speech, and the Government attempted to

intimidate some news media. The Penal Code provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from 1 month to 2 years. If the insults are directed against the President, Vice President, or a minister, the sentence may be increased by one-half.

Press organizations alleged that the Government intentionally cut off electricity for 2 hours on April 8 in Cochabamba during the state of siege in order to silence radio and television stations (see Sections 1.a. and 1.b.). There has been no investigation of these allegations, by either press organizations or the Government.

The 40-person La Paz Press Tribunal is authorized to evaluate journalists' practices that are alleged to violate either the Constitution or citizens' rights.

Newspapers are privately owned, and most adopt antigovernment positions. State-owned and private radio and television stations operate freely. There were credible reports of government attempts to intimidate some news media to provide more favorable coverage.

The Government prohibits the importation of pornographic books, magazines, and artwork.

The Government respects academic freedom, and the law grants public universities autonomous status.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of peaceful assembly, and the authorities generally respect this right in practice; however, under the state of siege the Government imposed some limits on this right. The Government routinely grants permits for marches and rallies. There were numerous demonstrations throughout the year; in some cases protesters blocked roads. The Governor of La Paz temporarily instituted a ban on public gatherings of more than three persons during the state of siege.

As a rule, the authorities try to avoid confronting demonstrators. However, security forces clashed with union and other demonstrators on many occasions during the year, resulting in some deaths and hundreds of injuries (see Section 1.a.). The authorities intervened only when rallies became dangerously violent or interfered substantially with normal civic activity. The authorities regularly use tear gas and other forms of crowd control. In early February, violent protests over increases in municipal water prices left 130 persons injured (including 30 police) and led to the arrest of 180 persons.

The law provides for freedom of association, and the authorities generally respect this right in practice. The Government requires nongovernmental organizations (NGO's) to register with the appropriate departmental government. There were complaints in 1999 against the departmental government of La Paz for the revocation of civil registrations for three NGO's established by the Unification Church (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Roman Catholicism predominates, and the Constitution recognizes it as the official religion. Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. There were 268 registered religious groups, which were mostly Protestant; at year's end, approximately 130 applications were pending. The only minority religions in the country that have encountered problems are Hari Krishna and the Unification Church. Hari Krishna had registered as an educational organization instead of as a religious organization. The Government sought to expel Hari Krishna from the country in the mid-1980's; however, the attempt failed when the Supreme Court declared it illegal. According to the Government, in 1999 it denied for lack of documentation a Hari Krishna application for registration as a religious organization. In August 1999, the Unification Church complained of ongoing harassment by the Government, specifically citing the August 1998 revocation by the La Paz departmental government of three civil registrations for church-affiliated NGO's. However, the Unification Church still is registered legally with the Ministry of Foreign Affairs and Worship as a religious organization.

On July 21, President Banzer signed a Supreme Decree governing the relationships between religious organizations and the Government. The decree updates a similar decree dating from 1985, which had been the subject of criticism by Catholic and non-Catholic religious groups. The new decree reflects input from religious groups and, according to the Government, is designed to increase transparency and dialog in church-state relations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—There are no restrictions on travel. However, on numerous occasions during the year protestors blocked roads and highways. The law permits emigration and provides for the right to return. The Government does not revoke citizenship for political reasons.

The law provides for the grant of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government has accepted persons for resettlement; it received 2 refugees during the year, over 40 refugees in 1999, and 5 refugees in 1998. The issue of the provision of first asylum did not arise. After the 1996 takeover of the Japanese Ambassador's residence in Lima, Peru by Tupac Amaru Revolutionary Movement (MRTA) terrorists, the authorities found that some MRTA activists had used Bolivia as a safehaven and announced a more restrictive policy on accepting Peruvian political asylees. Nonetheless, members of the MRTA and other terrorists continued to use the country as a safehaven and a place to plan activities.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties ranging from far left to moderate right function openly. Implementing regulations for the 1994 constitutional revisions provide for half of the congressional deputies to be elected individually and directly, rather than from party lists. The first national election under these regulations was held in June 1997, with attendance by international observers. Only one instance of tampering with ballots was detected. Elections for national offices are held every 5 years; the next national election is scheduled for 2002. In August 1997, President Hugo Banzer Suarez of the Nationalist Democratic Action Party took office. His coalition controls the Senate but has a plurality of only 57 out of 130 seats in the Chamber of Deputies. However, the government coalition holds leadership positions in both chambers.

There are no legal impediments to women or indigenous people voting, holding political office, or rising to political leadership; however, women and indigenous people are underrepresented in government and politics. Political parties acceded to demands from women that they be allocated a fair share of the candidacies in the 1997 national elections, approving a law that every third candidate on party lists must be female. In addition every other candidate on municipal election ballots, beginning with the second candidate, must be a woman—a development that has significantly augmented female representation to approximately 30 percent of municipal council positions. However, there have been reports that in some municipalities party leaders have pressured councilwomen to resign in favor of their male substitute, and women in three separate municipalities have allegedly been threatened with death if they do not resign their positions. There are 20 women among the 157 deputies and senators; there are no female ministers in the Cabinet and only 4 women among the 45 vice ministers.

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

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. However, NGO's and the Ombudsman have complained that government security forces and government ministries have refused to cooperate when NGO's or the Ombudsman are conducting investigations. The Government criticizes human rights advocates for paying attention exclusively to the negative aspects of the Government's performance.

APDH President Albarracin and his family have received anonymous threats in relation to the legal case against his alleged police abductors (see Section 1.d.). The APDH's branch office in Santa Cruz also received anonymous threats related to its investigations involving the security forces; in 1999 unknown parties broke into its office and destroyed its computer.

The Human Rights Ombudsman conducted numerous investigations and in August presented a comprehensive report to Congress that was critical of the Government, and particularly cited the fact that the greatest number of alleged violations were attributed to the police. The Chamber of Deputies Human Rights Committee, led by an opposition party congressman, also presented its annual report in August, which criticized the Government.

On May 17, the Government reopened a human rights office of the Ministry of Justice and Human Rights in Chimore in the Chapare region with assistance from

an international donor. All of the human rights offices in the Chapare region had closed in June 1999. These offices accept and pursue complaints of human rights abuses committed by anyone, including police, narcotics traffickers, and illegal coca growers.

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

The Constitution prohibits discrimination based on race, sex, language, religion, political or other opinion, origin, or economic or social condition; however, there was significant discrimination against women, indigenous people, and the small Afro-Bolivian minority.

Women.—Violence against women is pervasive, but no system exists to register such incidents systematically. According to the National Police's Department of Statistics and Planning, in 1998 approximately 57 percent of reported assaults were perpetrated against women. According to a 1997–98 study conducted by the Pan American Health Organization and the Ministry of Health among women in three municipalities representative of the country's three major cultural and geographic zones, 62 percent of women reported experiencing some kind of domestic violence or abuse at least once in their lifetime. Approximately 21 percent had suffered psychological abuse, 28 percent had suffered non-life-threatening physical violence, and 13 percent had suffered life-threatening violence. Rape is also a serious problem that is highly underreported. It is estimated that only one out of every five incidents of violence against women is reported.

The 1995 Law on Domestic and Family Violence makes the rape of an adult victim a public crime; however, the victim must press charges. The law also broadens the definition of family member abuse. The 1999 Law against Sexual Violation created the new crime of statutory rape of a person from 14 to 18 years of age and established new penalties of 10 to 20 years' imprisonment for the rape of a child under the age of 14, 2 to 6 years' imprisonment for statutory rape, and 5 to 20 years' imprisonment for the rape of an adult. The new Code of Criminal Procedures provides that crimes against adults included in previous laws on sex crimes can be made public crimes; however, the victim must press charges. Sexual crimes against minors automatically are considered public crimes. Public agencies state that reported incidents of abuse have increased markedly as a result of the recent laws, as citizens become more aware of the problem and of the availability of help. There was no further action on proposed legislation to provide benefits and protection for domestic workers, including specific protection from physical, psychological, and sexual aggression.

In October 1999, President Banzer signed the Law to Protect Victims of Crimes Against Sexual Freedom, first proposed in 1997 as a draft law against sexual harassment. The new Code of Criminal Procedures (see Section 1.e.) for the first time considers sexual harassment a civil crime, also resulting in greater protection under the law. There are no statistics on the incidence of sexual harassment, but the problem generally is acknowledged to exist widely in the male-oriented society.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purpose of prostitution (see Section 6.f.).

Legal services offices devoted to family and women's rights operate throughout the country. Family protection police units, staffed by specially trained officers, including women, also are active.

The Maternal and Infant Health Insurance Program, which began in 1996 and was expanded to the Basic Health Insurance Program in 1999, provides 75 types of health services, focused on maternal and infant health, to women of reproductive age and to children under the age of 5.

Women generally do not enjoy a social status equal to that of men. Many women do not know their legal rights. Traditional prejudices and social conditions remain obstacles to advancement. Women generally earn less than men for equal work; however, the minimum wage law treats men and women equally.

Most women in urban areas work in the informal economy and the services and trade sectors, including domestic service and micro-business, whereas in rural areas the vast majority of economically active women work in agriculture. Young girls often leave school early to work at home or in the economy. According to a 1997 study by the Ministry of Education, four out of five illiterate citizens are female. Girls have lower rates of school participation and higher dropout rates than boys. Although not effectively enforced, the national labor law limits women to a workday 1 hour shorter than that of men and prohibits them from working at night.

Children.—The Government is aware of the precarious situation of children and the need to provide legal and institutional infrastructure for their protection. Seven Defender of Children and Adolescents offices were opened in 1997 in La Paz to help

protect children's rights and interests. However, the Government has not given the poor situation of children sufficient political priority to ensure that it can be improved quickly and effectively. In December the Government's Inter-Institutional Commission for the Progressive Elimination of Child Labor released a new national plan to address the problem of child labor, which includes programs to address financial, health, education, and other needs of children (see Section 6.d.).

In October 1999, President Banzer signed into law a new Code for Boys, Girls, and Adolescents, which codifies many obligations the country assumed by ratifying the U.N. Convention on Rights of the Child. It also regulates adoptions and tightens protection against exploitative child labor and violence against children. However, resource constraints are expected to impede full implementation of this law.

Children from 11 to 16 years of age can be detained indefinitely in children's centers for known or suspected offenses, or for their own protection, simply on the orders of a social worker (see Section 1.d.). Corporal punishment and verbal abuse are common in school, and physical and psychological abuse in the home also are serious problems.

Although the law requires all children to complete at least 5 years of primary school, this requirement is enforced poorly, particularly in rural areas. The Ministry of Education and the World Bank calculated in 1997 that 26 percent of children graduated from high school. Prolonged teachers' strikes often result in lengthy school closures, limiting children's access to education.

The National Institute of Statistics calculated in 1998 that approximately 24 percent of children under 3 years old were chronically undernourished. A December 1999 UNICEF report on infant mortality indicated that 85 of every 1,000 children die before they reach 5 years of age.

Many children, particularly from rural areas, lack the birth certificates and identity documents they need to secure social benefits and protection.

Although laws provide safeguards against children working, they are not enforced effectively. According to a May 1999 study commissioned by the International Labor Organization (ILO), approximately 369,385 children between the ages of 7 and 14 work (23 percent of that age group), usually to help provide for family subsistence, in uncontrolled and sometimes unhealthy conditions (see Section 6.d.).

Child prostitution is a problem, particularly in urban areas and in the Chapare region. At least two NGO's, Fundacion La Paz and Q'Haruru, have active programs to fight child prostitution. The Government's plan to combat child labor includes a campaign against child prostitution (see Section 6.d.).

The old practice of "criadito" service still persists in some parts of the country. Criaditos are indigenous children of both sexes, usually 10 to 12 years old, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. There are no controls over the benefits to, or treatment of, such children, who may become virtual slaves for the years of their indenture.

There were unconfirmed reports that children sometimes were sold to work in sweatshops in Argentina (see Section 6.f.).

People with Disabilities.—In 1997 the Government promulgated regulations to implement the 1995 Law on Disabilities. The regulations require wheelchair access to all public and private buildings; duty free import of orthopedic devices; a 50 percent reduction in public transportation fares; and expanded teaching of sign language and Braille. A National Committee for Incapacitated Persons was established to oversee the law's enforcement, conduct studies, and channel and supervise programs and donations for the disabled. The electoral law makes arrangements for blind voters. However, in general there are no special services or infrastructure to accommodate disabled persons. A lack of adequate resources impedes full implementation of the law. Social attitudes keep many disabled persons at home from an early age, limiting their integration into society.

Indigenous People.—Discrimination against, and abuse of, indigenous people continued. The indigenous majority generally remains at the low end of the socioeconomic scale, facing severe disadvantages in health, life expectancy, education, income, literacy, and employment. More than one-half of all citizens speak indigenous dialects as their first language, and many speak no Spanish at all, which essentially excludes them from most of the formal economy. Lack of education, inefficient farming and mining methods, indigenous cultural practices, and societal biases keep the indigenous people poor. They continued to be exploited in the workplace. Some rural indigenous workers are kept in a state of virtual slavery by employers who charge them more for room and board than they earn. Although the 1996 Agrarian Reform Law extended the protection of the national labor law to all paid agricultural workers, including indigenous workers, the problem persists due to lack of effective enforcement.

The Agrarian Reform Law provides for indigenous communities to have legal title to their communal lands and for individual farmers to have title to the land they work. The Government and indigenous leaders jointly developed provisions of this law. However, the issue of land, specifically the Agrarian Reform Law, has been a constant source of complaints and protests by indigenous people.

Indigenous people complain that their territories are not legally defined and protected, and that outsiders exploit their resources. Specific offenders allegedly are illegal coca growers and timber pirates. Indigenous groups have taken advantage of the Popular Participation Law to form municipalities that offer them greater opportunities for selfdetermination.

Clashes between Laime and Qaqachaca indigenous groups in the border of the Oruro and Potosi departments left dozens dead and injured over the course of the year. These groups have a decades-long history of tension over disputed land.

National/Racial/Ethnic Minorities.—There is ongoing societal discrimination against the small Afro-Bolivian minority.

Section 6. Worker Rights

a. The Right of Association.—Workers may form and join organizations of their choosing; however, labor leaders consistently state that a section of the 1985 Economic Liberalization Decree, which addresses the free contracting of labor, undermines any protections against dismissal without cause. Labor leaders allege that employers use or threaten to use this article to limit unionization. The Labor Code requires prior government authorization to establish a union, permits only one union per enterprise, and allows the Government to dissolve unions by administrative fiat; however, the Government has not enforced these provisions in recent years. The law requires the Government to confirm the legitimately elected officers of unions, a difficult role that it is not known to abuse. While the code denies civil servants the right to organize and bans strikes in public services, including banks and public markets, nearly all civilian government workers are unionized. Workers generally are not penalized for union activities; during the April state of siege some union leaders and activists were detained, not for union activities, but for their alleged roles in fomenting disturbances (see Section 1.d.). In theory the Bolivian Labor Federation (COB) represents virtually the entire work force; however, only about one-half of workers in the formal economy actually belong to labor unions. Some members of the informal economy also participate in labor or trade organizations. The CSUTCB, led by Felipe Quispe, is not a trade union in the traditional sense, since there is no counterpart employer with which to bargain. The CSUTCB is designed to maximize the power of indigenous farmers with respect to the Government and traditional trade unions.

On December 6, the Government announced that for the remainder of the President's term of office, it would not introduce legislation to modernize the antiquated Labor Code and patchwork of labor laws and to make them conform with ILO conventions that the country already has ratified.

Workers in the public sector frequently exercise the right to strike. Solidarity strikes are illegal, but the Government has neither prosecuted those responsible nor imposed penalties. Significant strikes centered around annual negotiations over salaries and benefits for public employees. However, their real targets were the Government's economic and social reform programs. During the April disturbances (see Section 1.a.), riot police struck for more pay. Most strikes were conducted and led by the self-described Trotskyite element of the Urban Teachers Union, which protested the Government's education reform plan, including reform of teacher training institutions, a merit-based salary system, and decentralization designed to give municipalities greater control over education. Teachers' strikes shut down public schools for several weeks in late September.

Unions are not free from influence by political parties. The COB itself is a political organization directed by Marxist ideologues. Its stated aim is to end the Government's neoliberal economic program, and it gives little attention to serious collective bargaining. Most parties have labor committees that attempt to influence union activity and also have party activists inside the unions.

The law allows unions to join international labor organizations. The COB became an affiliate of the Communist, formerly Sovietdominated, World Federation of Trade Unions in 1988.

b. The Right to Organize and Bargain Collectively.—Workers may organize and bargain collectively. Collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the Government, is limited but growing. The Labor Code was written in a period in which the COB, which purports to represent all worker groups and interests, had quasi-governmental status and the exclusive authority to negotiate with state-owned enterprises. The practice was for

the COB and the Government to negotiate a global agreement on salaries, minimum wages, and other work conditions each year. With the privatization of most of these enterprises, the COB's relevancy has diminished markedly, and the practice of direct employee-management negotiations in individual enterprises is expanding.

The law prohibits discrimination against union members and organizers. Complaints go to the National Labor Court, which can take a year or more to rule due to a massive backlog of cases. The court has ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders say that problems are often moot by the time the court rules.

Labor law and practice in the seven special duty-free zones are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including forced and bonded labor by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers (see Section 5) constitute violations, as do some individual cases of household workers effectively held captive by their employers. In addition, women were trafficked for the purpose of prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits all work for payment by children under the age of 14; however, this prohibition generally is not enforced. Child labor is a serious and increasing problem. The Labor Code is ambiguous on conditions of employment for minors from 14 to 17 years of age and permits apprenticeship for those 12 to 14 years old. The ILO has criticized this practice, which is sometimes tantamount to bondage (see Section 6.c). The law also prohibits the employment of persons under 18 years of age in dangerous, unhealthy, or immoral work.

Approximately one in every four children between the ages of 7 and 14 is employed in some way. A May 1999 study by the ILO estimated that approximately 70,000 children between the ages of 7 and 14 were working in cities, and that approximately 300,000 children in the same age group were working in rural areas. The extreme poverty of many families dictates the involuntary employment of their children for motives of survival. After an ILO-sponsored conference in May 1999 on the country's child labor problems, an Inter-Institutional Commission for the Progressive Elimination of Child Labor was formed. The Government also signed a memorandum of understanding with the ILO, pledging more attention to child labor, a 5-year plan to combat it, and adoption of policies against its most dangerous forms. In November President Banzer announced a plan to give small annual payments to families with children between the ages of 6 and 14 who were attending school. In December the Government's Inter-Institutional Commission released its new national plan to address the problem of child labor. The plan, which has not yet been funded, includes programs to give families alternatives to having children work, and to address financial, health, education, and other needs.

The Labor Ministry is responsible for enforcing child labor provisions but generally does not enforce them throughout the country. Although the law requires all children to complete at least 5 years of primary school, this requirement is enforced poorly, particularly in rural areas. Urban children sell goods, shine shoes, and assist transport operators. Rural children often work with parents from an early age, generally in subsistence agriculture. Children generally are not employed in factories or formal businesses but, when employed, often work the same hours as adults. Children also work in the mines and other dangerous occupations in the informal sector. Child prostitution is a growing problem, particularly among girls between the ages of 14 and 18. The law prohibits forced and bonded labor by children; however, the practices of child apprenticeship (*criadito*) and agricultural servitude by indigenous workers constitute violations, as do some individual cases of household workers effectively held captive by their employers (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work.—In conformity with the law, the minimum wage is subject to annual renegotiation and was increased in January by 7 percent to approximately \$56 (355 bolivianos) per month, plus bonuses and fringe benefits. The minimum wage does not provide a decent standard of living for a worker and family, and most workers earn more. Although the minimum wage falls below prevailing wages in most jobs, certain benefit calculations are pegged to it. The minimum wage does not cover members of the informal sector, who constitute the majority of the urban work force, nor does it cover farmers, who account for some 30 percent of the working population.

Only one-half of the urban labor force enjoys an 8-hour workday and a workweek of 5 or 5-1/2 days, because the maximum workweek of 44 hours is not enforced. The Labor Ministry's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards are enforced poorly. Many workers have died due to unsafe conditions. However, the Government has requested

technical assistance in the occupational safety area from an international donor. The Labor Ministry maintains a hot line for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in the mining sector are particularly bad. Although the State Mining Corporation has an office responsible for safety, many mines, often old and using antiquated equipment, are dangerous and unhealthy. In some mines operated as cooperatives, miners earn approximately \$3 (20 bolivianos) per 12-hour day. They work without respirators in mines where toxic gases and cancer-causing dusts abound; they buy their own supplies, including dynamite, have no scheduled rest periods, and many work underground for up to 24 hours continuously. There are no special provisions in the law defining when workers may remove themselves from dangerous situations. Unless the work contract covers this area, any worker who refuses to work based on the individual's judgment of excessively dangerous conditions may face dismissal.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons, although aspects of the problem are covered in other laws and in the Constitution. There were reports of domestic trafficking in women for the purpose of prostitution. A union leader asserted that employment agencies lure rural indigenous women to cities with promises of employment as domestic servants but then force them to work without salaries to repay transport and other fees and sometimes turn them over to houses of prostitution. There were also unconfirmed press reports that children sometimes were sold to sweatshops in Argentina.

BRAZIL

Brazil is a constitutional federal republic composed of 26 states and the Federal District. The federal legislative branch exercises authority independent of the executive branch. In 1998 voters elected President Fernando Henrique Cardoso, of the Brazilian Social Democratic Party (PSDB), to a second 4-year term. The 1998 elections marked the third time since the end of military rule in 1985 that citizens freely chose their president and elected the legislative bodies in accordance with the 1988 Constitution. All parties are able to compete on the basis of fair and equal procedures. The judiciary generally is independent; however, it is inefficient and subject to political and economic influence.

The military forces handled national defense and are subject to effective civilian control, both in law and in practice. Police forces fall primarily under the control of the states. State police are divided into two forces. The civil police have an investigative role, and the uniformed police, known officially as the "military police," are responsible for maintaining public order. Although the individual state governments control the uniformed police, the Constitution provides that they can be called into active military service in the event of an emergency, and they maintain some military characteristics and privileges, including a separate judicial system. The federal police force is very small and primarily investigative. It plays little role in routine law enforcement. The state police forces committed numerous serious human rights abuses.

Brazil has a market-based, diversified economy. The Government, which traditionally played a dominant role in shaping economic development, is encouraging greater private sector participation in the economy through privatization of state enterprises, deregulation, and removal of some impediments to competition, trade, and investment. Industrial production, including mining operations and a large and diversified capital goods sector, accounts for approximately 35 percent of gross domestic product (GDP); agriculture contributes about 8 percent. Exports consist of both manufactured and primary goods. Among the principal exports are iron ore, coffee, airplanes, soybeans, and footwear. Per capita GDP was about \$3,400, and the economy grew by 4 percent. Income distribution remained highly skewed: the poorest half of the population received only 10 percent of national income while the richest tenth received 48 percent.

The Government generally respected many of the human rights of its citizens; however, there continued to be numerous serious abuses. State police forces (both civil and uniformed) committed many extrajudicial killings, tortured and beat suspects under interrogation, and arbitrarily arrested and detained persons. Police also were implicated in criminal activity of all kinds, including killings for hire, death squad executions, and kidnappings for ransom. Prison officials often tortured and beat inmates. The state governments concerned did not punish most perpetrators of these abuses effectively. Police tribunals (special courts for the uniformed police) remained overloaded, rarely investigated cases thoroughly, and seldom convicted

abusers. The separate system of uniformed police tribunals contributes to a climate of impunity for police officers involved in extrajudicial killings or abuse of prisoners. Prison conditions range from poor to extremely harsh. The judiciary has a large case backlog and often is unable to ensure the right to a fair and speedy trial. Justice is slow and often unreliable, especially in areas where powerful economic interests influence the local judiciary. Human rights monitors on occasion face threats and harassment. Violence and discrimination against women are problems. Child prostitution and abuse are problems. Despite constitutional provisions safeguarding the rights of indigenous people, government authorities often fail to protect them adequately from outsiders who encroach on their lands, and fail to provide them with adequate health care and other basic services in many areas. Discrimination against Afro-Brazilians is a problem. Violence against homosexuals is a problem. Forced labor continued to be a serious problem. Child labor is a serious problem. There continued to be occasional reports of forced child labor. The Government continued its interministerial campaign against child labor. Trafficking in women and children for the purpose of forced prostitution is a serious problem.

The National Secretariat of Human Rights oversees the implementation of the Government's action plan to address human rights abuses. A new secretary was installed in May. In May U.N. High Commissioner for Human Rights Mary Robinson visited, and U.N. Special Rapporteur for Torture Nigel Rodley visited in August and September. Robinson commented on the Government's recognition of its human rights problems and stated that President Cardoso was on the right track in trying to reduce and eliminate abuses. Rodley noted the poor conditions in prisons and said that in many cases law enforcement authorities who torture prisoners and suspects do so with impunity. The Government undertook several programs to promote the protection of human rights. In 1996 a nongovernmental organization (NGO) established a witness protection program; the Government adopted it in 1999 in an attempt to combat widespread impunity. The Government's inter-ministerial Committee for the Defense of the Human Being (CDDPH), chaired by the National Human Rights Secretary, continued to be an effective instrument to highlight human rights abuses and allocate federal resources to bolster the efforts of the states. However, because of jurisdictional and resource limitations, the efforts of the Federal Government had an uneven and limited impact in many of the states where human rights violations are most common.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Police committed numerous extrajudicial killings, which continued to be a serious problem throughout the country. The uniformed police summarily executed suspected criminals rather than apprehend them, and then filed false reports that the suspects were resisting arrest. Preliminary estimates from the states of Rio de Janeiro and Sao Paulo alone indicated that the police killed at least 1,000 persons during the year while operating in their "official" capacity. In addition many other killings occurred as the result of death squads and other criminal groups, many of which included police as members. The failure to investigate, prosecute, and punish police who commit such acts creates a climate of impunity that continues to encourage human rights abuses. Harsh conditions in prisons and rioting led to the death of inmates (see Section 1.c.).

The lack of accountability and the inefficient criminal justice system allow impunity to continue. All crimes less serious than murder committed by uniformed police officers against civilians remain in the military justice system. In 1999 an investigation into Sao Paulo's special courts for uniformed police uncovered 1,107 "missing" and "delayed" cases against uniformed police charged with crimes against civilians that include murder and torture. In 1999 a newspaper that had access to 300 cases under investigation found 100 murder charges among them, some delayed for up to 12 years. Equally long delays allowed many cases of torture and lesser charges to expire due to statutes of limitations. This probe was the closest scrutiny ever of the special police courts and resulted in the authorities bringing criminal charges against two court officials.

Human rights activists believe that the 1996 "Bicudo" law, which gives civil courts jurisdiction over intentional homicide committed by uniformed police officers, has had limited success. In 1995—the last year before the implementation of the new law—police courts convicted 23 percent (48 of 205) of officers tried for homicide. In 1998 civilian courts convicted 48 percent (31 of 64) of officers charged with homicide. The comparable rate for civilians tried for murder in Sao Paulo was 50 percent. The law allows for civil prosecutors to review the most egregious cases, while less

prominent cases are reviewed by the police force itself. Almost without exception, the police investigators conclude that suspects were resisting arrest.

Police often were members of vigilante groups and death squads responsible for killings. In addition uniformed and civil police involvement in criminal activity is widespread. Throughout the country, police were implicated in crimes ranging from killing for hire and kidnaping to drug trafficking and extortion.

Reputable NGO's reported hundreds of extrajudicial killings and other abuses of force by police throughout the country during the year.

A Sao Paulo press report indicated that on November 8, a local police officer was arrested near Boa Vista, Roraima, on the accusation that he had participated in the killing of seven adolescents whose noisy party had bothered him.

Two Sao Paulo police officers were arrested on or about December 11 and accused of having killed four persons in a bakery in Sao Bernardo do Campo 5 days earlier. Three other persons were injured in the attack.

In May police shot and killed a member of the Landless Movement (MST) during a confrontation between protesters and uniformed police in the state of Parana (see Section 2.b.). The authorities did not charge or arrest any officer by year's end.

The use of torture by police sometimes led to the death of the victims (see Section 1.c.). The authorities opened an investigation into the death of Nilson Saldinia, who died in February in the 50th district jail in Sao Paulo's Itaim Paulista neighborhood. At year's end, the investigation continued, but no one had been accused.

Police killings of street children continued (see Section 5).

Harsh or dangerous prison conditions, official negligence, poor sanitary conditions, abuse by guards, and a lack of medical care led to a number of deaths in prisons. Inmates in prisons and at juvenile detention facilities rioted repeatedly during the year (see Section 1.c.). Many riots resulted in a number of deaths, but no estimates were available for the number of prisoners killed nationwide during prison riots.

The office of the police ombudswoman in Rio de Janeiro state received 2,894 complaints from April 1999 through December 15, during its first 20 months of operation. Complaints against the uniformed police accounted for 60 percent of that total. There were 312 officially reported police homicides in the first 9 months of the year, compared to 289 in all of 1999. These statistics seriously understate the number of killings by police, as they do not include the deaths of perpetrators allegedly caught in the act of committing a crime. Previous research by the Institute for Religious Studies (ISER) suggests that, to estimate the true number of police homicides, the official figures should be doubled. The ISER report also stated that Rio de Janeiro police killed half of their victims with 4 or more bullets and shot the majority of victims in either the shoulder or the head; 40 cases clearly demonstrated execution-style deaths, where police first immobilized the victims and then shot them at point-blank range. In 64 percent of the cases examined, the victims were shot in the back.

According to the Sao Paulo state government, the uniformed and civil police killed 635 civilians in the first 9 months of the year, an increase of 30 percent over the same period in 1999. A Sao Paulo police ombudsman's report released in July showed that of the 664 persons killed by police officers in 1999, 31 percent were committing crimes at the time they were shot, 56 percent had no previous criminal record, and 51 percent of the victims were shot in the back. Many human rights observers believe that the report reflects excessive use of force by the Sao Paulo police.

In a nationally televised bus hijacking in Rio de Janeiro in June, police wounded a hostage while attempting to shoot the hijacker. The hijacker then killed the hostage. The hijacker was apprehended unhurt, but arrived dead at the hospital after police riding in the ambulance allegedly strangled him. At year's end, one police officer had been acquitted and four awaited trial.

Four uniformed police officers were sent to prison to await trial in a civil court for the highly publicized killing of three persons, including two juveniles (aged 14, 17, and 21) in Sao Paulo in February 1999. The officers arrested the victims for fighting, beat them, then were seen leading them into a forested area near where the bodies were found 2 weeks later. Each victim was shot once in the head. The police officers initially denied having any contact with the victims. They later confessed to the killings after 19 witnesses came forward to testify against them and a DNA test identified blood inside the police car as that of one of the victims. The perpetrators were charged with aggravated triple homicide, abuse of power, and hiding bodies.

The five uniformed police officers arrested in the March 1999 shooting deaths of two persons, one of whom was mentally disabled, in Sao Paulo's Jardim Elba slum, were jailed in September, pending trial. The officers, who allegedly shot the two out-

side of their police car, dragged the bodies inside, and then simulated an exchange of gunfire, were charged with homicide. At year's end, no trial date had been set.

Police sources reported that the investigation continues into the April 1999 death of 20-year-old Ricardo Galvao, who was shot, stabbed, and beaten. Galvao was last seen in a police vehicle after being caught trying to steal a car. On August 11, the police involved in the apprehension were expelled from the police force. The authorities charged two civilians with Galvao's death.

Four uniformed policemen are still in custody awaiting trial in the August 1999 double homicide that took place in Sao Bernardo do Campo, Sao Paulo. The accused suspected the victims of stealing a police motorcycle, questioned them, and returned to the neighborhood the following day, when they allegedly killed the two youths by shooting them in the head and leaving another youth for dead. The third victim survived by feigning death and was placed in the witness protection program.

In December 1999, police in the Federal District shot and killed one person and blinded another during a peaceful demonstration. The governor removed certain officials as a result. At year's end, the case against the police officers awaited trial.

There was no information available about an investigation into the February 1999 killing of Antonio Lopes in Natal, Rio Grande do Norte, or in the October 1999 killing of Robelio dos Santos, in Salvador, Bahia.

Amnesty International reported that police death squads still were active in Mato Grosso do Sul. There was no information available about the status of the cases against various police officers accused of participating in death squads in the states of Alagoas and Mato Grosso do Sul in 1997 and 1998.

In April a court retried and convicted former military policeman Otavio Lourenco Gamba, also known as "Rambo," for the murder of Mario Jose Josino in a highly publicized March 1997 extortion and killing incident in Sao Paulo's Favela Naval neighborhood. Gamba's 1998 conviction had been overturned due to lack of evidence. Eight other police officers were convicted of bodily harm and professional negligence. All were serving time in Sao Paulo prisons at year's end.

In April the State Court of Para annulled an August 1999 trial in the city of Belem that acquitted 3 uniformed police officers in command of the unit responsible for the 1996 massacre of 19 landless workers at Eldorado de Carajas in the Amazonian state of Para. Human rights activists considered this decision a major blow against police impunity. A new trial was scheduled for March 2001.

In September the State Court of Rondonia convicted 3 of 12 uniformed policemen and 2 squatters of homicide in the August 1995 killings of 11 squatters and 2 policemen in Corumbiara. The three officers received sentences of 16, 18, and 19 years. The two squatters who were tried were not convicted of murder but of inciting the killings and received 6 and 8 years respectively. Activists criticized the fact that the courts had acquitted 9 of the 12 police officers involved and that the court had not indicted the landowner who was involved directly in the conflict, despite the fact that there was a videotape of the landowner in which he told the police to attack the squatters, whom he called enemy guerrillas.

Of 31 police officers charged with participation in the 1993 massacre of 21 residents of the Vigario Geral neighborhood in Rio de Janeiro, the courts acquitted 19 and convicted 6 officers. At year's end, four officers awaited trial; two died before going to trial.

The trial of retired police Colonel Ubiratan Guimaraes again was delayed. Guimaraes is accused of homicide in the deaths of 111 inmates during an October 1992 riot in Sao Paulo's Carandiru prison. The charges he faces carry a penalty of 1,350 years of imprisonment, although his jail term would be limited to 30 years by the Constitution. Guimaraes would be the first policeman of the rank of colonel to face a civilian jury under the Bicudo law. The other 85 officers who are accused of involvement also await trial. The statute of limitations expired for the charges of torture and beatings, but the officers can be tried for murder. All of the officers, including Guimaraes, were released to await trial.

Death squads in which the police are involved contribute significantly to the level of violence and lawlessness, according to public security officials. Human rights groups reported the existence of organized death squads linked to the police forces that target suspected criminals and persons considered "undesirable" (such as street children) in almost every state. A report on death squads issued by the committee for human rights of the Federal Chamber of Deputies in 1999 highlighted death squad activity with police involvement in the states of Bahia, Rio Grande do Norte, Mato Grosso do Sul, Mato Grosso, Amazonas, Para, Paraiba, Ceara, Espirito Santo, and Acre. The report stated that death squads "arise because of the loss of credibility in the justice and public security institutions and the certainty of impunity as the result of the incapacity of the institutions that have jurisdiction in resolving

the problem.” The report indicated that death squad activity appeared to be declining except in Bahia.

In August 1999, the Governor of Espirito Santo (the state with the highest rate of homicide), stated that death squad activity involving the police contributed significantly to the level of violence in the state. A state police investigation and a state parliamentary committee of inquiry reported that an informal organization, the “Squad le Cocq” involving police, judicial, and elected authorities including Jose Carlos Gratz, president of the state assembly, was responsible for the vast majority of organized crime in the state.

An investigation instigated by the former president of the supreme court of Acre state and carried out under the auspices of the CDDPH amassed evidence that former Acre military police chief and former state and federal deputy Hildebrando Pascoal headed a crime ring and death squad in that Amazonian state linked to at least 30 murder and torture cases previously suspended by state authorities for lack of evidence. Charges against Pascoal include the kidnapping—with the collusion of military police officers from Piauí—and murder of the suspected killer of Pascoal’s brother, and the kidnapping of the victim’s wife and children in an attempt to locate the victim. A congressional committee of inquiry also established Pascoal’s control of narcotics trafficking within the state. A witness who testified before that committee identified the site of a mass grave in Acre that federal authorities believe Pascoal’s organization used to dispose of at least eight murder victims. Pascoal’s election to the federal Chamber of Deputies in October 1998 conferred on him parliamentary immunity from all prosecution. However, in October 1999, the Chamber voted to remove Pascoal’s immunity and the police subsequently arrested him. In June a federal judge ruled that Pascoal would face a jury trial on account of the capital offense, but no trial date was set. At year’s end, he was in prison and awaited trial on charges of murder; additional charges of narcotics trafficking and electoral violations were pending.

The authorities also failed to conclude the investigation of the May 1996 death squad killings in the Franco da Rocha neighborhood of Sao Paulo, and no charges have been filed in connection with the case. Witnesses identified five uniformed police officers as having arrested four men who were found dead a few hours later. Franco da Rocha is one of Sao Paulo state’s poorest communities and the location of a clandestine dumping site for the victims of death squads. Since 1993 at least 212 bodies have been found there, including 50 victims shot in the head. Progress in the investigation has been hampered by difficulty in identifying bodies whose heads or hands were amputated.

Several persons were killed in conflicts involving the settlement of disputes of land ownership and usage. The MST increased its campaign of legal occupation of lands identified as unproductive, and illegal occupation of land not yet so designated. In addition as a new policy, the MST began occupying public buildings in an effort to embarrass the Government and gain publicity for its cause. MST activists destroyed private property during some occupations. The Catholic Church’s Pastoral Land Commission (CPT), the country’s foremost entity monitoring human rights in rural areas, released in October its report covering rural violence in 1998. The report presents a mixed picture of the overall human rights climate relating to the country’s land conflicts. Killings of landless activists increased to 47 in 1998, compared with 30 in 1997, while attempted murders rose from 37 to 46. Cases of torture rose from 5 to 35, but less serious indicators of aggression fell sharply. The report notes that increased actions by the Government to remove activists from illegal settlements resulted in increased confrontations and destruction of property and homes but also noted that the pace of agrarian reform outstripped new MST occupations, contributing to a less violent climate overall.

In the investigation into the March 1999 killing of the brother of an MST leader in Parana, the police arrested a suspected gunman but later released him. There was no information available about the investigation into the April 1998 death of MST leader Sadi Padillo in Santa Catarina.

The CPT’s report concludes that the climate of impunity enjoyed by landed interests as a result of the “fragile” justice system and the collusion of local political interests continues to encourage serious human rights abuses of landless activists, including murder and torture. However, the report also notes that the tactics of the land reform movement have led to a self-perpetuating cycle in recent years, whereby increased confrontation and tension have led to increased government attention, encouraging in turn more land occupations. In 1999 statistics showed a decrease in violence.

Manuel Souza Neto, a leader of the MST, was killed in October and his body was found in his home. He had been shot, and reports indicate that his neck was slit. Members of the MST reported that landowners had sent death threats to the victim,

and suspect one landlord in his death. However, others note that the victim also was active in politics and that his killer could have been motivated by political goals.

On July 25, a wave of MST actions throughout the country left three dead. In Recife, a police officer shot and killed one protestor. The protestor was part of a group of about 300 activists attempting to occupy a regional bank headquarters. Near Fortaleza ranchers killed another MST member during an occupation attempt. In Para state, an unknown gunman killed an MST activist; six other persons had died in land-related violence in that area since May.

On November 21, MST leader Sebastiao da Maia, also known as Tiozinho, was killed during the occupation of a ranch in Parana. The authorities claimed that Maia was killed in a shootout during the occupation, but the MST claimed that he died in an ambush by hired gunmen. The authorities did not charge anyone with murder in the case but arrested five security guards on firearms charges. According to the Catholic Church's Pastoral Land Commission, Maia's killing was the tenth killing of a rural activist during the year.

Also on November 21, a gunman killed Jose Dutra da Costa, a rural activist in the state of Para. Police arrested the gunman the same day and suggested that Costa may have been killed on the orders of large landowners in the region. According to one source, for 2 years Costa had been on a death list of 18 activists.

On December 19, federal police seized a large cache of arms at a ranch in Pontal do Paranapanema, east of Sao Paulo, in the home of a member of a landowner's group. In 1997 the ranch had been the scene of an armed conflict between the landowner and the MST, in which eight MST members were shot. The landowner was acquitted of charges of homicide in that case, but faced arms charges after the arms seizure.

In June in the state of Para, Jeronimo Alves de Amorim was convicted of ordering the 1991 murder of the head of a local workers' union, Expedito Ribiero de Souza. Human rights activists noted that this conviction is the first time that a landowner has been held liable for such a crime. The court sentenced Alves de Amorim to 19 years in a maximum security prison (see Section 6.a.).

In an April retrial, a jury acquitted MST leader Jose Rainha for the 1989 killings of landowner Jose Machado Neto and police officer Sergio Narciso da Silva. In 1997 a jury in the small, rural town of Pedro Canario, Espirito Santo, sentenced Rainha to 26 years for the killing. The jury convicted Rainha even though the prosecution presented no material evidence and witnesses testified to Rainha's presence 1,500 miles away from the scene of the crime. Since Rainha's sentence exceeded 20 years, he automatically was entitled to a retrial. Police investigator Celso Jose da Cruz, who appealed his 1997 conviction (and sentence of 516 years' imprisonment) for involvement in these killings, was convicted in a retrial. There was no information available regarding the trials of the 29 policemen charged as codefendants in the killings.

According to human rights activists monitoring the case, proceedings remain stalled against the former mayor of Rio Maria, in the state of Para, who was charged with the 1985 murder of Joao Canuto, the first president of the rural workers' union in Rio Maria. Canuto's daughter, Luzia Canuto, received death threats as a result of the case. In 1998 the Inter-American Commission on Human Rights (IACHR) criticized the Federal Government for failing to prosecute the crime.

The four suspects charged with manslaughter in the burning death of Pataxo indigenous leader Galdino Jesus dos Santos in Brasilia still awaited trial at year's end. In 1998 an appellate court upheld a 1997 court decision to prosecute for manslaughter rather than murder. In 1999 a superior court ruled that a jury would try the defendants, and the defense appealed the decision. The appeal was denied in April, but a new appeal was filed, delaying the trial again. The accused remain in prison. Dos Santos died in April 1997 after the suspects set him on fire while he was asleep on a public bench.

Vigilante groups and death squads, which often included police officials, also were responsible for killings.

The National Secretariat for Human Rights sponsors training programs in human rights, carried out in cooperation with federal and state entities and national and international organizations, in most states. The Secretariat administers a human rights training program for policemen in cooperation with Amnesty International (AI) in 10 states. Human rights groups maintain that the effect of these programs has been limited, at best. However, human rights activists in many states reported willingness of police authorities to address their concerns and to deal with problems brought to their attention.

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

In 1995 Congress passed legislation that recognized and assigned government responsibility for the deaths of political activists who "disappeared" during the military regime while in the custody of public officials, and obligated the Government to pay indemnities of between \$100,000 and \$150,000 (200,000 to 300,000 reais) to each of the families. In 1997 President Cardoso signed a decree awarding reparations to the families of 43 such persons. As of March 1999, 265 persons had received indemnities out of 366 requests. A commission created by the law continued to evaluate requests for, and authorize payment of, indemnities.

No further progress was made during the year in investigating the mass grave found in the Perus Cemetery in Sao Paulo on September 4, 1990. Over the last 10 years, the authorities were able to identify the bodies of 6 persons from the 1,500 bones found. Human rights groups state that these persons were opponents of the military regime. However, attempts to identify additional bodies have stopped, and no efforts were made to find those responsible for the deaths.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and a 1997 law prohibit torture and provide severe legal penalties for its use; however, there are frequent credible reports that police torture and beat criminal suspects to extract information, confessions, or money. Victims generally are poor, uneducated about their rights, and afraid to come forward due to fear of reprisals. Prison officials often tortured and beat inmates.

As in the cases of extrajudicial killings, the police benefit from a high level of impunity. A 1999 investigation by prosecutors into Sao Paulo's special courts for uniformed police uncovered 1,107 "missing" and "delayed" cases against uniformed police charged with crimes against civilians that include murder and torture. A newspaper that had access to 300 cases under investigation found 100 murder charges among them, some dating back up to 12 years. Equally long delays have allowed many cases of torture and lesser charges to expire due to statutes of limitations. Although some policemen are expected face criminal charges as a result of this investigation, human rights officials called the findings "horrifying."

The Sao Paulo state police ombudsman received 481 complaints through the first 9 months of the year alleging torture, abuse, mistreatment, or neglect (negligence accounts for 132 of these complaints). This represented a slight increase from the same period in 1999, when the ombudsman received 467 such complaints. The ombudsman's office believes that many cases are not reported.

U.N. Special Rapporteur for Torture Rodley visited the country for 23 days in August and September. While his final report had not been issued before year's end, Rodley described conditions in some prisons as grotesque and stated that the Congress promotes impunity of police agents by failing to provide proper oversight and by giving them excessive powers. Rodley told the Federal Chamber of Deputies Commission on Human Rights that the authorities routinely subject suspects and prisoners to illegal detention, subhuman conditions and torture, and rarely are punished for the abuses. He described instances during his visit in which prisoners were beaten after talking with him, where torture implements were discovered in a prison, and where he had to take one prisoner to the hospital to recover from a beating. He also told the Commission that officials in one prison promised to discipline one corrections officer, but did not do so. He called the situation worse than he had imagined and presumed that his experience represented only a fraction of the problem.

In 1999 the Globo newspaper in Rio de Janeiro published the results of an investigation into the allegations of torture by state police. The police opened a total of 53 investigations regarding complaints of torture against police authorities between 1997, when the torture law came into effect, and 1999. Only one of the inquiries, which had been suspended, officially had been concluded. The report identified several patterns, including the use of electric shock, beatings with iron bars, and sexual abuse including sodomy with foreign objects. The report noted that police classified such incidents as abuse of authority and physical assault, offenses that are far less serious than torture. As a result of the report, the state government ordered an independent review of the 53 cases, and the Federal Government established a task force to review Rio de Janeiro state police practices.

In 1999 Sao Paulo officials investigated allegations that investigative police of the 26th state police district humiliated and beat prisoners after inmates secretly audiotaped 20 police officers beating them and threatening to kill them. The authorities responded by creating a special service to receive complaints of torture committed by investigative and uniformed police. Persons wishing to make a grievance about police activity or offer suggestions contacted the police ombudsman over 8,000 times during the first 9 months of the year.

On October 18, Amnesty International released a special report on torture that included five cases in the country. One was that of "Jose" (not his real name), a

juvenile in the state of Para who was beaten so severely by police that he has needed psychiatric treatment ever since. Jose's mother complained about the beating to the local public prosecutor, who referred the case to the police chief at the same station where the beating occurred. Other cases were cited in Paraiba, Sao Paulo, and Pernambuco.

On October 19, the authorities arrested two civil guards in Sao Paulo and accused them of the sexually assault of three teenage girls caught trespassing in a cemetery. Police authorities began an internal investigation into the matter.

On October 24, Federal Highway Police arrested a Rio state policeman and accused him of having been a member of a gang that specialized in robbing trucks at gunpoint along the highways. Police were investigating the possible involvement of other officials in the activities of the gang.

In late November, several former prisoners who had been held in an Air Force prison in Rio de Janeiro made public their allegations of having been tortured during their time in prison. The allegations included accusations of beatings and electric shocks. The Federal Police announced that it would begin an investigation into the reports. The allegations were also investigated in early December by the Human Rights Commission of the Chamber of Deputies.

On December 14, two policemen severely beat a shoe shiner, Rangel Bezerra de Lima, in Ceilandia, Federal District. The reason given by the police during the attack was that they had experienced a "bad day." The case got the attention of the Human Rights Division of the Ministry of Foreign Relations, which assisted Rangel in filing a complaint against the perpetrators, accusing the police of torture.

The case of Otavio dos Santos Filho, who allegedly died as a result of torture at Sao Paulo's Depatri jail in 1999, was archived without any resolution. No explanation for closing the case was been made public by year's end.

Police authorities took no action regarding 107 cases of torture and beating that took place in the Depatri jail in February 1998 and were confirmed by the Police Medical Institute. Prosecutors and human rights groups continued to push for a trial of the guards who are accused in the case.

In 1997 civil policemen in Belem, Para state, under the command of Captain Clovis Martins de Miranda Filho, accosted Hildebrando Silva de Freitas, who apparently had failed to pay a bribe for a liquor license for his bar. At Captain de Miranda's direction, as many as 10 police officers severely beat and sexually abused de Freitas. In 1998 an internal police investigation concluded that de Freitas had suffered severe physical injury and did not contest the testimony of the witnesses who corroborated his account, but declared there was no connection between his injuries and the officers who had confronted him. At year's end, the case was under review by the Para state prosecutors' office. De Miranda has brought a defamation suit against the state ombudsman for public security in Para for statements that she allegedly made to the press regarding the case. The state has declined to bear the costs of the ombudsman's defense.

Police violence against homosexuals continued (see Section 5).

There continue to be numerous credible reports of state police officials' involvement in crime, including revenge killings and intimidation and killing of witnesses involved in testifying against police officials.

The Sao Paulo state police ombudsman received 218 complaints in the first 9 months of the year alleging corruption, illicit enrichment, swindling, embezzlement, or participation in drug trafficking on the part of policemen.

The International Committee of the Red Cross (ICRC) continued its human rights training courses for high-ranking state military police officers at the Federal Police Academy in Brasilia. A total of 860 military police have been trained in basic techniques, including the apprehension and interrogation of criminal suspects without recourse to excessive or unnecessary force. The program was funded through December, and the ICRC office expected authorization to proceed for 2 to 3 more years. The Center for the Study of Violence at the University of Sao Paulo is expected to review the results. The military police in the states of Amapa, Paraiba, Rondonia, and Sao Paulo already have incorporated the ICRC program into their general police training program.

Over one-fifth of Sao Paulo's uniformed police officers have received some kind of community police training under the state's community policing initiative. Begun in December 1997, the program is expected to take 10 years to implement fully. Under the program, high-ranking police officials meet with citizens' consultative groups weekly. The uniformed police also instituted a policy of "recycling" policemen involved in shootings, removing them from patrols for 6 months and offering them counseling.

Prison conditions range from poor to extremely harsh. Severe overcrowding was prevalent, especially in larger cities. According to Ministry of Justice figures for

1998, about 85 percent of the prison population was kept in substandard conditions. The situation was most critical in the states with the largest prison populations, including Sao Paulo, Rio de Janeiro, Bahia, Rio Grande do Sul, and Pernambuco. Most penal authorities in these states do not have the resources to separate minor offenders from adults and petty offenders from violent criminals. Prison riots were frequent occurrences. Discipline is difficult to maintain under such conditions, and prison officials often resort to inhuman treatment, including torture.

AI stated that the prison system was "in crisis" in a comprehensive report on prisons released in June 1999. The report was based on 33 visits to prisons in 10 states. In December 1998, Human Rights Watch (HRW) also issued a comprehensive report entitled "Behind Bars in Brazil," based on an intensive review of prison conditions in eight states. Both reports meticulously detail inhuman conditions and systematic and wide ranging abuses of human rights throughout the prison system. Among the most serious charges are the commonplace undocumented and uninvestigated deaths of inmates at the hands of authorities or other prisoners, and the routine use of torture against inmates by both guards and police officers.

Poor working conditions for prison guards aggravate substandard prison conditions and encourage corruption. The director of Sao Paulo's Carandiru prison (the largest in the country) told representatives from AI that many cases of torture and use of excessive force result in part from employees' working conditions. An investigation of the more than 1,100 employees of Sao Paulo's prison at the end of 1998 showed that 241 had criminal records themselves. The majority of the charges against them were for crimes committed while working at the prison and ranged from drug trafficking and threats to assisting in escapes. The state secretary of penitentiary administration was aware of the guards' criminal pasts and allowed them to continue working. At year's end, prison officials stated that investigations were continuing and that they had discharged some employees.

In September the director of the maximum security prison Bangu 1 in Rio de Janeiro, who had attempted to clean up corruption and violence at the institution, was murdered—probably on orders from incarcerated drug traffickers, corrupt prison guards, or police officers, according to state security officials.

Prisons do not provide adequate protection against violence inflicted by inmates on each other.

On October 10, news media reported a riot in a Parana state prison in Piraquara, where prisoners armed with pistols and a grenade took seven guards hostage. According to news sources, this was the second riot there in 4 months. Another riot occurred on October 10 in Contagem, a district of Belo Horizonte, in which one policeman and one prisoner were injured. Press reports stated that it was the third riot there during the year, and that the cause was overcrowding.

On October 22, prisoners took 66 persons hostage during a riot in Penitenciaría Nelson Hungria, near Belo Horizonte. The prisoners were armed with pistols and knives. The riot ended with a promise by the authorities to transfer some of the inmates to other facilities.

On October 23, a riot broke out in Penitenciaría 2 de Itapetininga, in Sao Paulo State. At least 500 prisoners were involved; they took 14 guards as hostages. The riot lasted only 9 hours, but three prisoners died from fires set during the incident. On October 24, a gang fight inside Carandiru Prison in Sao Paulo killed two prisoners and injured another five. According to the authorities, the gangs were fighting over control of the prison. Prison authorities responded by transferring prisoners identified as most dangerous gang members to other facilities.

On or about November 5, a riot broke out in the Casa de Detencao Jose Mario Alves da Silva, in Porto Velho, Rondonia. Three prisoners were killed (apparently by other prisoners) and another 17 were injured. A guard also was injured. The revolt lasted 79 hours.

Armed with knives, razor blades, and pistols, prisoners in Sao Paulo's high-security Taubate penitentiary rioted December 17 and 18, resulting in the deaths of nine inmates. The riot was sparked by prisoner demands for transfer to lower-security facilities and was followed by an unsuccessful escape attempt. After the riot was quelled, the authorities transferred 25 prisoners to other facilities.

Prisoners also are subject to extremely poor health conditions. Scabies and tuberculosis, diseases not common in the general population, are widespread in Sao Paulo prisons. The Ministry of Justice estimates that 10 to 20 percent of the national prison population is HIV positive. Denial of first aid and other medical care sometimes is used as a form of punishment. According to the Sao Paulo state secretary of prison administration, 1,923 prisoners in Sao Paulo's prisons are infected with tuberculosis, 178 have leprosy, 122 are infected with hepatitis, 457 are infected with HIV, and over 3,800 suffer from full-blown AIDS. AI reports that, while underused, the

Sao Paulo state hospital for prisoners with AIDS is cleaner and better organized than most prison hospitals.

Overcrowding in Sao Paulo's prisons and police detention centers, which hold about 43 percent of the country's prison population, is a critical human rights problem. Although state prison capacity has risen by 50 percent with the opening of 21 new prisons since 1998, rising crime and inflexible sentencing has meant that facilities remain overcrowded. The prison population increased by 7,000 persons in the first 8 months of the year.

The state of Sao Paulo has approximately 92,000 prisoners. Only about 59,000 these prisoners are in the state penitentiary system. Due to lack of space, more than 32,000 prisoners, most of whom already have been convicted and should be in state penitentiaries, remain in temporary holding facilities in police stations. The state penitentiary system has an over-capacity rate of about 18 percent.

Sao Paulo prison authorities openly admit that overcrowding has led to abysmal conditions and violent riots in Sao Paulo prisons. There were 25 riots during the year in Sao Paulo prisons, which resulted in the deaths of 23 prisoners. A riot in Parana state on June 3–6 left one prisoner dead and three injured. Another riot occurred on July 12, although no one was hurt in that incident. Among the prisoners' complaints were overcrowding, the slow parole process, and lack of conjugal visits.

Overcrowding and lack of adequate security also lead to a number of escapes and carefully planned jail and prison breaks. On September 19, in Sao Paulo state, armed men broke into 2 prisons and 1 jail and freed 206 prisoners. At another break at Sumare prison, also in Sao Paulo state, 7 men stormed the complex and freed 92 of the 100 prisoners. Numerous breaks such as these occurred throughout the year, and very few prisoners were recaptured. In at least one case seven guards were held hostage during the escape.

Torture and mistreatment of prisoners by prison officials is also a serious concern. Investigations began in the torture and beatings of 20 prisoners in Sao Paulo's Sorocaba prison. The prisoners and their relatives charge that on July 28, the prisoners were forced to walk through two rows of police officers (armed with truncheons and sticks) who beat the prisoners as they walked. The prisoners were then divided into groups of five and each group locked into a solitary confinement cell designed to hold one person. In October a public prosecutor charged 20 policemen and 5 penitentiary guards with participating in the torture of inmates.

The authorities opened an investigation in the death of Nilson Saldinia, who died in February in the 50th district jail in Sao Paulo's Itaim Paulista neighborhood. Human rights groups claim that he died as a result of torture after police beat him and other prisoners with bars and metal rods and applied electric shocks to them (see Section 1.a.).

An investigation also has been opened into the allegation of a June 3 torture incident involving over 100 prisoners in Sao Paulo state's prison facility in the city of Americana. According to Justica Global, a local human rights group, prisoners were forced to pass through a "corridor" formed by military policemen from the Special Operations Unit while the policemen beat the prisoners with iron bars, truncheons, and whips. According to the organization, one prisoner's left arm was broken and another prisoner, Wilson Pereira da Silva, was beaten severely and then police threw a mixture of vinegar, water, and salt on his wounds. The director of the facility was fired shortly after the accusations surfaced.

Sao Paulo prison officials have taken steps to improve the quality of the prison guard force. Since 1998 new hires are required to have a high school diploma and to take human rights courses. Sao Paulo prison authorities also are attempting to improve conditions by building more prisons (six small ones were built during the year), by improving training of prison personnel, and by creating committees of community leaders to monitor prison conditions. However, they emphasize that the most serious problem—overcrowding—can not be resolved in the short term as it is simply impossible to build as fast as the prison population is growing.

The states of Rio de Janeiro and Sao Paulo provide separate prison facilities for women, but generally only in houses of detention or actual prisons, where female inmates are separated from men. However, in Rio de Janeiro state there are only two police districts in which women in lockup are held in exclusive short-term jail facilities. Women's facilities in Sao Paulo's penitentiary system are even more overcrowded than those for men. Facilities built to accommodate 600 female inmates hold 1,055. The state's prison expansion program did not include provisions for additional space for women. There are no facilities that are exclusively female—including inmates, guards, and warden. With male officers in women's prisons, opportunities for abuse and extortion of sexual favors are abundant.

Sao Paulo's juvenile detention centers (FEBEM) continue to be plagued by overcrowding, poor conditions, riots, and accusations of torture. The authorities com-

pleted an investigation into the 1999 riots at the FEBEM facility at Franco da Rocha and fired the director as a result. Human rights NGO's expressed regret that this was the only management-level employee discharged by year's end.

Since the extremely violent Tatuape complex riot in October 1999, human rights groups estimate that FEBEM employees have tortured or beaten at least 700 FEBEM inmates. The two most common forms of torture cited by these groups are "repique" and "recepcao." Repique is used after attempted escapes or rebellions, when the employees gather the inmates and beat them with iron bars and sticks. Recepcao occurs when adolescents are transferred to different facilities and are greeted by two rows of FEBEM guards who kick, beat, and scream at the prisoners as they pass between them to teach them the rules of discipline.

The Public Ministry was investigating 87 cases of torture and mistreatment in FEBEM facilities. Officials were considering for investigation another 52 complaints of mistreatment. The majority of the investigations and complaints involve the Tatuape complex.

Three cases of torture occurred in FEBEM facilities in June and July, involving the so-called ninjas, a group of FEBEM guards who roam FEBEM complexes at night, beating inmates at random. Actions by this group were registered at the Cadeiao de Pinheiros, Tatuape, and Franco da Rocha facilities.

Human rights organizations also accuse the Sao Paulo state government of holding 900 of the 4000 FEBEM inmates in an "irregular" state (in violation of a federal statute) by putting them in adult prison facilities, in violation of the International Convention on the Rights of the Child, to which the Government is a signatory. The transfer of youth to adult prison facilities began in August 1999 and intensified after the riots in November of that year. Injunctions that would force FEBEM officials to move the youth to juvenile facilities consistently have been reversed by the Sao Paulo supreme court, citing the fact that there is no other place to put the inmates.

Government action has proved ineffective in improving the conditions in FEBEM. After the November 1999 riots, Sao Paulo Governor Mario Covas promised to build 20 new facilities and fire all FEBEM employees responsible for torture. To date 4 of the 20 facilities have been built, but they have failed to resolve overcrowding. Moreover, two of these new facilities were sites of later riots, leading employees to complain that the inmates had been transferred before the facilities were ready and able to provide basic care or recreational or educational activities. Some employees accused of mistreatment have been fired, but human rights groups claim that only a small portion of those responsible have been dismissed.

There is no evidence that conditions have improved in the 14 months since riots began. A report put together by several human rights groups also notes that FEBEM officials demand 5 days' notice for visits by human rights groups, inhibiting the independent analysis of conditions within the FEBEM complexes.

In August local human rights NGO's delivered a report to Nigel Rodley, the U.N. Special Rapporteur for Torture about the situation in FEBEM. Rodley toured the facilities and reported finding instruments of torture.

In November 1998, President Cardoso approved a law authorizing alternative sentencing for nonviolent offenders aimed, in part, at easing prison overcrowding. In its 1999 prison report, AI noted that the states of Rio Grande do Sul and Mato Grosso do Sul have imposed noncustodial sentences effectively, but points out that in states such as Rio de Janeiro alternative sentencing has not been implemented effectively. There was minimal improvement during the year on the issue of alternative sentencing. In May the Government approved legislation that provided new funds for prisons and options for alternative sentencing. In September Justice Minister Jose Gregori inaugurated a National Center of Support and Accompaniment for Alternative Sentences to educate the judiciary to apply alternatives such as community service to convicts sentenced to less than 4 years' incarceration to reduce prison overcrowding.

It is government policy to permit prison visits by independent human rights monitors, and state prison authorities generally observe this policy in practice. Federal officials in the Ministry of Justice responsible for penal matters offered full cooperation to AI, which reported no significant problems in gaining access to state-run prison facilities. U.N. Special Rapporteur Rodley was given full access during his 3-week fact-finding mission in August and September. By contrast, HRW noted in preparing its prison report in 1998 that gaining access to prisons was "surprisingly difficult," and that barriers ranged from outright denial of access to the use of procedural delays. Only three states of the eight investigated—Amazonas, the Federal District, and Rio Grande do Norte—had made their prisons completely accessible to Human Rights Watch.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observes this prohibition; however, police continued at times to arrest and detain persons arbitrarily. The Constitution limits arrests to those caught in the act of committing a crime or those arrested by order of a judicial authority. The authorities generally respect the constitutional provision for a judicial determination of the legality of detention, although many convicted inmates are detained beyond their sentences due to poor record keeping. The law permits provisional detention for up to 5 days under specified conditions during a police investigation, but a judge may extend this period. However, groups that work with street children claim that the police sometimes detain street youths illegally without a judicial order or hold them incommunicado.

Human rights monitors allege that civil and uniformed police regularly detain persons illegally to extort money or other favors, citing the Favela Naval incident of 1997 as the most notorious example (see Section 1.a.).

The U.N. Special Rapporteur on Torture made an inquiry into the death of Anderson Carlos Crispiniano, who alleged himself to be the victim of police torture in Rio de Janeiro. In June Crispiniano was asleep at his home when a group of armed men identifying themselves as policemen forced their way in and arrested him without a warrant. They removed Crispiniano from his home and later telephoned to say that he was being held hostage for ransom. He later was released, badly beaten and partly paralyzed, and died after 15 days in the hospital.

HRW noted that police in the state of Parana arrested 173 persons, mostly without probable cause, during forced evictions carried out during the year.

According to an AI press release, police detained 141 persons in an attempt to prevent protesters from disrupting the 500th anniversary celebration in Porto Seguro on April 22. Human rights activists protested the police action, calling the detentions unjustified and out of proportion to any perceived threat (see Sections 2.b. and 5). The authorities later released the temporarily detained demonstrators without filing charges.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary is an independent branch of government; however, it is inefficient, subject to political and economic influence, and plagued by problems relating to lack of resources and training of officials. In many instances, lower-income, less educated citizens make limited use of the appeals process that otherwise might ensure the right to fair trial.

The judicial system, with the Federal Supreme Court at its apex, includes courts of first instance and appeals courts. States organize their own judicial systems but must adhere to the basic principles in the Constitution. Specialized courts deal with police, labor, elections, juveniles, and family matters.

Defendants in criminal cases arrested in the act of committing a crime must be charged within 30 days of their arrest, depending on the crime. Other defendants must be charged within 45 days, although this period can be extended. Defendants for all but the most serious crimes have the right to a bail hearing. Based on the police investigation leading to the formal charges, prosecutors prepare an indictment for the review of a judge, who determines if the indictment meets the legal requirements to bring the accused to trial. A judge and jury try persons accused of capital crimes, attempted homicide, or more serious charges. A judge tries lesser crimes. Defendants have the right to appeal all convictions to state superior courts. They further have the right to appeal state court decisions to both the Federal Supreme Court on constitutional grounds and to the Federal superior court to contest whether a decision was inconsistent with the decision of a court in another state or infringes on federal law. All defendants sentenced to 20 years in prison or more have the automatic right to a retrial in the same court.

Special police courts have jurisdiction over state uniformed police (except when charged with intentional homicide); the record of these courts shows that conviction is the exception rather than the rule. These courts (which are separate from the courts-martial of the armed forces, except for the final appeals court) are composed of four ranking state uniformed police officials and one civilian judge. With too few judges for the caseload, there are backlogs, and human rights groups note a lack of willingness by police to investigate fellow officers.

A 1996 law gives ordinary courts jurisdiction over cases in which uniformed police officers are accused of intentional homicide against civilians. However, except for the most egregious cases, the internal police investigation determines if the homicide was intentional, and the police tribunal decides whether to forward a case to a civil court for trial. As a result, few cases are referred to the civil courts. It takes 8 years to reach a definitive decision in the average case. At the appellate court level, a large backlog of cases hinders the court's ability to ensure fair and expeditious trials.

Defendants are entitled to counsel and must be made aware fully of the charges against them. According to the Ministry of Justice, approximately 85 percent of prisoners cannot afford an attorney. In such cases, the court must provide one at public expense; courts are supposed to appoint private attorneys to represent poor defendants when public defenders are unavailable, but often no effective defense is provided. Juries decide only cases of willful crimes against life, including crimes by police; judges try all others.

The right to a fair public trial as provided by law generally is respected in practice, although in some areas, particularly rural areas, the judiciary generally is less capable and more subject to influence. Similarly local police often are less dutiful in investigating, prosecutors are reluctant to initiate proceedings, and judges find reasons to delay when cases involve gunmen contracted by landowners to eliminate squatters or rural union activists.

Low pay, combined with exacting competitive examinations that in some years eliminate 90 percent of the applicants, make it difficult to fill vacancies on the bench. The system requires that a trial be held within a set period of time from the date of the crime. However, due to the backlog, old cases frequently are dismissed. According to a former judge, this practice encourages corrupt judges to delay certain cases purposely, so that they can be dismissed. Lawyers often drag out cases as long as possible in the hope that an appeals court might render a favorable opinion and because they are paid according to the amount of time that they spend on a case.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for freedom from arbitrary intrusion into the home. Wiretaps authorized by judicial authority are permitted. The law regulating the conditions under which wiretaps may be used appears to strike a fair balance between giving the police an effective law enforcement tool and protecting the civil liberties of citizens. The inviolability of private correspondence is respected.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution prohibits all forms of censorship and provides for freedom of speech and a free press, and the authorities respect these rights in practice.

Newspaper, magazines, and a growing number of on-line electronic publications, which are privately owned, vigorously report and comment on government performance. Both the print and broadcast media routinely discuss controversial social and political issues and engage in investigative reporting. Most radio and television stations are privately owned; however, the Government has licensing authority, and politicians frequently obtain licenses. Current or former congressional representatives, some of whom are or were members of the committee that oversees communications, own many television and radio stations, as well as local newspapers. It is difficult to determine how many media outlets are controlled indirectly by politicians, since concessions often are registered in the names of family members or friends linked to them. In addition the Government regularly approves transfers of concessions already granted to other individuals with little oversight.

The penalty for libel under the 1967 Press Law is a prison term. It is considered extreme by judges and rarely is imposed. The National Newspaper Association (ANJ) continued to press for an updated press law, noting that the current law dates from time of the military regime. Newspaper owners throughout the country have complained about judges who have imposed huge fines and jail terms against newspapers for “moral damage” that appear aimed at crippling news organizations. According to the ANJ annual report issued in September, if the new law does not establish criteria for calculating maximum fines for libel, there is a risk of restrictions to freedom of the press.

In December 1999, the Lower House of the Congress approved a press gag law (Lei Mordaca) that would penalize prosecutors, judges and government attorneys for revealing information about ongoing cases to the press. The ANJ, together with the Inter-American Press Association, mounted a public campaign against the law and Congress effectively stalled the legislation. The journalists argued that such a gag law would represent a prior restraint on freedom of speech, in violation of the Constitution.

Complex electoral campaign laws regulate the broadcast media and prescribe complicated arrangements to apportion the free use of commercial radio and television broadcast time granted to political parties during an election campaign. The short periods for rulings and non-appeal provisions of the regulations are designed to enforce discipline and ensure that remedies are applied in a timely manner. Media

and free speech advocates generally accept the manner in which the campaign laws are enforced.

Foreign publications are distributed widely; prior review of films, plays, and radio and television programming is used only to determine a suitable viewing age.

The National Federation of Journalists (FENAJ) and the ANJ have documented a number of violent attacks, including killings and threats against journalists. The September ANJ report, which covered the period August 1999 through July, listed 8 cases of physical aggression against 12 journalists, including a murder attempt upon a newspaper reporter in Bauru, Sao Paulo. It also described five death threats against journalists. Although no new murder cases were reported during the year, the ANJ report noted that seven journalists have been murdered since 1995 and none of the crimes have been solved. The police said that charges have been brought in four of the cases, and that they could not gather sufficient evidence in the other three. The ANJ further stated that impunity for crimes committed against journalists and inappropriate and inconsistent application of the Press Law are impediments to the functioning of the free press.

The ANJ alleged that on February 17, two uniformed police officers attacked Juarez Rodrigues, from the newspaper Estado de Minas. The officers also confiscated Rodrigues' working equipment, his cellular phone, and demanded the roll of film in which Rodrigues had recorded a police action. Police Commander Augusto Severo later visited the newspaper's director to apologize for the actions against the reporter and to promise to pay for any material damage to the equipment. Severo also stated that a military inquiry had been initiated to punish the officers responsible.

The ANJ also alleged that, on February 22, two journalists and a driver from the newspaper O Povo de Fortaleza were beaten and tortured on the orders of the mayor of a small town, Hidrolandia, in which they were investigating a story. Although criticized and forced to leave his political party, the mayor remained in office.

According to the Inter-American Press Association (SIP), on March 3, journalist Ricardo Noblat, managing editor of the newspaper Correio Braziliense of Brasilia, alleged that two of his sons had been attacked and that he had been receiving anonymous telephone threats since 1998. He stated that these actions were political persecution because of his professional activity. On June 27, the CDDPH gave the Justice Minister a preliminary report about the attacks on Noblat's sons. Although it was only preliminary, the report by the Justice Ministry concluded that the attacks were political.

Also according to the SIP, on March 8, a group of masked, armed men kidnaped journalist Klester Cavalcanti, correspondent of the magazine Veja in Belem, capital of Para state. The men pushed the journalist into a car, drove him to a forest with his head inside a black plastic bag, tied him to a tree in an isolated spot, pointed a revolver at him, and threatened him with death if he published a report on an illegal land sale.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assemble peacefully, and the Government respects this right in practice. Permits are not required for outdoor political or labor meetings, and such meetings occur frequently.

Police used force to disperse demonstrators on several occasions during the year, resulting in serious injuries and at least one death (see Sections 1.a. and 1.c.). In May MST protesters heading to Parana state's capital of Curitiba were stopped by police 20 kilometers outside the city. They said that they were planning to protest peacefully in front of government buildings. However, the same week, MST groups had invaded government buildings in several other capital cities. Parana state police say that they acted to prevent the same occurrence in their state. The confrontation between police and protesters which took place when the bus was stopped resulted in one death (see Section 1.a.). Human Rights Watch reported that police killed another demonstrator—Jose Marlucio da Silva—in Recife on July 25 during a similar protest, but no further information was available about this case.

Between May and October, MST protests increased, culminating in promises of about \$2 billion (4 billion reais) in federal government money for agrarian reform. Protests in the capital, Brasilia, united large numbers of protesters. In August joint protests by the MST and Contag (Confederacao Nacional de Trabalhadores na Agricultura) drew over 12,000 participants. Demonstrations in Brasilia were usually concurrent with smaller, local protests and invasions, of anywhere between 200 and 5,000 landless activists. Many protests occurred without incident, with notable exceptions. The MST's new method of forcibly invading public buildings is an example

of increasing aggressiveness on the part of the movement. The movement also invaded President Cardoso's family farm.

However, the number of land invasions decreased sharply during the year. According to INCRA (the government agency charged with implementing land reform), there were only 226 invasions by landless militants through November, compared with 438 in 1999 and 427 in 1998, indicating that the large amount of land that has been distributed by the Federal Government may have had some effect in decreasing landless movement activity. The CPT noted that the number of conflicts between landless movement members, landowners, and police increased over the last 3 years, but that the number of resulting deaths declined from 47 in 1998 to 24 in 1999. The total number of MST activists killed during the year was not yet available.

In April a group of indigenous leaders organized a march in protest of the ceremonies to mark the 500-year anniversary of Portuguese arrival; however, police using riot gear prevented the protesters from entering the main square, and fired rubber bullets into the crowd. Human rights observers criticized the police for injuring over 30 persons, arresting over 100 others, and limiting free assembly and lawful protests. The then-president of FUNAI, Carlos Frederico Mares, resigned in protest over this incident.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no favored or state religion. All faiths are free to establish places of worship, train clergy, and proselytize, although the Government controls entry into indigenous lands.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—There are no restrictions on movement, except entry into protected indigenous areas, nor are there any restrictions on emigration or return. However, a parent is not allowed to leave the country with children under the age of 18 without the permission of the other parent, whether or not the marriage still is in effect.

In 1997 the Government passed legislation with provisions for asylum and refugee status intended to conform to the principles of the 1951 U. N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum and cooperates with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were 2,632 refugees in the country, mostly from Angola and other African countries, but also including persons from Iran, Bosnia, and Kosovo. During the year, a total of 445 persons were granted refugee status, out of a total of 590 requests.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting is secret and mandatory for all literate citizens aged 18 to 70, except for military conscripts who may not vote. It is voluntary for minors from 16 to 18 years of age, for the illiterate, and for those age 70 and over.

Women have full political rights under the Constitution and are increasingly active in politics and government; however, they are underrepresented in both fields. Cultural, institutional, and financial barriers continue to limit women's participation in political life. The number of female candidates for office in the 1998 national elections roughly doubled, compared with the number in 1994, according to statistics released by the Supreme Electoral Court (TSE). Women constituted approximately 12 percent of the total candidates. However, their representation in the national Congress decreased from 7.6 percent to 6.1 percent after the 1998 elections; 29 women were elected to the 513-seat Chamber of Deputies, and 5 to the 81-seat Senate. In August the TSE reported that for the first time, a majority of registered voters were female (50.45 percent). The TSE also reported that there were over 70,000 female candidates for the nationwide municipal elections. At 18.3 percent of the total number of candidates, this was a 40 percent increase from the last municipal elections in 1996. There were no female members of Cabinet. In December the first woman assumed her seat on the country's highest court, the Supreme Federal Tribunal.

Diverse ethnic and racial groups, including indigenous persons, while free to participate politically, are not represented in government and politics in proportion to their numbers in the general population.

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

A number of local and national human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Federal officials generally are cooperative and responsive to their views. Federal and state officials, due to insufficient resources, in many instances actively solicit the aid and cooperation of NGO's in addressing human rights problems. However, on occasion human rights monitors are threatened and harassed due to their efforts to identify and take action against human rights abusers, especially members of the state police forces (see Section 1.a.).

AI reported in February that its office in Sao Paulo received a bomb threat from an extreme right group (see Section 5). The police investigated the threats and no bomb was found. AI noted that gay rights groups had received similar threats, that a member of their staff was attacked during the year, and that police had not acted to protect their staff or other human rights activists from violent attacks. The head of the AI office continued to receive threats by mail and phone. As a result, AI closed their Sao Paulo office and moved to Porto Alegre. At year's end, the Sao Paulo State Civil police still were investigating. The AI office in Porto Alegre also continued to receive threats, which the Rio Grande do Sul police were investigating.

Henri des Roziers, a Dominican monk, attorney, and human rights activist in Xinguara, Para, received several death threats during the year for his assistance to victims of violence in the region and his direct involvement in criticizing cases of torture, police abuse, and forced labor. Des Roziers, along with the Ministry of Labor's Office to Combat Forced Labor, was instrumental in freeing 462 rural workers from forced labor in 1999. In May Pastoral Land Commission President Dom Tomas Balduino announced that des Roziers' name appeared on a "hit list" of 10 names of activists who were to be murdered, drawn up by large landowners. In July Des Roziers and the CPT criticized the use of torture in the Xinguara city police station. Para state civil police chief Joao Moraes responded with a personal attack on des Roziers and accused him of involvement in the murder of a landowner.

Established in April 1997, the Justice Ministry's National Secretariat of Human Rights oversees implementation of a 1996 action plan to address human rights abuses. The Secretariat also administers or sponsors programs to reduce violence among the poor, to train police officials in human rights practices, and to combat discrimination against blacks, women, children, indigenous people, the elderly, and the disabled. In May the Government appointed Gilbert Saboia, former ambassador to Sweden, as the new Secretary for Human Rights.

In May U.N. High Commissioner for Human Rights Mary Robinson visited the country and met with a full range of NGO's as well government officials. Robinson commended the Government for allowing her to investigate and for its recognition of its human rights problems and commitment to seek a solution. Robinson declared that impunity from prosecution is the greatest human rights problem, linking it to killings, torture, racial and sexual discrimination, and the exploitation of children. She also stated that the U.N. might open an investigation into the repression of indigenous rights during an April commemoration of the 500th anniversary of the European arrival to the country (see Sections 2.b and 5).

In December the Government released the second National Report on Human Rights, independently prepared by the Center for the Study of Violence at the University of Sao Paulo. The National Secretariat for Human Rights, the University of Sao Paulo, and the U.N. Development Program co-sponsored the preparation of the report. A comprehensive account of the human rights situation in each state, it provides information on health, education, public security, and labor conditions and a list of human rights monitors and advocates in each state.

In 1999 two attorneys working for a human rights group in Aracatuba, Sao Paulo state, received death threats after successfully prosecuting three police officers who were convicted of torture and homicide. The attorneys asked for police protection and refused to leave the city. Police investigations into the threats produced no results; the attorneys continued their work but without police protection.

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

The law prohibits discrimination on the basis of sex, race, religion, or nationality; however, discrimination against women, blacks, and indigenous people continued to be a problem. The International Labor Organization (ILO) notes that important differences in wages affect women and blacks, particularly in rural areas. A 1997 law provides prison penalties and fines for racist acts, including promulgation of pejorative terms for ethnic or racial groups, use of the swastika, or acts of discrimina-

tion based on sex, religion, age, or ethnic origin. Several persons have been charged with racism since the law's enactment, mostly for the use of racial slurs.

There continued to be reports of violence against homosexuals, although it was not always clear that the victim's sexual orientation was the reason for the attack. The Gay Group of Bahia (GGB), the country's best known homosexual rights organization, and AI have in the past 7 years documented the existence of skinhead, neo-Nazi, and "machista" gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Sao Paulo, Salvador, Belo Horizonte, and Brasilia. In some cases, these gangs included police officers.

In September Jose Eduardo do Bernardes da Silva, a member of AI, and Roberto de Jesus, president of the Gay, Lesbian, and Bisexual Pride Association, both received bombs in the mail with swastikas and the word revenge printed on the package (see Section 4).

Homosexual activist groups reported that 130 gay, lesbian, and transgender persons were murdered during the year, compared to 169 in 1999 and 116 in 1998. However, data compiled by activist organizations and claims that violence against homosexuals is increasing cannot be confirmed, because the motives for the crimes are not always clear. Information from the GGB and other homosexual rights groups clearly indicates that transvestite prostitutes, the most visible homosexual group, are at a greater risk of violence than other homosexuals. Police routinely extort money from transvestites and often beat or kill those who fail to cooperate. Gay rights activists in the city of Recife compiled substantial evidence of extortion and the unlawful use of violence against transvestite prostitutes. In past years, flagrant abuses by the police in the states of Alagoas and Bahia have been reported.

The Secretariat of State Security of Rio de Janeiro state, in partnership with NGO's, continued to operate a hot line to receive complaints of violence or other crimes against homosexuals. The Secretariat also continued to operate a hot line for complaints of prejudice, discrimination, or other crimes based on race, ethnicity, color, religion, or national origin. The offices in police headquarters where both hot lines are located also offered professional counseling to victims of such offenses. Respect for human rights and sensitivity to the problems of minorities and the poor are included in police training in Rio de Janeiro. In April a new Institute for Public Security was created to reform police organization, recruitment, and training; it also aims to improve police performance on human rights.

Women.—The most pervasive violations of women's rights involved sexual and domestic violence, which are both widespread and vastly underreported. There is a high incidence of physical abuse of women. Most major cities and towns have established special police offices to deal with crimes of domestic or sexual violence against women; there are over 250 such offices. However, reporting crimes and receiving help continue to be a problem for women living in remote areas who must sometimes travel great distances to the nearest special precinct. For example, the large but sparsely populated states of Acre and Roraima each have only one such precinct. Though the numbers of reported cases of the most common crimes rose through much of the 1990's, they generally have leveled since 1998. For example, in the state of Sao Paulo, there were 1,731 reported cases of rape in the first 11 months of the year, compared with 1,833 for all of 1999. In the Federal District, the number of reported cases of rape declined slightly to 371 during the year, compared with 416 cases in 1999. The annual number of cases of harmful physical assault against women reported to the police in the state of Rio de Janeiro nearly doubled from 1991 to 1999, to 34,831, and the number of rapes reported increased from 952 to 1,455. Both state authorities and women's rights activists agree that a large number of rapes go unreported. According to a 1998 study of two middle-class neighborhoods in Rio de Janeiro, only 10 percent of women who had suffered violent attacks reported them to the police. The Sao Paulo Center for Assistance to Female Victims of Sexual Violence reported that 400 women sought the center's intervention in rape cases after receiving no help from the police in 1998. In Bahia there were 7,751 complaints about violence to women filed with the police Delegate for the Protection of Women during the first 7 months of the year, an increase of 40 percent over the same period in 1999.

Trafficking in women for the purpose of forced prostitution is also a serious problem (see Section 6.f.).

Each state Secretariat for Public Security runs "women's stations" (*delegacia da mulher*). However, the quality and availability of services provided varies widely, especially in isolated areas. These offices are intended to provide the following services for victims of domestic violence: psychological counseling; a "shelter home" for victims of extremely serious abuses who have no place to go; hospital treatment for rape victims, including abortion (up to 12 weeks of pregnancy) and treatment for

HIV and other sexually transmitted diseases; and initiation of criminal cases by investigating and forwarding evidence to the courts.

The penalties for rape vary from 8 to 10 years in prison.

A domestic violence offender in a case that does not involve a serious offense and carries penalties of less than 1 year's imprisonment may receive alternative sentencing with no jail term, according to the Latin American and Caribbean Committee for the Defense of Women's Rights.

Men who commit crimes against women, including sexual assault and murder, are unlikely to be brought to trial and courts still are reluctant to prosecute and convict men who claim that they attacked their wives for infidelity. A 1999 study by an academic at the Catholic Pontifical University of Sao Paulo indicates that 70 percent of criminal complaints regarding domestic violence against women are suspended without a conclusion. Only 2 percent of criminal complaints of violence against women lead to convictions. In 1998 the National Movement for Human Rights reported that female murder victims were 30 times more likely to be killed by current or former husbands or lovers than by others.

The Constitution prohibits discrimination based on sex in employment or pay and provides for 120 days of paid maternity leave. However, the provision against wage discrimination rarely is enforced. According to statistics released in 1998 by the International Confederation of Independent Unions, women are paid, on average, 44 percent less than men. According to government statistics released in 1998, women with a high-school education or less earn, on average, 63 percent of the salaries earned by men with the same level of education. Black women earned on average 26 percent of a white male's salary. A 1998 study by a sociologist showed that women who started working in positions in which they earned twice the minimum wage advanced in pay after 10 years to a wage of seven times the minimum wage. Men starting in the same positions earned 2.6 times the minimum wage and advanced to a wage of 10.9 times the minimum wage after 10 years. A Ministry of Labor survey reported that the average starting salary for high-school-educated women in Sao Paulo was one-third less than the average starting salary for high school educated men. According to the Ministry of Labor and Employment (MLE), Centers for the Prevention of Workplace Discrimination have been established in 16 states. These centers, which are housed in regional bureaus of the Ministry, promote programs to end discrimination in the workplace and cultivate partnerships with other organizations that combat discrimination. The centers also serve as clearing-houses for allegations of discrimination.

In response to the Maternity Leave Law, some employers seek sterilization certificates from female job applicants or try to avoid hiring women of childbearing age. A 1995 law prohibits employers from requiring applicants or employees to take pregnancy tests or present sterilization certificates. Employers who violate the law are subject to a jail term ranging from 1 to 2 years, while the company must pay a fine equal to 10 times the salary of its highest-paid employee.

Children.—Millions of children continue to suffer from the poverty afflicting their families, must work to survive, and fail to get an education. Schooling is free and compulsory until the age of 14 and is available in all parts of the country. The education system does not exclude any groups; however, 1.1 million children between 7 and 14 years of age did not attend school in 1999.

In September UNICEF reported that nearly 100,000 children die each year before their first birthday, almost half during the peri-natal period. While the national infant mortality rate declined from 50.8 in 1989 to 36.1 per 1,000 live births in 1998, in some states, such as Alagoas, it reached 72 per 1,000. Some municipalities have a rate of 110 per 1,000.

According to a UNICEF report, over 20 million children and adolescents, or almost 35 percent, live in poverty. About 2.9 million children under the age of 15, including over 375,000 between 5 and 9 years old, continue to work (see Section 6.c.). Many work together with their parents, most often in agriculture. Many other children beg on city streets. According to the most recent government figures released in November 1999 and confirmed by UNICEF, the number of children working has decreased steadily since 1993, while the number of children attending school has increased. However, the overall level of child labor remained roughly the same between 1998 and 1999, because progress in reducing it was hampered by a rise in agricultural production that year. The Federal Government administers a total of 33 programs under 5 separate ministries aimed at combating child labor. The Ministry of Social Security and Assistance's program for the eradication of child labor provided supplemental income or "school scholarships" to the families of 390,000 children in rural and urban areas who, in return, must attend school. The federal scholarship program is supplemented by a number of similar programs administered

by municipalities and NGO's. Some of the largest such programs are in Campinas (Sao Paulo state), Belo Horizonte (Minas Gerais), and Olinda (Pernambuco).

There are no reliable figures on the number of street children. Some are homeless, but the majority return home at night. Disparities in the numbers of children living on the street reported by children's rights activists indicate the difficulty of arriving at accurate estimates. The Center for the Defense of Children and Adolescents (CEDECA) in Belem, in the state of Para, reported that in 1998 a total of 2,328 youths under the age of 18, or 0.5 percent of the youth population, spent their days in the streets. CEDECA estimated that 97 of those youths lived permanently in the streets.

NGO's in Rio de Janeiro have made 28 shelters available for homeless children, but some children prefer the freedom and drugs that street life offers. Drug use, particularly glue sniffing and crack, is increasingly prevalent among street children. NGO's report that extreme poverty at home or sexual abuse by fathers and step-fathers are the principal reasons that many children choose to live in the streets. A national study of rape cases carried out by a group of Sao Paulo academics indicated that family members committed roughly 70 percent of rapes within their own homes. A study by the Brazilian Geography and Statistics Institute (IBGE) reported that 47 percent of Sao Paulo street children come from families that earn less than \$200 (350 reais) per month. Nationwide, the Inter-American Development Bank estimates that some 30 million children live below the poverty line and increasingly come from households headed by women.

In the October 1999 case of a child prostitution ring in Maranhao that involved police, judicial authorities, and elected officials, charges were brought against the owner of a bar, a local judge, a high-ranking police official, and two attorneys. At year's end, trials had not yet taken place.

Youth are both victims and perpetrators of violence. Of all deaths of 15- to 19-year-olds, 72 percent are due to causes such as homicide, suicide, and traffic accidents, which reduces by at least 3 years the average life expectancy of men. During the first half of the year, 50 young people died as a result of manslaughter in the state of Sao Paulo alone. Approximately 85 percent were victims of commercial sexual exploitation and ranged from 12 to 17 years of age. Homicide is the leading cause of death for children aged 10 to 14, and only 1.9 percent of murderers are serving prison sentences.

A 1999 study by the Information Network for Violence, Exploitation, and Sexual Abuse of Children and Adolescents (CECRIA), an entity within the National Human Rights Secretariat, states that government efforts to combat sexual exploitation of children need to be better tailored and coordinated. It cites 40 separate programs operated by national and international NGO's, some in partnership with Government entities, but notes that most of the programs face shortfalls in resources and personnel. In association with the Ministry of Justice, the NGO ABRAPIA has since 1997 operated a telephone hot line to register complaints of sexual abuse against children and adolescents. ABRAPIA also administers the "SOS-child" program in Rio de Janeiro state that registers complaints of domestic abuse against children and provides medical and social assistance.

Sexual exploitation of children and child prostitution remained a significant problem throughout the country. The CECRIA report indicated that patterns of sexual exploitation of children correspond to the distinct economic and social profile of the country's region. In the northern Amazonian region, sexual exploitation of children centers around brothels that cater to mining settlements. In the large urban centers, children, principally girls, who leave home because of abuse or sexual exploitation often prostitute themselves on the streets in order to survive. In the cities along the northeast coast, sexual tourism exploiting children is prevalent, and involves networks of travel agents, hotel workers, taxi drivers, and others who actively recruit children and even traffic them outside the country. Child prostitution also is developed in the areas served by the country's navigable rivers, particularly in ports and at international borders. In port cities, crews from cargo vessels are a primary clientele. The report notes that although trafficking develops in part to meet the demands of foreigners, and that the local population sustains it.

Trafficking in children for the purpose of forced prostitution is a serious problem (see Section 6.f.).

People with Disabilities.—The Constitution contains several provisions for the disabled, stipulating a minimum wage, educational opportunities, and access to public buildings and public transportation. However, groups that work with the disabled report that state governments failed to meet the legally mandated targets for educational opportunities and work placement. A 1991 law stipulates that all businesses with over 200 employees must reserve 2 percent of their vacancies for the disabled. In 1999 labor officials in the Federal District launched an information

campaign to encourage firms to comply with the law and warned that noncomplying firms could be fined.

The National Human Rights Secretariat sponsored a "City for Everyone" program in cooperation with municipal governments and national and international NGO's that focused on providing better access for the disabled to public areas and public transport. However, little progress in the elimination of architectural barriers to the disabled has been made. In 1999 Rio de Janeiro state mandated that bus companies must make a specific number of buses on certain routes accessible to wheelchair users within 3 months. By September only 14 public buses—of thousands in the city—had been adapted for wheelchair use. No intercity or interstate buses had been modified. The city of Niteroi put in service 10 vans specifically for the use of disabled persons, but the supply of this service lagged behind the rising demand.

In June the Chamber of Deputies' Human Rights Commission released the report of its investigation into the conditions of mental hospitals and asylums. The report cited many examples of understaffed and poorly administered hospitals, substandard living conditions for many patients, and severely overcrowded and unclean facilities.

According to the Federal Ministry of Education, in 1997 only 5 percent of the estimated 6 million school-age children with disabilities had access to specialized instruction. Throughout the country, 43 percent of school districts offer special instruction for disabled children. In the nine states in the northeast part of the country, only 24 percent of school districts offer special instruction.

Indigenous People.—The Constitution grants the indigenous population of approximately 330,000 broad rights, including the protection of their cultural patrimony and the exclusive use of their traditional lands; however, the Government has fallen short of securing these rights for indigenous people in practice. The Government estimates that over half live in poverty in communities whose traditional ways of life are threatened on a variety of fronts. The number of indigenous citizens receiving food assistance in the southern states of Sao Paulo and Rio Grande do Sul exceeded the total indigenous population at the time of the 1995 census in those states. The greatest number of beneficiaries reside in Mato Grosso do Sul state, where 42,000 persons of a total indigenous population of 45,300 receive food assistance.

Indigenous leaders and activists complain that indigenous people have only limited participation in decisions taken by the Government affecting their land, cultures, traditions, and allocation of national resources. They also criticized the Government for devoting insufficient resources to health care, other basic services, and protection of indigenous reserves from outsiders. Illegal mining, logging, and ranching are serious problems on indigenous land.

The National Indian Foundation (FUNAI) is responsible for the coordination and implementation of indigenous policies. The President appoints the head of FUNAI; it is organized into 52 regions with directors appointed directly by the FUNAI president.

The 1988 Constitution charged the Federal Government with demarcating indigenous areas within 5 years. By January the Government had completed demarcation of roughly 79 percent of the total area of identified indigenous territory. During the year, the Government demarcated 4 more areas totaling about 360 square miles. Of the 563 identified indigenous areas, 313 have reached the final registration stage, and 250 remain to be demarcated legally. Identified indigenous territory comprises 11 percent of the national territory.

In December 1998, the Federal Government issued a decree recognizing the original boundaries of the Raposa Serra do Sol indigenous area in the Amazonian state of Roraima, overturning a controversial decision made in 1996 by the Justice Minister to limit and alter the shape of the reserve. In 1999 a state court suspended the demarcation process after local landowners and economic interests filed a suit requesting that action. In 1999 Roraima Senator Mozarildo Cavalcanti presented a bill canceling the 1998 decree. In September the bill was given an unfavorable report in committee. Indigenous activists claim that the Government's failure to allocate resources and complete the demarcation was a political concession to local economic and political interests who then were able to influence the state court. The demarcation of Raposa Serra do Sol has been pending since 1992.

The Constitution provides indigenous people with the exclusive use of the soil, waters, and minerals on indigenous lands, subject to congressional authorization. In granting such authorization, the Constitution stipulates that the views of the affected communities must be considered and that the communities also must "participate" in the benefits gained from such use. However, legislation regulating mining on indigenous lands has been pending before the Congress since 1995. The Catholic Church-affiliated Indigenous Missionary Council (CIMI) criticized the regulations within the legislation that would provide for indigenous groups' approval of mining

concessions and their participation in the profits from mining, on the grounds that they do not address sufficiently the constitutional rights of indigenous people.

In 1999 landowners brought a civil action to the Supreme Court against a lower court ruling in Bahia that restored demarcated land of the Caramuru-Catarina Paraguacu reserve to the Pataxo Ha-Ha-Hae tribe. At year's end, no trial date had been set. Other attempts were made to negotiate between the tribe and landowners.

The Government estimates that 208 of the 563 identified indigenous lands are used illegally by nonindigenous persons for mining, logging, and agriculture. Non-indigenous invaders destroy the environment and wildlife, spread disease, and provoke violent confrontations. FUNAI admits that it does not have the necessary resources to protect indigenous lands from encroachment.

Due partly to the Government's failure to provide adequate medical care as required by law, indigenous people have suffered epidemics of malaria, measles, and tuberculosis. According to the chief of FUNAI's medical department, 60 percent of the indigenous population suffer from a chronic disease such as tuberculosis, malaria, or hepatitis. In certain areas of the Amazon region, up to 80 percent of the population are affected. Illegal mining in the Amazon has led to the doubling of the incidence of malaria in the 1994-98 period. FUNAI estimates that 75 percent of the affected population is indigenous. The infant mortality rate among the Yanomami in 1997 was 13 percent, while infant mortality among nonindigenous residents in the area was only 1.5 percent. According to health workers' unions, poor working conditions and lack of resources from the Government make it very difficult for health workers to travel into indigenous areas to provide sufficient medical care.

FUNAI also has been unable to provide mandated health care and other basic services. Hoping to improve the level of health care provided to indigenous people, in 1999 the Government transferred that responsibility from FUNAI to the Ministry of Health.

According to the Pro-Yanomami Committee, in 1999 FUNASA, the Government's health agency, issued a report showing that in 1998, 279 indigenous persons died in Roraima, 180 of them Yanomami. Most of the deaths were caused by acute respiratory infection, malaria, and diarrhea. Almost half died without having received medical assistance.

In September after Federal prosecutors complained about the slowness of the police investigation, the National Council for Human Rights formed a committee to oversee the investigation of the May 1998 killing of Xucuru Chief Francisco "Xicao" de Assis Araujo. Araujo defended the land claims of his tribe, whose lands are being encroached upon by ranchers in his home state of Pernambuco.

No progress was made in the case of mass sterilizations promoted among women of the Pataxo tribe of Bahia by Federal Deputy Dr. Roland Lavigne in exchange for votes during his 1994 electoral campaign. Women were reluctant to have children due to the general level of poverty in the community, and campaign workers allegedly convinced them that sterilization was the only effective form of birth control. Pataxo leaders claim that the sterilizations were a deliberate program of genocide intended to eliminate their tribe and free their land for farmers who illegally occupy the Pataxo reserve.

In April during the celebration of the 500th anniversary of the arrival of the Portuguese in Porto Seguro (Bahia), police used rubber bullets and tear gas, in violently blocking 2,000 indigenous marchers from entering the city. Indigenous leaders were seeking damages in civil court at year's end. In May U.N. High Commissioner for Human Rights Mary Robinson raised the police's actions with President Cardoso. The President denied any use of excessive force, and in July a Federal Police investigation reached the same conclusion. However, the Federal Public Prosecutor has challenged these findings. FUNAI president Mares resigned in protest over the treatment of indigenous people during the event.

In May an Acre state judge sentenced former Acre governor Orleir Cameli, his family's firm, and his partner Abraao Candido da Silva, to pay about \$5 million (10 million reais) to the Ashaninka-Kampa indigenous group for material and moral damage caused by the extraction of mahogany and cedar from 1981 to 1987. The firm extracted 2,478 cubic meters of wood from the area. Cameli announced he would appeal the decision.

In September CIMI reported that FUNAI was going to press charges against Jordao, Acre city councilman Auton Farias, and two others for the murder of an indigenous person in Tarauaca, Acre.

Religious Minorities.—Leaders in the Jewish community expressed concern over the continued appearance of anti-Semitic material on Internet websites compiled by neo-Nazi groups.

Amnesty International reported that Eduardo Bernardes da Silva, a worker with the NGO's office in Sao Paulo, received a suspicious package at his home on Sep-

tember 5. He opened it partially and found a device covered in swastikas, thought to have been sent by a neo-Nazi group. Police confirmed that it was a bomb and destroyed it in a controlled explosion.

The next day a similar bomb was sent to the offices of the Associacao da Parada GLBT, an association which organizes an annual Gay Pride March, reportedly by the same group.

In September a neo-Nazi group sent letters to two prominent Sao Paulo human rights commission members, Renato Simoes and Italo Cardoso, threatening to "exterminate" gays, Jews, black people and nordestinos (people from the impoverished northeast of the country), as well as those seeking to protect their rights. The letter said that the group intended to target a number of human rights organizations on or around the country's September 7 Independence Day, including Tortura Nunca Mais (No More Torture), Action by Christians against Torture, AI, and gay and lesbian groups.

National/Racial/Ethnic Minorities.—Although racial discrimination has been illegal since 1951, darker-skinned citizens say that they frequently encounter discrimination. Legislation in force since 1989 specifically prohibits, among other practices, denial of public or private facilities, employment, or housing to anyone based on race. A 1997 amendment to this law added prohibitions against, and jail terms for, the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets. The media reported arrests of several persons charged with using racial slurs during the year. Several examples of such cases include that of a seamstress pressing charges against her employer, a stagehand bringing charges against a theatrical director, and a customer pressing charges against an employee of a video rental store. All instances involved use of racial slurs when insults were uttered; at year's end, none had completed the trial process.

In Sao Paulo human rights activists continued to express concern because of discrimination against blacks and poor persons from the northeast by neo-Nazi groups in the south. Many of these groups maintain Web sites that espouse violence. The Sao Paulo State Assembly Human Rights Committee criticized several hate groups who maintain such Web sites and asked the Public Ministry for an investigation. One man, who maintained a Web site that called for the eviction from Sao Paulo of all emigrants from northeastern part of the country, was accused of crimes under the Racism Law. Instead of going to trial, he chose to accept guilt for the crime and did community service as punishment. At year's end, other similar cases still were being investigated.

ISER research noted a disproportionately higher rate of police killings of Afro-Brazilians. Persons of color are five times more likely to be shot or killed in the course of a law enforcement action than are persons who are perceived to be white.

In September two members of the Sao Paulo State Assembly's Human Rights Committee received threatening letters stating that the group which identifies itself as "raca pura" (pure race) is "fighting for an end to homosexuals, blacks, and northeasterners." Sao Paulo's State Secretary of Security ordered an investigation into both incidents. The investigations were ongoing at year's end.

In addition to these violent threats against minorities, research conducted this year at the Federal University of Rio de Janeiro reconfirmed that Afro-Brazilians experience lower standards of living than whites. Cross-checking data from the IBGE, the national statistics office, and the U.N. Human Development Index showed that Afro-Brazilians have lower salaries, life expectancies (62 years instead of 69 years), and educational standards (79 percent literacy rates, compared with 92 percent) than whites. Afro-Brazilians and mulattos still are clearly disadvantaged economically and socially throughout the country. In Sao Paulo, for example, the rate of unemployment among blacks is 22.7 percent, while the rate among nonblacks is 16.1 percent. Nonblacks in Sao Paulo have an average monthly income of about \$523 (1,005 reais), while blacks average only \$267 (512 reais) a month.

According to research carried out by the Inter-Union Department of Statistics and Socioeconomic Studies in 1998, Afro-Brazilians had higher rates of unemployment, earned less, and enjoyed less job stability than white Brazilians in each of the five largest metropolitan regions where data were gathered. In and around Salvador, Bahia, which has the highest percentage of Afro-Brazilians of any metropolitan region, unemployment among Afro-Brazilians was 45 percent higher than among whites (the difference among heads of household was 75 percent). In Sao Paulo, Afro-Brazilian unemployment was 41 percent higher than among whites and 64 percent higher among heads of households. Afro-Brazilian men earned on average between 62 percent and 70 percent of the average salary earned by white men in the five regions surveyed. Afro-Brazilian women earned on average between 33.5 and 47 percent of the average salary of a white man. Illiteracy also is a problem: 32 per-

cent of blacks are illiterate, compared with 14 percent of whites. Blacks are less likely than whites to be enrolled in institutes of higher education.

A much higher percentage of blacks are convicted by courts than whites, according to professor Sergio Adorno of the University of Sao Paulo's Nucleus for the Study of Violence. Adorno analyzed 500 criminal cases judged in Sao Paulo courts in 1990 and found that 60 percent of whites able to afford their own lawyers were acquitted, while only 27 percent of blacks who hired lawyers were found not guilty. Ignacio Cano, a researcher at the Sociological Institute of Religious Studies in Rio de Janeiro, found strong evidence of racial bias by the police in the use of lethal force against residents of color in Rio de Janeiro from 1993 to 1996 and in Sao Paulo from 1996 to 1999. According to Cano, Afro-Brazilians were three times as likely as whites to suffer death or injury from police gunfire.

In 1997 the Federal Government's Interministerial Working Group for the Valorization of the Black Population issued 29 recommendations, including the creation of affirmative action programs for university admissions and government hiring. The group is charged with proposing public policies to increase the participation and access of Afro-Brazilians in society. The National Secretariat for Human Rights adopted some of the group's recommendations in the national human rights program, which now contains, as a specific goal, the development of affirmative actions programs to increase access for Afro-Brazilians to professional schools and universities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provides for representation of all workers (except members of the military, the uniformed police, and firemen) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the Ministry of Labor and Employment (MLE), which accepts the registration if no objections are filed. Registration can be contested with the MLE by other unions which represent workers in the same geographical area and professional category. In the case of such an objection, the MLE's Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found to be valid, the MLE will not register the union and it remains for union organizers to challenge the decision in the labor courts.

The 1988 Constitution freed workers to organize new unions out of old ones without prior authorization of the Government; however, it retained many other provisions of the old labor code. One such provision is a restriction known as "unicidade" ("one-per-city"), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement, as well as the International Confederation of Free Trade Unions (ICFTU), criticize the retention of unicidade. The Cardoso administration submitted a constitutional amendment to Congress that would end unicidade, but at year's end, it still had not come to a vote due to disagreement over the proposal.

In practice a number of competing unions have been allowed to exist among the thousands of local unions. However, these do not represent the norm, and the MLE and the courts actively enforce the principle of unicidade in decisions regarding the registration of new unions.

Approximately 16 percent of the work force voluntarily pays union dues, but nearly twice that percentage is charged a mandatory union tax and also is represented in collective bargaining. The Ministry of Labor estimates that there are over 16,000 unions. Local unions are able to associate with state federations and national confederations in their professional category. Unions are obliged by law to represent all workers in a professional category and geographical area, regardless of membership status.

Although the law makes no provision for central labor organizations that include multiple categories of workers, four major groups have emerged: the Workers' Unitary Central (CUT), the Força Sindical (FS), the Workers' General Confederation (CGT), and the Social Democratic Union (SDS). Labor centrals are not provided for in the Labor Code, and centrals do not have legal standing to represent professional categories of workers in collective bargaining.

Unions and their leadership are independent of the Government and of the political parties. The leadership of major unions is distinct and independent from that of the political parties. The major union centrals tend to share links to various left-of-center political parties. In some instances, unions and centrals form alliances with political parties and social movements to advocate or carry out protest acts regarding specific issues. One of the largest such acts in recent years was the "March of 100,000," which brought 75,000 representatives of the CUT, the National Confed-

eration of Agricultural Workers, the MST, and 30 other organizations to Brasilia in 1999 to protest government policies.

The Constitution provides workers with the right to strike (except for the military, police, and firemen). Enabling legislation passed in 1989 stipulates that essential services must remain in operation during a strike and that workers must notify employers at least 48 hours before beginning a walkout. Congress has yet to pass the complementary legislation establishing legal protection for strikes in the public sector; however, in practice the Government has not interfered with the right of public workers to strike. The Constitution prohibits government interference in labor unions, but provides that "abuse" of the right to strike (such as not maintaining essential services, or failure to end a strike after a labor court decision) is punishable by law. Employers are prohibited from firing workers or hiring substitute workers during a strike, with certain exceptions, provided that the strike is not ruled abusive. If a union follows the laws regarding strikes, which were eased in the 1988 Constitution, the labor courts generally do not rule that the strikes are abusive.

The number of strikes has diminished in recent years. According to the Inter-union Department of Socioeconomic Studies and Statistics (DIEESE), there were approximately 550 strikes in 1999, compared with 1,250 strikes recorded in 1996. In the city of Sao Paulo and the surrounding region, which covers the country's industrial center, data from the regional labor court showed that there were 84 strikes during the year, the lowest number in a decade. Public sector strikes received the most attention in the media during the year. Public sector unions that struck during the year include municipal transit workers, customs agents, public teachers, state university workers, and various categories of federal employees. In addition major strikes in the private sector included the metalworkers of Sao Paulo, bank workers, truck drivers, and longshoremen in the port of Santos.

On May 18 in Sao Paulo, military police fired tear gas and rubber bullets into a crowd of striking workers from a coalition of 25 unions linked to the CUT. More than 20 strikers were injured. Strikers reacted by throwing rocks and cans at police, injuring five policemen (see Section 1.c.). The ICFTU reported that police fired on striking workers at a government-run company in Brasilia in December 1999, killing public sector worker Jose Ferreira da Silva and injuring 20 others. Although police said that they used only tear gas and rubber bullets, live ammunition was found in Ferreira's body.

According to leaders of the National Confederation of Agricultural Workers, an organized campaign exists in the state of Para to assassinate rural labor leaders. In November labor organizer Jose Dutra da Costa was shot and killed in Rondon do Para. Costa served as director for land reform policy of the local union, which was involved in taking over disputed land for the settlement of rural workers. In June in the state of Para, Jeronimo Alves de Amorim was convicted of ordering the 1991 murder of the head of a local workers' union, Expedito Ribiero de Souza (see Section 1.a.).

Unions and centrals freely affiliate with international trade union organizations; the CUT, FS, and CGT are affiliated with the ICFTU.

The ICFTU reports that intimidation and killings of rural labor union organizers and their agents also continues to be a problem.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize. Businesses and unions are working to expand and improve mechanisms of collective bargaining. However, due to the highly detailed labor code, the scope of issues legally subject to collective bargaining is narrow. The labor court system exercises normative power with regard to the settlement of labor disputes, discouraging direct negotiation. The Cardoso administration made expansion of collective bargaining one of its major objectives in the labor sector. However, the Labor Ministry has yet to introduce legislation on the issue due to fierce resistance by labor unions, which view such government efforts as an attempt to make negotiable collective bargaining rights provided for by the Constitution.

Collective bargaining is widespread in the formal sector. More than 16,700 negotiated contracts were registered with the Labor Ministry in 1999, a significant increase from the 10,000 contracts registered 2 years earlier. To be binding, all collective bargaining agreements must be reported to the Labor Ministry within 8 days of their conclusion. In spite of the prevalence of collective bargaining, unicidade and the inability of new unions to compete with existing unions limit the effectiveness of negotiations and the bargaining power of unions. As a result, DIEESE reports that only half of the collective bargaining agreements it tracked in 1999 contained wage increases that kept pace with inflation.

In 1995 the Cardoso administration promulgated a provisional measure that simultaneously ended inflation indexing of wages, allowed for mediation of wage settlements if the parties involved so desired, and provided greater latitude for collec-

tive bargaining. Previously the labor court and the Labor Ministry had responsibility for mediation in the preliminary stages of dispute settlement. Although labor court decisions still set wages in many disputes, parties now may choose mediation as an alternative. Free mediation services are provided by the Ministry of Labor and the Public Ministry of Labor, and unions and employers also may choose a private mediator from a registry kept by the Labor Ministry.

The Constitution incorporates a provision from the old labor code that prohibits the dismissal of employees who are candidates for or holders of union leadership positions. Nonetheless, dismissals take place, with those dismissed required to resort to a usually lengthy court process for relief. In general the authorities do not effectively enforce laws protecting union members from discrimination. Labor courts charged with resolving these and other disputes involving unfair dismissal, working conditions, salary disputes, and other grievances are slow and cumbersome. At year's end, over 2.5 million complaints were languishing in the labor court system, where they may remain unresolved for 5 to 10 years. According to the Supreme Labor Court, over 2 million complaints have been registered in labor courts each year during the past 5 years.

The Government is attempting to reduce this backlog and increase the efficiency of the courts. Legislation approved in January enables cases with relatively low monetary claims to be adjudicated in one meeting with a judge within 30 days of the filing. Another recent law promotes the formation of employee/employer conciliation commissions designed to resolve grievances before they reach the labor courts. In the past, according to union officials, as many as 95 percent of cases in courts took between 5 to 10 years to resolve.

Labor law applies equally in the free trade zones. The unions in the Manaus free trade zone, like rural unions and many unions in smaller cities, are weaker vis-à-vis employers than unions in the major industrial centers.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor; however, there continue to be credible reports of compulsory labor in many parts of the country. The 2000 ICFTU report states that forced laborers number in the hundreds of thousands, but there are no government sources to confirm such estimates. Forced labor is most common in agricultural activities in the rural north and center-west of the country, in logging, charcoal production, herding, and agriculture. The majority of cases occur when employers recruit laborers from population centers and transport them long distances to remote areas where escape is difficult. Laborers often are forced to work in inhuman conditions, many times under the watch of armed guards, to pay off debt that they incurred on the trip or at the worksite. In many cases, overseers or owners of farms withhold pay from migrant laborers and use force to retain and intimidate them.

According to the Penal Code, violators of forced or compulsory labor laws may be sentenced up to 8 years in prison. Legislation passed in December 1988 better defined penalties for those who recruit workers under fraudulent claims, withhold documents or salaries, or force workers to labor against their will to repay debt.

Government officials and labor activists say that widespread poverty, low levels of education, and lack of awareness of workers' rights greatly complicate efforts to combat forced labor. Enforcement also has been hampered by the remoteness of the areas in which forced labor is practiced and the difficulty of arriving in these areas without alerting those using illegal labor. Additionally, freed workers often are afraid to testify against those who recruited and supervised them and are unable to remain in the region in order to testify. Thus the authorities often have found it difficult to identify and prosecute the owners of farms or businesses that exploit forced labor. In its March report, the ILO Committee of Experts noted that when convictions do occur, usually only the third party recruiters are punished and the owners of the large estates who employ illegal labor are not sanctioned. Beginning in 1996, the Government may expropriate and use in land reform programs land on which slave labor is found. However, land owners must be compensated for these lands. In one case, the Government paid the owner of the Flor da Mata ranch in the Para state for lands expropriated for use in land reform in 1998. The Pastoral Land Commission objected to the amount paid to the ranch owner, stating that it was well above what the owner paid for the land, thereby contributing to a sense of impunity and rewarding those who allow their lands to be used for forced labor. There is proposed legislation in Congress that would allow land to be confiscated with no payment to land owners.

Federal Government efforts to eliminate forced labor are coordinated by the Executive Group to Combat Forced Labor (GERTRAF), which was established in 1995. The Ministry of Labor coordinates GERTRAF, which includes representatives from seven different ministries. The enforcement arm of GERTRAF is the Special Group for Mobile Inspection (SETIF), which works in conjunction with Federal Police. Dur-

ing 1995–98, the teams carried out more than 500 raids. They reached over 140,000 persons working under varying conditions approximating forced labor. Over this period, SETIF freed nearly 800 workers from slave-like conditions and helped in the prosecution and incarceration of 13 persons. SETIF conducted 123 raids and freed 639 workers from forced labor in 1999—more than in any previous year. Through the first 6 months of the year, the group freed 418 workers from 45 ranches and levied over \$200,000 (370,000 reais) in fines. Although 33 minors under 16 years of age were found working on ranches during raids by SETIF during the year, none of them were laboring in conditions of forced or compulsory labor.

In its largest single operation to date, SETIF and the Federal Police freed 135 workers from slave-like conditions on a cotton ranch in the state of Mato Grosso in April. The team responded to a complaint made by 15 workers who had escaped from the ranch in February and reported working 7 days a week among rats and snakes, sleeping on the ground, and paying high prices for spoiled food. Workers had been recruited from cities in the region with promises of good housing, food, and salaries; instead, they were forced to work at gunpoint in inhuman conditions. The authorities are investigating at least eight other ranches in the region for suspected use of forced labor.

GERTRAF receives allegations of forced labor from labor unions and other organizations. The CUT initiated a 24-hour hot line with a toll-free number for reporting instances of forced labor in 1997. However, the most important supplier of information to GERTRAF is the Catholic Church's Pastoral Land Commission, which tracks instances of forced labor and carries out campaigns to educate workers about the risks of forced labor. The CPT reported 16 instances of forced labor involving 1,099 workers in 10 states in 1999. Over one-half of these forced laborers were found in the state of Para. The 1999 figures represented a reversal of a 3-year trend of declining instances of forced labor. The CPT reported that, due to the hidden and complex nature of forced labor, these figures significantly understate the actual number of workers trapped in conditions of forced and compulsory labor in the country.

The law also bars forced and bonded labor by children. Although the MLE found no children working as forced laborers during the year, in 1999 the Pastoral Land Commission reported 25 children under the age of 16 found working in conditions of forced labor. In March the ILO reported that observers have cited over 3,000 girls who were subject to debt servitude and forced into prostitution in the state of Rondonia.

Trafficking in women and children for the purpose of forced prostitution also is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law restricts work that may be performed by children; however, child labor is a serious problem. The Government amended the Constitution in December 1998 to raise the minimum working age from 14 to 16 years and the age at which apprenticeships may begin from 12 to 14 years. The law bars all minors under age 18 from work that constitutes a physical strain or from employment in nocturnal, unhealthful, dangerous, or morally harmful conditions. However, the authorities rarely enforce additional legal restrictions intended to protect working minors under age 18, and the problem is widespread.

The law requires permission of the parents for minors to work as apprentices, and working minors must attend school through the primary grades. Schooling is universal, free, and compulsory until the age of 15.

The rate of school enrollment of children aged 7 to 14 increased from 89.1 percent in 1994 to 95.5 percent in 1999. Rates of repetition have dropped from 30.2 percent in 1995 to 23.4 percent in 1997. Despite these promising numbers, repetition rates and the poor quality of public schools continued to be problems. Fully 40 percent of first-graders repeat the year, and in a number of states first-graders are more likely to fail than to pass. Even with increased enrollment, there still were 1.1 million children between the ages of 7 and 14 who are not attending school.

Although still a serious problem, the incidence of child labor has dropped significantly in recent years. According to government figures, the number of working children fell by nearly 24 percent between 1995 and 1999. Over the same period, the rate of participation in the work force of children from the ages of 5 to 14 dropped from 11 to 9 percent. Nevertheless, more than 2.9 million children under the age of 15 continued to work in 1999. Frequent accidents, unhealthy working conditions, and squalor are common.

A 1999 Labor Ministry report indicates that children work in about 100 rural and urban activities. Common rural activities include fishing, mining, producing charcoal, and harvesting sugarcane, sisal, tobacco, cotton, citrus fruits, and a variety of other crops. In urban areas, children are found in shoe shining, trash picking, street peddling, prostitution, and drug trafficking. According to the Government's Institute

for Applied Economic Research, there are around 400,000 children between the ages of 10 to 16 working as domestic servants.

The Ministry of Labor and Employment is responsible for inspecting worksites to enforce child labor laws. These efforts are guided regionally by special Nuclei for the Eradication of Child Labor, which gather data and develop plans for child labor inspection. Nearly all inspections of children in the workplace are driven by allegations and tips from workers, teachers, unions, NGO's, and the media. Approximately 3,200 inspectors investigated 52,000 establishments in 1999. Inspectors lack authority to investigate allegations of child labor in informal sector establishments, where most child labor is found. In all cases but the worst forms, inspectors attempt to reach an alternative solution before applying fines of around \$225 (400 reais) per violation. Inspectors also may refer cases to prosecutors from the Public Ministry of Labor, who are able to levy fines upwards of \$1,670 (3,000 reais) and investigate cases in the informal sector.

Fighting child labor is a priority of the Cardoso administration. The Ministry of Social Security and Assistance's Program for the Eradication of Child Labor (PETI) provides cash stipends to low-income families who keep their children in school and out of work activities. Because the public school day lasts only 4 hours, PETI also offers complementary cultural and instructional activities to children during non-school hours to keep them from situations in which they could be put to work. PETI has grown from assisting about 3,700 children in 2 states in 1996 to over 390,000 in nearly all 26 states by the end of the year. The program started with children involved in hazardous activities in rural areas, such as charcoal production and sisal, sugar cane, and citrus harvesting. Other rural activities recently included in the program are work in cotton and tobacco fields, flour mills, salt mines, horticulture, weaving, fishing, wood mills, brick production, ceramics, and mining. The PETI program also is growing rapidly in urban activities such as trash picking, shoe shining, and street peddling.

Social programs to end child labor have been matched by investments in programs to support greater access to education. The Ministry of Education's (MEC) Program for the Guarantee of a Minimum Income (PGRM) provides low-income families with modest monthly stipends—typically ranging from \$6–8 (10–15 reais) per child—provided that all children aged 7–14 in the household are attending school. The poorest 20 percent of municipalities in each state are eligible to enroll in the program and receive funds from the Federal Government. MEC estimates that the PGRM has benefited 1 million children in more than 500,000 families. The Government supplements this program with a decentralized school lunch program that serves 37 million children across the country.

In December 1999, the Government ratified ILO Convention 138 dealing with the minimum age for work and Convention 182 on the eradication of the worst forms of child labor. At year's end, Convention 138 had not taken effect due to technical issues concerning the minimum working age that the Government submitted to the ILO. In March the Ministry of Labor established a tripartite commission to produce a list of worst forms of child labor to be eradicated in the country. At year's end, the commission produced a list of over 80 such activities, which includes 27 new activities that are to be banned for all workers under 18 years of age. These new activities include cutting sugar cane, applying pesticides, and driving tractors.

Civil organizations have played a fundamental role in reducing the number of children working. One of the organizations coordinating the diverse efforts has been the National Forum for the Prevention and Eradication of Child Labor. The Forum was established in 1994 with funding from the ILO and UNICEF, and has chapters in every state and over 40 institutional members from government, unions, employers, and NGO's. The ILO's Program on the Elimination of Child Labor (IPEC) sponsors programs in footwear, charcoal, citrus, sisal, and domestic service. IPEC programs have focused on capacity building, awareness raising, research promotion, and the incorporation of income generating schemes and monitoring systems into child labor prevention programs. UNICEF supports various NGO's, and began a campaign in to remove child laborers from working in trash dumps.

The ABRINQ Foundation for Children's Rights has negotiated agreements and garnered commitments from producers in footwear, citrus, automobile production, charcoal, and other industries to investigate and eradicate instances of child labor. ABRINQ also awards mayors who invest in prochild policies with its Child-Friendly Mayor award. Through a labeling program and awareness-raising activities, the footwear industry's Pro-Child Institute has helped to reduce significantly instances of child labor in footwear production in the state of Sao Paulo. Other important NGO's include Projeto POMMAR, which works most closely with children at risk of becoming prostitutes in the Northeast, and Missao Crianca (Mission Child), a new NGO that seeks to disseminate its methodology for minimum income programs to

end child labor. All major union centrals have made firm commitments to eradicate child labor by reporting violations and implementing programs to educate union members about the hazards of child labor. The News Agency for Children's Rights closely tracks stories in the media, publishes studies, and gives awards to media outlets that effectively cover children's rights.

e. Acceptable Conditions of Work.—The minimum wage is approximately \$77 (151 reais) a month, which is not sufficient to provide a decent standard of living for workers and their families. A 1999 study by DIEESE concluded that the minimum wage was only about one-seventh of the salary necessary to support a family of four in the Sao Paulo metropolitan area. Many workers outside the regulated economy, particularly in the rural northeast, earn less than the minimum wage. At year's end, Congress was considering legislation that would increase the minimum wage.

The Constitution limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The Constitution provides for pay and fringe benefits and establishes protections for agricultural and domestic workers, although not all provisions are enforced. All workers in the formal sector receive overtime pay for work beyond 44 hours, and there are prohibitions against excessive use of overtime.

Unsafe working conditions are prevalent throughout the country. Fundacentro, part of the Ministry of Labor, sets occupational, health, and safety standards, which are consistent with internationally recognized norms. However, the Ministry has insufficient resources for adequate inspection and enforcement of these standards. If a worker has a problem in the workplace and has trouble getting relief directly from an employer, the worker or union can file a claim with the regional labor court, although in practice this frequently is a cumbersome, protracted process.

The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employee members of these committees from being fired for their committee activities. However, such firings do occur, and legal recourse usually requires years for resolution. Individual workers do not have the legal right to remove themselves from the workplace when faced with hazardous working conditions; however, workers may express such concerns to the internal committee, which would conduct an immediate investigation.

f. Trafficking in Persons.—The law prohibits the transport of persons for illicit reasons within and outside the country; however, trafficking in persons, including women and children, in, to, and from the country is a problem. Penalties for trafficking in persons include fines and prison sentences ranging from 1 to 12 years, depending on the severity of the abuse and whether violence, threats, or fraud were employed.

Trafficking within the country often takes the form of rural workers being transported long distances to work on remote ranches in slave-like conditions (see Section 6.c.).

Trafficking of women and children for purposes of prostitution, both within the country and to other countries is also a problem.

Laws on trafficking are enforced by the Federal Police. Officials reported that it is very difficult to capture and incarcerate traffickers because they must be caught in the act of traveling with the victims. Further, most women who leave the country with traffickers do so willingly, and only upon arrival do they realize the severe conditions under which they are forced to work and live. Officials also report that fear of reprisals keeps a number of victims from seeking police intervention or from testifying against those who persecuted them.

The U.N. reported that over 75,000 Brazilian women work as prostitutes in Europe. According to the report, most of the women come from the states of Goias, Rio de Janeiro, and Sao Paulo. During the year, the Federal Police arrested several suspects in the capital of Brasilia, Goias, Rio de Janeiro, and Ceara involved in recruiting women to work as prostitutes abroad, mainly in Spain, but also in Portugal, Japan, and Israel. Police officials stated that in most cases women who are recruited by trafficking organizations understand that they are to work as prostitutes, but that they are lied to about working conditions and their prospective earnings. In other cases women were told that they would work as nannies or as household servants. Upon arrival victims of trafficking often have their passports confiscated and are forced to prostitute themselves and live in virtual confinement. As in other types of trafficking, perpetrators use debt and isolation to control the victims.

In March the federal police arrested one person who was connected to a trafficking ring that brought women from the state of Goias to Spain. The person allegedly received \$130 (234 reais) in return for each woman transported from the bus station to the airport. Four women were with the suspect at the time of arrest.

In June the Federal Police uncovered a travel agency in Goias which had recruited and sent at least 20 women to work as prostitutes in Spain. At year's end,

the two agency owners were in prison awaiting trial; the recruiters were still at large.

The Government took a number of steps over the year to combat child prostitution. To call attention to the problem and foster initiatives to fight it, May 18 was declared the first National Day against the Sexual Exploitation of Children and Adolescents. Legislation enacted in June lengthened the maximum sentence to 10 years in prison for those who manage brothels that exploit child prostitutes. In July the Government announced the first national pilot program to combat child prostitution. The program has a budget of a \$556,000 (1 million reais) but was geared to begin its outreach operations at the end of the year.

CANADA

Canada is a constitutional monarchy with a federal parliamentary form of government. Citizens periodically choose their representatives in free and fair multiparty elections. On November 27, voters elected a majority of 172 Liberal Party members to the 301-seat Parliament, and Jean Chretien began his third term as prime minister. The judiciary is independent.

Elected civilian officials control the federal, provincial, and municipal police forces. The armed forces have no role in domestic law enforcement except in national emergencies. Laws requiring the security forces to respect human rights are observed strictly, and the courts punish violators.

Canada has a highly developed, market-based economy. Laws extensively protect the well-being of workers and provide for workers' freedom of association.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means for dealing with individual instances of abuse; however, there were problems in some areas. Problems include discrimination against aboriginals, the disabled, and women. There was an increase in anti-Semitic harassment. The Government continued to take serious steps to address private acts of violence against women. Trafficking of persons into the country, including trafficking for purposes of prostitution is a growing problem.

RESPECT FOR HUMAN RIGHTS

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

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

Four Toronto policemen were charged with manslaughter for the death of a suspect whom they beat while taking him into custody outside a convenience store in August. Accounts of the incident vary as to what actually transpired at the time.

The Government made concerted efforts to resolve issues stemming from two controversial shooting deaths in previous years. In May an Alberta provincial court judge issued a fatality inquiry report on the causes of a 1998 incident in which a Royal Canadian Mounted Police (RCMP) officer shot a woman and her child on the Tsuu T'ina reservation. The report's 18 key recommendations focused on the needs of indigenous people and improvements in police and family services procedures, and other measures to prevent similar situations from occurring. A court upheld the 1999 conviction for criminal negligence of a police officer in the 1995 shooting death of an aboriginal activist at Ipperwash, Ontario.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government observes these prohibitions in practice; however, there were isolated incidents of police mistreating suspects. In February the RCMP began an inquiry into the deaths of four native men, two of whom were found frozen on the outskirts of Saskatoon and two of whom were found dead in or near their homes. Another native man filed charges against two Saskatoon police officers who allegedly picked him up in a police cruiser, drove him to the same spot outside the city where the two other men were found dead, and left him in sub-zero temperatures. At year's end, the two officers were awaiting trial in this case. In October Saskatchewan's Justice Minister ordered a public inquest into the events that led to the death of one of the men who had been found dead in his home, due to a drug overdose, shortly after being released from police custody. The provincial public prosecutions office already had decided that there was no basis for pressing criminal charges in relation to this case.

The military continued to receive complaints from women serving in the armed forces who charge that they are subject to sexual abuse, harassment, and discrimi-

nation. A new armed forces grievance board that is independent of the military chain of command began operations in June. In addition, other mechanisms established by the Government to address such complaints, including the Advisory Board on Canadian Forces Gender Integration and Employment Equity and an Ombudsman in the Department of National Defense, continue to operate. During the year, the Ombudsman received 14 discrimination complaints, 128 harassment complaints, and 2 sexual assault complaints.

In 1999 Toronto police continued a review of procedures following public complaints about the use of strip searches and body cavity searches in several routine arrests. The review determined that there were isolated incidents of unnecessary searches. Toronto police authorities determined that the policy still was appropriate and during the year provided further guidance to officers about when such searches are appropriate.

In June the RCMP Public Complaints Commission completed its hearings on the controversy surrounding the use of pepper spray to break up demonstrations at the November 1997 Asia Pacific Economic Cooperation (APEC) conference in Vancouver (see Section 2.b.). The Commission had not issued a report by year's end.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors. However, the Ombudsman Ontario remains concerned about "recurring evidence" presented in three separate investigations concluded during the year that there is a "systemic problem in the lack of consistent application of official policy and standing order across correctional facilities in the province's prison system." The Ombudsman investigated a variety of problems during the year, including segregation procedures, use of force, and lost property. The Ombudsman also made recommendations concerning standards of hygiene, health care, and fair and reasonable treatment to the Ministry of Correctional Services; the Ombudsman reports that the Ministry has begun to make improvements in these areas.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process and vigorously enforces the right to a fair trial.

The court system is divided into federal and provincial courts, which handle both civil and criminal matters. The highest federal court is the Supreme Court, which exercises general appellate jurisdiction and advises on constitutional matters.

The judicial system is based on English common law at the federal level as well as in most provinces; in the province of Quebec, it is derived from the Napoleonic Code. Throughout the country, judges are appointed. In criminal trials, the law provides for a presumption of innocence and the right to a public trial, to counsel (which is free for indigents), and to appeal. The prosecution also can appeal in certain limited circumstances.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government respects these rights in practice; however, the Supreme Court has ruled that the Government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. The Court ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms.

Journalists occasionally are banned from reporting some specific details of court cases until a trial is concluded, and these restrictions, adopted to ensure the defendant's right to a fair trial, enjoy wide popular support. Some restrictions on the media are imposed by provincial-level film censorship, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography. The Charter of Rights and Freedoms provides for free speech and free press, but both the Criminal Code and human rights legislation have established limits. Inciting hatred (in certain cases) or genocide is a criminal offense. The Supreme Court has set a high threshold for such cases by specifying that these acts must be proven willful and public. The Broadcasting Act, which prohibits programming containing any abusive comment that would expose individuals or groups to hatred or contempt, has not yet been challenged in the courts.

The Human Rights Act also prohibits repeated communications by telephone that expose a person or group to hatred or contempt. Human rights groups are exploring the possibility of extending this prohibition to the Internet, arguing that the Internet should be considered "telephonic communications" and therefore covered under the Human Rights Act. Between October and December, the Human Rights Tribunal heard two complaints that the Ernst Zundel web site, known for its Holocaust-denial material, incites hatred against Jews. The case was ongoing at year's end.

On September 13, an unidentified gunman shot and wounded Michel Auger, the organized crime reporter for *Le Journal de Montreal*. The previous day, Auger had published an article regarding activities of motorcycle gangs. Police linked the Hell's Angels motorcycle gang to the shooting and their investigation continued at year's end. They arrested two men in connection with the attack, including one man for making and supplying the gun. The Auger shooting led to a debate between those who advocated additional powers for law enforcement to go after gangs (up to and including suspension of the Charter of Rights and Freedoms) and those who argued that preserving civil liberties outweighed the risk of isolated incidents of gang violence. The question divided the journalistic community, which relies heavily upon civil liberty provisions. After the Auger shooting, approximately 20,000 persons (mostly journalists) demonstrated on the streets of Montreal, to urge police to do a better job in combating gang violence. Following Auger's recovery and return to work, the numbers of those calling for additional police powers dwindled.

Academic freedom is respected.

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

In June the RCMP Complaints Commission completed hearings begun in 1998 investigating the use of pepper spray by RCMP officers to break up small crowds of protesters at the APEC leaders meeting in Vancouver in November 1997. The issues covered by the Commission included whether actions taken by police were justified by the security risk and whether political considerations such as direct influence from senior political leaders played a role in determining the level of RCMP response to protesters' actions. The Commission had not issued a report at year's end.

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

The province of Saskatchewan permits prayer and bible readings in school as provided for in the Saskatchewan Act, which forms part of the provincial constitution. However, in July 1999, a one-person Board of Inquiry ruled that it was discriminatory to require recitation of the Lord's Prayer in Saskatoon public schools. As a result of the ruling, the Lord's Prayer is not recited in Saskatoon public schools. At year's end, the Saskatoon School Board and complainants continued to search for a compromise.

Public funding for Roman Catholic schools—or separate schools—is constitutionally protected in the country's original four provinces, but the policy has been challenged in recent years. In 1999 the U.N. Human Rights Committee found that the province of Ontario had failed to provide equal and effective protection against discrimination.

In March 1999, the government-mandated Proulx task force submitted a report on religion in schools to the Quebec National Assembly. Its 14 recommendations included abolishing Catholic and Protestant status for public schools and creating secular public schools within which religion would be studied from a cultural perspective. Publicly funded support services would be provided for students of all faiths. School boards' responses are due to the Quebec government by July 1, 2001.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

The law provides for the granting of asylum and refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and extends first asylum. Canada is a resettlement country, and the Government projected approving between 36,600 and 40,800 claims for refugee status during the year.

During the summer of 1999, 599 Chinese arrived illegally by boat off the coast of British Columbia and sought refugee status. Because the majority of the early refugee claimants who were released failed to appear for their hearings, a much larger percentage of refugee claimants from subsequent boats were remanded into custody pending their refugee hearings. A total of 586 persons made refugee claims. The Government has granted refugee status to 25 migrants and has denied 458 claims. Of these, 330 have been returned to China. Other claims were abandoned

or withdrawn. A total of 43 adults remained in custody at year's end. A total of 115 children were placed in the care of the Ministry of Children and Families.

There was no information publicly available on the results of a formal inquiry into a Chinese refugee's claims that prison officers had beaten him in December 1999.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

On November 27, national parliamentary elections were held, in which the Liberal Party won a majority with 172 of 301 seats. The Canadian Alliance (conservative) won 66 seats, the Bloc Quebecois (separatist) won 38 seats, the New Democratic Party (liberal) won 13 seats, and the Progressive Conservative Party (conservative) won 12 seats. Jean Chretien of the Liberal Party entered his third term as Prime Minister.

A significant body of opinion in the Province of Quebec (represented by the party that currently governs the province) continues to maintain that Quebec has the right to withdraw from the Confederation if that decision proves to be the democratically expressed will of the people of Quebec. However, in June the Federal Government enacted legislation to clarify its role in a possible secession attempt by a province. The new law is in response to a 1998 Supreme Court reference (an answer to a question referred to the Court by the federal government), which stipulated that the Federal Government would be obliged to negotiate Quebec's separation in good faith if a clear majority of Quebecers voted to separate on the basis of a clearly phrased question. The new legislation stipulates that the House of Commons must determine whether any future secession referendum question proposed by a province is clear, and whether any subsequent majority vote is large enough to obligate the Government to negotiate secession. The legislation was controversial with Quebec's provincial government, which then drafted and, on May 30, passed Bill 99 to underline the right of the Quebecois to self-determination and to decide the political regime and legal status of Quebec.

There are no laws limiting the participation of women in political life; however, they are underrepresented in government and politics. Following the November elections, in the Parliament, 62 of 301 members in the House of Commons are women, and 33 of 105 senators are women. Women hold 10 seats in the 36person Cabinet. In November 1999, a woman was appointed for the first time as Chief Justice of the Supreme Court.

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

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

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

The Charter of Rights and Freedoms provides for equal benefits and protection of the law regardless of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. These rights generally are respected in practice; however, there were some complaints of discrimination in this multicultural society.

Women.—The law prohibits violence against women, including spousal abuse; however, it remained a problem. The number of sexual assault crimes have declined over the past 5 years; however, in 1999 a total of 23,872 cases of sexual assault were reported. The courts consider such cases seriously and those convicted of sexual assault face up to 10 years in prison. Cases involving weapons, threats, wounding, or endangerment of life carry longer sentences, up to life imprisonment.

The Government's publication on family violence statistics indicates that an estimated 8 percent of women (and 7 percent of men) who were married or living in a common-law relationship during the previous 5-year period experienced some type of violence committed by their partner on at least one occasion. The economic costs of violence against women are estimated to be \$2.7 billion (Can \$4.2 billion). Services available to abused women have increased significantly over the past 2 decades. For example, the number of shelters for abused women across the country increased from 75 in 1979 to 470 in 1998.

The Criminal Code prohibits criminal harassment (stalking) and makes it punishable by imprisonment for up to 5 years. The law prohibits sexual harassment, and

the Government enforces this provision. Women continued to complain of harassment in the armed forces, and the Government has set up mechanisms to try to resolve complaints (see Section 1.c.).

Women are well represented in the labor force, including business and the professions. Employment equity laws and regulations cover federal employees in all but the security and defense services. In October 1999, the Federal Government agreed to a settlement following an unsuccessful appeal of a 1998 Human Rights Tribunal ruling that the Government must pay back wages to workers in underpaid positions (predominantly female) under the concept of equal pay for work of equal value. Payment was made and finalized this year.

Women have marriage and property rights equal to those of men. Women head over 85 percent of single-parent households.

Prostitution is legal, but pimping and operating, being found in, or working in a brothel are not. Living (wholly or partially) on the earnings of prostitution is illegal. Communicating in public for the purpose of prostitution (solicitation) is also illegal, but is considered a lesser offense than the other offenses related to prostitution.

Women were trafficked for purposes of commercial sexual exploitation (see Section 6.f.).

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Education is free through grade

13 and is compulsory nationwide through age 15 or 16, depending on the province. Federal and provincial regulations protect children from abuse, overwork, and discrimination and penalize perpetrators of such offenses.

There is no societal pattern of abuse of children. Changes to the law in 1997 strengthened tools to combat child prostitution and prohibited female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health.

A group of 1,500 citizens, who as orphans were diagnosed falsely as retarded and psychotic, and illegally interned in mental institutions during the 1930's, 1940's, and 1950's, continued to seek compensation from the provincial and Federal governments. They charge that the Government is responsible for the abuse that they received in the Catholic Church-run institutions, including beatings, electric shock treatment, and sexual abuse. In 1999 they formed a committee to seek restitution for the abuse suffered. In May the Catholic Church announced that it would participate in a "compassion fund," but would not issue a formal apology or admit fault in the cases. Quebec Premier Bouchard reiterated his government's compensation offer of approximately \$650 (C\$1,000) each to the victims, but the committee representing the orphans rejected the offer as insufficient.

Children were trafficked for purposes of commercial sexual exploitation (see Sections 6.c., 6.d., and 6.f.).

People with Disabilities.—There is no legal discrimination against disabled persons in employment, education, or in the provision of other state services. Nevertheless, the Government continued to receive numerous complaints regarding societal discrimination against disabled persons and has instituted programs to discourage such discrimination. Disabled persons are underrepresented in the work force; they make up 2.7 percent of the federally regulated private sector work force, while those capable of working total 6.5 percent of the population. The law mandates access to buildings for persons with disabilities, and for the most part the Government enforces these provisions.

In 1999 the province of Alberta announced that it would compensate the nearly 500 surviving persons who were sterilized without their consent under a policy aimed at residents of mental institutions. More than 2,000 Albertans were sterilized between 1928 and 1972 under the Alberta Sterilization Act, which was repealed in June 1972. By the end of the year, the Alberta Government had settled all outstanding sterilization claims.

The law provides a variety of protections and rights for the disabled and specifically prohibits discrimination against disabled persons in employment, education, or in the provision of public services. Sexual exploitation of persons with disabilities in situations of dependency is a criminal offense. The law requires employers and service providers to accommodate special needs of disabled persons, unless it constitutes an undue hardship, and mandates access to buildings for the disabled. The Government has instituted programs to help the disabled join the work force, but they continued to experience more difficulties in getting and retaining employment than those without disabilities.

Indigenous People.—The treatment of aboriginal people continued to be one of the most important human rights problems facing the country. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunt-

ing rights, and alleged harassment by police continued to be sources of tension on reserves. Aboriginal people remain underrepresented in the work force, overrepresented on welfare rolls and in prison populations, and more susceptible to suicide and poverty than other population groups.

The Charter of Rights and Freedoms specifically protects aboriginal rights, including those established by historical land claims settlements; aboriginal rights also are recognized in the Constitution and by the courts. Historical treaties with native groups in eastern Canada form the basis for the Federal Government's policies there, but the antiquated language and uncertain intent have resulted in extensive legal challenges to the Government's interpretation of treaty rights. Native groups in the west that never signed historical treaties continue to claim land and resources, and many continue to seek legal resolution of outstanding issues. As a result, the evolution of the Federal Government's policy toward aboriginal rights, particularly land claims, has been linked closely to legal challenges, including 45 Supreme Court decisions.

In 1998 the Government established the Aboriginal Action Plan, a "long-term, broad-based" policy approach to promote the quality of life of aboriginal people and promote self-sufficiency. According to the Department of Indian and Northern Affairs, the Government spent \$4.7 billion (Can \$7 billion) on aboriginal programs during the year, which included the Aboriginal Action Plan and spending from 12 different departments. Since 1999

16 specific claims have been settled, and 70 comprehensive land claims have been negotiated across the country. After years of negotiations, the Federal and provincial governments concluded a modern day treaty with the Nisga'a people of British Columbia, who received claim to tribal lands, fishing and timber rights, limited self-government, and other economic benefits. The Federal Government continued to be involved in self-government negotiations with over 350 First Nations, and 6 agreements were in final or advanced stages of negotiations at year's end. Professional development and fiscal accountability projects further support aboriginal self-governance.

In response to court decisions over the past few years, the Government continues to work at resolving a variety of issues, including fishing rights in Atlantic Canada. Disputes over native fishing rights in Atlantic Canada continued after a 1999 Supreme Court ruling on the Marshall case which interpreted centuries-old treaties to allow First Nations to earn a moderate livelihood from natural resources, in compliance with government regulations that promote conservation and protect others who depend on the same resource. The Federal Government negotiated interim fishing agreements with 29 of the 34 native communities in Atlantic Canada, but the Burnt Church First Nation in New Brunswick and 4 other native communities in Nova Scotia have refused to sign the interim agreements and have been accused of contravening federal regulations by fishing for lobster out-of-season. Other test cases that involve aboriginals being tried on charges of illegally harvesting timber on Crown land continued in the court systems in New Brunswick and Nova Scotia. Court cases also continue in Quebec over timber resources.

During the year, the Federal and British Columbia governments concluded a treaty with the Nisga'a people who live in northwestern British Columbia. The treaty gave the Nisga'a control over 765 square miles of tribal lands, a cash settlement, fishing and timber-cutting rights, and certain rights of self-government. The treaty ended a range of special tax breaks and other benefits available under previous arrangements. The treaty was ratified by the Nisga'a people in November 1998 and by the provincial legislature in the spring of 1999. It was debated and passed by Parliament in December 1999. Although the British Columbia legislature ratified the treaty, two groups expressed their intention to challenge the treaty in court. These legal challenges include one from a political party that contends that the treaty should have been submitted to a referendum and one from the Gitanyow, an aboriginal band located near the Nisga'a, who contend that the treaty awarded more than 85 percent of their traditional tribal lands to the Nisga'a. At year's end, neither case had made legal progress.

The Stoney reserve west of Calgary gave up control of its finances to federal Indian Affairs officials in 1997, following widespread allegations of political corruption, financial mismanagement, sexual assaults, and abuses connected with social service agencies. After a 2-year probe, the RCMP concluded that no criminal charges would be made, and that instead, the problem with reserve finances was managerial in nature. Stoney Reserve corrected the situation and put its finances back in order. Of the 611 First Nations, 25 have their finances managed by a private accounting firm.

Quebec's Indian people remain overwhelmingly opposed to separation from Canada and deeply distrust the separatist government of the province. Despite the Quebec Prime Minister's recent overtures to the leaders of the Cree and Inuit nations,

surveys indicate that most of Quebec's 60,000 Indians would favor partition of the province in the event of Quebec's separation from Canada. Indian leaders maintain that a sovereign Quebec would treat Indians as another ethnic minority instead of as sovereign nations within the territory of the province. To address these sentiments and respond to a pending lawsuit, in 1998 the Quebec government agreed with the Cree and Mohawk tribes to initiate negotiations regarding longstanding grievances over timber resources, public rights of way on tribal lands, and management of development in the James Bay region. In March 1999, Quebec gave the Mohawks increased fiscal rights and powers. In June 1999, the first summit in 11 years between Quebec's First Nations and the provincial government was held to establish a permanent policy forum to resolve ongoing issues. During 1999 the Government focused on negotiations over a commission to set up a political entity (Nunavik) for Quebec's Inuit. The commission, in accordance with an agreement signed in November 1999, has Inuit, Quebec, and federal representatives. In September the James Bay Crees challenged the authority of the Nunavik Commission on the basis of overlapping land claims. In December the Commission postponed delivering its final report to the federal and provincial governments, stating that it needed more time and formally requested an extension of its mandate to the end of March 2001.

In May 1999, representatives of the Government of Newfoundland and Labrador, the Federal Government, and the Labrador Inuit Association initialed a land claims agreement for the Inuit. The plan provides for land, water rights, self-government, and an economic development plan that includes sharing revenues from subsurface developments. The Federal Government negotiated interim fishing agreements with 29 of the 34 native communities in Atlantic Canada, but the Burnt Church First Nation in New Brunswick and 4 other native communities in Nova Scotia have refused to sign. As a result, they have been accused of contravening federal regulations by fishing for lobster out-of-season.

In September 1999, the Supreme Court overturned the conviction of Nova Scotia aboriginal Donald Marshall for catching and selling fish eels out of season and without a license. In doing so, the court ruled that the 18th century treaties between the aboriginals and the British Crown gave the First Nations rights not accommodated by modern fishery regulations. The Court ruled that the Federal Government must give treaty beneficiaries access to the fisheries sufficient to enable them to earn a moderate livelihood. The Court also found that this right is subject to regulation and subsequently reemphasized this point in a separate explanation of its decision. There was some violence against aboriginals by nonaboriginals, following aboriginal efforts to exercise their new rights by trapping lobsters in October prior to the normal season. The Supreme Court's decision to interpret the 18th century treaties liberally has encouraged aboriginals involved in a number of court cases seeking access to economic benefits from natural resources such as logging, mining, and energy.

The Supreme Court's clarification of the Marshall case ruled out the possibility of aboriginals using the case to gain commercial rights in the forestry sector. However, test cases now are progressing through the court systems in New Brunswick and Nova Scotia that involve aboriginals being tried on charges of illegally harvesting timber on Crown land.

Religious Minorities.—The League for Human Rights of B'nai Brith in Canada reported that there were 267 incidents of anti-Semitism in 1999—an 11 percent increase from 1998. An increase in acts of vandalism contributed to the rise in incidents, in contrast to a steady decrease in previous years. The League continues to express concern over the growth of anti-Semitic activity on the Internet. In October the Human Rights Tribunal examined the activities of one such web site (see Section 2.a.).

In October and November, Jews were subjected to a wave of attacks that community leaders said was unprecedented. During a 6 week period beginning on October 1, about 45 anti-Jewish incidents—arson, assaults, verbal abuse and death threats—were recorded. Many Jewish leaders complained about what they described as a lukewarm response from government officials at all levels.

National/Racial/Ethnic Minorities.—The narrow defeat of the 1995 Quebec sovereignty referendum left unresolved the concerns of French-speaking Quebecers about their minority status in Canada, while sharpening the concerns of English-speaking Quebecers about their minority status. The separatist Parti Quebecois provincial government of Quebec stated that it would hold another sovereignty referendum only under winning conditions. The Supreme Court ruled in August 1998 that a unilateral declaration of independence would be illegal, but that the Federal Government and other provinces would be obligated to negotiate Quebec's separa-

tion if a clear majority of Quebecers voted to change their relationship with Canada on the basis of a clearly phrased referendum question (see Section 3).

Some English-speaking and native groups in Quebec assert the right to keep parts of Quebec in Canada in the event that Quebec declares independence. Despite personal meetings and other overtures by Quebec's Prime Minister to aboriginals and the English-speaking community, both groups remain distrustful of the separatist government of Quebec. Many members of these communities fear that their rights would be infringed by a sovereign Quebec.

The Constitution protects the linguistic and cultural rights of minorities. Despite Canada's federal policy of bilingualism, English speakers in Quebec and French speakers in other parts of Canada generally must live and work in the language of the majority.

In January the Supreme Court upheld an appeal by francophones who had been denied a French-language school in their community and forced to bus their children 57 minutes to another school. The Court ruled that the percentage of French language students in the community who potentially could attend a French language school (rather than the actual number of students who desired to attend one) met the requirements to establish such a school, and therefore the community was obligated constitutionally to provide one. In making its ruling, the Supreme Court stated that the Appeals Court erred (among other reasons) by not considering which services would best encourage the flourishing and preservation of the French language minority.

Quebec's language law restricts access to publicly funded, English language schools through grade 11 to children whose parents were educated in English in Canada and to short-term residents. The Quebec courts heard two cases challenging this law. In June the Montreal Superior Court heard a suit brought against the Quebec government by 10 francophone families for the right to send their children to anglophone schools. Another case was brought by a group whose native tongue is neither French nor English, who alleged that the law restricting English-language schools to children whose parents were educated in English in Canada is discriminatory. At year's end, both cases were pending.

In October three coffeehouses with English names were firebombed, allegedly in an attempt to force them to change their names to French. A man associated with a group that aims to eliminate the use of English in Quebec was arrested for the bombings and was denied bail prior to his trial.

The English-speaking minority of Quebec, representing 9 percent of the population of the province and 16 percent of the population of the city of Montreal, continues to protest restrictions placed on English-language use. In 1997 the Quebec provincial government reestablished a French-language inspection office that had been abolished in 1993. Quebec's language law also stipulates that French is the working language of most businesses and must predominate in bilingual commercial signage. However, in October 1999, a Quebec court judge struck down a key section of the province's language law that requires French lettering to be twice as large as English lettering on commercial signs, stating that French is no longer in jeopardy in Quebec. In April the Quebec Superior Court overturned the lower court decision, ruling that the lower court erred by finding that the Quebec government had the burden of proving that French is still in jeopardy in Quebec. The Superior Court stated that the lower court should have found that the defendant had the burden of proving that French is no longer in jeopardy in Quebec. The defendant has appealed the Superior Court ruling. English speakers also expressed concern over the increasing scarceness of health services and public schooling in their language.

Provinces other than Quebec often lack adequate French-language schooling and health services, which is of concern to local francophones, although French-language schools and French immersion programs are reported to be thriving in all three prairie provinces.

Section 6. Worker Rights

a. The Right of Association.—Except for members of the armed forces, workers in both the public and private sectors have the right to associate freely. The Labor Code protects these rights for all employees under federal jurisdiction, while provincial legislation protects all other organized workers.

Trade unions are independent of the Government. Of the civilian labor force, approximately 29.5 percent is unionized.

All workers have the right to strike, except for those in the public sector who provide essential services. The law prohibits employer retribution against strikers and union leaders, and the Government enforces this provision.

Labor action, including strikes, occurred throughout the country during the year. Notable strikes included: Inside Workers strike by clerical staff, social-work staff,

tax collectors, health inspectors, and public nurses in the city of Toronto, nurse and federal prison guard strikes in Alberta, and forestry and hotel worker strikes in British Columbia.

Unions are free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—Workers in both the public (except for some police) and the private sectors have the right to organize and bargain collectively. While the law protects collective bargaining, there are limitations, which vary from province to province, for some public sector workers providing essential services.

The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities. There are effective mechanisms for resolving complaints and obtaining redress.

All labor unions have full access to mediation, arbitration, and the judicial system.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is illegal, and it generally does not occur; however, women and children were trafficked for the purposes of commercial sexual exploitation (see Sections 5, 6.d, and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor legislation varies from province to province. The Federal Government does not employ youths under 17 years of age while school is in session. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. These prohibitions are enforced effectively through inspections conducted by the federal and provincial labor ministries. Education is compulsory nationwide through age 15 or 16, depending upon the province.

The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively; however, children were trafficked for purposes of commercial sexual exploitation (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—Standard work hours vary from province to province, but in all provinces the limit is 40 or 48 a week, with at least 24 hours of rest.

Minimum wage rates are set in each province and territory, and range from \$3.65 to \$4.77 (Can \$5.50 to Can \$7.20) per hour. Ontario and Alberta have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage does not provide a decent standard of living for a worker and family. A family whose only employed member earns the minimum wage would be considered below the poverty line.

Federal law provides safety and health standards for employees under federal jurisdiction, while provincial and territorial legislation provides for all other employees. Federal and provincial labor departments monitor and enforce these standards. Federal, provincial, and territorial laws protect the right of workers with “reasonable cause” to refuse dangerous work and to remove themselves from hazardous work conditions.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, the Government prosecutes such offenses as violations of immigration policies. The Government is conducting a legislative review of the Immigration Act and introduced legislation that specifically makes trafficking an offense punishable by fine or imprisonment, but the Senate had not passed it by year’s end. The country is primarily a transit and destination point for trafficking in persons. There have been several widely reported cases of smuggling and trafficking, including hundreds of Chinese who arrived illegally by ship in British Columbia during the summer of 1999 (see Section 2.d.).

Press reports indicate that over the past 10 years almost 15,000 Chinese have entered Canada illegally. Many of these illegal immigrants have paid large sums to be smuggled to Canada and are indentured to their traffickers upon arrival. Almost all work at lower than minimum wage and use most of their salaries to pay down their debt at usurious interest rates. The traffickers (snakeheads) use violence to ensure that their clients pay and that they do not inform the police.

Asian women and girls who are smuggled into Canada often are forced into the sex trade. Traffickers use intimidation and violence, as well as the illegal immigrants’ inability to speak English, to keep these victims from running away or informing the police.

Vancouver and Toronto serve as hubs for organized crime groups that deal in trafficking in persons, including trafficking for prostitution. East Asian crime groups have targeted Canada, and Vancouver in particular, because of lax immigration laws, benefits available to immigrants, and the proximity to the U.S. border.

Canadian and Honduran officials are investigating the ongoing problem of Honduran youths being smuggled into Canada who are being used by Honduran drug traffickers to sell drugs. In January Canadian authorities arrested dozens of small-time Central American drug dealers including many Honduran minors. In February the press reported that Honduran authorities were working to repatriate those minors.

CHILE

Chile is a multiparty democracy with a constitution that provides for a strong executive, a bicameral legislature, and a separate judiciary. Approved by referendum in 1980 and amended in 1989, the Constitution was written under the former military government and establishes institutional limits on popular rule. President Ricardo Lagos, of the Socialist Party, won a close runoff election on January 16 against center-right candidate Joaquín Lavín of the Alliance for Chile coalition. Lagos took office on March 11, succeeding Christian Democrat Eduardo Frei. International and domestic observers found both the 1999 election and the subsequent runoff to be free and fair. Both the current and former presidents are members of the "Concertación" coalition of political parties. The National Congress consists of 120 deputies and 49 senators; this includes nine designated senators plus two former presidents who are senators-for-life. The government coalition of four major parties controls the lower house and, following the suspension of two conservative senators including former president Augusto Pinochet, counts a slim majority in the Senate. Continued turnover in the court system has reduced the number and influence of military-era appointees over the constitutionally independent judicial branch to the point that there was very little influence in the administration of justice.

The armed forces are constitutionally subordinate to the President through an appointed civilian Minister of Defense but enjoy a large degree of legal autonomy. Most notably, the President must have the concurrence of the National Security Council, which comprises military and civilian officials, to remove service chiefs. The Carabineros (the uniformed national police) have primary responsibility for public order, safety and border security. The civilian Investigations Police are responsible for criminal investigations and immigration control. Both organizations—although formally under the jurisdiction of the Ministry of Defense, which prepares their budgets—are under operational control of the Ministry of Interior. Some members of the police committed human rights abuses.

The export-led free-market economy experienced its first recession after 15 consecutive years of expansion in 1999, when the economy experienced a decline of 1.1 percent in real terms with inflation at 2.3 percent. Economic growth for the year was 5.4 percent with inflation of 4.75 percent. Copper remained the most important export; salmon, forest products, fresh fruit, fishmeal, other minerals, and manufactured goods also were significant sources of foreign exchange. Unemployment stood at 8.3 percent at the end of the year. From 1987 to 1998, the percentage of the population living below the poverty line decreased from 45 to 21.7 percent. Annual per capita gross domestic product was approximately \$4,700.

The Government generally respected its citizens' human rights; however, problems remained in some areas. The most serious involved a death in police custody, police mistreatment, use of excessive force, and physical abuse in jails and prisons. The due process rights of detainees were not always respected. Discrimination and violence against women and children continue to be problems. Indigenous people remain marginalized. Despite ongoing attempts to change the labor code, limitations on fundamental worker rights persisted. Child labor is a problem in the informal economy.

During the year, the Government, primarily the judiciary, took significant steps to allow for the investigation of human rights abuses committed during the former military government, and to bring those accountable in certain cases to justice. The bulk of the human rights abuses under the military regime occurred between 1973 and 1978, although a number took place after this period. In its August 1999 ruling to uphold the removal of former President Augusto Pinochet's congressional immunity, the Supreme Court ruled that Chile's Amnesty Law could only be applied after a crime had been investigated and prosecuted. At year's end, the Defense Ministry-sponsored Human Rights Roundtable Dialog, comprising members of the armed services, religious groups, human rights groups, and NGO's, was preparing to make public information on the fate of some of the persons who were killed or who disappeared while in official custody during the Pinochet regime; however, military authorities continued during the year to resist a full accounting of the fate of those

who were killed and disappeared. Unlike in previous years, the judiciary appeared not to interfere in or stifle cases against alleged human rights abusers.

In October 1998, the United Kingdom detained Pinochet pending resolution of a Spanish extradition request on charges of genocide and murder. On March 2, after considerable legal action and a series of court rulings, Home Secretary Jack Straw denied Spain's request on the basis of medical exams indicating that Pinochet was unfit mentally and physically to defend himself against the charges. On March 3, the British authorities freed Pinochet and he returned to Chile. He faces charges in over 200 cases, including charges of aggravated homicide, in Chilean courts. The investigation of the most prominent of these cases, known as the "Caravan of Death" case, led to the petition to remove Pinochet's immunity and the subsequent effort to indict him.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings or other extrajudicial killings during the year; however, one person died under yet to be explained circumstances while in police custody.

On January 5, Carlos Antonio Millaman Munoz was detained on charges of aggravated robbery. According to the Corporation for the Promotion and Defense of Human Rights (CODEPU), on January 6, the authorities permitted family members and a friend a visit at the headquarters of the Investigative Police in the Santiago suburb of La Florida. Millaman was reportedly in bad physical condition and feared for his life. The same day he was transferred to the El Salvador hospital where he died later in the day. At the end of the year, the case was still being investigated.

A number of cases from previous years in which the police were accused of extrajudicial killings due to excessive use of force or mistreatment of prisoners while in custody remained under investigation or pending resolution of appeals. These include the case of University of Tarapaca student Daniel Menco Prieto, who police shot and killed during a May 1999 student demonstration.

No information was available regarding the case of Jonathan Moya Jara, whose partially clothed body was found with its head buried in the sand in August 1999. In September 1999 the authorities arrested two Carabineros who had allegedly detained the victim.

No information was available in the case of Raul Palma Salgado, who died in police custody in 1998 after police allegedly tortured him. In 1999 a court sentenced four police officers to 10 years in prison for his death, and their appeal was pending at the end of 1999.

The case of Claudia Alejandra Lopez, who was shot under unclear circumstances during a 1998 demonstration in Santiago, also was inactive. No new information was available on the case of the September 1989 murder of leftist leader Jecar Nehgme, which was reopened in November 1998 when new evidence was discovered.

While former President Pinochet was in the United Kingdom, family members of victims filed numerous charges in Chile against him for deaths and disappearances during the period of military rule. Of these, one concerned the 1973 disappearance of 19 persons in a case known as the Caravan of Death. On August 8, the Supreme Court confirmed a Court of Appeals ruling lifting Pinochet's parliamentary immunity in this case. The Supreme Court's decision stated that "the true purpose of an immunity proceeding is to decide whether there is probable cause against a congressman charged with a crime" and, according to the Code of Criminal Procedure "there is probable cause when evidence is discovered against a congressman that would warrant his arrest." Subsequently, the prosecuting judge ordered psychiatric exams as required by law for defendants over age 70. Pinochet's lawyers appealed the decision, arguing that general physical exams also should be required. At year's end, the prosecuting judge had ordered psychiatric and neurological exams and set a date to take Pinochet's deposition, both steps required by law, which would ultimately pave the way for an indictment and arrest order. At year's end, over 200 cases concerning human rights violations had been filed in the courts against Pinochet.

The Supreme Court decision on Pinochet also contained guidelines calling for full investigation of cases of deaths and disappearances that are likely to fall under provisions of the Amnesty Law or that potentially are subject to the statute of limitations. The Court stated that amnesty is not applied to crimes in the abstract, but rather to individuals found guilty of a crime. Likewise, the statute of limitations should be applied only after the guilty party has been identified and the courts determine that no impeding factors, such as subsequent crimes by the accused are relevant. Previously, investigations into human rights abuses during the 1973-78 pe-

riod had been impeded because the cases were thought to fall automatically under the Amnesty Law and the statute of limitations. By 1989 this interpretation already had begun to erode in the courts. The new guidelines make it possible to open investigations into all types of crimes committed during the 1973–78 period. Following these guidelines, the judge investigating the Caravan of Death case expanded the charges against Pinochet to include aggravated homicide.

In January a military tribunal changed the charges in the case of Operation Albania—the June 1987 killings of 12 Manuel Rodriguez Patriotic Front (FPMR) members—against former National Intelligence Center (CNI) Director Hugo Salas Wenzel from being an author of the crime to concealing it. The military court dropped indictments against former CNI Sub-directors retired General Humberto Leiva Gutierrez and Brigadier Marcos Derpich Miranda, Air Force Captain Hernan Miguel Carmona, and Inspector Jose Morales Morales of the Investigations Police and changed the charges against the 15 other individuals accused in the case from kidnaping to illegal detention. The court ratified the thesis of the investigating judge that the crime under investigation is homicide, thereby affirming that there was never an armed confrontation as the CNI had alleged. At year's end, the investigation and legal proceedings continued.

Acting on a petition by the Council for the Defense of the State (the official entity charged with the defense of the State's legal interests), the Criminal Chamber of the Supreme Court on June 1 transferred the Operation Albania case from the military tribunal to the Court of Appeals. Investigating Judge Milton Juica, who had been handling the case under the military tribunal, was reappointed as investigating judge.

No new information was available regarding the trial of eight CNI agents who authorities charged in November 1999 in the case of journalist Jose Carrasco, who died in 1986. Several of the officers charged in 1999 were also under investigation regarding Operation Albania.

There was little progress in the investigation of Operation Condor, an undercover operation in which several military governments in Latin America cooperated to kill leftist opponents. In 1999 Spanish Judge Baltazar Garzon and a colleague collected evidence and took testimony regarding human rights violations in Chile and Argentina during the military dictatorships. The Social Aid Foundation of Christian Churches (FASIC) reported that on July 2, Argentine judge Maria Servini de Cubria (the same judge in charge of the Prats case) handed over "extrajudicially" numerous antecedents regarding Operation Condor to Chilean Judge Juan Guzman in connection with the 126 (at that time) cases against Pinochet pending before Guzman's court.

In 1999 an appeals court reopened the case of the 1982 killing of labor leader Tucapel Jimenez. In 1998 investigating judge Sergio Valenzuela Pinto had closed the case, ruling that there was insufficient evidence to bring anyone to trial. Acting on a petition by the Council for the Defense of the State, in April 1999 the Supreme Court replaced Valenzuela Pinto, who had been criticized for his handling of the case, with judge Sergio Munoz Gajardo.

Judge Munoz led the Appeals Court to order the detention of 12 persons for the crimes, including retired army general and former head of Army Intelligence (DINE) Ramon Arturo Alvarez Scoglia. Munoz subsequently charged several others, including retired army general and former DINE director Hernan Ramirez Rurange, who is accused of helping one of the suspects flee the country. He also indicted former Auditor General of the Army, retired General General Gerardo Torres Silva. Another prominent official among the accused, former CNI director and retired general Humberto Gordon died of a heart attack in June. Munoz dropped charges against several other suspects. In November an investigative judge indicted active duty Brigadier General Hernan Ramirez Hald in the Tucapel Jimenez case; the indictment was the first ever of an active duty general. At year's end, of the 17 persons charged, the authorities had released 2 on bail, detained 14, and were still seeking 1 person.

The family of Carmelo Soria, a Spanish citizen working for the United Nations killed in Santiago on July 14, 1976, continues to seek compensation from the Government in the amount of approximately \$50 million (2.7 billion pesos) and has asked the Audiencia Nacional de Madrid to issue an arrest warrant for Pinochet, retired General Manuel Contreras, and others.

In November an Argentine court found Chilean intelligence agent Enrique Arancibia Clavel guilty and sentenced him to life in prison for his role in the 1974 car bombing in Buenos Aires that killed former Chilean army chief Carlos Prats and his wife Sofia Cuthbert. Arancibia Clavel had filed an appeal, which was pending at year's end. The case had been reopened in 1992 as a result of a petition filed by the Prats family. An Argentine appeals court had ruled in October that the Prats

killing was a "crime against humanity" and, as such, was not subject to the statute of limitations. The judge also requested the extradition of Pinochet and other former military officers and one civilian in connection with the Prats case. At year's end, the Chilean Supreme Court was considering the extradition request.

On December 7, the family of Charles Horman, whom security forces killed in Santiago in 1973, filed a criminal complaint requesting that Judge Juan Guzman open a criminal investigation into his death. The family also filed a petition requesting that the Supreme Court appoint a special prosecutor to hear the case. At year's end, the Supreme Court had not ruled on the petition and the case remained before Judge Guzman.

On July 20, the Seventh Chamber of the Court of Appeals of Santiago sentence two former CNI officials and a DINE official to life imprisonment in the related Juan Alegria Mundaca case. The Supreme Court upheld that decision on appeal.

Families of persons who suffered, died, or disappeared while in government custody continue to file new claims for compensation. In June the Group of Former Political Prisoners of the Region of Valparaiso filed a claim with the regional appeals court seeking damages for illegal detention and deprivation of liberty. In April a Santiago court decreed that the Government should pay about \$222,000 (125 million pesos) to two children of Doctor Enrique Paris for damages resulting from the 1973 death and disappearance of their father. Another Santiago court ordered the Government to pay approximately \$180,000 (100 million pesos) to the family of Arsenio Poupin Ossiel. A court also ordered a payment of approximately \$430,000 (240 million pesos) to the family of Eduardo Paredes. All three disappeared after being taken into custody by the military following the September 11, 1973, assault on the presidential palace. In August the courts awarded approximately \$500,000 (300 million pesos) to the widow and three children of Luis Anibal Manriquez, detained and killed in November of 1973. In October the courts awarded \$400 million (225 million pesos) to Carmen Gloria Quintana, who received burns on her body after being detained by a military patrol in 1986. The Council for the Defense of the State was considering whether to appeal some of these awards at year's end.

In October 1999, Italy requested the extradition of retired General Manuel Contreras and another DINA (the army intelligence branch during the military regime) official to serve prison sentences for their role in the attempted murder of Christian Democrat Party leader Bernardo Leighton, which occurred in Italy in 1975. Chile has no extradition treaty with Italy. In October Supreme Court President Hernan Alvarez rejected the recommendation of the investigating judge that the Government either extradite the two former officials or try them in country for the crime. At the end of the year, the Supreme Court denied the extradition request principally on the grounds of insufficient evidence and lack of due process because the two persons had been tried and convicted in Italy in absentia.

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

On June 13, a "Dialog Table" of military officers and human rights attorneys signed an agreement that established a mechanism for gathering new information on persons who had disappeared during the military regime. Under a law approved in June, specific military officers and community leaders were designated to receive information on the whereabouts of those who "disappeared" during the military regime. Information was received in the strictest confidence during a 6-month period. At year's end the armed forces and the Carabineros were preparing to turn over information on the fate of 200 persons executed during the Pinochet regime. The courts have taken steps to try to locate bodies identified by the Dialog Table process and are deciding what legal actions should be taken next. The FASIC, the CODEPU, and other human rights organizations have several denial-of-justice cases pending before the Inter-American Commission on Human Rights (IACHR) regarding previously closed disappearance and execution cases (see Section 1.a.). Denial of justice cases based on application of the amnesty law also have been filed with the U.N. Commission on Human Rights (UNCHR).

Investigations of military-era detentions and disappearances of persons at Colonia Dignidad (now called "Villa Bavaria"), a secretive German-speaking settlement 240 miles south of Santiago, intensified during the year. Paul Schaefer, who immigrated from Germany in 1961 with 300 followers, founded the 34,000-acre enclave. In April 1999, investigating judge Juan Guzman issued a detention order against the 79-year-old Schaefer for the kidnaping and disappearance in 1974 of Alvaro Vallejos in the vicinity of Colonia Dignidad. Schaefer, also wanted by the authorities on other charges, remained a fugitive at year's end. During the year the enclave was searched several times. In October the authorities confiscated files and arrested Schaefer's deputy Gerhard Muecke in connection with Vallejos' disappearance. The Government issued an order to expel Muecke and two other German citizens whose residency permits expired. Muecke would stand trial before being expelled.

In January 1985, Boris Weisfeiler disappeared near the Colonia Dignidad under circumstances that have yet to be fully clarified. The case was reopened at the beginning of the year and is among those being investigated by Judge Guzman.

On August 16, the Penal Chamber of the Supreme Court ruled that the Fourth Criminal Court of Santiago had jurisdiction over the case of the disappearance of Jose Manuel Ramirez Rosales, arrested by agents of the DINA in 1974. In May 1999, the authorities indicted former Army Sargent Major and DINA agent Basclay Humberto Zapata Reyes ("El Troglo") in this case.

Of the 1,156 persons who disappeared under the military regime, the remains of 985 have yet to be found. The government agency in charge of the compensation program for the families of those executed or disappeared under the military regime recognizes 3,197 victims of the Pinochet era. These include 2,095 victims in which circumstances of death have been established and 1,102 cases in which the persons disappeared. During the year, monthly pension benefits, distributed to an average 3,441 eligible survivors (spouse, mother or father, and children), were approximately \$11.3 million (6.3 billion pesos). Since 1992, the program has distributed well over \$100 million (57.8 billion pesos). Survivors receive pensions, educational benefits and other assistance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids the use of illegal pressure on detainees; however, the CODEPU has received reports of abuse and mistreatment by both the National Police and the Investigations Police. When requested by other human rights organizations or family members, CODEPU lawyers visit detainees during the interrogation (see Section 1.d.) and represent some suspected terrorists in court. The CODEPU continues to investigate alleged use of excessive force against detainees. The Minister of Interior asks the courts to conduct independent investigations of credible complaints of police abuse, but such investigations often do not result in arrests, due in part to the reluctance of judges to pursue the issue vigorously.

The Human Rights Office of the Metropolitan Legal Aid Office, an arm of the Justice Ministry, released a report in March 1999 noting it had assisted 815 persons in 1998, twice the number as in the previous year. The report further stated the Legal Aid Office presented 70 cases to civilian or military courts in 1998; 42 cases were filed in 1997. Of the more recent cases, 48 were lodged against national police officers, while 7 cases involved the Investigations Police and 6, military personnel; the remainder involved various civilian government authorities and private security guards.

In 1998 a law entered into effect that clarified the illegality of any use of force against persons detained by the police. The law provides that if a member of the police force uses "torture or unlawful coercion," either physical or mental, or orders them to be applied, or commits them against a person under arrest or detention, the officer would be sentenced to imprisonment. Officers who know about the abuse and have the "necessary power and authority" to prevent or stop it also would be considered accessories to the crime if they fail to do so. The CODEPU has found that this law had an important impact on the conduct of the Judicial Police, but little impact so far on Carabineros. Beginning in 2001, courses in human rights are expected to be part of the core curriculum in the Carabinero police academies for both rank and file as well as officers.

Human rights groups continue to claim that military recruits sometimes are mistreated. The Commission on Juvenile Rights (CODEJU), a nongovernmental organization (NGO), claimed in November 1999 that it had received 380 complaints of recruit mistreatment in the previous 5 years. This statement followed claims of mistreatment by recruits, lawsuits, and an investigation by the army that affirmed recruits' claims of mistreatment. There were three suicides among recent recruits in 1999 and one in 1998.

No new information is available regarding the case of 14 military conscripts who military officers reportedly beat during a military exercise in 1998. As of 1999, one corporal was awaiting trial in the case.

At year's end, the court of appeals had not yet ruled on the August 1997 filing by attorneys for Carmen Gloria Quintana that appealed efforts by the Government to set aside an award of approximately \$600,000 in compensation that the IACHR had recommended for Quintana in 1988. Army Captain Pedro Fernandez Dittus set fire to Quintana and her companion Rodrigo Rojas Denegri while they participated in a protest against the military regime in 1986. Rojas died 4 days later, while Quintana survived with severe and disfiguring injuries.

During the year, there were instances of violent confrontations between radical Mapuche groups and local landowners and representatives of logging companies in the southern part of the country (see Section 5). Most of the protests involved rockthrowing.

A Marxist-Leninist group claimed responsibility for a bomb that exploded on November 26 in front of the Colombian embassy in Santiago. The bombing resulted in damage to property, but no injuries.

Prisons are often overcrowded and antiquated. A fight among prison gangs that led to a fire and the death of seven prisoners caused a national debate on the overcrowding of prisons, which are unable to cope with a rapidly growing inmate population. At year's end, the number of prisoners averaged 163 percent of designed capacity. According to press reports, there were over 30,000 prisoners housed in 104 locations. Food meets minimal nutritional needs, and prisoners may supplement the diet by buying food. Those with sufficient funds often can rent space in a better wing of the prison. Although most reports state that the guards generally behave responsibly and do not mistreat prisoners, prisoners have complained to CODEPU about beatings.

Pretrial detainees are not generally held with convicted prisoners.

In 1999 a Santiago appeals court ruled that prison guards had used excessive force when moving maximum security prisoners in February of that year. Prison authorities appealed the finding, and the courts absolved the guards, ruling that the force used was not excessive.

Prison guards have been accused of using excessive force to stop attempted prison breaks. Although most reports state that the guards generally behave responsibly and do not mistreat prisoners, the CODEPU reported several instances of alleged mistreatment of prisoners and believes that many others go unreported. CODEPU is particularly concerned about the treatment of prisoners in maximum security prisons and prisoners with HIV/AIDS and mental deficiencies who often do not receive adequate medical attention. The Government announced plans to build 5 new prisons in 2001 capable of housing 8,000 prisoners.

Women are generally housed in separate facilities, which tend to be less crowded and with somewhat better conditions than men's prisons.

By law, juvenile offenders (those under the age of 18) are segregated from adult prisoners. According to the latest available figures, there were 6,630 minors in adult prisons in 1992 and 346 by the end of 1997 although this number increased to 422 by the end of 1998. The Government announced plans to build three juvenile detention centers in 2001.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The authorities generally respect constitutional provisions for arrest and detention; however, detainees are not always advised promptly of charges against them nor granted a timely hearing before a judge. The Constitution allows civilian and military courts to order detention for up to 5 days without arraignment and to extend the detention of alleged terrorists for up to 10 days. The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. The law does not permit a judge to deny such access; police authorities generally observe these requirements.

In practice, many detainees are not promptly advised of charges against them, and they are not granted a timely hearing before a judge. At the end of 1999, 8 percent of the general prison population of 24,791 was under investigation but not charged with a crime; 45 percent were charged with an offense and were awaiting trial or had been convicted and were awaiting sentencing; and 48 percent were serving sentences.

A 1998 law requires police to inform those detained of their rights, to expedite notification of the detention to family members, and eliminated the ability of police to demand identification from or stop persons bases solely on suspicion. The law also deals with physical abuse by police against detained persons.

The Constitution provides for the right to legal counsel, but this is a reality only for those who can afford to pay. The Constitution allows judges to set bail.

There were no cases of forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for a judicial system independent of the other branches of government; continued turnover in the court system has reduced the number of military-era appointees over the constitutionally independent judicial branch to the point that there they had very little influence over the administration of justice.

Cases decided in the lower courts can be referred to appeals courts and ultimately to the Supreme Court. Criminal court judges are appointed for life. In 1997 constitutional reforms set 75 as the age limit for Supreme Court justices, gave the Senate the right to approve or disapprove presidential nominations to the Court, and increased court membership from 17 to 21. Of the 21 justices on the Supreme Court, 3 were appointed under the military regime. The Supreme Court prepares lists of nominees for the Supreme Court and appeals courts, from which the President

makes nominations. The Supreme Court continues to work with the other branches of government on broad judicial reform.

If formal charges are filed in civilian courts against a member of the military, including the National Police, the military prosecutor asks for jurisdiction, which the Supreme Court has sometimes granted, although less often than in previous years. This is of particular consequence in the human rights cases from the period covered by the 1978 Amnesty Law. In addition, military courts have the authority to charge and try civilians for terrorist acts, defamation of military personnel, and sedition. Rulings by military tribunals can be appealed to the Supreme Court. Persons accused of terrorist acts and students arrested during demonstrations for damaging property or assaulting a police officer, are brought before military tribunals. On July 19 the Inter-American Court of Human Rights received a submission on behalf of 32 civilians convicted in military tribunals for violations of the Law on Terrorist Actions, Arms Control, and State Security. The plaintiffs argued that applying military criminal law to civilians violates the American Convention on Human Rights.

A 1997 judicial reform law created the post of Attorney General, with a 10-year term, and a related office that is expected to be in full operation by 2002. Congress passed enabling legislation for the Ministry in September 1999. The judicial reform law, which applies to criminal cases, provides that national and regional prosecutors investigate crimes and formulate charges, leaving judges and magistrates the narrower function of judging the merits of evidence presented to them. Training and administrative setup began in 1999, and implementation began in December with oral trials in 2 of the 13 political regions.

Based on the Napoleonic Code, the criminal justice system does not provide for trial by jury, nor does it presume innocence until proven otherwise. However, recent changes to the trial system, including the gradual adoption of oral trials, have moved the system away from its Napoleonic roots. Criminal proceedings are inquisitorial rather than adversarial. The Constitution provides for the right to legal counsel, but indigent defendants do not always receive effective legal representation. Indigent defendants, who account for the majority of cases, may be represented by law students doing practical training, on occasion by a court-appointed lawyer, or by a lawyer from the Government's legal assistance corporation.

There were no reports of political prisoners, although inmates in Santiago's maximum-security prison who have been convicted of terrorist acts routinely claim to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanctions. A 1995 privacy law bars obtaining information by undisclosed taping, telephone intercepts, and other surreptitious means, as well as the dissemination of such information, except by judicial order in narcotics-related cases.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respect these rights in practice. However, human rights groups have criticized the existence and application of laws that allow government officials to prosecute journalists who insult or criticize them.

The press maintains its independence, criticizes the Government, and covers issues sensitive to the military, including human rights cases. Investigative journalism is infrequently practiced for both financial and political reasons, but recently on-line dailies are including such stories more frequently.

Two major media groups control most of the print media, which are largely independent of the Government. The State is majority owner of La Nacion newspaper, but it is not under direct government control. Electronic newspapers are emerging with distribution over the Internet.

The broadcast media also are largely independent of government control. The Television Nacional network is state-owned but not under direct government control. It receives no government subsidy and is self-financing through commercial advertising. It is editorially independent and is governed by a board of directors appointed by the President and approved by the Senate. Members reflect various political viewpoints, and the board encourages the expression of varied opinions over the network.

Under the State Security Law of 1958, it is a criminal offense to besmirch the honor of state institutions and their members and symbols, such as the Congress, the Supreme Court, the military services, the flag, and the President. Military courts have the authority to charge and try civilians for defamation of military personnel and for sedition, but their rulings can be appealed to the Supreme Court. Human Rights Watch (HRW) and the Inter-American Press Association have criti-

cized these restrictions on freedom of expression and information, as has the Organization of American States Special Rapporteur for Freedom of Expression, who visited the country in June 1999 and called for changes in the law.

Several cases have been brought against journalists under provisions of the State Security Law. In February the Supreme Court sentenced Jose Ale Aravena to a suspended prison sentence under the law for insulting former Chief Justice Servando Jordán in an article in *La Tercera* newspaper. HRW noted that the judge who issued the sentence also insulted and threatened Ale in public before releasing the verdict. In July President Lagos pardoned Ale.

In April 1999, "The Black Book of Chilean Justice" by journalist Alejandra Matus, went on sale in Santiago. Former Supreme Court President Jordán, who was mentioned negatively in the book, immediately filed charges against Matus under the State Security Law, and an appeals court judge ordered all copies of the book seized from the publisher and book stores. The newspaper *La Tercera* and the Editorial Planeta publishing house subsequently placed the prohibited text on the Internet, using foreign servers, and the book was published in Argentina. It remains banned.

After becoming aware of the Jordán lawsuit, Matus left the country and sought and obtained political asylum abroad. The charges against her and seizure of the book were widely repudiated, including by the President and members of Congress. The IACHR adopted a resolution in October declaring that, if the alleged facts of the case are certain, they would constitute a violation of the freedom of expression. Nevertheless, the State Security Law has yet to be modified and, without a conviction, the President is unable to grant Matus a pardon, as he did in the case involving the journalist Jose Ale.

HRW reported that authorities charged journalist Paula Afani Saud with breaching the secrecy of a criminal investigation when she wrote articles in 1998 about an investigation by authorities into narcotics trafficking and money laundering. HRW noted that Afani refused to identify her sources for information contained in the articles and claimed that the subsequent charges brought against her violated the public's right of access to information and counteracted a Government initiative to protect the confidentiality of journalist's sources.

A 1996 privacy law set penalties for those who infringe on the private and public life of individuals and their families. At the time of the law's passage, journalists argued vigorously that applying it to media reporting would have a chilling effect on freedom of the press. To date, this privacy law has not been applied to the media.

The 1980 Constitution established a Film Classification Council (CCC) with the power of prior censorship. The Council has banned over 50 films and approximately 700 videos, mostly for violence and pornography. Local and foreign film distributors regard the CCC's screening process as insufficiently transparent. The Constitution permits the State to censor films. The Lawyers Association for Public Liberties petitioned the IACHR to object to the Supreme Court's banning of the film "The Last Temptation of Christ;" the case was before the InterAmerican Court at year's end.

The National Television Council (CNT), created by legislation in 1989 and supported with government funding, is charged with assuring that television programming "respects the moral and cultural values of the nation." The CNT's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming content. Films and other programs judged by the CNT to be excessively violent or to have obscene language or sexually explicit scenes can be shown only after 10 p.m. when "family viewing hours" end. In practice, the ever-increasing volume of programming makes the CNT's job all but impossible. The CNT issues occasional warnings to networks and cable providers and sometimes obliges them to postpone the showing of certain films until after 10 p.m. It also occasionally levies fines. Debate continues over the CNT's role.

The courts can prohibit media coverage of legal cases in progress but do so rarely. The press has begun using foreign Internet web sites to publish articles when gag orders are issued.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assemble peacefully, and the Government respects this right in practice. However, early in the year an international group of neo-Nazis were prohibited from holding a meeting. The Government enacted legislation to prevent the meeting from being held and specifically used immigration laws to prohibit foreign citizens from entering the country to attend the meeting.

The Constitution provides for the right of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Church and state are officially separate;

however, the Roman Catholic Church continues to receive some preferential treatment. All denominations practice their faiths without restriction.

A 1999 law on religion, designed to bring other religious entities closer to the legal status enjoyed by the Catholic Church, went into effect in March. The new law bestows the same legal status that the Catholic Church previously enjoyed upon all other faiths. However, their status still can be challenged in court. Reflecting its historical position, the legal status of the Catholic Church cannot be challenged at all. The new religion law removed the ability of the State to dissolve religious entities by decree. Instead, this only can occur after a judicial review begun by a complaint filed by the semiautonomous council for the Defense of the State.

Many of the approximately two million Protestants, who represent about 12 percent of the population, assert the Government has discriminated against them. They cite the absence of Protestant armed forces chaplains, difficulties for pastors to visit military hospitals, and the predominantly Catholic religious education in public schools.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. For minor children to leave the country, either alone or with only one of their parents, they must have notarized permission from nonaccompanying parent(s).

The law includes provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum has not arisen.

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

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

The Constitution provides for the right of citizens to change their government through periodic elections. There is universal suffrage for citizens 18 years of age and over. Free and fair presidential elections were held in December 1999, with a runoff in January. In the second round of elections, Ricardo Lagos narrowly defeated Joaquin Lavín with 52 percent of the vote to Lavín's 48 percent. Lagos led the center-left Concertación coalition that included his Socialist Party, the Christian Democratic Party, the Party for Democracy, and the Radical Social Democrat Party. Lavín was supported by the center-right Alliance for Chile coalition consisting of the Independent Democratic Union and the National Renewal party. The legislative branch, with the exception of 11 nonelected senators among its 49 members, is elected freely and is independent from the executive branch.

The Government still operates under some political restraints that the military regime imposed. Under the 1980 Constitution, various national institutions—including the President, the Supreme Court, and the National Security Council (the latter acting on nominations by the armed forces)—appoint an additional nine Senators (beyond those elected) to 8-year terms. In addition, former presidents Pinochet and Frei exercised their option to become senators-for-life.

The former military government wrote the 1980 Constitution, and amended it slightly in 1989 after losing a referendum on whether General Pinochet should stay in office as president. The Constitution provides for a strong presidency and a legislative branch with limited powers. It includes provisions designed to protect the interests of the military and the minority political opposition (currently the center-right coalition). These provisions include limitations on the President's right to remove the commanders in chief of the three armed services and the national police; an electoral system that gives the second-place party (or coalition) in each district disproportionate representation in Congress; and the provision for non-elected senators. In January the IACHR issued a resolution criticizing the existence of designated senators and senators-for-life and urged the Government to end the practice. In October a Senate Commission (including two designated Senators) unanimously approved a proposal that would abolish these positions starting in 2006, but at year's end Congress had not passed legislation codifying this proposal.

Women have the right to vote and are active in all levels of political life, including grassroots movements. Women are a majority of registered voters and of those who actually cast ballots; however, they are underrepresented in government and politics. There are 13 women among the 120 deputies, 2 women in the 49-seat Senate, and 5 women among the 16 cabinet ministers. No women currently serve as Supreme Court justices.

The approximately 1.2 million indigenous people have the legal right to participate freely in the political process, although relatively few are active politically. One member of Congress is of indigenous descent.

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

Several human rights NGO's are active. The Chilean Human Rights Commission, an NGO, is affiliated with the International League of Human Rights. The FASIC is active on the full range of human rights issues. The CODEPU provides legal counsel to those accused of politically related crimes and to victims of human rights abuses. The Government cooperates with domestic NGO's efforts to investigate current accusations of human rights violations. Many international NGO's also follow human rights issues closely.

There were no confirmed reports of threats made against human rights activists during the year. An investigation into the burglary of the CODEPU offices in 1999 was inconclusive. No information was available regarding unconfirmed threats reportedly made against Rafael Castillo, who had been involved in investigations of human rights abuses associated with Operation Albania and other killings.

In May 1998, then-President Frei advocated the creation of a "national defender of citizens," a state body that would receive complaints about abuse of authority by government officials and agencies. The Lagos administration forwarded legislation to Congress in October to create this entity, but Congress had not passed the legislation by year's end.

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

The Constitution provides for equality before the law and the Government generally respects these provisions. In 1999 Congress amended the Constitution to emphasize the principle of equality between men and women and now states that "persons are born free and equal in their dignity and rights." There are no laws that specifically prohibit discrimination based on race, sex, religion, or social status.

Women.—The most serious violations of women's rights involved sexual and domestic violence. The public is becoming increasingly aware of the extent of physical abuse of women. The National Women's Service (SERNAM), created in 1991 to combat discrimination against women, conducted courses on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities. In a 1996 study conducted by SERNAM, the most recent that it has conducted, results showed that of 12,000 reports of domestic violence since the Law of Intrafamily Violence went into effect, only 1 in 5 accusations resulted in judicial action. The study also found that in nearly three-quarters of those cases, the accusation led to a positive change in the domestic situation regardless of the judicial outcome.

The courts may order counseling for those involved in intrafamily violence. In 1997 there were approximately 61,000 reports of domestic violence. The Citizens' Peace Foundation indicated that there were 1,052 cases of rape reported to the police in 1998, and 993 in 1997. Experts believe that a majority of rape cases go unreported. In July 1999, a new law took effect increasing the penalties for sexual abuse. The legislation includes clauses to facilitate proof of the crime and to protect the privacy and safety of the person making the charge. The new law also overturned 100-year-old legislation that permitted a man charged with rape to be released if he asked the victim to marry him and she accepted.

Legal distinctions between the sexes still exist. The law permits legal separation but not divorce, so those who wish to remarry must seek annulments. Since annulment implies that a marriage never existed under the law, former spouses are left with little recourse for financial support. A 1994 law created conjugal property as an option in a marriage, but some women saw this as a disadvantage, since the law on separate property (which still exists) gives women the right to one-half their husbands' assets but gives husbands no rights to assets of the wife. In the face of heavy opposition from the Catholic Church, the Chamber of Deputies approved a divorce bill in September 1997; the bill faces Senate opposition but was still on the legislative agenda at year's end.

A SERNAM study in 1997 found that the average earnings of female heads of household are 71 percent of those of male heads of household. Women with no schooling averaged a salary that was 87 percent of their male counterparts. The minimum wage for domestic helpers (who are thought to number 300,000 in what is probably the largest single category of working women) is only 75 percent of the standard minimum wage. Female heads of household with university training averaged 57 percent as much as their male counterparts. The Labor Code provides spe-

cific benefits for pregnant workers and recent mothers. Employers do not have the right to ask women to take pregnancy tests prior to hiring them. Legislation extending these benefits to domestic employees took effect in November 1998.

Children.—The Government provides free education through high school; education is compulsory from first through eighth grade.

Violence against children is a problem, albeit a declining one. A survey of eighth grade students by UNICEF comparing the incidence of mistreatment in the years 1994 and 2000 showed that in 1994, 34 percent of children had been subject to some form of serious physical violence. That number had declined to 25 percent this year. During the same period, those having suffered some sort of serious physical violence from their parents had fallen from 21.3 percent to 11.9 percent. Violence by the mother (21.3 percent) was almost twice as frequent as violence by the father (11.9 percent), and violence in low-income households (31 percent) almost double that in high-income households (16.3 percent).

A 1999 report by the National Minors Service (SENAME) noted that it had handled the cases of 5,453 maltreated children for the first 6 months of that year; 583 of these cases were judged severe enough to be presented to legal authorities. The SENAME reported that cases of abuse brought to its attention totaled 9,723 in 1998 and 7,676 in 1997. From the middle of 1998 to December of 1999, the SENAME brought to the courts 713 cases for child abuse, 314 for rape, 292 for sexual abuse, 79 for grave harm done to children, and 28 cases of homicide. Of the cases, 70 percent came to trial, of which 80 percent resulted in convictions. Beginning in 1997, the SENAME lawyers began receiving specialized training in child abuse cases, leading to a higher conviction rate of offenders according to the Director of the organization. A report from the La Morada Corporation for Women released in May 1999 estimated that there are 20,000 cases of sexual abuse of children every year.

A 1996 UNICEF report stated that 34 percent of children under 12 years of age experience serious physical violence, although only 3.2 percent of the victims of intrafamily violence reported to the National Police family affairs unit were below the age of 18. A 1994 law on intrafamily violence was designed in part to deal with this problem. According to UNICEF, some form of corporal punishment is used by one or both parents in 62 percent of households. UNICEF estimated that approximately 107,000 children between the ages of 12 and 19 are in the work force. A study by the Catholic Church estimated that some 50,000 children under age 15 are working (see Section 6.d.).

UNICEF estimated in June 1999 that there were roughly 10,000 child prostitutes between the ages of 6 and 18, up from 4,200 in 1995.

People with Disabilities.—A 1994 law promotes the integration of the disabled into society; the Government's National Fund for the Handicapped has a small budget to encourage such integration. The 1992 census found that 288,000 citizens said that they had some form of disability. The disabled still suffer some forms of legal discrimination; for example, blind persons cannot become teachers or tutors. Although a 1994 law requires that new public buildings provide access for the disabled, the public transportation system does not make provision for wheelchair access, and subway lines in the Santiago metropolitan area provide facilitated access for the disabled only in some areas.

Indigenous People.—Approximately 1.2 million persons identify themselves as indigenous. The Mapuches, from the south, constitute about two-thirds of the indigenous population, but there are small Aymara, Atacameno, Huilliche, Rapa Nui, and Kawaskhar populations in other parts of the country. A committee composed of representatives of indigenous groups participated in drafting the 1993 law that recognizes the ethnic diversity of the indigenous population and gives indigenous people a voice in decisions affecting their lands, cultures, and traditions. It provides for eventual bilingual education in schools with indigenous populations, replacing a statute that emphasized assimilation of indigenous people. Of the population that identifies itself as indigenous, about one-half remain separated from the rest of society, largely because of historical, cultural, educational, and geographical factors. In practice, the ability of indigenous people to participate in governmental decisions affecting their lands, cultures, traditions, and the allocation of natural resources is marginal. Indigenous people also experience some societal discrimination.

The National Corporation for Indigenous Development (CONADI) was created in 1994, and indigenous people directly elected representatives to this body in 1995 and 1999. It advises and directs government programs that assist the economic development of indigenous people. In May a commission appointed by the Lagos administration proposed a 16-point program aimed at addressing indigenous concerns. As part of the program, a permanent national commission was created to facilitate the participation of Mapuche and other indigenous populations in the formulation of national policies affecting them.

In October the Chamber of Deputies allowed to lapse a proposed constitutional reform, pending since 1991, that would have recognized explicitly the existence of indigenous persons and the state's responsibility for encouraging development of indigenous culture. Also in October, a group of 200 Mapuches marched from Santiago to the National Congress in Valparaiso demanding land, more political rights, and ratification of International Labor Organization (ILO) Convention No. 169. That convention supports "the aspirations of indigenous people to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, with the framework of the States in which they live." The marchers declared themselves satisfied with the response they received from the legislators.

In the first decision of its kind, a Temuco appeals court ruled in September 1999 that an indigenous employee fired from a municipal job had been discriminated against by her immediate superior. The court based its ruling on the Indigenous Law, which outlaws discrimination on the basis of "origin and culture."

Several Mapuche families continued to object to exchanging traditional lands for other property as part of the Ralco hydroelectric project. The eight families involved continued to object to ENDESA's effort to have them resettled. Land occupations and other violence by isolated Mapuche Indian groups against private forestry companies occurred through much of the year (see Section 1.c.).

The Government had not responded to suggestion from the U.N. Committee for the Elimination of Racial Discrimination made in August 1999. The Committee suggested that the Government apologize to and compensate indigenous people for their historical treatment, and explicitly outlaw racial and ethnic discrimination.

National/Racial/Ethnic Minorities.—The Country assimilated a major European migration in the 19th century and major Middle Eastern and Croatian migrations in the early part of the 20th century. Smaller racial and ethnic minority groups such as those of Asian descent and African-Chileans also can be found and experience some societal intolerance.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form unions without prior authorization and to join existing unions. The work force is estimated at 5.7 million persons, of whom 3.7 million are salaried. Union membership is approximately 655,000, or roughly 12 percent of the work force. Government-employee associations are provided with the same rights as trade unions; however, the law denies government employees the possibility of uniting with other workers or to benefit from joint actions, thus constituting an interference to their freedom of association. Police and military personnel and employees of state-owned companies attached to the Ministry of Defense may not organize collectively. Members of unions are free to withdraw from union membership.

The 1992 Labor Code permits nationwide labor centrals, and the Unified Workers Central (CUT), the largest and most representative of these, legalized its status in April 1992. Labor unions are effectively independent of the Government, but union leaders usually are elected from lists based on party affiliation and sometimes receive direction from party headquarters. Political activities or affiliations of unions or union officials are not restricted. Registering a union is a simple process.

Employees in the private sector have the right to strike; however, the Government regulates this right, and there are some restrictions on the right to strike. Public employees do not enjoy the right to strike, although government teachers, municipal, and health workers have struck in the past. The law proscribes employees of some 30 companies—largely providers of essential services (e.g., water and electricity)—from striking; it stipulates compulsory arbitration to resolve disputes in these companies. There is no provision for compulsory arbitration in the public sector. Striker replacements are permitted under certain circumstances.

Employers must pay severance benefits to striking workers and must show cause to dismiss workers. Employees who believe they have been dismissed unfairly or dismissed because of their trade union activities file complaints with the Ministry of Labor. However, even if such a claim is found to have merit, the employee does not enjoy the right to reinstatement. In such cases the employer is only required to make additional compensatory payments. The burden of proof rests with the employer in cases in which employees allege illegal antiunion activity.

In October protesting truck owners disrupted movement along parts of the highway system for over two days. The truckers asked for lower diesel fuel prices and a limit on the number of truckers allowed to work in the country. Labor unions did not support the truck owners.

The CUT and many other labor confederations and federations maintain ties to international labor organizations.

b. The Right to Organize and Bargain Collectively.—Despite legal provisions for collective bargaining, the Labor Code includes provisions that make it difficult for trade unions to organize in many sectors. As a result, the majority of workers work under individual contracts. Employers say that this is due to the workers' preference, distrust of union leaders, and loyalty to companies. Union leaders counter that the Labor Code—which does not allow union shops—prevents successful organization in many sectors. Unions cite the widespread practices of subcontracting and temporary employment as a ways that employers resist unionization.

The Ministry of Labor arbitrates about half of the complaints it receives. Workers may take cases to the courts if they have not been arbitrated. If complainants succeed in proving that they were fired unjustly, the employer must pay discharged employees twice their normal severance payment. There are no statistics available concerning the disposition of complaints of antiunion behavior. There were allegations that employers dismiss workers for union activity and attempt to avoid a complaint by immediately paying them some multiple of the normal severance pay.

Temporary workers—defined in the Labor Code as those in agriculture and construction, as well as port workers and entertainers—may form unions, but their right to collective bargaining is limited, as it is dependent on employers agreeing to negotiate with unions of temporary workers. Likewise, intercompany unions are permitted to bargain collectively only if the employer agrees to negotiate with such a union. Labor Code sanctions against unfair bargaining practices protect workers from dismissal only during the bargaining process. Labor leaders complain that companies invoke the law's needs-of-the-company clause to fire workers after a union has signed a new contract, particularly when negotiations result in a prolonged strike.

Labor laws apply in the duty free zones; there are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the Labor Code prohibit forced or compulsory labor, and it is not known to occur. While the Labor Code does not specifically prohibit forced and bonded labor by children, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law allows children between the ages of 16 and 18 to work with the express permission of their parents or guardians. The law allows 15-year-olds to work under certain conditions; their parents must consent they must have finished compulsory schooling, and they may only perform light work not requiring hard physical labor, or constituting a threat to health and childhood development. In July Congress passed a law that raised the minimum legal age for some types of work from 14 to 15 years of age. Additional provisions in the law protect workers under 18 years of age by restricting the types of work open to them (for example, they may not work in nightclubs), and by establishing special conditions of work (they may not work more than 8 hours in 1 day). Labor inspectors enforce these regulations, and compliance is good in the formal economy; however, many children are employed in the informal economy. In August 1999, Congress passed a law that raised the minimum age to work in an underground mine from 18 to 21 years; special regulations govern the ability of 18- to 21-year-olds to work at such sites.

UNICEF estimated that approximately 107,000 children between the ages of 12 and 19 work. A government study in 1996 estimated that 15,000 children between the ages of 6 and 11 and 35,000 children between the ages of 12 and 14 are in the work force. A 1998 Catholic Church study estimated that 50,000 children under the age of 15 worked. The majority of these were males from single-parent households headed by women; among these were children who worked more than 40 hours per week and did not attend school. The Ministry of Labor convenes regular meetings of a tripartite group (business-labor-government) to monitor progress in eradicating child labor. The Labor Code does not specifically prohibit forced and bonded labor by children, but such practices were not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The law sets minimum wages, and the minimum wage is adjusted annually. This wage is designed to serve as the starting wage for an unskilled single worker entering the labor force and does not provide a worker and family with a decent standard of living. Approximately 400,000 workers (about 11 percent of the work force) earn the minimum wage. According to the Government, of the workers who earn the minimum wage, approximately 43 percent are between the ages of 15 and 19. A tripartite committee comprising government, employer, and labor representatives normally suggests a minimum wage based on projected inflation and increases in productivity. In May 1998, Congress approved the Government's proposal setting an escalating minimum monthly wage through the year 2000; the minimum wage as of December 31 was approximately \$175 (100,000 pesos).

The law sets hours of work and occupational safety and health standards. The legal workweek is 48 hours, which can be worked in either 5 or 6 days. The maximum workday length is 10 hours, but positions such as caretakers and domestic servants are exempted. All workers enjoy at least one 24-hour rest period during the workweek, except for workers at high altitudes who voluntarily exchange a work-free day each week for several consecutive work-free days every 2 weeks.

Occupational health and safety are protected under the law and administered by both the Ministries of Health and of Labor. The Government has increased resources for inspections by over 60 percent since 1990 and targeted industries guilty of the worst abuses. As a result, enforcement is improving, and voluntary compliance is fairly good. A 1996 law increased the number of annual occupational health and safety inspections and provided that they be carried out by an expanded labor inspection service in the Ministry of Labor. Insurance mutual funds provide workers' compensation and occupational safety training for the private and public sectors. There was a 24-percent decline in reported occupational injuries in 1997, the last available figures, compared with the previous 5 years, although 11 percent of the work force still submitted claims. Workers who remove themselves from situations that endanger their health and safety have their employment protected if a real danger to their health or safety exists.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons, although it may be prosecuted under other laws.

There were occasional reports that persons were trafficked through the country.

If cases of trafficking in persons were to arise, the police, Justice and Interior Ministries, SERNAM (if the cases involved women), or SENAME (if the cases involved children) would respond.

COLOMBIA

Colombia is a constitutional, multiparty democracy in which the Liberal and Conservative parties have long dominated politics. Citizens elected President Andres Pastrana of the Conservative Party and a bicameral legislature controlled by the Liberal Party in generally free, fair, and transparent elections in 1998, despite attempts at intimidation and fraud by paramilitary groups, guerrillas, and narcotics traffickers. Similar attempts at intimidation by illegal armed actors, including killings and kidnappings, threatened to impair local elections scheduled for October; however, the elections were generally peaceful. The civilian judiciary is largely independent of government influence; however, the suborning or intimidation of judges, witnesses, and prosecutors is common.

The Government continued to face serious challenges to its control over the national territory, as longstanding and widespread internal armed conflict and rampant violence—both political and criminal—persisted. The principal participants in the conflict were government security forces, paramilitary groups, guerrillas, and narcotics traffickers. The number of victims of paramilitary attacks during the year increased. In some areas government forces were engaged in combat with guerrillas or narcotics traffickers, while in others paramilitary groups fought guerrillas, and in still others guerrillas attacked demobilized members of rival guerrilla factions. The 2 major guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), consist of an estimated 11,000 to 17,000 full-time combatants organized into more than 100 semiautonomous groups. The FARC and the ELN, along with other smaller groups, exercised a significant degree of territorial influence and initiated armed action in nearly 1,000 of the country's 1,085 municipalities during the year, which was approximately the same level as in 1999. Their popular support nationwide remained low, according to polls and numerous other reports. The major guerrilla organizations received a significant part of their revenues (in the hundreds of millions of dollars) from fees levied on narcotics production and trafficking, as well as kidnapping and extortion. Guerrillas and paramilitary groups supplanted absent state institutions in many sparsely populated areas. Peace talks initiated in 1999 between the Government and the FARC continued in a demilitarized zone ("despeje") consisting of 5 southern municipalities, with a total population of approximately 100,000 persons. In the absence of both a state presence and international verification, FARC human rights abuses inside the zone, as well as outside of it, continued. Peace talks were complicated by the September 8 hijacking of a commercial plane by a FARC guerrilla who obtained refuge in the demilitarized zone. On November 14, the FARC unilaterally suspended negotiations and demanded concrete government action against the paramilitary groups. On December 6, President Pastrana extended the term of the demilitarized zone

until January 31, 2001, as intense public debate continued over the value of the existing peace process. The killing of congressional peace commission chairman Diego Turbay Cote on December 29 cast further doubt on the future of peace negotiations, although government and FARC negotiators remained in contact.

In April the Government and the ELN agreed in principle on verification within a proposed "encounter zone" in southern Bolívar and northeastern Antioquia departments, in which the ELN's national convention could take place. However, progress stalled when local residents of the proposed zone protested its creation. Two groups—Asocipaz and the "No to the Despeje" Committee—demanded active consultation with the Government on the creation of an encounter zone and on occasion blocked access to the area. Paramilitary groups have attempted to influence these organizations. The Governments of Spain, France, Switzerland, Norway, and Cuba took a progressively more active role in the peace process during the year and committed to provide development assistance when the zone is implemented. However, the September 17 mass kidnapping of over 50 Cali residents by the ELN again slowed the peace process. After negotiation coupled with military pressure, the last of the hostages were released on November 3. ELN leaders participated in a mid-October conference in San Jose, Costa Rica, jointly sponsored by the Government and a group of nongovernmental organizations (NGO's), to explore solutions to the conflict. (The FARC, although invited, did not participate in the conference.) On December 15, five hired killers wounded public employees' union president Wilson Borja, a key member of the civil society facilitating commission in the Government-ELN peace process. Carlos Castano, the head of the United Self-Defense Groups of Colombia (AUC) paramilitary umbrella organization, admitted a role in the attack. The Christmas release of 42 police and military hostages by the ELN paved the way for continued negotiations on the encounter zone at year's end.

In open opposition to the Government, in November the AUC paramilitary group kidnapped seven members of Congress and demanded that the Government grant the AUC a role in the peace negotiations with the FARC. Interior Minister Humberto de la Calle negotiated the hostages' release with Castano, an action that angered the FARC. The Government refused to accord illegal self-defense (paramilitary) groups any political status.

The civilian-led Ministry of Defense is responsible for internal security and oversees both the armed forces (including the army, air force, navy, marines, and coast guard) and the National Police. In the past, civilian management of the armed forces has been limited; however, over the past few years, the professionalism of the armed forces has improved, and respect for civilian authority on the part of the military has increased. In addition to the armed forces and the National Police, the public security forces include armed state law enforcement and investigative authorities, including the Administrative Department of Security (DAS) and the Prosecutor General's Technical Corps of Investigators (CTI). The DAS, which has broad intelligence gathering, law enforcement, and investigative authority, reports directly to the President but is directed by a law enforcement professional. The police are charged formally with maintaining internal order and security, but in practice law enforcement responsibilities often were shared with the army in both rural and urban areas. Many observers maintain that government action to combat paramilitarism has been inadequate, and in the past security forces regularly failed to confront paramilitary groups; however, the security forces improved their efforts to confront and detain members of paramilitary groups during the year. Nevertheless, members of the security forces sometimes illegally collaborated with paramilitary forces. The armed forces and the police committed serious violations of human rights throughout the year.

Despite years of drug- and politically related violence, the economy is diverse and relatively advanced. Crude oil, coal, coffee, and cut flowers are the principal legal exports. In 1999 the country suffered its first recession in over 60 years, with a decrease in gross domestic product (GDP) of 4.5 percent and record unemployment of over 20 percent. Although the economy recovered with 3 percent growth during the year, the level of unemployment remained unchanged and was at 19.7 percent by year's end. The inflation rate at year's end was 8.75 percent. Since September 1999, the Government has adopted fiscally austere budgets and floated the peso. High levels of violence greatly inhibit business confidence. Narcotics traffickers continued to control large tracts of land and other assets and exerted influence throughout society, the economy, and political life. Income distribution is highly skewed; much of the population lives in poverty. Per capita GDP was approximately \$2,100.

The Government's human rights record remained poor; there were some improvements in the legal framework and in institutional mechanisms, but implementation lagged, and serious problems remain in many areas. Government security forces continued to commit serious abuses, including extrajudicial killings. Despite some

prosecutions and convictions, the authorities rarely brought higher-ranking officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through roadblocks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members of paramilitary groups, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas.

On August 12, the revised Military Penal Code went into effect, which provides for an independent military judicial corps and for legal protection for troops if they refuse to carry out illegal orders to commit human rights abuses; the code also precludes unit commanders from judging subordinates. A series of military reform decrees signed by the President on September 14 provided greater facility for the military to remove human rights abusers or paramilitary collaborators from its ranks and provided for the further professionalization of the public security forces. The military judiciary continued to demonstrate an increased willingness to turn cases involving security force officers accused of serious human rights violations over to the civilian judiciary, as required by a 1997 Constitutional Court ruling and the new Military Penal Code; in August a presidential directive reinforced these legal norms.

Police, prison guards, and military forces tortured and mistreated detainees. Conditions in the overcrowded and underfunded prisons are harsh; however, some inmates use bribes or intimidation to obtain more favorable treatment. Arbitrary arrest and detention, as well as prolonged pretrial detention, are fundamental problems. The civilian judiciary is inefficient, severely overburdened by a large case backlog, and undermined by intimidation and the prevailing climate of impunity. This situation remains at the core of the country's human rights problems. The Superior Judicial Council (CSJ) estimated, based on a 1997 survey, that 63 percent of crimes go unreported, and that 40 percent of all reported crimes go unpunished. On April 6, the Constitutional Court overturned much of the 1999 law that had created the specialized jurisdiction (which had replaced the anonymous regional courts system on July 1, 1999).

The authorities sometimes infringed on citizens' privacy rights. Journalists typically work in an atmosphere of threats and intimidation, primarily from paramilitary groups and guerrillas, which appeared to worsen during the year; journalists practice selfcensorship to avoid reprisals. There were some restrictions on freedom of movement, generally because of security concerns. Violence and instability in rural areas displaced between 125,000 and 317,000 civilians from their homes during the year. Almost one-fourth of these movements occurred in massive displacements. (Exact numbers of displaced persons are difficult to obtain because some persons were displaced more than once, and many displaced persons do not register with the Government or other entities.) The total number of internally displaced citizens during the last 5 years may exceed 1 million. There were reports that security force members harassed or threatened human rights groups. Violence and extensive societal discrimination against women, abuse of children, and child prostitution are serious problems. Extensive societal discrimination against the indigenous and minorities continued. Child labor is a widespread problem. Trafficking in women and girls for the purpose of forced prostitution is a problem. "Social cleansing" killings of street children, prostitutes, homosexuals, and others deemed socially undesirable by paramilitary groups, guerrillas, and vigilante groups continued to be serious problems.

Paramilitary groups and guerrillas were responsible for the vast majority of political and other killings during the year. Throughout the country, paramilitary groups killed, tortured, and threatened civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes, thereby depriving guerrillas of civilian support and allowing paramilitary forces to challenge the FARC and the ELN for control of narcotics cultivations and strategically important territories. Paramilitary forces were responsible for an increasing number of massacres and other politically motivated killings. They also fought guerrillas for control of some lucrative coca-growing regions and engaged directly in narcotics production and trafficking. The AUC paramilitary umbrella organization, whose membership totaled approximately 8,150 armed combatants, exercised increasing influence during the year and fought to extend its presence through violence and intimidation into areas previously under guerrilla control while conducting selective killings of civilians it alleged collaborated with guerrillas. The AUC increasingly tried to depict itself as an autonomous organization with a political agenda, although in practice it remained a mercenary vigilante force, financed by criminal activities and sectors of society that are targeted by guerrillas. Although some para-

military groups reflect rural residents' desire to organize solely for selfdefense, most are vigilante organizations, and still others are actually the paid private armies of narcotics traffickers or large landowners. Popular support for these organizations grew as guerrilla violence increased in the face of a slowly evolving peace process. The Government continued to insist that paramilitary groups, like guerrillas, were an illegal force and increased efforts to apprehend paramilitary members; however, the public security forces' record in dealing with paramilitary groups remained mixed. In some locations the public security forces increasingly attacked and captured members of such groups; in others elements of these entities tolerated or even collaborated with paramilitary groups.

The FARC and the ELN regularly attacked civilian populations, committed massacres and summary executions, and killed medical and religious personnel. The FARC continued its practice of using gas canisters as mortars to destroy small towns, indiscriminately wounding government officials and civilians in the process. Guerrillas were responsible for the majority of cases of forcible recruitment of indigenous people and of hundreds of children; they also were responsible for the majority of kidnappings. Guerrillas held more than 1,000 kidnaped civilians, with ransom payments serving as an important source of revenue. Other kidnap victims were killed. At year's end, the FARC and ELN reportedly held 527 soldiers and police. In many places, guerrillas collected "war taxes," forced members of the citizenry into their ranks, forced small farmers to grow illicit crops, and regulated travel, commerce, and other activities. In March the FARC announced "Law 002," which demanded that anyone with assets of \$1 million pay taxes to the FARC or risk kidnapping. The FARC routinely committed abuses against citizens who resided in the despeje zone. Numerous credible sources reported cases of murder, rape, extortion, kidnapping, robbery, threats, detention, and the forced recruitment of adults and children, as well as impediments to free speech and fair trial and interference with religious practices.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Political and extrajudicial killings continued to be a serious problem. An estimated 4,000 citizens died in such acts, committed principally by nonstate agents. Members of the security forces continued to commit extrajudicial killings.

An analysis of data from the Center for Investigations and Popular Research (CINEP), published by the Colombian Commission of Jurists (an NGO), indicated that there were 20 reports of extrajudicial killings attributable to state forces in the period from October 1999 to March, including deaths that resulted from police abuse of authority. However, the military claimed that six of the deaths resulted from confrontations with guerrillas; four alleged deaths (of which only one was confirmed) resulted from a panic when the army tear-gassed an indigenous protest (see Sections 2.b. and 5); and five were attributed by other groups to paramilitary forces. CINEP calculated 37 similar cases in 1999, which also included deaths that resulted from police abuse of authority. Most of the incidents cited by the Commission were under investigation by military and civilian authorities at year's end. The number of cases of military personnel accused of human rights violations who were tried in civilian courts increased. There were some reports that police and former security force members committed social cleansing killings.

According to the Human Rights Ombudsman's office, there were 235 massacres (defined as the simultaneous or nearly simultaneous killing of 3 or more persons outside of combat at a single location or at several nearby locations) during the first 6 months of the year. An estimated 1,073 persons were killed in these massacres; the Ministry of Defense attributed none of these deaths during this period to public security forces. The Central Directorate of the Judicial Police reported 1,286 persons killed in 216 massacres (defined as 4 or more persons killed in the same incident) during the year and attributed none of these massacres to security forces. The Ombudsman's office recorded 509 massacres in 1999, in which 2,262 persons were killed, and attributed 20 killings to public security forces.

On August 15, an army unit mistakenly killed 6 children; the Prosecutor General's office determined that the act was unintentional harm caused in the course of duty and referred the case to the military justice system (see Section 1.g.).

The human rights delegate of the Attorney General's office, which oversees the performance of all public sector employees, received 201 complaints and cases during the first 6 months of the year and concluded 26 disciplinary investigations. Among the complaints were 20 complaints of massacres. The Attorney General's office received 78 complaints related to massacres and forced disappearances during

the year. Approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia, and southern Bolivar departments); the other 25 percent implicated police or DAS officials. During the year, the Attorney General's office concluded 13 investigations of massacres and forced disappearances attributed to state agents and sanctioned 50 members of the security forces (including 10 members of the National Police, 35 members of the army, and 5 members of the DAS). The office exonerated 20 accused persons. Contrary to previous years, the office referred all cases involving human rights violations to the Prosecutor General for criminal investigation. Five generals were under investigation by the Attorney General during the year for failure to prevent paramilitary massacres in 1998 and 1999.

At year's end, the human rights unit of the Prosecutor General's office reported that it had approximately 918 open investigations of human rights violations, in which 1,379 individuals are under investigation. This number includes 286 members of the military and police, 573 presumed members of paramilitary groups, 353 presumed guerrillas, and 187 other civilians. The unit arrested 302 persons during the first 6 months of the year, and other state entities arrested a further 70 persons against whom the unit had cases. As of November, another 676 arrest warrants for persons against whom the unit had cases remained outstanding, of which 37 are for military personnel, 20 are for police, and 3 are for members of the DAS. The authorities detained 38 members of the army, 41 police, 5 members of the DAS, and 5 members of the CTI during the year.

The Central Directorate of the Judicial Police announced that 25,660 murders occurred during the year, compared with 24,358 murders in 1999. The press reported that on average one person was killed every 20 minutes. The police and the Prosecutor General's office have insufficient resources to investigate most killings adequately. The Superior Judicial Council estimated based on a 1997 survey that 63 percent of crimes go unreported and that 40 percent of all reported crimes go unpunished.

According to a March report by the Ministry of Defense, during the first half of the year, the military judiciary convicted and sentenced 206 members of the National Police, army, and navy for serious offenses that the Ministry identified as violations of human rights: homicide, bodily injuries, rape, attempted murder, illegal detention, and abuse of authority. Of the total of 206 convictions, 66 were for homicide and 113 were for bodily injuries. The average sentences issued in 1998 were 58 months' imprisonment for homicide and 15 months' imprisonment for bodily injuries, although sentences ranged from 2 years to 64 years for homicide, and 2 months to 2 years for bodily injuries. The military judiciary convicted and sentenced 206 persons for serious crimes in 1999. The civilian Criminal Procedure Code authorizes restriction to a military base as an acceptable substitute for imprisonment when military jails or prisons are unavailable.

In August 1997, the Constitutional Court more narrowly defined the constitutional provision that crimes by state agents unrelated to "acts of service" must be tried in civilian courts (see Section 1.e.). Since then the military judiciary has turned 1,307 cases, of which an estimated 41 percent are for possible human rights violations, over to the civilian judiciary for investigation and possible prosecution, including cases involving high-ranking officers. During the year, the military judiciary turned 496 cases over to the civilian judiciary, compared with 79 cases in 1999 and 266 cases in 1998. The new Military Penal Code reiterates that the crimes of forced disappearance, torture, and genocide must be tried in civilian courts. President Pastrana reaffirmed these new legal norms in an August directive sent to the military high command and the commander of the National Police (see Section 1.e.).

Prosecution continued in civilian courts against army Major David Hernandez, Captain Diego Fino Rodriguez, Sergeant Edgardo Varon, and Privates Carlos Escudero, Ferney Cardona, and Raul Gallego, members of the Fourth counter-guerrilla battalion (Fourth Brigade), for the March 1999 murder of Antioquia peace commissioner (and former Vice Minister for Youth) Alex Lopera and two other persons. However, in March Captain Fino escaped military detention; four soldiers are under investigation for complicity in his escape. Major Hernandez had escaped in June 1999 and was still at large at year's end. Following Fino's escape, the military announced that all military detainees would be transferred to the military stockade at Tolomaida to prevent further escapes; however, it was not clear that this was implemented in all cases.

On April 1, the Attorney General's office publicly stated that it had found insufficient evidence to bring charges against retired army Colonel Jorge Plazas Acevedo, former chief of intelligence of the army's 13th Brigade, for the October 1998 kidnapping and later murder of Jewish business leader Benjamin Khoudari. The Attorney General's office announced that it was dropping its administrative investigation and publicly asked the Prosecutor General's office to drop its criminal investigation.

However, the Prosecutor General's office continued its prosecution of Colonel Plazas and civilians Jhon Alexis Olarte Briceno and Guillermo Lozano Guerrero, who were on trial at year's end. The Prosecutor General's office has 11 other arrest warrants pending in the case; 1 lieutenant was ruled out as a suspect.

During the year, the Attorney General sanctioned eight service members in connection with the May 1998 Barrancabermeja massacre, of which three—army Captain Oswaldo Prada Escobar, Lieutenant Enrique Daza and Second Lieutenant Hector Guzman Santos—were discharged. A police lieutenant colonel, captain, and lieutenant, as well as two DAS agents were suspended. On July 12, Elizabeth Canas Cano, a key eyewitness to the massacre, was killed by two unidentified gunmen. In May the Prosecutor General's office ordered the preventive detention of four paramilitary suspects in the case; the investigation was still in progress at year's end. The Attorney General's office also was conducting an inquiry into the death of Canas.

In December the Attorney General's office charged 17 police and 9 army officials with collusion with paramilitary groups in approximately 160 social cleansing murders by members of paramilitary groups in northeastern Antioquia (near the communities of La Ceja, Guarne, and El Penon) during 1995-98. The Attorney General also charged two municipal officials with omission. The Prosecutor General's office pressed criminal charges against 3 of the 26 officials charged by the Attorney General; police Captain Luis Alfredo Castillo Suarez Juan Carlos Valencia Arbalaez and Carlos Mario Tejada Gallego were on trial in Medellin at year's end. Army Lieutenant Colonel Jesus Maria Clavijo Clavijo, Staff Sergeant Javier Gomez Herran, and soldier Carlos Mario Escudero are under investigation in the killings. Clavijo was arrested, suspended from duty, and placed in military detention on March 17. Although the army challenged jurisdiction, arguing Clavijo's actions were related to acts of service, the CSJ ruled that the case should be tried in civilian court.

On March 3, the ongoing civilian prosecution of retired Colonel Bernardo Ruiz Silva, former commander of the army's now disbanded 20th Brigade (military intelligence), for allegedly organizing the November 1995 Bogota killing of Conservative Party opposition leader Alvaro Gomez Hurtado suffered a major setback when key witness Luis Eduardo Rodriguez Cuadrado retracted his previous testimony before a Bogota judge. However, the testimony of another key witness helped the prosecution. The trial continued at year's end. Also on trial are army intelligence agents Henry Berrio Loaiza and Carlos Gaona Ovalle, retired army warrant officers Omar Berrio Loaiza and Franklin Gaona Ovalle, and civilian accused killers Hector Paul Florez Martinez, Manuel Mariano Montero Perez, Gustavo Adolfo Jaramillo Giraldo, and Hermes Ortiz Duran.

In 1999 the human rights unit of the Prosecutor General's office formally indicted marine Colonel Jose Ancizar Molano Padilla, then-commander of the 2nd Marine Infantry Battalion, as well as marine Corporals Javier Fernando Guerra, Eduardo Aristides Alvarez, and Jose Milton Caicedo for the 1995 social cleansing killings of alleged thieves Sifredy and Fredy Arboleda. On May 25, the Prosecutor General ordered the detention of marine Sergeant Francisco Duarte Zuniga, who was still at large at year's end. A disciplinary investigation by the Attorney General was still underway at year's end.

In October 1998, the Attorney General's office severely reprimanded marine Lieutenant Colonel Rodrigo Alfonso Quinones, along with 4 others, for colluding with paramilitary groups in the murders of at least 50 persons in Barrancabermeja, Santander department, in 1992-94, although he was exonerated by a military tribunal in 1994. Quinones appealed the reprimand, but Attorney General Jaime Bernal recused himself from the case, and Congress never appointed anyone else to adjudicate the matter. The statute of limitations on the case expired during the year, leaving the reprimand standing. During the year, Quinones was promoted to brigadier general.

In July 1999, the Prosecutor General's office indicted paramilitary Nicolas Antonio Gomez Zapata for participation in the January 1994 "La Chinita" massacre, which resulted in the deaths of 35 persons. Among the 50 service members sanctioned by the Attorney General during the year were persons accused of involvement in this massacre. No progress has been reported in the Prosecutor General's case.

At year's end, three army noncommissioned officers sought in connection with the April 1991 massacre of bus passengers at Los Uvos remained at large.

In August a civilian court absolved retired army Colonel Hernando Navas of involvement in the November 1988 Nuevo Segovia massacre in which over 100 persons were killed or wounded. The authorities have charged 8 military officials, 1 police officer, and 10 civilians in the case. Among these, Lieutenant Colonel Alejandro Londono Tamayo and Lieutenant Colonel Marco Baez Garzon continued to appeal

civilian court convictions related to the massacre. Londono remained in detention, but was still on active duty, although he has been deprived of command responsibilities. Baez Garzon also was deprived of command responsibility and remained in military custody in Bogota.

On June 29, the Constitutional Court instructed the CSJ to reconsider its 1996 decision referring the case of the 1987 forced disappearance, torture, and death of a member of the M-19 guerrilla group, Nydia Bautista, by accused retired General Alvaro Velandia Hurtado to military courts. Upon the stipulated review, the CSJ reversed itself and assigned jurisdiction to the civilian courts at the end of July, pointing out that the acts were not related directly to military service. The Prosecutor General's office continued its investigation.

There was no information available regarding the pending trial of Lieutenant Colonel Jose Vincente Perez Berrocal for the 1987 killing of a Liberal mayor.

No motives or suspects have been identified in the September 1998 killing of Congressman Jorge Humberto Gonzalez. The investigation remained open at year's end.

Credible allegations of cooperation with paramilitary groups, including instances of both silent support and direct collaboration by members of the public security forces, in particular the army, continued. Evidence suggests that there were tacit arrangements between local military commanders and paramilitary groups in some regions, and paramilitary forces operated freely in some areas that were under military control or despite a significant military presence. Individual members of the security forces actively collaborated with members of paramilitary groups—passing them through roadblocks, sharing intelligence, providing them with ammunition, and allegedly even joining their ranks while off-duty.

The military high command, under the leadership of Defense Minister Luis Fernando Ramirez and General Fernando Tapias, stated repeatedly that it would not tolerate collaboration between military personnel and paramilitary groups and that the army would combat paramilitary groups; however, security force actions in the field were not always consistent with the leadership's positions. Credible reports persisted of paramilitary installations and roadblocks near military bases; of contacts between paramilitary and military members; of paramilitary roadblocks unchallenged by military forces; and of military failure to respond to warnings of impending paramilitary massacres or selective killings. Military entities often cited lack of information or resources to explain this situation. Impunity for military personnel who collaborated with members of paramilitary groups remained common.

In September the President signed military decrees that allowed for the dismissal of members of the public security forces who were complicit in paramilitary or other illegal activities; government agencies actively investigated allegations of collaboration or complicity with paramilitary groups by members of the security forces. A total of 388 members of the military were dismissed in October; however, it was not known how many of these were dismissed for collaborating with paramilitary groups in such abuses (see Section 1.e.).

Both the Peasant Self-Defense Groups of Cordoba and Uraba (ACCU), the largest of the seven major paramilitary organizations of the AUC umbrella group, and the army's Fourth Brigade claimed responsibility, but in different circumstances, for the January 23 killings of two long-demobilized guerrillas. The ACCU claimed that it killed Uberney Giraldo and Jose Evelio Gallo, both leaders of the Socialist Renewal Current (CRS), and two others after abducting them from the village of San Antonio, Antioquia department. On January 24, the army's Fourth Brigade announced that it had killed two "ELN guerrillas" in combat, but civilian autopsies identified them as the two missing CRS leaders. On January 26, gunmen stole the bodies from the morgue but left the autopsy reports behind. At year's end, investigations by the Attorney General's office and the Prosecutor General's office were underway.

On February 19–20, a large group of AUC paramilitary attackers killed an estimated 37 persons whom they suspected of being guerrillas or guerrilla sympathizers at El Salado, Bolivar department. The navy reportedly set up a roadblock shortly after the killings began, which prevented human rights and relief groups from entering; some groups accepted the navy's explanation that access was not possible due to fighting in the area. The Ministry of Defense denied charges that the navy blocked NGO's from entering or colluded with paramilitary forces, and an investigation by the Prosecutor General was underway at year's end. A military investigation did not find any substantiation for these charges.

The paramilitary group reportedly had been in the town since February 16, and had a list of names of persons they suspected of being guerrilla supporters. The victims included a 6-year-old girl and an elderly woman, and some victims were tortured or raped. The attackers also burned several homes. On February 19, the paramilitary group flew in a helicopter to rescue an injured member. According to

Human Rights Watch, 30 minutes after the paramilitary forces withdrew, government forces entered the town.

On February 22, members of the 3rd Marine Infantry Battalion captured 11 members of the paramilitary group suspected of participating in the El Salado massacre, killed 2 of them, and downed a paramilitary helicopter. According to NGO's and press reports, the massacre at El Salado and a February 15-16 paramilitary massacre at nearby Las Ovejas, Sucre department, displaced approximately 3,000 persons. By year's end, 16 paramilitary suspects were under arrest, and the Prosecutor General's investigation into the paramilitary group's responsibility for the massacre was concluded.

Members of the San Jose de Apartado "peace community" in Uraba region, Antioquia department, as well as NGO's, accused the 17th Brigade of involvement in 2 paramilitary massacres in February and July in which 11 persons were killed. On February 19, unidentified perpetrators widely believed to be members of the ACCU paramilitary group attacked San Jose de Apartado. They selectively killed five persons, and wounded three others. There were reports that the men wore the insignia of the 17th Brigade on their uniforms and that army troops were seen on the outskirts of the city several hours before the massacre. On July 8, approximately 20 paramilitary assailants murdered 6 peasants in La Union, part of San Jose de Apartado. The attackers reportedly gave the citizens 20 days to leave the town. NGO's alleged that the 17th Brigade was complicit in both attacks and that army members were near La Union prior to the July 8 attack. There were allegations that a military helicopter hovered over La Union during the massacre; however, these allegations were never confirmed. The military investigation rebutted the charges. The Prosecutor General was investigating both incidents at year's end. There were at least two visits during the year by joint commissions of inquiry including representatives from the Prosecutor General's office, the Human Rights Ombudsman's office, and international NGO's. Human rights NGO's and members of the peace community of San Jose de Apartado reported 11 additional deaths in separate incidents during the year, half of which they attributed to paramilitary forces. They also reported frequent paramilitary roadblocks, intimidation, theft, and the restriction of incoming food supplies.

In February Human Rights Watch issued a report that stated that the army maintains close operational ties to paramilitary groups. The report highlighted incidents of collaboration by officers of the army's Third, Fourth, and 13th Brigades. It stated that according to evidence from government investigators, the army's Third Brigade based in Cali provided weapons and intelligence to the paramilitary "Calima Front." The report also detailed ties between the army's Fourth Brigade and paramilitary groups and ties between the 13th Brigade (intelligence) and paramilitary groups. The report also detailed threats received by various government agents while they investigated these ties.

Vice President Gustavo Bell responded to the Human Rights Watch report and said that while the Government has never denied residual ties between individual members of the public security forces and paramilitary groups, it has moved to break those ties and punish those responsible. Bell said that the suggestion that there was a "deliberate, institutional will to help and support" paramilitary groups was untrue. Bell noted that much of the information in the report came from the Prosecutor General's office, demonstrating that the Government was investigating military crimes.

In March the Attorney General's office ordered that Vice First Sergeant Jose Maria Cifuentes Tovar, of the 45th Battalion, be removed from the army for having failed to obey orders to install a roadblock to prevent the escape of members of paramilitary groups from Barrancabermeja following a February 1999 massacre that left nine persons dead. On March 18, 1999, police arrested paramilitary leader Mario James Mejia ("el Panadero") for killing a taxi driver; he then was charged in Bogota with leading the February 1999 Barrancabermeja massacre and was still under investigation at year's end. Pedro Mateo Hurtado Moreno and three other paramilitary suspects in the massacre remained at large at year's end. Politically motivated killings and related unrest continued in Barrancabermeja at a very high rate throughout the year.

In March the human rights unit of the Prosecutor General's office ordered the detention of army Captain Luis Fernando Campusano Vasquez and sought the capture of 15 other civilians, including Carlos Castano, who remained at large. They are suspected of being affiliated with area units that collaborated with a 300-person paramilitary group based at Vetaz, Norte de Santander department, which committed 15 massacres in and around the towns of La Gabarra and Tibu between May 29 and September 1, 1999. More than 145 persons whom the attackers claimed were guerrillas or guerrilla supporters were killed. Nearby elements of the army's 46th

counterguerrilla battalion (Tibu) and Fifth mechanized group (Cucuta), as well as police, did not intervene.

In July the Attorney General announced an investigation into retired army Brigadier General Alberto Bravo Silva, Colonel Roque Sanchez, and three other army officers for failing to prevent a paramilitary massacre of 27 persons in August 1999 in La Gabarra. The investigation was still in progress at year's end. Bravo retired in August 1999 on the orders of President Pastrana. Two of the three army officers are still members of the public security forces. Colonel Sanchez, the regional police commander at the time of the killings, was on trial at year's end. In October the Attorney General's office also charged Colonel Sanchez. On May 3, the Prosecutor General's office formally charged AUC paramilitary chief Carlos Castano with mas-termining the May 29 and August 21 La Gabarra massacres in 1999.

In March the Prosecutor General issued formal indictments against eight security force members, including Tibu military base Commander Mauricio Llorente Chavez, for complicity in a paramilitary massacre that took place in Tibu in July 1999. Five members of the police were charged in May and subsequently were arrested. On June 20, the Prosecutor General's office arrested six members of the National Police—Arturo Velandia, Luis Toloza, Miguel Hernandez, Alfonso Ortiz, Gustavo Lobo, and Jose Ordenez.

In April 1999, President Pastrana formally retired from service Brigadier Generals Fernando Millan Perez and Rito Alejo del Rio; both had links to paramilitary groups. The Government stated only that it "was no longer convenient" for them to continue their military service. The military judiciary announced no new developments during the year in its ongoing investigation of General Millan regarding allegations that he armed and equipped a paramilitary group in Lebrija, Santander department, in 1997. The group was believed responsible for at least 11 killings. In October 1998, the Superior Judicial Council had determined that Millan's alleged actions constituted an act of service and turned the case over to the military judiciary for prosecution, effectively cutting off the prosecutor's investigation. Millan had denied the charges. In June 1999, the Attorney General's office opened a disciplinary investigation of Millan, which still was in progress at year's end.

At year's end, General del Rio, former commander of the 13th Brigade, remained under preliminary investigation by the human rights unit of the Prosecutor General's office for allegedly establishing illegal paramilitary groups in Medellin in 1987, and in Uraba in 1996. General Del Rio is also under preliminary investigation by the Attorney General's office.

On July 27, the Attorney General's office formally charged five army officers, including four generals, for failing to protect the residents of Puerto Alvira, Meta department, when paramilitary forces killed 19 persons in May 1998, despite repeated requests by the Human Rights Ombudsman. The five charged are former commanders of the army's Fourth Division, retired General Augustin Ardila Uribe and General Jaime Humberto Cortes Parada (the army's Inspector General); former commander of the 7th Brigade, retired Brigadier General Jaime Humberto Uscategui; commander of the 2nd Brigade, General Fredy Padilla de Leon (former head of the Seventh Brigade); and commander of the "Joaquin Paris" battalion, Colonel Gustavo Sanchez Gutierrez. Those involved denied the charges. The Attorney General's investigation was still in progress at year's end. In June a first instance military court recommended closing the investigation of the case; the Superior Military Tribunal was considering this recommendation at year's end. At year's end, the human rights unit of the Prosecutor General's office had detained three members of paramilitary groups and had outstanding arrest warrants for five more, including brothers Carlos and Fidel Castano.

In August air force Commander Hector Fabio Velasco called for the renewed detention and a first instance hearing of Brigadier General Jaime Uscategui and Lieutenant Colonel Hernan Orozco in connection with the July 1997 AUC paramilitary massacre of dozens of persons at Mapiripan, Meta department. Army Commander General Jorge Mora had recused himself from Uscategui's case due to personal ties and was replaced by Velasco. A military tribunal was still considering the issue at year's end. In May 1999, Uscategui was arrested on civilian charges connected with the case, but in August 1999, the CSJ had ruled that the case should be tried in the military courts. Uscategui was released after 180 days when the military investigation produced no action, although the investigation continued. Early in 1999, Uscategui sought to retire from the military effective in January; however, his effort was thwarted by the Attorney General, who ordered Uscategui dismissed from the military in November 1999 for dereliction of duty in the October 1997 judicial convoy massacre in San Juan de Arama, Meta department. A military trial of Brigadier General Uscategui and Lieutenant Colonel Orozco still was in progress at year's end.

In August 1999, the CSJ had sent the cases of all other defendants in the Mapiripan case to the civilian courts for action, including charges against Lieutenant Colonel Lino Hernando Sanchez Prada for facilitating the massacre, which was determined not to be an act of service. As of February 29, the Prosecutor General's human rights unit had completed its investigations of Lieutenant Colonel Sanchez and the five other defendants (two noncommissioned officers and three commercial pilots) in the civilian judiciary. In November the Prosecutor General indicted in a separate process Lieutenant Colonel Sanchez, two army sergeants, and eight members of paramilitary groups (including two civilian pilots). All the cases were on trial by year's end. In addition to Sanchez, and the five other defendants, two more presumed paramilitary group members (who also were still in detention) were indicted in December.

In May the Attorney General's office, which in 1999 formally had accused five officers, three noncommissioned officers, and five civilian officials of possible complicity or participation in the July 1997 Mapiripan massacre, dropped the charges against and closed the investigation of Lieutenant Colonel Lino Sanchez Prada. The other cases remained under investigation at mid-year.

The case of retired army Colonel Jose Ancizar Hincapie Betancurt for collaboration in 1993-94 with a paramilitary group that killed 10 persons remained pending before civilian courts at year's end.

In July Ivan Cepeda, the son of murdered Senator Manuel Cepeda Vargas, was forced to flee the country due to death threats that he suspected were a reaction to his activism in pursuing justice for his father's 1994 death. In testimony before the Senate, the Attorney General had stated that the Senator had been killed as the result of a joint operation between some senior army officers and members of paramilitary groups. In 1999 the Attorney General's office severely reprimanded army First Sergeant Justo Gil Zuniga Labrador and Vice First Sergeant Hernando Medina Camacho, then members of the army's 20th Brigade, for the killing of Senator Cepeda, who was the leader of the Patriotic Union (UP) party. The army discharged both men from service, and in December 1999 they each were sentenced to 43 years' imprisonment for their roles in Cepeda's murder.

Paramilitary groups committed numerous extrajudicial killings, primarily in areas where they competed with guerrilla forces for control, and often in the absence of a strong government security force presence. The frequency of paramilitary massacres continued to increase significantly. Several major paramilitary campaigns during the year involved a series of orchestrated massacres in Uraba, Norte de Santander, and Barrancabermeja. At mid-year the Human Rights Ombudsman attributed 93 massacres, which claimed 512 victims, to paramilitary groups. In 1999 the office received 1,467 complaints against members of paramilitary groups. The Ministry of Defense attributed 52 percent of the estimated 1,073 deaths that occurred in the 235 massacres reported by the Human Rights Ombudsman's office during the first 6 months of the year. In December the Ministry of Defense reported that paramilitary forces killed 983 civilians in massacres during the year. The Colombian Commission of Jurists attributed 657 killings and 118 social cleansing killings to paramilitary groups in the period from October 1999 through March. Paramilitary activities also included kidnapping, intimidation, and the forced displacement of persons not directly involved in hostilities (see Sections 1.b. and 1.g.). Paramilitary groups targeted teachers (see Section 2.a.), human rights activists (see Section 4), labor leaders (see Section 6.a.), community activists, national and local politicians (including President Pastrana), peasants, and other persons whom they accused of supporting or failing to confront guerrillas. Paramilitary forces killed members of indigenous groups (see Section 5).

AUC paramilitary groups were suspected of hundreds of selective killings throughout the country, especially in Choco, Santander, Valle del Cauca, and Antioquia departments. The FARC, the ELN, or both, had a strong presence in these areas as paramilitary forces vied with them for control of territory or resources, including coca cultivation. Paramilitary groups continued to kill political leaders and peace activists, including peace community leader Freddy Gallego, former Aguachica mayor and peace activist Luis Fernando Rincon, and former Cucuta mayor (and current mayoral candidate at the time of his death) Pauselino Camarga. Fourteen members of the CTI were killed during the year in various parts of the country. Both paramilitary forces and guerrillas were suspected of responsibility in these killings.

Paramilitary massacres at Las Ovejas, Sucre department, and El Salado, Bolivar department, were part of an ongoing paramilitary effort to wrest control of the Montes de Maria region from guerrillas. On February 15-16, approximately 150 ACCU members staged attacks in 5 neighborhoods of Las Ovejas. They killed at

least 20 persons whom they suspected of being guerrillas or guerrilla sympathizers, burned dozens of homes, and displaced a large number of persons.

On April 6, approximately 50 paramilitary attackers massacred 21 men whom they suspected of being guerrillas or guerrilla collaborators at Tibu, Catatumbo region, Norte de Santander department, in a continuation of a series of 15 massacres in the region in 1999.

On May 11, a paramilitary group that identified itself as the "Calima Front" claimed responsibility for the killings of 12 civilians in the village of Sabaletas, just outside Buenaventura, Valle del Cauca department. The group also claimed to have killed 14 other persons it suspected of being guerrillas in the same area. According to Human Rights Watch, the army's Third Brigade created and supports the Calima Front, which Human Rights Watch believes is responsible for at least 200 killings between July 1999 and July 2000, as well as the displacement of over 10,000 persons.

In August the AUC paramilitary movement claimed that it had killed the leader and six members of the "la Terraza" gang of hired killers based in Medellin. The AUC was known to have contracted the gang to conduct killings.

In a series of attacks on the night of November 22, paramilitary forces killed 15 fishermen in Nueva Venecia, in the region of La Ciénaga de Santa Marta, Magdalena department, and kidnaped another 22 persons whose bodies later were discovered. Human Rights Ombudsman Eduardo Cifuentes issued a December 14 resolution that reported that 45 persons were killed and that 25 had disappeared, criticized slow government action to assist those displaced as a result of the incident, and called for immediate investigation of reports of a paramilitary base in the area. The Prosecutor General's office was investigating the 37 confirmed deaths at year's end.

Other examples of paramilitary massacres included the killing of 7 persons in Estados Unidos in January, the November killings of 15 persons in Granada in the western part of the country, and the killing in November of 7 persons in Barrancabermeja.

Investigations of past killings and massacres proceeded slowly. In many cases there was no progress in ongoing investigations. Progress during the year included the issuance of warrants of arrest for five suspects involved in murder and extortion as members of the El Corral Convivir (self-defense group) in 1991 in Arauca department. Other members of paramilitary groups investigated and indicted included Luis Arnulfo Tuberquias, who was linked to kidnaping and theft on behalf of such groups; among those captured were Jose Luis Hernandez and Ruben Isaza, nephew and son respectively of paramilitary leader Ramon Isaza, and Dario Zapata Hernandez, allegedly the second in command of the AUC in the Puerto Boyaca area, Caldas department.

On May 3, the Prosecutor General's office formally charged AUC paramilitary leader Carlos Castano with the August 1999 killing of renowned journalist, political comedian, and peace and human rights activist Jaime Garzon Forero in Bogota. On January 13, members of the CTI captured La Terraza gang member Juan Pablo Ortiz Agudelo in Medellin on suspicion of having been the gunman in the attack against Garzon. Ortiz remained in detention in Bogota at year's end. In December a group of men claiming to represent the "La Terraza" criminal organization said publicly that they were hired by Castano to kill Jaime Garzon and human rights activists Elsa Alvarado, Mario Calderon, Jesus Maria Valle, and Eduardo Umana Mendoza. They offered to turn themselves in and provide proof of Castano's involvement in return for security guarantees from the Government. There was no public response from the authorities by year's end.

In December 1999, Spain complied with a government request and extradited paramilitary Lubin de Jesus Morales Orozco, who was arrested in Madrid in June 1999 on unrelated charges, for the April 1998 killing of Eduardo Umana Mendoza, perhaps the country's best-known and most controversial human rights lawyer. Five persons, including Morales, remained in detention and were on trial in a civilian court at year's end.

On June 14, the trial of 10 persons suspected of the February 1998 killing of human rights activist Jesus Maria Valle began in Medellin. Valle was the president of the Antioquia Permanent Committee for the Defense of Human Rights. Charges were brought against suspected killers Jorge Eliecer Rodriguez Guzman, Alvaro Goz Meza, Gilma Patricia Gaviria Palacios, Elkin Dario Granada Lopez, Alexander Vallejo Echeverry, and Carlos Alberto Bedoya Marulanda for direct participation in the crime. In August 1999, the Prosecutor General's office issued arrest warrants for AUC paramilitary leader Carlos Castano and Juan Carlos Gonzalez Jaramillo for planning the crime. Castano was indicted in September 1998 for the killing. According to press reports, the first police agent on the case was killed soon afterward;

the prosecutor fled the country; and another investigator was killed in September 1999.

On November 22, a Bogota judge convicted paramilitary Juan Carlos Gonzalez Jaramillo (alias "El Colorado") and Walter Jose Alvarez Rivera in the May 1997 murders of two CINEP workers, Mario Calderon and Elsa Alvarado, as well as Alvarado's father, Carlos Alvarado. Jaramillo was sentenced to 60 years in prison, and Alvarez Rivera was sentenced to 45 years. The judge determined that soccer magnate Gustavo Adolfo Upegui Lopez was not implicated in the murders but ordered a review of evidence presented during the CINEP trial that connected Upegui with paramilitary groups. Upegui remained under arrest in Medellin on separate charges at year's end. The judge also convicted two other men connected to the case for the illegal use of telecommunications equipment and exonerated two other men accused of organizing the murders. An arrest warrant for paramilitary leader Carlos Castano in connection with this case remains outstanding.

Accused paramilitary Ivan Urdinola Grajales remained detained in connection with the 1989-90 "Trujillo I" massacres in Valle department, and also is implicated in the 1994 "Trujillo II" massacre. Prosecutors also have an outstanding warrant for the detention of one other paramilitary member in the Trujillo I case. In May a court upheld charges against paramilitary Norberto Morales Ledesma for involvement in the Trujillo II massacre. Paramilitary member Reynel Gomez Correa, detained in 1999 in connection with Trujillo II, was murdered in prison in December, before he could be brought to trial. Two other members of paramilitary groups implicated in both Trujillo I and Trujillo II remain at large. One such person has been detained, and another is being sought in the Trujillo I massacre. One paramilitary member has been convicted and another detained for the 1994 Trujillo II massacre. Investigations continue in both cases.

In July the superior court of Cundinamarca department exonerated Jose Tellez and his wife Nancy Lozano, who were accused of participating in the 1989 killing of Liberal presidential candidate Luis Carlos Galan. Another suspect, Alberto Hubiz Hazbun, who was accused of planning the crime, was absolved in 1993. The only person to have been convicted of the crime is John Jairo Velazquez Vasquez, who was sentenced to 20 years in prison in 1997.

No suspects have been identified in the September 1999 killing of academic and peace activist Jesus Bejarano.

There was no information available on the investigation into the May 1998 killing of former Defense Minister General Fernando Landazabal Reyes.

While an estimated 507 members of paramilitary groups were believed to be in jail at year's end, known paramilitary leaders largely remained beyond the reach of the law. Government figures indicated that from 1997 through October 2000, 934 members of paramilitary groups have been captured, and 150 members have been killed. The Ministry of Defense reported that during the year the security forces killed 89 members of paramilitary groups and captured 315 members. In 1999 the army reported that it killed 26 members of paramilitary groups and captured 102 during that year.

Paramilitary forces killed members of indigenous groups (see Section 5) and members of trade unions (see Section 6.a.).

The guerrillas of the FARC, the ELN, and the People's Liberation Army (EPL) continued to commit killings, often targeting noncombatants in a manner similar to that of paramilitary groups. The Colombian Commission of Jurists reported that guerrillas were responsible for 236 political killings in the period of October 1999 through March. The Ministry of Defense attributed 880 civilian deaths in massacres to guerrillas during the year. The Human Rights Ombudsman attributed 22 massacres to the FARC during the first 6 months of the year and 9 massacres to the ELN. The Ombudsman also attributed 89 killings to the FARC and 31 killings to the ELN during the first 6 months of the year. Local elected officials and candidates for public office, teachers, civic leaders, business owners, and peasants opposed to their political or military activities were common targets. The Federation of Colombian Municipalities reported that 17 mayors were killed during the year; guerrillas were the principal suspects (see Section 3). For example, in November unknown gunmen killed Carlos Julio Rosas, mayor of Orito, Putumayo department. In addition, in the run-up to the October municipal elections, 19 mayoral candidates were killed. Police and military personnel were targeted for selective and combat killings (see Section 1.g.). Guerrilla groups also killed religious leaders (see Section 2.c.), members of indigenous groups (see Section 5), and labor leaders (see Section 6.a.). Some communities controlled by guerrillas also experienced social cleansing killings of criminal or other "undesirable" elements. Guerrilla campaigns around the demilitarized area, in the Norte de Santander, Antioquia, and southern departments often

involved significant civilian casualties and prompted significant displacements (see Section 1.g.).

According to military statistics, FARC and ELN guerrillas killed as many as 200 children during the year (see Sections 1.g. and 5).

The human rights unit of the Prosecutor General's office reported in November that it is conducting ongoing investigations into the detention, disappearance, and deaths of 92 off-duty army personnel. Police suspected 22nd FARC front commander "Geovanni" of ordering the February 27 killing of retired army General Crispiniano Quinones (a former commander of the 13th Brigade) by unidentified gunmen at La Vega, Cundinamarca department. According to the press, Geovanni and two other FARC members were killed shortly thereafter in a confrontation with police.

On March 25 and 26, at least 21 police officers and 8 civilians (including the mayor of Vigia del Fuerte and 2 children) were killed when the FARC overran the twin towns of Vigia del Fuerte, Antioquia department, and Bellavista, Choco department. The FARC held captive at least seven more police officers. The FARC tortured many of the policemen before killing them outside of combat. In April the authorities issued an arrest warrant for FARC member Luis Fernando Zapata Hinestroza.

In May six men who participated in roadblocks protesting a possible demilitarized zone for the ELN in southern Bolivar and Antioquia departments were killed in the Magdalena Medio region. The ELN was suspected of the killings.

On May 7, FARC guerrillas attacked a public bus in Gigante, Huila department, with an explosive device; the driver lost control and hit a tree. FARC members shot at the occupants of the bus and burned the vehicle; four occupants were still inside when the bus was set on fire and are presumed dead.

In June the FARC massacred at least 11 civilians at Nutibara, Antioquia department, and injured 15 other persons. The army's 14th Brigade responded to this and other FARC attacks, reportedly killing 14 guerrillas.

On July 10, in Huila department, two unidentified gunmen killed General Saulo Gil Ramirez, former Director of the National Police from 1958-65. The press speculated that guerrillas were responsible for the killing.

On July 1, 1 person was killed and approximately 40 were wounded when several explosive devices exploded at the El Valle police command in Cali. Authorities attributed the explosion to subversive groups. On the same day, ELN guerrillas attacked the police's Simon Bolivar Carabineer Academy in southwestern Cali.

On July 14, the FARC entered the town of Roncesvalles in Tolima department and killed 13 policemen (see Section 1.g.).

An August offensive by the FARC resulted in the deaths of more than 20 civilians and military personnel.

In August FARC guerrillas killed secretary general of Rio Blanco Milciades Luis Garabito after accusing him of paramilitary ties.

According to press reports, also in August an ELN guerrilla squad tortured and killed eight residents of Sardinita, including one child and one teacher.

In early October, the FARC attacked the remote village of Ortega and killed eight persons, including two women and two children. The guerrillas also burned 20 homes, a school, and a church.

On October 18, guerrillas attacked Bagado and Dabeiba in the Choco department, killing 1 police officer; 17 were missing. Much of Bagado was destroyed.

On November 23, suspected guerrillas killed 12 persons in Santander de Quilichao, Cauca department. At least some of the victims reportedly were linked to paramilitary groups. Two women were injured. Also on November 23, FARC guerrillas killed nine peasants suspected of collaborating with paramilitary groups in Antioquia department.

Investigations into reported killings by FARC members within and on the periphery of the demilitarized zone continued. On December 29, congressional peace commission chairman Diego Turbay Cote, his mother councilwoman Ines Cote, and five other persons were killed in Caqueta department (near the FARC demilitarized zone). The killings placed the future of the peace process in doubt as the Prosecutor General, army, and police alleged that the FARC were responsible. There was no reported progress in the Prosecutor General's investigation into the May 1999 killings in Vereda Perlas Altas, Puerto Rico, Caqueta department. According to press reports, the FARC have executed approximately 20 residents in the despeje zone.

Guerrillas killed citizens using bombs and artillery and continued their practice of using gas canisters to attack small towns, thereby killing civilians indiscriminately (see Section 1.g.).

On May 1, FARC spokesman Raul Reyes said that a FARC "revolutionary tribunal" exonerated FARC eastern bloc commander German Briceno Suarez ("Grannobles") of involvement in the March 1999 killings of kidnapped American cit-

izen indigenous activists Terence Freitas, Lahe'ena'e Gay, and Ingrid Washinawatok near Saravena, Arauca department. In July 1999, the Prosecutor General's office ordered the arrest of Briceno; army efforts to apprehend him and other FARC members accused of the crime had not been successful at year's end. Reyes said that investigations of other FARC members suspected of the killings would continue. In September the Prosecutor General's office sought to question Nelson Vargas Ruedas, a FARC guerrilla imprisoned in Bogota, for information about the crime. U'wa tribe member Gustavo Bocota Aguablanca, who also was indicted for the crime in December 1999, was still at large at year's end. The investigation of the case continued at year's end.

In December a Medellin court ruled that Wilson Eusebio Garcia Ramirez, commander of the ELN's "Carlos Alirio Buitrago" front, should be tried in absentia for the September 1998 killings of CTI members Edilbrando Roa Lopez and John Morales Patino at Mesopotamia, Antioquia. The two had been investigating a 1998 massacre of nine persons at the nearby town of Sonson.

At year's end, the authorities had not yet captured two members of the FARC's 32nd Front, including Arley Leal and Milton de Jesus Tonal Redondo ("Joaquin Gomez" or "Usurriaga"), head of the FARC's southern bloc, in connection with the September 1998 murder of Father Alcides Jimenez in Putumayo.

The Ministry of Defense reported that security forces killed 970 guerrillas and captured 1,556 guerrillas during the year. The Prosecutor General's office reported that at year's end, it had open investigations of 353 guerrillas, had 53 guerrillas in custody, and had 252 warrants for the arrest of guerrilla leaders.

Approximately 80 cases regarding Colombia were before the InterAmerican Commission on Human Rights (IACHR) at year's end. The great majority involved violations of the right to life. At year's end, the IACHR was expected to make a decision about whether to move a case involving paramilitary and military involvement in the 1996 killing of 19 merchants to the InterAmerican Court of Human Rights.

The IACHR continued the process of trying to reach an amicable settlement of the Patriotic Union's 1996 complaint charging the Government with "action or omission" in what the UP termed "political genocide" of the UP and the Communist Party. As part of the process, since June the Government has provided protection through the Interior Ministry to surviving UP and Communist Party members. Despite these efforts, at least two UP members reportedly were killed during the year.

There continued to be incidents of social cleansing—including attacks and killings—directed against individuals deemed socially undesirable, such as drug addicts, prostitutes, transvestites, homosexuals, beggars, and street children. The Colombian Commission of Jurists did not attribute any social cleansing killings to security forces during the period from October 1999 through March; it attributed 118 social cleansing killings to paramilitary groups and 2 such killings during this period to the guerrillas.

b. Disappearance.—The 1991 Constitution and the law explicitly prohibit "forced disappearance;" however, it continued to be a problem. On May 30, Congress codified forced disappearance, genocide, torture, and forced displacement as crimes, permitting such cases to be tried in the civilian judiciary. On July 6, President Pastrana signed the law, and it entered into effect immediately. Human rights activists noted that the final law did not include a draft article stipulating that the four crimes, as serious human rights violations, must be tried in the civilian, rather than the military judiciary, when military defendants are involved, according to a 1997 Constitutional Court decision. However, advocates of the bill noted that the reformed Military Penal Code, which entered into effect August 12, did include such a stipulation. More than 3,000 cases of forced disappearance have been reported formally to the authorities since 1977; very few have ever been resolved. Many of the victims disappeared in the course of various confrontations between armed groups or with the State. The great majority of victims of forced disappearance were never seen or heard from again.

The Attorney General's office, which oversees the performance of all public sector employees, received 78 complaints related to massacres and forced disappearances during the year; approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia and southern Bolivar departments); the other 25 percent implicated police or DAS officials. A report of three persons who allegedly disappeared due to actions by the army has not been confirmed.

There were no reported results from the trial in a civilian court of police Major Manuel de Jesus Lozada Plazas, the former deputy commander of the Government's elite antiskidnaping squads known as the GAULA, at year's end. The authorities had suspended him from duty and placed him on half-pay following his arrest in March 1997. There also have been no results reported in the investigation into cooperation between these squads and illegal paramilitary groups.

In May the Prosecutor General indicted retired Colonel Gonzalo Gil Rojas, former commander of the 20th Brigade, for responsibility in the 1989 kidnaping of Amparo Tordecillo Trujillo, a former EPL member; in December the charges were dismissed. The Prosecutor General also indicted in absentia former 20th Brigade members retired Captain Mario Raul Rodriguez Reynoso and three noncommissioned officers; they remained at large at year's end.

The law prohibits kidnaping; however, it remained an extremely serious problem. Reforms to the Penal Code enacted in June increased the minimum sentence for simple kidnaping from 6 to 8 years; the maximum is 20 years. Police figures for the year, corroborated by Free Country Foundation (Fundacion Pais Libre), registered 3,706 kidnapings during the year, compared with 3,201 in 1999. Paramilitary groups kidnaped 280 persons, while criminals kidnaped 371 persons and another 944 persons were kidnaped by unknown persons or groups. Guerrilla groups were responsible for 2,104 cases. An estimated 164 minors were in captivity at year's end. GAULA members and other units of the security forces freed 507 persons during the year (including at least 48 children); 285 of the rescued victims were held by the ELN, 82 by the FARC, 44 by the EPL (Popular Liberation Army), and the remaining 96 by either paramilitary groups or common criminals. The GAULA reported that 173 people died in captivity during the year, a 33 percent increase over 1999. Arrests or prosecutions in any kidnaping cases were rare.

The Colombian Commission of Jurists attributed 145 forced disappearances to paramilitaries in the period from October 1999 through March. In many instances persons kidnaped by paramilitary groups later were found dead.

On March 9, a paramilitary group led by Jhon Jairo Esquivel Cuadrado kidnaped seven members of the CTI at Minguillo, Cesar department. Esquivel was captured in July and remained detained pending formal charges at year's end. There were no indications that the abducted investigators were still alive.

In May paramilitary forces kidnaped and raped journalist Jineth Bedoya (see Section 2.a.).

On June 19, Carlos Castano's AUC paramilitary group kidnaped Antioquia Deputy Guillermo Leon Valencia Cossio, brother of the Government's negotiator in the peace process with the FARC, Fabio Valencia Cossio, but released him on June 23.

In October the AUC paramilitary group kidnaped seven members of Congress, including former Senate President Miguel Pineda and Zulema Jattin, a member of a congressional peace commission, and demanded that the AUC be consulted in the peace process. The Government refused to open discussions with the AUC, but Interior Minister Humberto de la Calle negotiated the hostages' release with Castano.

Kidnaping continued to be an unambiguous, standing policy and major source of revenue for both the FARC and ELN. In April the FARC announced "Law 002," which required persons with more than \$1 million in assets to volunteer payment to the FARC or risk detention. According to Pais Libre, politicians, cattlemen, children, and businessmen were guerrillas' preferred victims. The FARC often purchased victims kidnaped by common criminals; the FARC then negotiated ransom payments with the family.

On March 22, the FARC kidnaped 9-year-old Clara Oliva Pantoja and did not release her until December 19. On April 7, the FARC kidnaped 3-year-old Andres Felipe Navas; he had not been released by year's end. Both children reportedly were held in the FARC demilitarized zone. Several released kidnaped victims claim that the FARC is holding more than 200 persons in the despeje zone.

In March the ELN kidnaped 25 electrical company workers at Guatape, Antioquia. The kidnapings were part of the ELN's campaign against the country's civilian electrical infrastructure.

On September 17, the ELN kidnaped over 50 patrons of Cali restaurants. Roughly a dozen were released within a few days. After combined negotiation and military pressure, the remaining survivors were released by November, although three had died while in captivity due to illness after lengthy forced marches while the kidnapers attempted to evade the army. Over the objections of the army commander in charge of rescue, the Government allowed the captors to remain free in return for release of the remaining hostages. Brigadier General Jaime Canal Alban, commander of the 3rd Brigade, resigned to express his disagreement with the Government's decision.

On November 28, unknown assailants kidnaped 18-year-old Juliana Villegas, daughter of the head of the National Association of Industrialists, a strong supporter of the peace process; guerrillas were suspected.

Guerrillas continued to kidnap political leaders. For example, in October the FARC kidnaped a gubernatorial candidate in northern Choco department, Senator Juan Mesa, and Antioquia assemblyman Alvaro Velasquez. The Federation of Colombian Municipalities reported that at least 20 mayors were kidnaped during the

year, nearly all by guerrilla groups. Many more unreported kidnappings of short duration may have been carried out. In response to this situation, some rural mayors fled to major cities, where they continued to conduct municipal business via telephone and facsimile. Guerrillas also kidnapped journalists (see Section 2.a.).

The FARC, the ELN, and other guerrilla groups regularly kidnapped foreign citizens throughout the year; some were released after weeks or months of captivity. For example, in July a representative of Doctors without Borders was kidnapped by a fringe guerrilla group and had not been heard from at year's end. In August the ELN captured and held 26 university professors and students, including several foreigners, for several days before releasing the group.

On April 8, the DAS captured ELN leader Ovidio Antonio Parra Cortes, who had been sought for his role in directing the May 1999 kidnapping of 174 persons from Cali's La Maria Catholic Church. The army's Third Brigade also arrested seven men believed to have helped carry out the La Maria hostage-taking.

By year's end, all of the 41 occupants of an airplane hijacked by the ELN in April 1999 had been released; 1 died in captivity in 1999 due to a lack of needed medications.

Despite government search efforts and continued pressure by the Government on the FARC to account for three American missionaries kidnapped by FARC guerrillas in January 1993, their whereabouts and condition remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and criminal law explicitly prohibit torture, as well as cruel, inhuman, or degrading treatment or punishment; however, police and military torture and mistreatment of detainees continued. On May 30, Congress codified torture as a crime (see Section 1.b.), and the reformed Military Penal Code directed that cases of torture involving military and police defendants be tried in the civilian, rather than the military, courts. The Attorney General's office, which only can sanction administratively or refer to the Prosecutor General's office those it finds guilty, did not sanction any security force members for torture during the year. Contrary to previous years, the Attorney General's office, which received 119 complaints of torture in 1998, did not receive any complaints of torture by state agents during the year. The Colombian Commission of Jurists reported one case in the period from October 1999 to March. During the first 9 months of the year, CINEP reported that 79 persons were injured by state forces. During the year, the Military High Court convicted 52 service members for causing injuries.

The Colombian Commission of Jurists reported that from October 1999 through March, 136 corpses of persons presumed killed by paramilitary forces showed signs of torture; there were 14 similar cases attributed to guerrillas; one case attributed to an unidentified unarmed group; and none by the State. Of victims who survived torture, the Commission attributed one case to public security forces and four cases to paramilitary groups. In March the Ministry of Defense reported that the Superior Military Tribunal convicted 53 service members for inflicting bodily injuries.

On March 10, a Bogota prosecutor issued an arrest warrant for four policemen for allegedly beating detainees Jorge Amilkar Murcia, Juan Antonio Rodriguez Ochoa, and a third unnamed victim, taking them to a bridge, and forcing them to jump. Rodriguez survived and reported the crime to the authorities; Murcia's body was never found.

According to Human Rights Watch, on June 18, troops from the Rebeiz Pizarro Battalion fired upon a car carrying six adults and two children; all occupants were wounded.

In December the Prosecutor General's human rights office indicted Colonel Jose Ancizar Molano Padilla (then-commander of the 2nd Marine infantry battalion), Captain Alvaro Hernando Moreno, Captain Rafael Garcia, Lieutenant Carlos Eduardo Jaramillo, and four noncommissioned officers for torturing 12 marines with asphyxiation and electric shocks in December 1995. The victims were tortured to determine the whereabouts of two lost assault rifles. Colonel Molano and his accused subordinates remained in detention and are expected to be tried in a civilian court. In December the Attorney General's office concluded its investigation of the same incident and ordered a 3-month suspension from duty for Colonel Molano. It also suspended Captain Moreno, Lieutenant Jaramillo, seven noncommissioned officers, and one private.

Four Venezuelans arrested in May 1999 in the course of a military antiguerrilla operation who subsequently claimed that the 3rd army Special Forces Battalion tortured and inflicted other cruel, inhuman, and degrading punishment against them were remanded to the custody of the Venezuelan Embassy and finally allowed to return to Venezuela. The Venezuelan Government also asked for an investigation in relation to five other persons who were with these four men at the time of their

capture. The bodies of two of these five persons subsequently were found in a river; the other three allegedly disappeared following the operation.

Paramilitary groups increasingly used threats both to intimidate opponents and to raise money. Letters demanding payment of a war tax and a threat to mark victims as a military target if they failed to pay were typical. In 1999 CINEP reported that nearly half of those threatened were public school teachers and that approximately half of all threat recipients were residents of Antioquia department.

Guerrilla groups also tortured and abused persons. The bodies of many persons detained and subsequently killed by guerrillas showed signs of torture and disfigurement. For example, one soldier captured by the FARC was subjected to several machete blows to the head until the entire left side of his head was destroyed. While he was still alive, his genitalia were cut off and acid was poured on his face. The military reported that another soldier and his brother were captured by the FARC while on a bus, subsequently were tortured and decapitated, and their heads were sent to their father inside a box. The Colombian Commission of Jurists reported 17 cases of torture by guerrillas during the period from October 1999 to March.

Guerrillas also routinely used threats, both to intimidate opponents and to raise money, and—like the paramilitary groups—sent letters demanding payments of a war tax, along with threats to make persons military targets. Guerrillas also killed, kidnapped, and threatened mayoral candidates (see Section 3).

According to press reports, in July explosive devices damaged three businesses in downtown Barrancabermeja, Santander department. The authorities stated that the ELN demanded that local businessmen attend a mandatory meeting and that the bombs were punishment against those who failed to attend. In April the FARC announced “Law 002,” which required persons with more than \$1 million in assets to volunteer payment to the FARC or risk detention. In August the FARC bombed as many as 13 businesses in Medellin in retaliation for nonpayment of a FARC-imposed “war tax.”

Prison conditions are harsh, especially for those prisoners without significant outside support. Severe overcrowding and dangerous sanitary and health conditions remained serious problems. In December 1997, a visiting IACHR mission declared that the living conditions in Bogota’s La Picota prison constituted “cruel, inhuman, and degrading treatment of the inmates,” and these problems continue. Prison guards from the INPEC report to the Ministry of Justice. There are approximately 7,000 prison guards. Guards and prison staff frequently are untrained or corrupt. In response to what was called a “disciplinary emergency,” INPEC’s disciplinary office reported in September that it had removed 159 prison guards and was investigating 651 INPEC officials for irregularities in performing their duties. Prisoners are suspected of killing or ordering the killing of 22 guards in 1999.

According to the Committee for Solidarity with Political Prisoners, a majority of prisoners’ food was provided by outside, private sources. In 1999 INPEC reported that the daily food allowance for each prisoner was \$1.44 (2,700 pesos). According to INPEC, the country’s prisons and jails held approximately 50,702 inmates at year’s end, significantly more than their capacity of 31,000 persons. The addition of a new prison in Valledupar, Cesar department, and the renovation of other facilities added 3,000 spaces over the past 3 years but was offset by an increase of approximately 10,000 prisoners over the same period. According to the Ministry of Defense, 20 percent of the country’s inmates are in the 10 most crowded prisons, which have an average occupancy rate of 200 percent. In a number of the largest prisons, overcrowding was severe. Medellin’s Bellavista prison, the country’s largest, was built to house 1,800 inmates; at year’s end, it housed 6,575 inmates. Bogota’s La Modelo prison had a 169 percent occupancy rate, and the Palmira prison outside Cali held 192 percent above its planned capacity.

In February the Justice Ministry announced a plan to renovate prisons and build 11 other new prisons over the next 3 years, expanding prison capacity by 18,000 persons. In July Congress approved the financing of the remaining announced facilities. Only 8,000 prisoner accommodations met international standards. A total of 17.8 percent of the country’s prisons were between 40 and 80 years old, 3.5 percent were between 80 and 201 years old, and 2.4 percent were more than 201 years old.

In November approximately 12,000 women and children, who were visitors to the prisons, protested prison conditions by spending 72 hours inside 7 prisons, including Bogota’s La Modelo. The Government negotiated with inmate representatives and human rights NGO’s to ensure the peaceful exit of the protesters by agreeing to convoke the National Roundtable on Penitentiary Work, an intersectoral commission that includes inmate representatives, in December.

An estimated 42 percent of all prison inmates are pretrial detainees. The remaining 58 percent are split roughly between those appealing their convictions and those who have exhausted their appeals and are serving out their terms. There are no

separate facilities for pretrial detainees and convicted prisoners. According to the Ministry of Defense, 4,145 persons (8 percent of inmates) are in pretrial detention in police stations. Despite an August 1999 Constitutional Court ruling which obligated the transfer of detainees from overcrowded police station holding cells to prisons, Bogota's 21 police stations still hold 1,657 prisoners awaiting transfer to prisons.

Local or regional military and jail commanders did not always prepare mandatory detention registers or follow notification procedures; as a result, precise accounting for every detainee was not always possible.

There are separate prison facilities for women, and in some parts of the country, separate women's prisons exist. Conditions at women's prisons are similar to those at men's prisons but are far less violent. According to the Criminal Procedures Code, no one under the age of 18 may be held in a prison. Juveniles are held in separate facilities operated by the Colombian Institute for Family Welfare (ICBF).

The reformed Penal Code requires sentences of 3 to 6 years for prison escapes. Escapes from prison continued to be a problem. There were six major riots in prisons. On February 3, six prisoners were killed and two were wounded during a confrontation between members of paramilitary groups and guerrillas at Bogota's La Picota Prison.

In April members of paramilitary groups and guerrillas engaged in a 12-hour battle inside Bogota's La Modelo prison, ending a 2-month truce, and employed a wide variety of firearms and other weapons. Thirty-two inmates were killed, and 35 were wounded. In response, 1,200 members of the National Police entered La Modelo prison to retake control. Among prohibited items found were cellular telephones, handguns, shotguns, assault rifles, hand grenades, explosives, dogs trained to attack, illicit drugs, and alcohol. Police found a sauna and gym in a FARC commander's cell and also discovered a working brothel. Authorities brought a variety of charges, including homicide and rape, against 20 prisoners. In July Jorge Ospina Trujillo, reportedly a member of a paramilitary group, escaped from the Bellavista prison in Medellin, Antioquia department. According to the authorities, Ospina was one of the prisoners responsible for the April massacre in La Modelo prison in Bogota.

Guerrillas launched several attacks against prisons holding guerrilla prisoners, facilitating numerous escapes. For example, during its April 2-3 offensive, the ELN attacked a prison at Cucuta, Norte de Santander department, initiating the attack with a car bomb. Some 75 prisoners, including approximately 50 ELN and FARC guerrillas, escaped. Four prisoners were killed and four prisoners were wounded in the fighting.

Key narcotics traffickers and some guerrilla leaders obtain cells with many comforts, some of which—such as access to two-way radios, cellular telephones, and computers—allowed them to continue their illegal activities from inside jail. In July the authorities dismantled a sophisticated telecommunications center in the district and Picalena prisons in Ibague, Tolima, department. Fortysix prisoners between the 2 prisons used cellular telephones to extort money or negotiate ransom. To prevent this type of activity, on July 27, President Pastrana announced that he would issue a resolution making it mandatory for telephone companies to provide caller identification service to all customers.

The International Committee of the Red Cross (ICRC) continued to have routine access to most prisons and police and military detention centers.

The ICRC continues to have ad hoc access to civilians held by paramilitary groups and guerrilla forces. However, it has not been granted access to members of the police or military who are held by guerrilla groups.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution includes several provisions designed to prevent illegal detention; however, there continued to be instances in which the authorities arrested or detained citizens arbitrarily.

The law prohibits incommunicado detention. Anyone held in preventive detention must be brought before a prosecutor within 36 hours to determine the legality of the detention. The prosecutor must then act upon that petition within 36 hours of its submission. Despite these legal protections, instances of arbitrary detention continued.

Conditional pretrial release is available under certain circumstances, for example, in connection with minor offenses or after unduly lengthy amounts of time in preventive detention. It is not available in cases of serious crimes, such as homicide or terrorism.

Guerrillas, particularly the FARC, pressed the Government and Congress to adopt a permanent prisoner exchange law. Initiating regular prisoner exchanges remained a top guerrilla priority and featured prominently in the FARC's negotiating points at the peace talks. Neither the Congress nor the Government attempted to pass

such legislation, and there was minimal popular support for it during much of the year. On September 27, the Attorney General proposed the implementation of an existing law that allows for the exchange of prisoners during armed conflict. In October the public debate on prisoner exchange revived when photographs emerged of 261 police and military hostages being held in outdoor fenced enclosures. The U.N. High Commissioner for Human Rights (UNHCHR) expressed deep concern for the well-being of the hostages and called on the FARC to permit ICRC access. At year's end, 527 soldiers and police are presumed held by the FARC and ELN, and the ICRC had not been permitted access to them.

The Constitution prohibits exile, and forced exile is not practiced by the State. However, there were repeated instances of individuals pressured into self-exile for their personal safety. Such cases included persons from all walks of life, including politicians, human rights workers, slum-dwellers, business executives, farmers, and others. The threats came from various quarters: some individual members of the security forces, paramilitary groups, guerrilla groups, narcotics traffickers, other criminal elements, or combinations of the above.

e. Denial of Fair Public Trial.—The civilian judicial system, reorganized under the 1991 Constitution, is independent of the executive and legislative branches both in theory and in practice; however, the suborning or intimidation of judges, witnesses, and prosecutors by those indicted or involved is common. The Human Rights Ombudsman's office reported receipt of 773 complaints of denial of the right to due legal process during 1999, the most recent year for which statistics were available. The office received 1,353 complaints in 1998.

The judiciary includes the Constitutional Court, Supreme Court of Justice, and the Council of State, the Superior Judicial Council, and lower courts. The Prosecutor General's office is an independent prosecutorial body that brings criminal cases before the courts. Article 234 of the new Military Penal Code states that the Supreme Court (not the Superior Military Tribunal) has first instance jurisdiction in cases involving criminal acts by generals, admirals, major generals, vice-admirals, brigadier generals, rear admirals, and magistrates and prosecutors of the Superior Military Tribunal. Cases that already were in their trial phase by August 12, 1999, must continue under the old military penal code; however, this article applies to all cases brought to trial after that date, regardless of when the crime was committed. Article 234 also states the Supreme Court is the court of second instance review of rulings by the Superior Military Tribunal, effectively asserting the authority of the Supreme Court—a body composed entirely of civilian magistrates over the military judiciary. The Council of State is the appellate court for civil cases. The Constitutional Court adjudicates cases of constitutionality, reviews all decisions regarding writs of protection of fundamental rights ("tutelas"), and reviews all decisions regarding motions for cessation of judicial proceedings. Jurisdictional clashes among the Constitutional Court, Supreme Court of Justice, the Council of State, and the Superior Judicial Council were common, due to the lack of a single supreme judicial authority capable of deciding issues of jurisdiction or constitutional interpretation.

The CSJ, which oversees the administration of the judiciary, also has the responsibility of determining whether individual cases involving members of the security forces are to be tried in civilian or military courts. On August 17, President Pastrana issued a directive to the armed forces and the police that stated that the new Military Penal Code "excludes from military criminal jurisdiction the crimes of genocide, torture, and forced disappearance" and that "acts against humanity do not fall under the jurisdiction of the military courts." The directive also "raises to the category of law" a 1997 Constitutional Court decision that serious human rights violations and other crimes not directly related to acts of service must be tried by civilian courts.

On April 6, the Constitutional Court overturned much of the 1999 law that had created the specialized jurisdiction (which had replaced the anonymous ("faceless") regional courts system on July 1, 1999). The Constitutional Court found that defendants have the right to know the identity of their accusers and that elements of the law that permitted some prosecutors and witnesses to remain anonymous under exceptionally dangerous circumstances were unconstitutional. The Court ruled that specialized jurisdiction judges and prosecutors no longer could transfer cases to other colleagues when they believed their own security to be at risk. The Court also ruled that persons detained for any of the crimes designated in the legislation may request to be confined in their homes and may request special permission to go to work, as is the case in the regular civilian judiciary. The Court permanently closed the appeals court for the specialized jurisdiction. The remaining first instance specialized jurisdiction courts continued to have responsibility for trying certain crimes, including crimes of kidnapping, hijacking, paramilitarism, narcotics trafficking, money laundering, and human rights abuses. Specialized jurisdiction prosecutors

still are permitted 12 months to investigate and develop cases, rather than the 6 months afforded to regular civilian judiciary prosecutors.

As part of the Ministry of Defense, the military judiciary falls under the executive branch, rather than under the judicial branch. The armed forces commander is also the president of the military judiciary. The workings of the military judiciary lack transparency and accountability, contributing to a generalized lack of confidence in the system's ability to bring human rights abusers to justice. On August 12, a new Military Penal Code replaced the outdated one, which predated the 1991 Constitution and did not contemplate some contemporary crimes. (President Pastrana signed it into law in August 1999.) The Constitutional Court ruled that no implementing legislation was needed and instructed the Ministry of Defense to implement the new Military Penal Code. Provisions of the new code include the following: unit commanders no longer may judge their subordinates; an independent military judicial corps is to be created; and service members are to be protected legally if they refuse to carry out illegal orders to commit human rights abuses. The reformed code states that torture, genocide, and forced disappearance could never be related to "acts of service," which is the constitutional standard for trying crimes in the military judiciary, and stipulates that these crimes therefore always must be tried in the civilian judiciary (see Sections 1.a. and 1.b.). The reformed Military Penal Code also gives representatives of the civilian judiciary the right to be present at military trials of military personnel.

The new military justice system is composed of magistrates of the Military Court of Appeals, lower military court judges, investigating judges, prosecutors, and judge advocates (*auditor de guerra*) at the General Inspector, division, and brigade levels. Brigadier General Jairo Pineda was appointed to head the Executive Directorate of the military penal justice system and is to report directly to the Minister of Defense, a civilian. Military prosecutors report to Brigadier General Pineda, not to unit commanders as under the previous system.

According to press reports, on August 16, the Military Penal Tribunal appointed its first three prosecutors as part of the new Military Penal Code. New prosecutors also were appointed for the military forces as a whole and one for each branch of the military and the police. On August 17, the prosecutors began to analyze and rule in military proceedings.

A 1997 Constitutional Court decision directed the military judicial system to relinquish to the civilian judiciary the investigation and prosecution of serious human rights violations and other alleged crimes not directly related to acts of service—the 1991 constitutional standard for determining whether a case should be tried by the military or civilian judiciary. The CSJ assigned most cases involving high-level military personnel to the military courts, where convictions in human rights-related cases were the rare exception. According to the 1991 Constitution, general-rank officers are to be tried by the Supreme Court; however, that provision was ignored in practice. No definitive court ruling has resolved various judicial interpretations of the provision; however, a majority of decisions appear to suggest that this provision applies only to full generals. The Court ruled that military justice was the exception to the general rule and that, in the case of doubt, jurisdiction should be assigned to the civilian system. In determining which alleged crimes were to be tried by military tribunals, the CSJ sometimes employed a broad definition of acts of service, thus ensuring that uniformed defendants of high rank, particularly the most senior, were tried in military tribunals. During the year, the CSJ assigned two key cases to civilian jurisdiction: the case against Major Clavijo and the Nydia Bautista case (see Section 1.a.). In addition, CSJ figures quoted by the Ministry of Defense indicated that, where conflicts of jurisdiction arose, the total number of cases assigned to military courts dropped from 50 percent in 1992 to approximately 15 percent in 2000, while cases assigned to civilian jurisdiction rose from 40 percent in 1992 to 60 percent over the same period.

According to figures released by the Ministry of Defense in December, since the 1997 Constitutional Court decision, the military judiciary has transferred 1,136 cases to the civilian judicial system; there was no information available as to how many of these cases dealt specifically with human rights abuses or violations of international humanitarian law, nor how many cases remained in the military judicial system. However, a March report by the Ministry of Defense reports that 41 percent of the cases transferred involved serious crimes such as homicide, torture, illegal detentions, and infliction of bodily injuries; the rest were common crimes. Out of the total of 1,307 police and military cases transferred, 496 cases were transferred during the year, 79 in 1999, 266 in 1998, 295 in 1997, and 171 cases were transferred on an unknown date. According to year-end report of the Ministry of Defense, the military judiciary during the year found 122 members guilty of violating

"human or fundamental rights." The average prison sentence was 58 months for homicide and 15 months for inflicting bodily injury.

The military judiciary demonstrated an increased willingness during the year to turn cases of military officers who were accused of human rights violations or criminal activities over to the civilian judiciary; however, such officers generally were of lower rank. A July CSJ ruling suggested that it considered itself bound by the Constitutional Court's 1997 decision that certain human rights violations could not be considered acts of service and therefore must be tried in civilian courts. Between January and November, 80 cases were transferred.

In October 1998, the CSJ had determined that Brigadier General Fernando Millan Perez's alleged organization of a paramilitary group constituted an act of service and therefore had turned General Millan's case over to the military judiciary for prosecution (see Section 1.a.). In reaching its decision, the CSJ had determined that it was not bound by the Constitutional Court's narrow 1997 interpretation of the 1991 constitutional standard of relation to acts of service. The CSJ's decision effectively ended the Prosecutor General's investigation into whether General Millan had provided weapons and intelligence to paramilitary groups in Santander department.

On September 14, President Pastrana signed 12 decrees to reform and strengthen the military. One decree provides for the separation from service of all uniformed members of the military regardless of their time in service, at the discretion of the top military commanders. Previously, the Minister of Defense could at his discretion separate from service only those who had served at least 15 years in the military. Other decrees establish three levels of misconduct and the crimes classified at each level. A total of 27 crimes are punishable with immediate dismissal; these include: Torture, forced disappearance, genocide, facilitating by any means the knowledge of protected information or access to classified documents without authorization, failure to enter into combat or to pursue the enemy having the capacity to do so, and retreating before the enemy or abandoning post without having used elements of defense that might be available. A higher-ranking officer such as a unit commander is granted initial authority to issue disciplinary sanctions. Those under investigation may be suspended for up to 90 days with half pay; those suspended may perform administrative duties. The decrees also state that in the event that another authority should be informed of crimes, the military must inform that authority and provide all relevant information to it. Another decree states that, with limited exceptions, any officer sentenced to prison by the military or the civilian justice system is to be separated from service.

On October 16, the military dismissed 388 members of the armed forces, including 89 officers. According to press reports, these included 2 lieutenant colonels and 15 majors. No information was available from the Ministry of Defense regarding the specific reasons for any of the dismissals, nor were their names announced; it was not known how many were dismissed due to allegations that they were responsible for human rights abuses or for collaborating with paramilitary groups in such abuses.

In cases in which military officers were tried, convicted, and sentenced for human rights violations, they generally did not serve prison terms but were confined to their bases or military police detention centers, as permitted by law. Military prisoners remain on active duty (and reduced pay) while in detention but are relieved from command responsibilities. In other cases members of the military can be suspended pending investigation, as occurred in the August Pueblo Rico killings (see Section 1.g.). Some perform administrative functions while in detention. Armed Forces Commander General Tapias cited a lack of adequate military prison facilities as a primary cause for escapes from military detention areas. For example, on March 14, suspected Casanare department paramilitary leader Humberto Caicedo Grosso escaped from military confinement at the 14th Brigade's headquarters. The authorities detained five brigade members for failing to stop Caicedo's escape.

The Constitution provides for a special criminal and civil jurisdiction within Indian territories based upon traditional community laws (see Section 5).

Judges have long been subject to threats and intimidation, particularly when dealing with cases involving members of the public security forces or of paramilitary, narcotics, and guerrilla organizations. Violent attacks against prosecutors and judges continued, and prosecutors, judges, and defense attorneys continued to be subjected to threats and acts of violence. On April 3, specialized jurisdiction prosecutor Margarita Maria Pulgarin Trujillo was killed in Medellin; AUC members were the prime suspects in her killing. Prosecutors reported that potential witnesses in major cases often lacked faith in the Government's ability to protect their anonymity and were thus unwilling to testify, ruining chances for successful prosecutions. In June Congress approved Penal Code and Penal Procedural Code reforms

that created a number of new crimes such as genocide (see Section 1.b.), but reduced the sentences for a number of serious crimes, including kidnaping and extortion, and the amount of time served necessary for parole. The new Penal Code and Procedural Code are scheduled to go into effect in 2001. It still was difficult for defense attorneys to impeach or cross-examine anonymous witnesses, and often the defense attorneys did not have unimpeded access to the State's evidence.

The Attorney General's office investigates misconduct by public officials, including members of the military and police. The Attorney General's office can draw upon a nationwide network of hundreds of government human rights investigators covering the country's 1,085 municipalities. The office received 78 complaints related to massacres and forced disappearances during the year. Approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia and southern Bolivar departments); the other 25 percent implicated police or DAS officials. Its constitutional mandate only provides for the imposition of administrative sanctions; it has no authority to bring criminal prosecutions or impose criminal sanctions but can refer all cases to the Prosecutor General's office for investigation. Contrary to previous years, the Attorney General's office referred all cases of human rights violations received during the year to the Prosecutor General for investigation. The Attorney General's office reported that the majority of these cases are investigated by the Prosecutor General's office.

In August a judge convicted of "corrupt practice" for her 1999 exoneration of billionaire emerald magnate Victor Carranza on charges of paramilitarism was released after serving less than half of her 46-month term. Carranza remained in prison due to his prior convictions for homicide and kidnaping.

The Supreme Court elects the Prosecutor General for a 4-year term, which does not coincide with that of the president, from a list of three candidates chosen by the President. The Prosecutor General is tasked with investigating criminal offenses and presenting evidence against the accused before the various judges and tribunals. However, this office retains significant judicial functions and, like other elements of the civilian judiciary, it is struggling to make the transition from a Napoleonic legal system to a mixed one that incorporates an adversarial aspect.

In an attempt to deal with impunity, the Prosecutor General in 1995 created a special human rights unit as part of the regional courts system. The unit has achieved significant results; as of November, its group of 30 anonymous prosecutors had handled 918 cases involving massacres, extrajudicial killings, kidnapings, and terrorism during the year. These prosecutors have issued arrest warrants against members of the security forces and of paramilitary, guerrilla, and drug trafficking organizations. The unit arrested 192 suspects during the year.

During the year, the human rights unit of the Prosecutor General's office investigated, indicted, or prosecuted 286 security force members, including at least 11 officers, on a variety of charges including homicide, torture, kidnaping, and sponsorship of paramilitary groups. The Attorney General's office and the security forces demonstrated a greater willingness to follow up with instructions that those ordered arrested be removed from their duties, denied the right to wear a uniform, or turned over to civilian judicial authorities. However, impunity continued to be very widespread.

The Constitution specifically provides for the right to due process. Judges determine the outcome of all trials; there are no jury trials. The accused is presumed innocent until proven guilty and has the right to representation by counsel, although representation for the indigenous and the indigent historically has been inadequate. In mid-1999, the CSJ's administrative chamber reported that the civilian judiciary suffered from a backlog of approximately 3,069,000 cases (including approximately 604,000 penal cases) and that there were approximately 338,000 outstanding arrest warrants. Approximately 223,000 writs for protection of fundamental rights ("tutelas") were before the Constitutional Court for its legally mandated review.

Defendants in trials conducted by the regular courts have the right to be present and the right to timely consultation with an attorney. Regular court defendants and their attorneys have the right to question, contradict, and confront witnesses against them, to present witnesses on their own behalf, and to have access to government evidence relevant to the case. The country's judiciaries, including regular civilian, specialized jurisdiction, and military, continue to be overwhelmingly Napoleonic in character; everything is processed in writing. Public trials are still rare, and there are no juries; however, cross-examination of witnesses does occur. Defendants also have the right to appeal a conviction to a higher court.

In addition to providing public defense attorneys in criminal cases, the Human Rights Ombudsman's 34 departmental and regional offices throughout the country provide a legal channel for thousands of complaints and allegations of human rights

violations. However, in practice, the Ombudsman's operations are underfunded and understaffed, slowing its development of a credible public defender system.

Within the FARC-controlled despeje zone, local FARC leaders effectively supplanted judicial authorities and declared the establishment of an alternative, FARC-run "justice system." Residents of the zone regularly were denied the right to a fair trial. In the face of FARC intimidation, all elements of the civilian judiciary fled the zone. In 1999 Prosecutor General Alfonso Gomez Mendez publicly said that they would return only "when accompanied by the security forces." In September the FARC gave haven to a FARC guerrilla who had hijacked an airplane and refused to release him to government authorities. Continuing concern about arbitrary FARC justice in the zone led the authorities to stress that governmental justice must be present.

The Government states that it does not hold political prisoners. The ICRC reported that it monitored approximately 3,900 cases of imprisoned citizens accused of terrorism, rebellion, or aiding and abetting the insurgency, which are crimes punishable under law.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for the protection of these rights; however, at times the authorities infringed upon them. The law generally requires a judicial order signed by a prosecutor for the authorities to enter a private home, except in cases of hot pursuit. The Ministry of Defense continued training public security forces in legal search procedures that comply with constitutional and human rights. Due to intimidation, corruption, or the absence of evidentiary proof collected directly by prosecutors, guerrilla suspects captured by the security forces in or out of combat and turned over to the judicial authorities routinely were set free.

A judicial order or the approval of a prosecuting attorney is required to authorize the interception of mail or the monitoring of either landline or cellular telephones. This protection extends to prisoners held in jails. However, various state authorities sometimes monitored telephones without obtaining prior authorization. There were unconfirmed reports by some human rights groups that members of the security forces subjected them to surveillance, harassment, or threats.

A preliminary investigation begun by the Prosecutor General's anticorruption unit in December 1999 determined that elements of the Administrative Department of Security had engaged in illegal wiretapping in Bogota over the course of several years. As of April, eight DAS officers were in custody, and another officer was sought. Having found sufficient evidence, on June 20, the Prosecutor General opened a formal investigation. This was the first instance in which the Prosecutor General pressed charges against a state entity for interference with privacy. The investigation continued at year's end.

Guerrillas also used wiretaps and accessed bank accounts of citizens at roadblocks in order to select kidnap victims.

There are some child soldiers among the paramilitary groups, who were recruited forcibly (see Sections 1.g. and 5).

Guerrillas regularly forcibly recruited children and indigenous people to serve as soldiers (see Sections 1.g and 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The internal armed conflict and narcotics trafficking are the central causes of violations of human rights and international humanitarian law. Government security forces at times violated international humanitarian law and continued to commit serious human rights abuses, although the great majority of serious abuses were committed by paramilitary groups and guerrillas.

In October the ICRC suspended evacuations of wounded combatants after the murder of a wounded guerrilla by paramilitary forces near Apartado, Uraba region, Antioquia department, and of a wounded member of a paramilitary group by guerrillas in Putumayo. In both cases the victims forcibly were taken from ICRC vehicles. The ICRC resumed medical evacuations of combatants in December.

On February 24, the Government announced the creation of an interagency intelligence committee, chaired by the Minister of Defense and including members of the police, the Prosecutor General's office, the Attorney General's office, and the DAS, to improve the State's ability to track down and engage or capture members of paramilitary groups. However, at year's end there was little tangible evidence that the committee was functioning.

The ICRC reported that the Government, including military authorities, followed an open-door policy toward the ICRC and readily incorporated Red Cross curriculums on international humanitarian law in standard military training. However, impunity remains a problem. According to military sources, local commanders typically preferred to transfer or discharge soldiers accused of serious human rights violations, rather than initiate legal proceedings. On May 30, Congress passed legislation

that codified forced displacement as a crime and provided for sentences of between 15 and 40 years' imprisonment; the legislation also codified genocide and forced disappearance as crimes (see Section 1.b). Departing from the historical, internationally accepted definition of genocide, and in response to the killings of thousands of members of the Patriotic Union leftist coalition (see Section 1.a.), the law codified "political genocide" as a crime. However, it stipulated that political genocide could be committed only against members of legally constituted (i.e., nonguerrilla) groups.

On August 15, an army unit of 30 soldiers operating near Pueblo Rico, Antioquia, mistook a party of schoolchildren for a guerrilla unit and opened fire, killing 6 children between the ages of 6 and 10, and wounding 6 others. According to press interviews, the soldiers did not realize at the time that the persons that they were shooting were children. On September 28, a military justice panel provisionally disassociated 14 of the soldiers and allowed them to return to duty. The remaining 16 soldiers, including patrol commander Sergeant Jorge Enrique Mina Gonzalez, remained under investigation at year's end. On December 22, the Attorney General charged Sergeant Mina, and corporals Avilio Pena Tovar and Ancizar Lopez, stating that the three confused a 15-year-old girl in the group with a guerrilla but that they willfully used indiscriminate force. The Attorney General's office exonerated the other 27 soldiers involved in the incident. The Prosecutor General's office determined that the act was unintentional harm caused in the course of duty and referred the case to the military justice system, where it remained at year's end.

In May the human rights unit of the Prosecutor General's office recommended that the air force reopen its investigation into the December 1998 Santo Domingo, Arauca department, incident in which an air force helicopter was accused of bombing civilians in the course of combat with the FARC. A total of 19 civilians were killed, and 25 others were wounded. The Prosecutor General's office based its recommendation on new evidence after the office subpoenaed three helicopter crew members and obtained an analysis of metal shards. An air force commander reportedly charged the FARC with planting shards at the scene. In December the air force revisited the zone prior to making a decision on whether to open formally an investigation. In November the Attorney General's office charged air force lieutenants Johan Jimenez Valencia and Cesar Romero Pradilla (the pilot and copilot of the helicopter) and flight technician Hector Mario Hernandez Acosta with indiscriminate use of force.

According to the Independent Advisory Committee for Human Rights and Displacements (CODHES), 317,340 displacements of civilians from their homes occurred during the year; government sources estimate that 125,000 persons were displaced. (Exact numbers of displaced persons are difficult to obtain because some persons were displaced more than once, and many displaced persons do not register with the Government or other entities.) According to CODHES, approximately 288,000 displacements occurred during 1999. As many as 1 million citizens may have been displaced since 1996. The ICRC provided emergency assistance to 135,000 displaced persons during the year. An alliance of human rights, religious, and aid organizations stated that an estimated 2 million persons had been displaced by political violence since 1985. CODHES states that some persons have been displaced for as long as 10 years, but it is unable to identify a typical timeframe for displacement. Some persons return to their homes within days or weeks, others within months, and some never return. Some displaced persons move several times after fleeing their original home, making tracking difficult. The Government does not consider persons to be displaced after 2 years. CODHES estimated that perhaps 65 percent of displacements became permanent. In an attempt to determine the true scope of the problem, the Government, in cooperation with the U.N. High Commissioner for Refugees (UNHCR), developed a computerized system for collecting data on the displaced and estimating total numbers.

The vast majority of displaced persons are peasants who have been displaced to cities, which have had difficulty integrating large numbers of persons into their infrastructure. According to CODHES, in 1999 approximately 53 percent of displaced persons were women and girls, 32 percent of displaced households were headed by women, and 70 percent of the displaced population were children. The Human Rights Ombudsman's office reported that only 15 percent of displaced children have access to schools. Many displaced persons settle on the outskirts of Bogota, Medellin, and Cartagena, where conditions are overcrowded and unsanitary, and smaller municipalities have been overwhelmed by the need for services. Malnutrition among displaced children is a problem. Many displaced persons lost access to health care, employment, and education (see Section 5). CODHES estimates that only 34 percent of displaced households have access to health services. According to the UNHCR, approximately one-third of displaced persons are indigenous people or blacks; these groups represent only 11 percent of the population. In 1999 the office

of the U.N. Commission on Human Rights received reports of threats and attacks against displaced communities and their leaders; threats against individuals and groups working with the displaced increased in 1999, especially in the regions of Magdalena Medio and Uraba.

Both paramilitary groups and guerrillas used forced displacements to gain control over disputed territories and to weaken their opponents' base of support. In some cases, entire towns were abandoned after paramilitary or guerrilla attacks. The authorities sometimes encouraged civilian populations to move back to their homes before security situations had normalized.

The Government's response to the needs of the displaced population continued to be inadequate. The Government has no systematic program or budget to make adequate provisions for humanitarian assistance to the displaced, although it is required by law and court decisions to do so. Conditions at the Government's two camps for displaced persons in Uraba, at Pavarando and Turbo, were poor and unhygienic; health care remained poor, and there were few educational or employment opportunities. However, conditions at a temporary government shelter for displaced persons at the stadium at Cucuta, Norte de Santander department, were much better. The Government provides assistance through the Solidarity Network, the ICBF, the Health Ministry, and other state entities. The Solidarity Network was neither designed nor prepared for emergency humanitarian assistance work, and it usually provided such assistance only to refugees returning to the country. In March 1999, the Government estimated that the ICRC provided 70 percent of humanitarian assistance received by displaced persons. Private estimates were higher. Most displaced citizens receiving ICRC emergency humanitarian assistance received it for only 90 days. The Government also tries to limit assistance to 90 days; however, some displaced persons in the camps at Turbo and Pavarando, and in a stadium in Cucuta, received aid for a longer period. During the year, ICRC provided emergency assistance to 130,000 internally displaced persons.

Hundreds of displaced persons also fled to Panama, Ecuador, and Venezuela, where they often were denied refugee status, treated as illegal immigrants, and denied protection or assistance, and often were returned to Colombia. The UNHCR has an office in Bogota to address the problem and opened field offices in Barrancabermeja in 1999 and in San Jose de Apartado, Uraba and in Puerto Asis, Putumayo during the year.

On January 4, a group of internally displaced persons violently took over the ICRC's Bogota offices; they injured 3 local ICRC employees and detained 37 ICRC workers for 13 hours, then allowed most staff to leave the building. On February 22, such a group again forcibly detained members of the ICRC staff, a representative from the Attorney General's office, and two journalists for 9 hours. Also on that day, members of the same group tried to occupy the Bogota headquarters of the Social Solidarity Network; the police arrested them. In April the ICRC abandoned offices in Bogota that had been occupied by approximately 60 internally displaced persons since December 1999. Despite a December Constitutional Court ruling that the Government should assist the group, at year's end, the group still occupied the old ICRC premises.

According to the Vice President's office, there are more than 70,000 antipersonnel landmines in the country, located throughout 135 municipalities in 23 departments. Some 20,000 mines are maintained by the military to defend static positions. According to the International Campaign Against Mines, 63 persons were killed by mines in 1999. The Ministry of Defense reported that 10 military personnel were killed or wounded by antipersonnel mines during the first 7 months of the year. There is no generalized mine clearance program. However, in January the army deactivated 20 guerrilla landmines in southern Bolivar. Four civilians had been injured recently by landmines in the area. In August the military cleared two mine fields in Cundinamarca department. From 1998 to mid-2000, the Ministry of Defense reported that the military had cleared 120 FARC minefields and 39 ELN minefields.

The Human Rights Ombudsman's office reported continued violence against women, especially in war zones. It noted that most female victims in zones of conflict chose not to report the abuses they had suffered, in part due to a lack of confidence in the efficacy of governmental institutions to address their problems. The Ombudsman noted that female leaders of political and peasant organizations in the Uraba-Antioquia region were increasingly the targets of persecution, threats, torture, and executions. According to the Ombudsman's 1999-2000 report, intrafamilial violence, sexual assault, and murder of women remained serious problems throughout the country (see Section 5). More than 30 percent of FARC members are female.

Contrary to previous years, there were no reports during the year that the Government militarized public hospitals in conflict areas, which increased the risk that

the hospitals would become targets of guerrilla attack. In March the Constitutional Court ruled that state security forces could not maintain installations (such as police stations) next to schools, so as to not endanger the lives of students in case of guerrilla attack. The Ministry of Defense later announced a proposal to relocate police stations outside of city centers; however, this had not been implemented by year's end. In contrast to the previous year, there were no reports that the State refused medical treatment to guerrillas.

The many paramilitary groups are diverse in their motivations, structure, leadership, and ideology. The 1997 establishment of the United Self-Defense Groups of Colombia as a national umbrella organization was designed both to provide a national structure and to develop a more coherent political culture for the country's local and regional paramilitary groups. The AUC paramilitary umbrella group comprises an estimated 8,000 combatants, who are members of 7 major organizations. The largest of these organizations is the ACCU, which is based in Cordoba department and the Uraba region of Antioquia department. The AUC also has as many as 4,000 of its own combatants. Carlos Castano heads both the AUC and the ACCU. Although illegal, some paramilitary groups reflected rural citizens' legitimate desire to defend themselves from the guerrilla threat. Other groups were actually the paid, private armies of drug traffickers or large landowners. Many members of paramilitary groups are former security force members or former guerrillas. Some local army and police commanders tacitly tolerated—and sometimes aided and abetted—the activities of paramilitary groups, despite the public pronouncements of the Government and the public security forces high command that they intended to combat paramilitary violence. Elements of political and economic elites in these areas also supported paramilitary groups. The President, other government officials, the UNHCHR, and various NGO's noted increased popular support for paramilitary groups during the year. AUC leader Carlos Castano admitted publicly that his group receives funding from both legitimate businesses and from narcotics trafficking, and that the group is financed by "dominant businesses" in the regions in which it operates.

Paramilitary groups used selective killings and systemic massacres to force displacements and punish civilians for perceived ties to the guerrillas (see Section 1.a.). Paramilitary groups also launched several offensive campaigns characterized by a series of massacres linked by time or location.

The Fifth Brigade reported that in March troops of its 13th and 56th Battalions captured 25 suspected AUC members at San Rafael de Lebrija, Santander department. During the operation, the troops captured a significant amount of war material. Also in March, elements of the army's 46th Battalion, based at Tibu, Norte de Santander department, captured another three suspected members of paramilitary groups and killed one. One soldier was killed in the action. In February the National Police and the DAS captured north coast paramilitary chief Adan Rojas Ospino in Barranquilla, Atlantico department. Rojas, a key aid to AUC paramilitary chief Carlos Castano, was sought in connection with a series of massacres dating back to the 1980's, as well as to the 1994 killing of a congressman. On February 24, the DAS also announced the capture of Arnolando Segundo Meza de la Rosa, the alleged chief of intelligence and finance operations for the paramilitary fronts operating in Sucre and Bolivar departments. Additionally, the DAS announced the capture in Monteria, Cordoba department, of an ACCU paramilitary leader.

Paramilitary groups on occasion used landmines and sometimes forced underage combatants into their ranks. Paramilitary forces failed to respect the injured and medical personnel. For example, in November members of a paramilitary group reportedly killed a patient on an ambulance driving from Tibu to Cucuta, Norte de Santander department, and declared the Tibu hospital a "military objective," causing several support staff to flee. In late October, presumed members of a paramilitary group kidnaped the same hospital's director, who later was found dead. In late September, paramilitary forces in the Uraba region dragged a wounded FARC member from a Red Cross ambulance and shot and killed her. In early October, the FARC stopped a Red Cross ambulance carrying a wounded paramilitary member and killed him. In response, on October 4, the ICRC suspended all assistance to wounded combatants. The ICRC resumed evacuation of wounded combatants in late December.

Guerrilla organizations continued to pursue strategies that routinely led them to commit abuses against citizens. Their tactics consistently included killings, kidnapping, torture, targeting of civilian populations and installations, including medical facilities, and the forced recruitment of children as young as 10 years old. In response to President Pastrana's August 1999 call to all armed groups to obey international humanitarian law (the rules of war), the FARC responded that it would not abide by, and was not bound by, international humanitarian law.

Two main guerrilla armies, the FARC and the ELN, as well as the much smaller EPL and other groups, commanded an estimated total of between 11,000 and 17,000 full-time guerrillas operating in more than 100 semiautonomous groups throughout the country. These groups undertook armed actions in nearly 1,000 of the 1,085 municipalities. Both the FARC and the ELN systematically attacked noncombatants and violated citizens' rights through the use of tactics such as killings, forced disappearances, the mutilation of bodies, attacks on churches, attacks on hospitals, attacks on ambulances, and executions of patients in hospitals. Guerrilla groups also were responsible for multiple abuses of religious and medical personnel with protected status and of the wounded. Indiscriminate attacks on police stations resulted in high numbers of civilian casualties. Guerrillas also killed religious leaders (see Section 2.c.) and indigenous people (see Section 5).

Guerrillas used landmines both to defend static positions (such as base camps, cocaine laboratories, and sites at which kidnap victims were held) and as indiscriminate weapons of terror. According to the Vice President's office, the FARC and ELN have laid indiscriminately 50,000 mines in rural areas. Landmines planted by guerrillas or disguised as everyday items such as soccer balls or paint cans often resulted in the killing or maiming of civilian noncombatants; thousands of displaced persons were unable to return to their homes due to the presence of antipersonnel mines. According to press reports, guerrilla bases in the despeje zone are surrounded by landmines. The FARC used sulfuric acid in the gas canisters that it employed as artillery, and continued its practice of using these canisters to attack small towns. Scores of soldiers, police, and civilians were burned indiscriminately as a result. For example, on August 19, two girls aged 13 and 14 years old, were killed when FARC guerrillas threw an explosive device into a hardware store in El Carmen de Bolívar, Bolívar department. In mid-December, a 9-year-old girl died buried in rubble when a gas canister destroyed her home in San Alfonso, Huila department, during a FARC attack. A 15-year-old female guerrilla also was killed in combat during the same attack.

Although the ELN agreed to halt recruitment of children under the terms of the June 1998 Mainz "Heaven's Gate" agreement, both it and the larger FARC regularly forced children into their ranks (see Section 5). Once recruited, child guerrillas are virtual prisoners of their commanders and subject to various forms of abuse. Sexual abuse of girls is a particular problem, and former child guerrillas have testified to this in the press. According to one press report, the Roman Catholic Church documented one case of a 13-year-old girl who was recruited by the guerrillas and used for sex before a nun persuaded them to release her. Child soldiers, including girls, were seen in guerrilla ranks in the despeje, and reports from various sources indicate that the guerrillas recruited at least 120 minors in the despeje. In addition, many families reportedly left the despeje (or have been displaced from other regions) to escape forcible recruitment of their children. According to press reports, in April FARC military commander Jorge Briceño Suárez ("Mono Jojoy") admitted that the FARC often had committed serious abuses against civilians and that the FARC made regular use of child combatants.

Guerrilla-paramilitary violence left a string of civilian casualties in the wake of ongoing targeted or massive killings by both sides. For example, in Barrancabermeja paramilitary and guerrilla elements killed 160 persons during the first 6 months of the year, the highest total in 5 years for this area. On December 11, the army's Human Rights Office posted on placards in Bogotá's central square the names of 3,289 civilians, of whom 11,596 persons were killed by paramilitary groups, and 693 persons by guerrillas. The names of more than 200 children were listed.

The FARC staged many attacks against municipalities outside of the despeje, possibly in a de facto effort to expand the demilitarized zone. According to the Ministry of Defense, between January and October, 74 guerrilla attacks on towns left 3,515 civilians dead. On July 12, the FARC attacked four towns in Huila and Tolima departments, destroying police stations, churches, schools, businesses, and homes. Four FARC groups attacked Alpujarra in southern Tolima department, and Colombia, Timana, and Vegalarga in Huila department. The attacks left 4 civilians dead and more than 15 persons wounded. The FARC attacked Vegalarga again 8 days later. As a result, more than 2,000 persons from Vegalarga, Colombia, Algeciras, and other towns fled to Neiva, capital of Huila department. On July 14, the FARC entered the town of Roncesvalles, Tolima department, and killed 13 policemen. According to press reports, the FARC attacked the mayor's office, various commercial buildings, a dozen homes, and the police station. After the police ran out of ammunition defending the station, they were killed upon surrendering.

Ending its unilaterally declared Christmas truce, on January 12, the FARC attacked four towns in Narino department. The attackers destroyed police stations, town halls, and a water plant. The FARC killed three policemen and one civilian

and kidnaped three other civilians. During the course of the attacks, FARC members also stole an ambulance and bombed the Trans-Andean oil pipeline near Ipiales, causing an oil spill. On January 15, approximately 500 guerrillas attacked four different points along the Bogota-Villavicencio highway. In confrontations among the army, the National Police, and the FARC, at least five civilians and five security force members were killed. The army reported that it killed 44 FARC combatants in action. Also on January 15, four National Police stations in southern Bogota were destroyed; one 11-year-old girl was killed by a grenade, and seven other civilians were reported wounded. The National Police suspected that the FARC was responsible for the attacks. According to press reports, in January the ELN kidnaped 15 persons southwest of Cartagena and then reportedly used 8 of its victims as human shields in confrontations with the police and the marines. One 19-year-old woman was killed in the crossfire.

During a January attack on the town of El Castillo, Meta department, indiscriminate FARC use of homemade artillery resulted in the destruction of the town church, hospital, school, town hall, and at least 20 homes. Eight FARC guerrillas, all estimated to be between the ages of 13 and 15, were killed during the attack. Nine civilians were killed, and four civilians were wounded.

On February 4, a car bomb in Puerto Asis, Putumayo department, killed 2 persons and wounded 10 other persons. On March 3, the FARC detonated a car bomb in the town square at Cachipay, Cundinamarca department; 3 civilians were killed and 19 were wounded. On March 30, the FARC detonated another bomb in front of the mayor's office in Cachipay, which killed 3 persons and wounded 20 others. On March 26, the FARC detonated another car bomb in the town square at Girardot, Cundinamarca department, killing 1 policeman and wounding 10 civilians. Many believed that the Girardot bombing was a FARC admonishment to local merchants who were late in making extortion payments. Other FARC car bombings in Cundinamarca department at Soacha (a southern neighborhood of Bogota) on February 24 and at Anapoima on January 16 caused property damage but did not result in any deaths.

During a March FARC artillery attack on the Medellin base of the army's Fourth Brigade, 2 civilians were killed and 18 injured when the FARC's gas cylinder-bombs exploded prematurely in a civilian neighborhood. A total of 45 homes and 2 civilian buildings were destroyed.

On July 29, approximately 400 members of the FARC guerrilla group attacked the town of Arboleda, Caldas department, killing 12 policemen and 4 civilians. The attack lasted for 2 days. Guerrillas detonated explosives in front of town buildings, including the police station and a church. Most of the village was damaged or destroyed.

On August 2, the FARC 14th front killed five hostages with shots to the head and left a sixth person for dead. The survivor, a farmer named Fernando Jimenez Hurtado, had been kidnaped in June in Caqueta department, south of the FARC demilitarized zone, and had been chained for 2 months to another hostage. He was forced to drag the victim's body almost 1 kilometer to the nearest police station. Jimenez Hurtado reported being held with 50 other kidnaped persons under poor conditions.

Antioquia police reported that, on November 18, the FARC killed 6 farmers who were former EPL guerrillas, burned 20 houses, and displaced 30 persons in a rural area of Frontino, west of Medellin. Unconfirmed reports indicated that another five persons may have disappeared.

From late September to early December, the FARC banned all road traffic in the southern department of Putumayo, following an offensive by paramilitary forces in the area of La Hormuga. The guerrillas' ban on road traffic, which was criticized by NGO's and local officials, led to severe shortages in food and medicine despite government efforts to fly in supplies and to secure key roads. The FARC also reportedly restricted the movement of ambulances.

According to the Federation of Colombian Municipalities, paramilitary and guerrilla attacks damaged or destroyed the installations of 64 municipal governments during the year, and paramilitary groups and guerrillas kidnaped 20 mayors and 18 mayoral candidates (see Sections 1.b. and 3).

The FARC committed numerous abuses against civilians in the despeje zone. The FARC was responsible for killings, alleged cases of forced disappearance, rape, arbitrary detention, infringement of the rights to free speech, freedom of religion (see Section 2.c.), and fair trial (see Section 1.e.), forced political indoctrination, and the forced recruitment of hundreds of children. According to press reports, the FARC has stated publicly that all persons between the ages of 13 and 60 in the despeje zone are liable for military service with the guerrillas; families fleeing the zone re-

ported that they were asked to surrender children to the FARC as of their 14th birthday.

Guerrillas, usually the ELN, destroyed 434 electrical pylons in the period from January 1999 to September 2000, causing massive damage to the country's power industry and increases in electricity rates for consumers. Guerrilla attacks on oil pipelines caused considerable environmental damage.

According to press reports in September, the ELN had held an internal trial of participants in the 1998 Machuca fireball incident in which over 80 persons were killed and 17 were injured as a result of an ELN pipeline bombing. According to the reports, the ELN claimed to have expelled guerrillas from its ranks for involvement in the crime.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press; and the Government generally respected this right in practice; however, journalists regularly practiced selfcensorship to avoid retaliation and harassment by various groups. The privately owned print media published a wide spectrum of political viewpoints and often voiced harsh antigovernment opinions without fear of reprisals. A ban on the publication of evidence pertaining to criminal investigations, based on the secrecy provisions of the Penal Code and an anticorruption statute, remained in effect. Journalists typically work in an atmosphere of threats and intimidation, primarily from paramilitary groups and guerrillas, which appeared to worsen during the year. Fearing for their safety, journalists often refrain from publishing or broadcasting stories counter to the interest of paramilitary groups, guerrillas, or narcotics traffickers.

In October 1999, the Organization of American States (OAS) Special Rapporteur for Freedom of Expression stated that the "press freedom situation in Colombia is a serious source of concern" and that, in addition to the killings of journalists, "Colombian journalists endure constant threats and intimidation."

The human rights unit of the Prosecutor General's office reported in November that it had 32 open cases involving murders, kidnappings, and threats against journalists. Twelve journalists were killed during the year, although not all of the killings could be attributed directly to the journalists' work.

On September 9, members of a paramilitary group murdered Carlos Jose Restrepo Rocha, the publisher of TanGente newspaper in Tolima, a municipal council candidate, and a former member of the now-inactive M-19 terrorist group. Ten men who identified themselves as members of a paramilitary group seized Restrepo during a community meeting in San Luis de Ibague, Tolima department, and Restrepo was found dead hours later, with paramilitary pamphlets placed on his body.

On November 15, unidentified assailants shot and killed local radio reporter Gustavo Rafael Ruiz Cantillo in the Pivijay municipality marketplace, Magdalena department. Many observers believe that he was killed by paramilitary forces, who reportedly have a strong presence in Pivijay; however, the FARC also are known to operate in the region. An investigation continued at year's end.

On November 30, unidentified assailants killed reporter Guillermo Leon Agudelo in his home in Florencia, Caqueta department. On December 13, two persons on a motorcycle shot and killed Alfredo Abad Lopez, director of the Voice of the Jungle radio station, a Caracol affiliate, as he left his home in Florencia, Caqueta department. The authorities formed a special investigative unit to establish whether the two murders are connected, and the Florencia mayor's office offered a \$10,000 reward for information leading to arrests in these cases.

In May 1999, the Prosecutor General's office created a new subdivision to handle investigations of crimes that targeted journalists. On May 3, investigations also produced arrest warrants against AUC leader Carlos Castano and three other persons who allegedly killed journalists Alberto Sanchez and Luis Alberto Rincon.

In July the Prosecutor General's Human Rights Unit indicted Rodolfo Nelson Rosado Hernandez (alias "El Pichi") and Jorge Eliecer Espinal Velasquez ("El Parce") in the September 1999 murder of newspaper editor Guzman Quintero Torres in Valledupar, Cesar department. The two have been in police custody since September 1999 and are thought to be members of a group of killers working for area paramilitary forces. Quintero's editorials had criticized state forces in the area, and he reportedly had been threatened before his death.

There was also progress in the investigation of murdered journalist Jaime Garzon (see Section 1.a.).

Guerrillas, primarily the ELN, were responsible for the kidnapping of 15 journalists during the year. Guerrillas abducted many of them to bear witness to crimes committed by paramilitary forces or to deliver messages to local authorities. Eleven journalists reported death threats during the year.

In January the FARC kidnaped journalist Guillermo "la Chiva" Cortes; in August security forces rescued him, along with six other hostages.

On May 25, Jineth Bedoya Lima, a reporter for the *El Espectador* newspaper, was kidnaped and raped over a period of 10 hours while on her way to interview a convicted paramilitary leader at the Modelo prison in Bogota. Two days prior to her kidnaping, *El Espectador* received threatening letters against her and other journalists. Carlos Castano, leader of the AUC paramilitary organization, denied that the AUC was involved in the kidnaping.

On December 16, the ELN reportedly kidnaped Caracol television journalist Winston Viracacha in Tumaco, Narino department. Viracacha had traveled with his cameraman and an assistant to meet members of the ELN's "Comuneros del Sur" front, who retained Viracacha but released his companions.

Thirteen journalists left the country during the year. In March Francisco "Pancho" Santos, editor of the family-run *El Tiempo*, the country's largest newspaper, and founder of the Pais Libre antikidnaping organization and the national "No More" antiviolence civic campaign, fled the country after announcing that he was the target of a FARC guerrilla group plot to kill him. Santos remained in exile at year's end. Also in March, television personality Fernando Gonzalez Pacheco fled the country after receiving threats from the FARC. In June Ignacio Gomez Gomez, a journalist for *El Espectador*, fled the country after receiving threats against his life.

The InterAmerican Press Society opened a rapid action unit office in Bogota to help the Prosecutor General's office investigate crimes against journalists. On August 18, President Pastrana issued a decree establishing a program for the protection of journalists. In October the Minister of Interior announced the inauguration of the program, which is to provide armor for cars, escorts, and transportation. The Government consulted with journalism organizations to identify journalists at special risk but has not had the resources to provide protection. The Ministry of the Interior supported an alerts network organized for journalists by providing a small number of radios and an emergency telephone hot line.

On December 20, a specialized court judge in Neiva, Huila department, absolved contractor Fernando Bermudez Ardila and two other defendants accused of the April 1998 murder of journalist Nelson Carvajal Carvajal; the judge cited weak evidence in the case. Bermudez had been accused of hiring the two other men to kill Carvajal, because Carvajal would not agree to stop negative reporting about a development project built by Bermudez's firm. Prosecutors appealed the decision, and the Supreme Court is expected to rule on the case.

Media ownership remains highly concentrated. Wealthy families or groups associated with one of the two dominant political parties have consolidated their holdings of news media, and regional firms continued to purchase local news media outlets. As a result of the general economic downturn, large press conglomerates closed radio stations and newspaper offices in certain provinces and reduced staff. Although the press remained generally free, economic problems and the concentration of media ownership limited the media's resources, causing the media to rely heavily on a smaller pool of advertisers, including the Government, which the media often chose not to criticize.

The National Television Commission continued to oversee television programming throughout the year.

The FARC restricted the movement of journalists in the despeje through blockades and random identity checks and on at least three occasions stopped *El Tiempo* trucks and burned all of the newspapers that they carried.

The Government generally respected academic freedom, and there was a wide spectrum of political activity throughout the country's universities. However, paramilitary groups and guerrillas maintain a presence on many university campuses, aimed at generating political support for their respective campaigns. They use both violent and nonviolent means towards political ends. Both paramilitary groups and guerrillas also regularly targeted public school teachers at the elementary and secondary levels for politically motivated killings.

In August the National University was closed, and its premises were searched after a policeman was killed during a protest. Students held a referendum against violent groups operating on the university campus.

In April schools in Chalan and Ovejas, in Sucre department, were suspended due to death threats against 50 teachers. More than 3,000 students were affected. Threats also were made against teachers in Coloso, Morroa, Toluviejo, San Onofre, Los Palmitos, and San Antonio de Palmito in Sucre department. All of the major guerrilla organizations and the paramilitary groups maintain a presence in the region.

On October 5, Universidad del Atlantico professors Luis Meza Almanza Alfredo Martin Castro Hayder were killed in Barranquilla on October 5 and August 26, respectively. Both were known for leftist views and had been under consideration for rector positions at the University. Castro was reportedly on a death threat list.

Investigations continued into four 1999 attacks against prominent academics. Jesus Antonio Bejarano, a former government peace commissioner; Doctor Dario Betancur, head of the social sciences faculty of Bogota's Universidad Pedagogica; and Doctor Hernando Henao, an anthropologist who published on the subject of displaced persons, all were killed in 1999. In December 1999, Professor Eduardo Pizarro Leongomez, director of the political studies and international affairs institute at the National University, was shot twice by unknown attackers; he survived but fled the country. As a result of these incidents, academic leaders have chosen to assume a lower profile; many have taken up residence outside the country.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government respects this right in practice. The authorities normally do not interfere with public meetings and demonstrations and usually grant the required permission except when they determine that there is imminent danger to public order.

There were large demonstrations on several occasions by citizens throughout the country; the authorities generally did not interfere.

In February police sought to remove an U'wa road block by using tear gas to disperse the crowd; the U'wa claimed that four children were killed in the ensuing panic (see Sections 1.a. and 5). Press reports indicated that only one body was recovered. In April numerous indigenous groups blocked routes, freeways, and city streets throughout the country to demand respect for their life and territory and to support the Embera-Katio and U'wa tribes in their disputes against the Urrea hydroelectric project and Occidental Petroleum respectively (see Section 5). On September 10, thousands of persons across the country, including business leaders, union activists, and ordinary citizens, marched in support of peace and respect for human rights.

The Constitution provides for freedom of association, and the Government respects this right in practice. Any legal organization is free to associate with international groups in its field. Membership in proscribed organizations, such as the FARC, the ELN, the EPL, and the AUC, is a crime.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Roman Catholic religious instruction is no longer mandatory in public schools, and a 1994 Constitutional Court decision declared unconstitutional any official government reference to religious characterizations of the country. Although the Catholic Church was separated from the State by the 1991 Constitution, it retains a de facto privileged status. The law on the freedom of religion provides a mechanism for religions to obtain the status of recognized legal entities. Accession to the 1997 public law agreement between the State and non-Roman Catholic religious entities currently is required for any religion that wishes to minister to its adherents via any public institution. Local governments may exempt from taxes religiously affiliated organizations such as schools and libraries; however, in practice, local governments often exempt only organizations that are affiliated with the Roman Catholic Church. The Government permits proselytizing among the indigenous population, provided that it is welcome and does not induce members of indigenous communities to adopt changes that endanger their survival on traditional lands.

Paramilitary groups sometimes target representatives and members of the Roman Catholic Church and evangelical Christian churches, generally for political reasons.

The FARC has placed religious restrictions on persons within the despeje zone. The FARC also levied "war taxes" on Roman Catholic and evangelical churches and schools in the despeje and elsewhere.

The FARC and ELN guerrilla movements regularly target representatives and members of the Roman Catholic Church and evangelical Christian churches, generally for political reasons, and committed acts of murder, kidnaping, and extortion, as well as inhibited the right to free religious expression. For example, according to one evangelical movement, guerrillas regularly attacked rural evangelical Christians and their churches.

According to the Christian Union Movement, the FARC murdered 46 of the movement's affiliated preachers between January 1999 and June 2000. As of June, the FARC had forced the closure of over 300 evangelical churches in Meta, Guajira, Tolima, Vaupes, Guainia, Guaviare, Vichada, Casanare, and Arauca departments. Additionally, the movement claimed that the FARC extorted and, in many cases, forced the closure of rural evangelical schools. Faced with threats by guerrillas or paramilitary forces, many evangelical preachers were forced to refrain from publicly addressing the country's internal conflict.

Guerrillas were suspected of the April massacre of 2 evangelical preachers and 12 church members at Hato Nuevo, Carmen de Bolívar, Bolívar department.

On March 27, unidentified perpetrators killed Roman Catholic priest Hugo Duque Hernandez at Supia, Caldas department.

There were no new developments in the November 1999 killings of Roman Catholic priest Jorge Luis Maza and Spanish aid worker Inigu Egiluz in Chocó department; security forces had arrested nine members of a paramilitary group in conjunction with the crime.

The human rights unit of the Prosecutor General's Office reported in November that it had 34 open cases of killings of members of evangelical groups.

The Bishops' Conference of the Roman Catholic Church reported that paramilitary forces, the ELN, and the FARC sometimes threatened rural priests with death for speaking out against them. It also reported that Roman Catholic churches in Huila, Tolima, Cauca, and Antioquia departments were destroyed during guerrilla attacks on towns and police stations.

On April 11, at least three Mormon temples in Cali were bombed. No one was injured in the attacks, which damaged buildings. No one claimed responsibility for the attacks.

Jewish community leaders estimated that as many as 20 percent of the country's Jewish community had fled the country as of July 1999. Among the principal causes was a string of kidnappings, assaults, and murders affecting Jewish business leaders.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to travel domestically and abroad, and the Government generally respects this right in practice, with some exceptions. Outsiders who wish to enter Indian tribes' reserves must be invited. In areas where counterinsurgency operations were underway, police or military officials occasionally required civilians to obtain safe-conduct passes; paramilitary forces and guerrillas often used similar means to restrict travel in areas under their control. At times the Government implemented curfews. Military counterinsurgency operations, forced conscription by paramilitary and guerrilla organizations, and guerrilla incursions often forced peasants to flee their homes and farms, and there was a very large population of internally displaced persons. According to CODHES, approximately 317,000 displacements of persons occurred during the year; the vast majority of displaced persons are peasants who have been displaced to cities (see Section 1.g.).

Throughout the year, frequent road blockades erected by paramilitary groups, the FARC, ELN, and peasant farmers inhibited transportation, communication, and commerce throughout the country. Social organizations also resorted to road blockages, some of them prolonged, to protest government actions or policies. Almost every major artery in the country was closed at some point during the year. From late September to early December, the FARC banned all road traffic in the southern state of Putumayo, following an offensive by paramilitary forces in the area of La Hormiga (see Section 1.g.).

Press reports indicate that more than 300,000 citizens emigrated during the last 2 years, due principally to the deteriorating security situation and economic recession.

The Constitution provides for the right to asylum, under terms established by law in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The country has had a tradition of providing asylum since the 1920's. At year's end, 239 refugees had legal asylum status, and 12 applications for asylum were pending.

The Government cooperates with the offices of the UNHCR and other humanitarian organizations in assisting refugees and internally displaced persons. The Government reserves the right to determine eligibility for asylum, based upon its own assessment of the nature of the applicant's suffering. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for the right of citizens to change their government, and citizens exercise this right in regularly scheduled elections by secret ballot. In 1998 voters elected Conservative Party candidate Andres Pastrana President in elections that were free, fair, and transparent, despite some threats to the electoral process by paramilitary groups, narcotics traffickers, and guerrillas. The Liberal Party controls the legislature.

Presidential elections are held every 4 years, with the incumbent barred for life from reelection. The Liberal and Conservative parties long have dominated the for-

mal political process with one or the other winning the presidency. Public employees are not permitted to participate in partisan campaigns. Officially, all political parties operate freely without government interference. Those that fail to garner 50,000 votes in a general election lose the right to present candidates and may not receive funds from the Government. However, they may reincorporate at any time by presenting 50,000 signatures to the National Electoral Board. Voting is voluntary and universal for citizens age 18 and older, except for active-duty members of the police and armed forces, who may not vote.

Prior to local elections in October, both paramilitary and guerrilla organizations sought to dissuade some potential candidates from running for office or restrict their ability to campaign. The Colombian Federation of Municipalities reported to the press that armed groups threatened candidates in more than half of the country's 1,085 municipalities. By year's end, the Federation reported that 19 mayoral candidates were killed, 20 were kidnaped, 12 reported threats, and as many as 53 candidates for mayoral and municipal council posts withdrew their candidacies. For example, on September 23, guerrillas kidnaped the mayor of Samaniego, a Liberal Party candidate for that office, and six other mayoral candidates from this southern town in Narino. On September 9, members of a paramilitary group forced Carlos Restrepo, a leftist activist and publisher who was planning to run for a local office, from a community meeting; his body later was found outside San Luis. However, the October 29 elections were generally peaceful.

In April the FARC announced the formation of a political party—the Bolivarian Movement for a New Colombia—before a gathering of thousands of persons. FARC leader Manuel Marulanda announced that the party would operate secretly.

There are no legal restrictions, and few practical ones, on the participation of women or minorities in the political process; however, both are underrepresented in official and party positions. In March a quota law to increase the number of women in high-level public positions went into effect. The quota law requires that a minimum goal of 30 percent of nominated positions, including seats on the high courts and ministerial positions, be allotted to women. The quota law does not apply to publicly elected positions, such as seats in Congress. Before the end of each year, the Government must report to Congress the percentage of women in high-level governmental positions. Voters elected 14 women to the 102-seat Senate and 19 women to the 161-seat House of Representatives in March 1998. At year's end, there were 4 women in the 16-member cabinet—they serve as the Ministers of Health, Culture, Communications, and Foreign Trade. There were no women among the 23 Supreme Court justices, 1 woman among 9 Constitutional Court magistrates, and 3 women out of 13 magistrates of the Superior Judicial Council.

Indigenous people are underrepresented in government and politics. Two Senate seats are reserved for indigenous representatives. In October voters in Cauca elected Floro Tunubala, the country's first indigenous governor. Blacks also are underrepresented in government and politics. In 1996 the Constitutional Court declared unconstitutional a 1993 law that set aside two house seats for citizens of African heritage, although the ruling nonetheless allowed the incumbents to complete their terms in office. There is one black senator, but there are no black members of the Chamber of Representatives.

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

A large and varied nongovernmental human rights community is active, and provides a wide range of views. Among the many groups are: The Colombian Catholic Bishops Conference; the Colombian Commission of Jurists; the Intercongregational Commission for Justice and Peace; the Permanent Committee for the Defense of Human Rights; the Center for Investigations and Popular Research; the Advisory Committee for Human Rights and Displacements; the Latin American Institute for Alternative Legal Services; the Committee in Solidarity with Political Prisoners (dedicated to defending accused guerrillas); the Association of Families of Detained and Disappeared Persons; the Reinsertion Foundation (focused on demobilized guerrillas); the Pais Libre Foundation (focused on the rights of kidnap victims); and the Vida Foundation (focused on the rights of victims of guerrilla violence). Other international humanitarian and human rights organizations in the country that were active include the ICRC (with 16 offices across the country) and Peace Brigades International.

Although the Government generally did not interfere directly with the work of human rights NGO's, many prominent human rights monitors worked under constant fear for their physical safety. There were unconfirmed reports that security forces harassed or threatened human rights groups. In August the Prosecutor General's office opened an investigation against retired Brigadier Generals Millan and

Del Rio for bribing witnesses to testify falsely against a leading NGO organizer and a labor leader. Human rights groups were subjected to surveillance, harassing phone calls, graffiti campaigns, and threats by paramilitary, guerrilla, and other unidentified groups. At least four human rights activists had been killed as of October; there were three forced disappearances of human rights activists.

In October Angel Quintero and Claudia Patricia Monsalve, members of ASFADDES (an association for relatives of the disappeared) were kidnaped in Medellin by persons claiming political motives. There has been no news of the victims since October, and no arrests have been made. The authorities continued their investigation at year's end.

In August the Government launched an effort to improve its dialog with NGO's on human rights, the peace process, the Government's comprehensive strategy known as "Plan Colombia," and other issues. In October the Government jointly hosted with an NGO umbrella group an international gathering on these issues which included the participation of the ELN.

NGO's investigated and reported on human rights abuses committed by government forces, various paramilitary groups, and the guerrillas. Many NGO's expressed serious concern over the growing paramilitary and guerrilla violence and the Government's apparent inability to stop either group. In particular, a number of NGO's, as well as governmental human rights officials, were alarmed by the rapid growth of popular support for paramilitary groups, and their increasing political and military power.

The human rights community remained under intense pressure during the year. Human rights monitors were subjected to a systematic campaign of intimidation, harassment, and violence. According to the Colombian Commission of Jurists, five human rights advocates were killed during the year; three human rights workers disappeared. A total of 49 human rights workers have been killed or have disappeared in the past 5 years. On numerous occasions during the year, paramilitary groups in several municipalities circulated lists of the names of persons they considered "military targets," which included the names of local human rights activists, labor organizers, and politicians.

In addition, approximately 35 human rights workers left the country, either temporarily or permanently, for their own safety. For example, in July human rights activists Ivan Cepeda and his wife Claudia Giron left the country after receiving threats against their lives.

The Government, through the Ministry of the Interior and the DAS, allocated approximately \$4.3 million (8 billion pesos) to its 2-year-old program to protect human rights advocates and labor activists associated with 88 different human rights NGO's and unions. The funds were designated for security measures for individuals as well as for the headquarters of the NGO's, an emergency radio network, and funding for travel abroad for individuals who faced a particular threat; however, human rights groups stated that the protection programs are inadequate to address the crisis, and called for increased efforts to combat impunity.

The new forced disappearance law provides for a maximum penalty of 60 years for cases involving human rights activists (see Section 1.b.).

Armed groups targeted regional ombudsmen. Fourteen regional ombudsmen have been killed since 1998. In July Jose Manuel Bello, the municipal human rights ombudsman in Vigia del Fuerte, Atrato, Antioquia department, reportedly was kidnaped, killed, and dragged into the Atrato River by members of the FARC guerrilla group. In July unidentified, armed men killed Yemil Fernando Hurtado Castano, the human rights ombudsman in Narino municipality, southeastern Antioquia department. The regional ombudsman of Lourdes municipality, Norte de Santander department, was kidnaped and held for 3 days by paramilitary forces. Garcia and two other municipal human rights officials were forced to leave Norte de Santander department due to continued paramilitary threats.

The criminal organization La Terraza publicly admitted to killing at least five human rights advocates and stated that the killings had been ordered by Carlos Castano (see Section 1.a.).

There was no reported progress in the investigation of the September 1999 killing of the Human Rights Ombudsman's representative for San Juan Nepomuceno, Carlos Arturo Pareja, and his assistant.

A preliminary investigation by the Prosecutor's national human rights unit indicated common criminals were responsible for the January 1999 killings of Everardo de Jesus Puerta and Julio Ernesto Gonzalez, both members of the Committee for Solidarity with Political Prisoners (CSPP). The case was referred to the Medellin prosecutor's office for further investigation.

Prosecutors continued to investigate the November 1999 AUC killings of southern Bolivar department peasant leaders Edgar Quiroga and Gildardo Fuentes.

On November 22, a Bogota judge convicted two members of a paramilitary group for the 1997 murders of two CINEP workers and one other person. Arrest warrants remained outstanding for Carlos Castano and four other members of paramilitary groups (see Section 1.a.).

Suspected paramilitary leader Libardo Humberto Prada was linked by NGO's to the August 15 murder of peace activist and former mayor Luis Fernando Rincon Lopez in Aguachica, Cesar department. The case remained under investigation at year's end. In April 1999, the human rights unit of the Prosecutor General's office formally indicted Prada and paramilitary Cielo Lobo Ascano in the August 1998 killing in Valledupar of local Redepaz coordinator Amparo Leonor Jimenez.

In February a lower civilian court convicted four Colombian human rights activists arrested by the army in 1997 for allegedly funneling international human rights assistance intended for displaced persons to the ELN guerrilla movement. The court sentenced them each to 5 years' imprisonment.

The Ministry of Defense reported that in the past 5 years, 97,894 security force members received human rights training during the year, including 1,994 human rights trainers. Such training is provided by the ICRC, the Colombian Red Cross, the Roman Catholic Church, elements of the Government and security forces, and foreign governments. Many observers credited these programs with having done much to foster a climate of increased respect for human rights and international humanitarian law within the military forces in recent years.

The Government has an extensive human rights apparatus, which includes the office of the President's Adviser for Human Rights, headed by Vice President Gustavo Bell. Human rights expert Reinaldo Botero was named Director of the presidential program for human rights and international humanitarian law in September. The executive branch's efforts on human rights are supported by the Ministry of Interior, the human rights office of the Ministry of Defense, and dependent offices for each of the public security forces. The office of the national Human Rights Ombudsman, its regional representatives and corps of public defenders, the Attorney General's office and its delegate for human rights and regional representatives, and the Prosecutor General's office and its human rights unit are all independent institutions, not subject to executive branch direction.

The House of Representatives elects the Public Ministry's National Ombudsman for Human Rights for a 4-year term, which does not coincide with that of the President. The office has the constitutional duty to ensure the promotion and exercise of human rights. The Ombudsman provides public defense attorneys and a channel for complaints of human rights violations (see Section 1.e.). However, the Ombudsman lacks sufficient funding and staff. In August the House of Representatives named former Constitutional Court Judge Eduardo Cifuentes Munoz as Human Rights Ombudsman.

The Human Rights Ombudsman's office processed 13,951 complaints in 1999 (the latest year for which figures were available); 8,562 cases (61 percent) were against government entities. Of the 7,272 cases concluded in 1999, the Ombudsman's office obtained favorable or partially favorable conclusions in 2,867, or forty percent. Another 1,436 were referred to the competent authority. The office also provided 40,656 free legal consultations through its corps of more than 1,000 public defenders, many of whom work only part-time.

Early in the year, the Government established a high-level commission to coordinate policy on human rights and international humanitarian law, which is headed by Vice President Gustavo Bell.

In August 1999, the Vice President enunciated the Government's human rights policy; however, some aspects of implementation have been slow to materialize. The Government's national human rights plan called for the respect, promotion, and assurance of human rights. It promised increased government attention to the consequences of human rights abuses and called on all armed factions to respect international humanitarian law. The plan asserted that security forces would combat both guerrilla and paramilitary forces. One of the plan's most important provisions permitted the armed forces commander to remove from service summarily any military member whose performance in combating paramilitary forces he deemed "unsatisfactory or insufficient." In September President Pastrana signed 12 decrees to reform and strengthen the military; one decree provides for the separation from service of all uniformed members of the military regardless of their time in service, at the discretion of the top military commanders (see Section 1.e.).

The U.N. High Commissioner for Human Rights and the UNHCR have offices in Bogota. In 1997 the UNHCHR opened a field office in Bogota to observe human rights practices and advise the Government; its mandate was extended through April 2002. The office is tasked with monitoring and analyzing the human rights situation throughout the country and with the provision of assistance to the Govern-

ment, civil society, and NGO's in the field of human rights protection. It submitted reports to the Government and to the U.N. In March the UNHCR report, which covered 1999, noted that "the continued existence of direct links between some members of the security forces and paramilitary groups, revealed by disciplinary and judicial investigations, is a cause of great concern." The report also noted that in 1999 "in some regions of the country, these links were strengthened and the authorities responsible for penalizing them failed to take decisive action." In April UNHCHR Mary Robinson noted "reports indicating that members of the military forces participate directly in organizing new paramilitary groups and in disseminating threats. The President, other government officials, the UNHCHR, and various NGO's noted increased popular support for paramilitary groups and a polarization of political opinion with concern.

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

The Constitution specifically prohibits discrimination based on race, sex, religion, disability, language, or social status; however, in practice, many of these provisions are not enforced. The killing of homosexuals as part of the practice of social cleansing continued.

Women.—Rape and other acts of violence against women are pervasive in society, and like other crimes, seldom are prosecuted successfully. According to the Ombudsman's 1999–2000 report, intrafamilial violence, sexual assault, and murder of women were increasing problems. The governmental Institute for Family Welfare and the Presidential Adviser's Office for Youth, Women, and Family Affairs continued to report high-levels of spouse and partner abuse throughout the country. In 1999 the Institute for Forensic Medicine reported 62,123 cases of domestic violence, of which 41,528 were conjugal violence, 9,896 were child abuse, and 10,699 were cases of abuse by other family members. The ICBF conducted programs and provided refuge and counseling for victims of spousal abuse; however, the level and amount of these services were dwarfed by the magnitude of the problem. For example, ICBF's 530 family ombudsmen handle approximately 1,160 cases per year.

The Institute estimated that 95 percent of all abuse cases are never reported to the authorities and reported 13,703 cases of probable rape during the year.

The 1996 Law on Family Violence criminalizes violent acts committed within families, including spousal rape. The law also provides legal recourse for victims of family violence, immediate protection from physical or psychological abuse, and judicial authority to remove the abuser from the household. It allows a judge to oblige an abuser to seek therapy or reeducation. For acts of spousal sexual violence, the law mandates sentences of 6 months to 2 years and denies probation or bail to offenders who disobey restraining orders issued by the courts. A 1997 law also made additional, substantial modifications to the Penal Code and introduced sentences of between 4 and 40 years for crimes against sexual freedom or human dignity, including rape, sex with a minor, sexual abuse, induction into prostitution, and child pornography. The law also repealed an old law that fully exonerated a rapist if he subsequently offered to marry the victim and she accepted. However, there was little evidence that this legislation was enforced systematically. The reforms to the Penal Code approved in June reduced the maximum sentence for violent sexual assault from 20 to 15 years; the minimum sentence is 8 years. The National Institute for Forensic Medicine reported 19,859 cases of spousal abuse during the first half of 1999. The overwhelming majority of victims were women. First Lady Nohra Pullana de Pastrana is on the board of directors of the ICBF and works with the "Make Peace" program, which provides support to women and children who were victims of domestic violence.

Sexual harassment is a problem.

Women also faced an increased threat of torture and sexual assault due to the internal conflict (see Section 1.g.).

The forced disappearance law provides for a maximum penalty of 60 years for cases involving pregnant women (see Section 1.b.).

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

The Constitution prohibits any form of discrimination against women and specifically requires the authorities to ensure "adequate and effective participation by women at decisionmaking levels of public administration." Even prior to implementation of the 1991 Constitution, the law had provided women with extensive civil rights. However, despite these constitutional provisions, discrimination against women persists. A study by the University of Rosario released during the year concluded that women faced hiring discrimination and that women's salaries were generally incompatible with their education and experience. The salary gap between men and women widened in the last decade, reaching a high point in 1999 as the

country's economy declined. The study also noted that women were affected disproportionately by unemployment. Government unemployment statistics for the year indicated that the unemployment rate for men was 16.9 percent, while the rate for women was 24.5 percent. According to the March report of the U.N. High Commissioner for Human Rights, women earn 28 percent less than men. The National Statistics Institute reported that a higher percentage of women were employed in minimum wage jobs. According to U.N. statistics, women's earnings for formal sector, nonagricultural work correspond to approximately 85 percent of men's earnings for comparable work, and women must demonstrate higher qualifications than men when applying for jobs. Moreover, women constitute a disproportionately high percentage of the subsistence labor work force, especially in rural areas. Female rural workers are affected most by wage discrimination and unemployment.

Despite an explicit constitutional provision promising additional resources for single mothers and government efforts to provide them with training in parenting skills, women's groups reported that the social and economic problems of single mothers remained great. In September 1997, the Constitutional Court ruled that pregnant women and mothers of newborn children under 3 months of age could not be fired from their jobs without "just cause." The court ruled that bearing children was not just cause.

On October 25, the Constitutional Court struck down a law that had prohibited pregnant women who are divorced or separated from their partners from remarrying before giving birth. The law also had imposed a 270-day "waiting period" for women who wanted to remarry.

Children.—The Constitution formally provides for free public education, which is compulsory between the ages of 6 and 15. An estimated 25 percent of children in this age group do not attend school, due to lax enforcement of truancy laws, inadequate classroom space, and economic pressures to provide income for the family. The Government provides for the cost of primary education, but many families face additional expenses related to education, such as matriculation fees, books, school items and transportation costs (which are significant in rural areas where children may live far from school). These costs can be prohibitive, especially for the rural poor.

Despite significant constitutional and legislative commitments for the protection of children's rights, these were implemented only to a minimal degree. The Constitution imposes the obligation on family, society, and the State to assist and protect children, to foster their development, and to assure the full exercise of these rights. The Children's Code sets forth many of these rights and establishes services and programs designed to enforce the protection of minors. Children's advocates reported the need to educate citizens with regard to the code as well as the 1996 and 1997 laws on family violence, which had been drafted particularly to increase legal protection for women and children.

Abuse of children is a problem. The National Institute for Forensic Medicine reported 9,896 cases of child abuse during the year; there were 9,713 reported cases in 1999. According to the March report of the U.N. Commission on Human Rights, sexual abuse is prevalent, particularly of children between the ages of 5 and 14 years of age. In 70 to 80 percent of cases, children know their abusers.

An estimated 25,000 boys and girls under age 18 work in the sex trade. In 1996 legislators passed a law prohibiting sex with minors or the employment of minors for prostitution, and they amended that law in 1997 to provide that conviction for nonviolent sexual abuse of a child under age 14 carries a prison sentence of 4 to 10 years. Conviction for rape of anyone under the age of 12 carries a mandatory sentence of 20 to 40 years in prison. Enforcement of such laws is lax. The ICBF oversees all government child protection and welfare programs and funds non-governmental and church programs for children.

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

Child labor is a significant problem (see Section 6.d.).

In conflict zones, children often were caught in the crossfire between the public security forces, paramilitary groups, and guerrilla organizations. For example, on August 15, six children were killed and several others injured by members of the army's Fourth Brigade who mistook the children for a guerrilla unit (see Section 1.g.). Ministry of Defense figures indicated that approximately 200 children were killed due to the conflict during the year. At mid-year, UNICEF reported that 460 children had been killed over the past 4 years by various armed groups and that 789 had been kidnaped. Children suffered disproportionately from the internal conflict, often forfeiting opportunities to study as they were displaced by conflict and suffered psychological traumas. According to UNICEF, over 1 million children have been displaced from their homes over the past decade. The Human Rights Ombudsman's office estimated that only 15 percent of displaced children attend school. In

July 1999, the Government announced that no one under the age of 18 could enter military service, even with the consent of a parent; previously, individuals over 16 years of age but below age 18 could volunteer to join the military with parental permission but were barred from serving in combat.

Paramilitary groups sometimes impressed children into their ranks, and the use of child soldiers by guerrillas was common. According to press reports, in August members of the FARC killed a school rector in Meta department for criticizing the recruitment of his students. The Government estimates that approximately 6,000 children are engaged as combatants by both paramilitary groups and guerrillas. In May 1999, the FARC promised visiting Special Representative of the U.N. Secretary General on Children in Armed Conflict Olara Otunnu that it would stop forcing children into its ranks; however, it continued the practice. The Roman Catholic Church reported that the FARC lured or forced hundreds of children from the despeje zone into its ranks. It engaged in similar practices in other areas under its control. For example, according to press reports, in June the FARC recruited at least 37 youths, including minors, in the municipality of Puerto Rico in southern Meta department. According to one NGO, in Putumayo the FARC instigated compulsory service of males between the ages of 13 and 15 and was recruiting in high schools. Once recruited, child guerrillas are virtual prisoners of their commanders and subject to various forms of abuse. Sexual abuse of girls is a particular problem. Although the ELN agreed to halt recruitment of children under the terms of the June 1998 Mainz "Heaven's Gate" agreement, it also regularly impressed children into its ranks. Some 57 child guerrillas were captured or deserted during the year, and 27 children were killed during FARC-military clashes.

According to press reports, families from the demilitarized zone, as well as from Arauca, Valle del Cauca, and Antioquia departments have fled their homes because guerrilla groups have tried to recruit their children forcibly. On May 4, a woman from Norte de Santander department, with the help of the Colombian military, delivered her 12-year-old son to the ICBF to protect him from the FARC, which was trying to recruit him forcibly.

Children were also among the preferred kidnaping targets of guerrillas (see Section 1.b.). Pais Libre reports that the number of children kidnaped annually has increased in recent years, from 131 in 1998 to 206 in 1999, and as of November 12, 265 children had been kidnaped in 2000. According to one press report, more than 200 children were kidnaped during the year. For example, the FARC kidnaped 9-year-old Clara Oliva Pantoja on March 22 and 3-year-old Andres Felipe Navas on April 7 and held both in the despeje zone. Clara Olivia Pantoja was released in December (see Section 1.b.). In April three armed men kidnaped 9-year-old Dagberto Ospina Ospina from his school bus in southern Cali. No group has been identified or claimed responsibility.

People with Disabilities.—The Constitution enumerates the fundamental social, economic, and cultural rights of the physically disabled; however, serious practical impediments exist that prevent the full participation of disabled persons in society. There is no legislation that specifically mandates access for the disabled. According to the Constitutional Court, physically disabled individuals must have access to, or if they so request, receive assistance at, voting stations. The Court also has ruled that the social security fund for public employees cannot refuse to provide services for the disabled children of its members, regardless of the cost involved.

Indigenous People.—There are approximately 80 distinct ethnic groups among the country's more than 800,000 indigenous inhabitants. These groups are concentrated in the Andes mountains, Pacific Coast lowlands, the Guajira peninsula, and Amazonas department. According to the National Organization of Colombia's Indigenous (ONIC), 93 percent of indigenous people live in rural areas; 25 percent are on reservations, and approximately 115,000 indigenous people are without land.

The Constitution gives special recognition to the fundamental rights of indigenous people. The Ministry of Interior, through the office of indigenous affairs, is responsible for protecting the territorial, cultural, and self-determination rights of Indians. Ministry representatives are located in all regions of the country with indigenous populations and work with other governmental human rights organizations, as well as with NGO human rights groups and civil rights organizations, to promote Indian interests and investigate violations of indigenous rights. Nonetheless, members of indigenous groups suffer discrimination in the sense that they traditionally have been relegated to the margins of society. Few opportunities exist for those who might wish to participate more fully in modern life. The March report of the U.N. Commission on Human Rights noted that an estimated 80 percent of the indigenous population live in conditions of extreme poverty, that 74 percent receive wages below the legal minimum, and that their municipalities have the highest rates of poverty. In addition, indigenous communities suffer disproportionately from the in-

ternal armed conflict (see Section 1.g.). Members of indigenous communities often flee together in mass displacements, relocating to another indigenous community.

According to the National Agrarian Reform Institute (INCORA), 68,245 indigenous families live on designated Indian reserves. Indigenous groups' rights to their ancestral lands are by law permanent. INCORA reports that approximately 80 percent of these lands have been demarcated. However, armed groups often violently contested indigenous land ownership. According to ONIC, roughly 95 percent of the country's resources are found on indigenous reservations and claimed territories. Traditional Indian authority boards operate some 519 reserves; the boards handle national or local funds and are subject to fiscal oversight by the national Comptroller General. These boards administer their territories as municipal entities, with officials elected or otherwise chosen according to Indian tradition.

Indigenous communities are free to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous men are not subject to the national military draft.

INCORA estimated that some 200 indigenous communities had no legal title to land that they claimed as their own. INCORA reported that at mid-year some 488 requests by indigenous communities to establish new reserves remained outstanding. According to INCORA, more than 75 million acres have been recognized legally as Indian lands. It is buying back much of this land, which has been settled by mestizo peasants, and returning it to indigenous groups.

The Constitution provides for a special criminal and civil jurisdiction within Indian territories based upon traditional community laws. However, some observers asserted that these special jurisdictions were subject to manipulation, and that punishments rendered by such community courts were often much more lenient than those imposed by regular civilian courts.

Members of indigenous communities continued to be victims of all sides in the internal conflict, and a number of them were killed. The national Human Rights Ombudsman stated in its 1999–2000 annual report that among the indigenous communities most affected by extrajudicial killings, threats, and regional combat were the Corebaju in Cauqueta, the Puinave in Guaviare, the Embera-Katio of Alto Sinu, the Embera-dobida of Choco, the Paez in Cauca, the Emaer-katio in Antioquia, the Guayabero on the Guaviare-Meta border, the Tule in Choco, and the U'wa in Boyaca and Casanare. The Human Rights Ombudsman's office reported 33 killings in indigenous communities in 1999; 22 of these victims were community leaders.

According to press reports, in June members of a paramilitary organization killed Joselito Bailarin, EmberaKatio governor of the community of Canaverales in Murri de Frontino in Antioquia department. On December 25, Embera leader Armando Achito reportedly was killed by paramilitary forces in Jurado municipality, Choco department.

There were no new developments in the 1996 murder of Indians Dagoberto Santero Bacilio, Carlos Arturo Solano Bernal, and Sergio (Manue) in San Antonio de Palmito in Sucre department, allegedly by paramilitary groups.

According to press reports, in early May, the FARC announced that it would execute seven Embera-Katio indigenous leaders in the town square at Frontino in Murri, Antioquia department, as retribution for the May 26 deaths of two indigenous brothers at the hands of paramilitary forces. The FARC believed that the indigenous leaders had laid a trap for the brothers by identifying them as guerrilla collaborators. The FARC stated that the indigenous leaders took too long (8 days) to report the crime. The Indigenous Organization of Antioquia (OIA) attributed the delay to difficulties in communicating from a rural zone to Medellin. The OIA called for a humanitarian commission to protect the leaders; however, on May 24, the FARC killed one of the leaders, a 30-year-old teacher named Hernando de Jesus Bailarin.

Paramilitary and guerrilla groups have been known to force indigenous people, including children, into their ranks. Some guerrilla groups reportedly favored indigenous people as guides and communicators, due to their knowledge of the geography of their historical lands and knowledge of generally unfamiliar languages.

On May 10, approximately 3,000 Kankuama tribe members from the Sierra Nevada de Santa Marta region in Magdalena department were pressured to leave their community by the AUC paramilitary organization. The AUC was fighting the FARC, ELN, and EPL guerrilla organizations in the region. On March 2, indigenous leader Jairo Bedoya Hoyos disappeared. The OIA held the AUC responsible. In an open letter, the AUC stated that it did not have Bedoya in its custody.

U'wa protests against initial drilling by Occidental Petroleum in an area near but not on their reserve continued. The U'wa filed several court challenges to drilling, and succeeded in winning brief delays before appeal courts ruled in favor of the Government's arrangement with Occidental. U'wa repeatedly sought to block road ac-

cess to the drilling site; in one instance in February, police sought to remove an U'wa road block by using tear gas to disperse the crowd; in an ensuing panic the U'wa claimed that four children were killed (see Sections 1.a. and 2.b.). Press reports indicated that only one body was recovered. Indigenous Senator Jesus Pinacue announced a hunger strike to pressure Occidental Petroleum to leave U'wa land. Indigenous Senator Francisco Rojas Birri and Representatives Leonardo Caicedo and Jhonny Aparicio supported the hunger strike. A 1997 OAS joint study with a university recommended the immediate and unconditional suspension of oil exploration or exploitation activities; clarification of the status of U'wa territories and protected reserves; and the development of a formal process of consultation under the auspices of the Government. The U'wa also had threatened to commit collective suicide if their wishes were not respected. In August 1999, the Government increased the U'wa reserve, from 100,000 acres to 1.25 million acres. The area has estimated oil reserves of up to 1 billion barrels. In August a technical working group including the Ministries of Interior and Environment, as well as an advisor to the U'wa, reported that the Government and Occidental Petroleum are complying with all applicable regulations. The U'wa broke off talks in September, in response to a ruling by the Government's agrarian reform agency authorizing the state oil company to purchase lands to create a buffer zone around the drilling area. Talks remained suspended at the end of the year.

Beginning in early January, 167 indigenous members of the EmberaKatio tribe occupied the grounds of the Ministry of the Environment in Bogota for 4 months to protest the flooding of their lands by the Urrea hydroelectric project. In 1998 the Constitutional Court ruled that the human rights of the Embera had been violated by Urrea because it had not consulted the Embera on the project.

Religious Minorities.—There is little religious discrimination. The Roman Catholic Church and some evangelical churches reported that some indigenous leaders were intolerant of nontraditional forms of worship.

Three Mormon temples were bombed in April, and members of the Jewish community were victims of abuse (see Section 2.c.).

National/Racial/Ethnic Minorities.—According to the Ministry of the Interior, citizens of African heritage live primarily in the Pacific departments of Choco (370,000), Valle del Cauca (1,720,257), Cauca (462,638), and Narino (261,180), as well as along the Caribbean coast. Although estimates vary widely, blacks represent approximately 10 percent of the total population.

Blacks are entitled to all constitutional rights and protections; however, they traditionally have suffered from discrimination. Blacks are underrepresented in the executive branch, judicial branch, and civil service positions, and in military hierarchies. Despite the passage of the African-Colombian law in 1993, little concrete progress was made in expanding public services and private investment in Choco department or other predominantly black regions. The same law also authorized black communities to receive collective titles to some Pacific coast lands. However, black leaders complained that the Government was slow to issue titles, and that their access to such lands often was inhibited by the presence of armed groups or individuals. Unemployment among African-Colombians ran as high as 76 percent in some communities. The March report of the U.N. Commission on Human Rights noted that an estimated 80 percent of African-Colombians live in conditions of extreme poverty, that 74 percent receive wages below the legal minimum, and that their municipalities have the highest rates of poverty. Choco remains the department with the lowest per capita level of social investment and is last in terms of education, health, and infrastructure. It also has been the scene of some of the country's most enduring political violence, as paramilitary forces and guerrillas struggled for control of the Uraba region.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes the rights of workers to organize unions and to strike, except for members of the armed forces, police, and those "essential public services" as defined by law. However, legislation that prohibits all public employees from striking is still in effect, although it often is overlooked. In practice violence towards trade unionists and antiunion discrimination are obstacles to joining and engaging in trade union activities. Labor leaders throughout the country continued to be targets of attacks by paramilitary groups, guerrillas, narcotics traffickers, and their own union rivals. Union leaders contend that perpetrators of violence against workers, particularly members of paramilitary groups, operate with virtual impunity.

The 1948 Labor Code (which has been amended repeatedly) provides for automatic recognition of unions that obtain at least 25 signatures from potential members and comply with a simple registration process at the Labor Ministry; however,

the International Labor Organization (ILO) has received reports that this process was slow and sometimes took years. The law penalizes interference with freedom of association. It allows unions to determine internal rules freely, elect officials and manage activities, and forbids the dissolution of trade unions by administrative fiat. In 1999 President Pastrana approved Law 584, which limits government interference in a union's right to free association. The law reflects recommendations made by the ILO Direct Contacts Mission and corresponds to international labor legislation. Previous requirements that were repealed under this law include the requirement that in order for a trade union to be registered, the labor inspector must certify that there is no other union. The law also amends the requirement that labor authorities must be present at general assemblies convened to vote on calling a strike (the trade unions now have the choice of having labor authorities present or not). However, the law added the requirement that when there is a request for information from an interested party, Ministry of Labor officials can require trade union leaders or members to provide relevant information on their work, including books, registers, plans, and other documents. The ILO Committee of Experts considers that this amendment is not in conformity with the freedom of association convention since control by an administrative authority should be used only for carrying out investigations when there are reasonable grounds that an offense has been committed.

According to estimates by the Ministry of Labor and various unions, 6 to 7 percent of the work force is organized. According to the Colombian Commission of Jurists, 89 percent of those organized are public sector workers. There are approximately 2,500 registered unions, 87 to 95 percent of which are organized in one of three confederations: The center-left United Workers' Central, with which 45 to 50 percent of unions are affiliated; the Maoist/Social Christian Colombian Democratic Workers' Confederation, with which approximately 30 percent of unions are affiliated; and the Liberal Party-affiliated Confederation of Colombian Workers (CTC), with which 12 to 15 percent of unions are affiliated. Unions and Ministry of Labor officials report that union membership has declined in recent years.

Before staging a legal strike, unions must negotiate directly with management and, if no agreement results, accept mediation. By law, public employees must accept binding arbitration if mediation fails; in practice, public service unions decide by membership vote whether or not to seek arbitration. In early August leaders of some unions called for a 24-hour strike by an estimated 700,000 state workers, including the Syndicated Union of Workers (USO) oil workers, the main public sector employees' union, telecommunications workers, teachers, and health workers, to protest government austerity workers and high unemployment.

Unions, indigenous groups, debtors, students, and others continued to both protest and negotiate with the Government over the latter's inability to confront the country's economic downturn, soaring unemployment, and a Labor Code reform bill which may eliminate several popular worker benefits. On August 3, a general strike organized by various unions, including the United Workers' Central (CUT) and the General Confederation of Democratic Workers (CGTD), protested economic policies, privatizations, unemployment, new taxes, and social security reforms in Bogota and other cities throughout the country. Union strikers were joined by bank employees and state workers, such as teachers and health employees.

Labor leaders throughout the country continued to be targets of attacks by paramilitary groups, guerrillas, narcotics traffickers, and their own union rivals. Labor leaders and NGO's reported that 105 union members were killed during the year; U.N. officials reported 54 murders of labor leaders during the first 10 months of the year. According to the National Labor School (ENS), approximately 1,500 union members have been murdered since 1991, and unions face widespread societal hostility because they are seen by some observers as "subversive." Trade union leaders allege that 90 percent of victims were killed by paramilitary groups. Other victims were targeted by the FARC for their membership in, or sympathy with, the National Syndicate of Agricultural Industry Workers (Sintrainagro), a union largely composed of demobilized EPL members. Many of the murdered Sintrainagro members had worked in the banana industry in the Uraba region. The ILO Direct Contact Mission preliminary report in March noted that "cases where the instigators and perpetrators of the murders of trade union leaders are identified are practically nonexistent, as is the handing down of guilty verdicts." The ENS also reported that in the last 5 years, 47 unionists have been the victims of forced disappearances, 60 unionists were kidnapped, and 1,573 unionists received death threats. The USO reported that at least 600 trade union leaders were displaced during the first 10 months of the year.

In May 1998, the ILO expressed serious concern over allegations of murders, forced disappearances, death threats, and other acts of violence against trade union

officials and members. The ILO documented more than 300 murders of trade union members during 1995–98. The ILO criticized the Government for failing, since November 1996, to provide it with information on a single case of detention, trial, and conviction of anyone responsible for the murder of union officials and members.

In February an ILO Direct Contacts Mission, which had been approved by the ILO Governing Body and accepted by the Government in November 1999, visited the country to examine alleged abuses of workers' rights to life, free association, and collective bargaining. In March the Direct Contacts Mission presented a preliminary report to the Governing Body's committee on freedom of association, which noted that the Government was "making sincere efforts" to address these problems. The report expressed concern over the number of killings, kidnappings, death threats, and other violent assaults on trade union leaders and unionized workers and stated that killings of trade union leaders and unionized workers were a "regular" occurrence.

Government efforts to overcome impunity include the establishment of 25 special human rights investigative subunits, one of which is responsible for cases of human rights violations of trade unionists, and a 49 percent increase in the legal budget for judicial employees. To protect trade unionists from violence, in 1999 the Government developed the Program for the Protection of Human Rights Defenders and Trade Union Leaders. As of November, the program provided protection for 41 trade union premises and protection for 116 leaders and activists. These individuals are provided with bulletproof vests, bodyguards, and in some cases vehicles. Trade unionists complain that these measures are insufficient to protect adequately the large number of trade unionists who are threatened, and continue to press for more efforts to break the impunity with which most of these acts are committed.

The ILO's recommendations included an urgent and global inquiry into the participation of public officials in the creation of self-defense or paramilitary groups; an increase in government budgetary allocations to protect trade union officials; and an increase in efforts to combat impunity. After a contentious debate at the June International Labor Conference, the Government and worker delegations agreed to a compromise offered by the ILO Director General Juan Somavia: the establishment of an ILO office in Bogota to be headed by his personal representative. Rafael Alburquerque was appointed ILO Special Representative to Colombia and began work in October. In November Alburquerque reported to the ILO Governing Body that the situation continues to be grave; the Special Representative's next report is expected in March 2001.

On May 4, Javier Suarez, the leader of a truck drivers' union, was shot and killed near his home in Buenaventura. Union leaders suspected that paramilitary groups were responsible.

In early August, Carmen Emilio Sanchez Coronel, a trade unionist with the teacher's union in Norte de Santander department, was killed along with seven other trade unionists at a paramilitary roadblock. The CUT also blamed paramilitary forces for the August 2 death of Antioquia union worker Luis Rodrigo Restrepo. The CUT alleged that paramilitary groups were targeting its rank and file members as well as union leaders.

On December 15, five men seriously wounded Wilson Borja, president of public employees' union FENALTRASE, when they fired on his car at a stoplight in an apparent attempt to kill him. The attackers killed a 30-year-old female street vendor and wounded one of Borja's two bodyguards. Paramilitary leader Carlos Castano publicly admitted ordering the attack and claimed that he meant to "detain" Borja. Most observers connected the attempt, which followed press reports of progress toward establishing an ELN "encounter zone," with Borja's role in facilitating the ELN peace process. Police detained one suspected gunman and a possible paramilitary accomplice within days of the attack.

Prosecutors have outstanding warrants for the arrest of paramilitary members Temilda Rosa Martinez and Eduardo Manrique Morales in the February 1999 killing of 72-year-old Julio Alfonso Poveda, a CUT founder.

In December the Prosecutor General's office arraigned three hired killers alleged to have murdered CUT vice president Jorge Ortega in 1998.

There were no leads in the August 1999 bomb incidents at both the Sincelejo, Sucre department offices of the Association of Rural Land Users (which was destroyed by a bomb) and at the Medellin office of the USO, where a bomb was defused. According to the ENS, there have been 14 bombing attempts against union offices in the last 3 years.

The Government still has not addressed a number of ILO criticisms of the Labor Code. In 1993 the ILO had complained about the following provisions of the law: The requirement that government officials be present at assemblies convened to vote on a strike call; the legality of firing union organizers from jobs in their trades once 6 months have passed following a strike or dispute; the requirement that con-

tenders for trade union office must belong to the occupation their union represents; the prohibition of strikes in a wide range of public services that are not necessarily essential; various restrictions on the right to strike; the power of the Minister of Labor and the President to intervene in disputes through compulsory arbitration when a strike is declared illegal; and the power to dismiss trade union officers involved in an unlawful strike.

The expired 1995 collective work convention between Ecopetrol and the USO was replaced by a new agreement in May 1999. USO leadership remained in open conflict with the Government on many issues. USO leaders reported that its members in the oilproducing Magdalena Medio region continued to receive death threats from presumed paramilitary groups, who have accused USO officials of working with the ELN guerrillas waging a sabotage campaign against the country's oil pipelines.

Unions are free to join international confederations without government restrictions.

b. The Right to Organize and Bargain Collectively.—The Constitution protects the right of workers to organize and engage in collective bargaining. Workers in larger firms and public services have been most successful in organizing, but these unionized workers represent only a small portion of the economically active population. High unemployment, traditional antiunion attitudes, a large informal economic sector, and weak union organization and leadership limit workers' bargaining power in all sectors. The requirement that trade unions must cover the majority of workers in each company as a condition for representing them in sectoral agreements further weakens workers' bargaining power.

The law forbids antiunion discrimination and the obstruction of free association; however, according to union leaders, both discrimination and obstruction of free association occurred frequently. Government labor inspectors theoretically enforce these provisions, but because there are 271 labor inspectors to cover 1,085 municipalities and more than 300,000 companies, the inspection apparatus is weak. Furthermore, labor inspectors often lacked basic equipment, such as vehicles. Guerrillas sometimes deterred labor inspectors from performing their duties by declaring them military targets.

The Labor Code calls for fines to be levied for restricting freedom of association and prohibits the use of strike breakers.

Collective pacts—agreements between individual workers and their employers—are not subject to collective bargaining and typically are used by employers to obstruct labor organization. Although employers must register collective pacts with the Ministry of Labor, the Ministry does not exercise any oversight or control over them.

The Labor Code also eliminates mandatory mediation in private labor-management disputes and extends the grace period before the Government can intervene in a conflict. Federations and confederations may assist affiliate unions in collective bargaining.

Labor law applies to the country's 15 free trade zones (FTZ's), but its standards often were not enforced in the zones. Public employee unions have won collective bargaining agreements in the FTZ's of Barranquilla, Buenaventura, Cartagena, and Santa Marta, but the garment manufacturing enterprises in Medellin and Risaralda, which have the largest number of employees, are not organized. Labor unions do not exist in any of the zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution forbids slavery and any form of forced or compulsory labor, and this prohibition generally is respected in practice in the formal sector; however, women were trafficked for the purpose of forced prostitution (see Section 6.f.).

Paramilitary forces and guerrilla groups forcibly conscripted indigenous people (see Section 5). There were some reports that the guerrillas used forced labor to build clandestine roads.

The law prohibits forced or bonded labor by children; however, the Government does not have the resources to enforce this prohibition effectively (see Section 6.d.). Although there were no known instances of forced child labor in the formal economy, several thousand children were forced to serve as paramilitary or guerrilla combatants (see Section 1.g.), to work as prostitutes (see Section 5), or in some instances as coca pickers.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution prohibits the employment of children under the age of 14 in most jobs, and the Labor Code prohibits the granting of work permits to youths under the age of 18; however, child labor is a significant problem, particularly in the informal sector. A 1989 decree established the Minors' Code and prohibited the employment of children under age 12. It also stipulated exceptional conditions and the express author-

ization of Labor Ministry inspectors for the employment of children between the ages of 12 and 17 years. Children under age 14 are prohibited from working, with the exception that those between the ages of 12 and 14 may perform very light work with the permission of their parents and appropriate labor authorities. All child workers (anyone under the age of 18) must receive the national minimum wage for the hours they work. Children between the ages of 12 and 14 can work a maximum of 4 hours a day; children between the ages of 14 and 16 can work a maximum of 6 hours a day; and children between the ages of 16 and 18 can work a maximum of 8 hours a day. All child workers are prohibited from working at night, or performing work in which there is a risk of bodily harm or exposure to excessive heat, cold, or noise. A number of specific occupations are prohibited for children as well, such as mining and construction. However, these requirements largely are ignored in practice, and only 5 percent of those children who work have filed for the required work permits. By allowing children between the ages of 12 and 13 to work, even under restricted conditions, the law contravenes international standards on child labor, which set the minimum legal age for employment in developing countries at 14 years.

In the formal sector, child labor laws are enforced through periodic review by the Ministry of Labor and by the military, which ensures compliance with mandatory service requirements. However, in the informal labor sector and in rural areas, child labor continues to be a problem, particularly in agriculture and mining. Children as young as 11 years of age work full-time in almost every aspect of the cut flower industry as a way to supplement family income. Even children enrolled in school or, in some cases, those too young for school, accompany their parents to work at flower plantations at night and on weekends. In the mining sector, coal mining presents the most difficult child labor problem. Many marginal, usually family-run, mining operations employ their young children as a way to boost production and income; it is estimated that between 1,200 and 2,000 children are involved. The work is dangerous and the hours are long. Younger children carry water and package coal, while those age 14 and up engage in more physically demanding labor such as carrying bags of coal. These informal mining operations are illegal. The Ministry of Labor reported that, by the end of 1999 an interagency governmental committee had removed approximately 80 percent of child laborers from the informal mines and returned them to school. The law prohibits the employment of minors for prostitution; however, child prostitution is a problem. In August the Prosecutor General's Specialized Sex Crimes and Human Dignity Unit reported that from August 1999 to August 2000 it opened 41 cases in which a child under age 14 was induced or lured into prostitution.

A Catholic Church study conducted in May 1999 reported that approximately 2.7 million children work, including approximately 700,000 who worked as coca pickers. This represented a sharp increase from 1992, when according to a 1997 study by Los Andes University, approximately 1.6 million children (between the ages of 12 and 17) worked. One observer noted that the recent economic downturn might increase the number of children working, especially in rural areas. Child participation in agricultural work soared at harvest times. According to the Ministry of Labor, working children between the ages of 7 and 15 earned on average between 13 and 47 percent of the minimum wage. An estimated 26 percent of working children had regular access to health care; approximately 25 percent were employed in potentially dangerous activities. The ICBF estimated that paramilitary and guerrilla groups employed 6,000 children as combatants (see Section 5). School attendance by working children was significantly lower than for nonworking children, especially in rural areas. The health services of the social security system cover only 10 percent of child laborers. A 1996 study by the national Human Rights Ombudsman of child labor in Putumayo department found that 22 percent of the children between the ages of 5 and 18 were full-time coca pickers. In the municipality of Orito, the figure reached 70 percent.

The Labor Ministry has an inspector in each of the 33 departments responsible for certifying and conducting repeat inspections of workplaces that employ children; however, this system has few resources and covered only the 20 percent of the child work force employed in the formal sector of the economy. In 1995 the Government established a National Committee for the Eradication of Child Labor, made up of representatives from the Ministries of Labor, Health, Education, and Communications, as well as officials from various other government offices, unions, employer associations, and NGO's. Under the Action Plan, the Government distributed funds during the year to member organizations of the committee for child labor eradication projects. The Government also obtained commitments from the country's leading trade associations and unions to implement child labor eradication programs with the jointly ILO's IPEC program, these programs were in the preparatory stages

at year's end. During the year, the Government formulated a 2000–02 Action Plan which gives priority to direct intervention on behalf of domestic child workers, child miners, sexually exploited children, children in trade activities and children in the agricultural sector. It has also designed a project, for which it is seeking funding, to collect more reliable national data on child labor.

The Government is taking steps to incorporate into national law, ILO Convention 182 concerning the prohibition of and immediate action for the elimination of the worst forms of child labor.

The Government prohibits forced and bonded labor by children; however, it is unable to enforce this prohibition effectively, and trafficking in girls for the purpose of forced prostitution and the forced recruitment of child soldiers are problems (see Sections 1.f., 1.g., 6.c., and 6.f.).

e. Acceptable Conditions of Work.—The Government sets a uniform minimum wage for workers every January to serve as a benchmark for wage bargaining. The monthly minimum wage, set by tripartite negotiations among representatives of business, organized labor, and the Government was about \$150 (322,500 pesos) throughout the year. The minimum wage does not provide a decent standard of living for a worker and family. Because the minimum wage is based on the Government's target inflation rate, the minimum wage has not kept up with real inflation in recent years. A total of 70 percent of all workers earn wages that are insufficient to cover the costs of the Government's estimated low-income family shopping basket. However, 77 percent of all workers earn no more than, and often much less than, twice the minimum wage.

The law provides for a standard workday of 8 hours and a 48-hour workweek, but it does not require specifically a weekly rest period of at least 24 hours, a failing criticized by the ILO.

Legislation provides comprehensive protection for workers' occupational safety and health; however, these standards are difficult to enforce, in part due to the small number of Labor Ministry inspectors. In general, a lack of public safety awareness, inadequate attention by unions, and lax enforcement by the Labor Ministry result in a high-level of industrial accidents and unhealthy working conditions. Over 80 percent of industrial companies lack safety plans. The Social Security Institute reported 53,408 work-related accidents during the year, which resulted in 417 deaths. There were 243 cases of work-related illness. The industries most prone to worker accidents were mining, construction, and transportation.

According to the Labor Code, workers have the right to withdraw from a hazardous work situation without jeopardizing continued employment. However, unorganized workers in the informal sector fear the loss of their jobs if they exercise their right to criticize abuses, particularly in the agricultural sector.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons, and the country is a source for trafficking in women and girls to Europe, the United States, and Asia. In June Congress approved a new Criminal Code, which provides for a prison term of 6 to 8 years and a fine up to the equivalent of 100 times the minimum legal monthly salary for any person who "promotes, induces, compels, facilitates, collaborates, or in any other way participates in the entry or exit of people into or from the country without complying with all legal requisites." While intended to combat alien smuggling in general, the law could be used to prosecute traffickers as well. The law is scheduled to enter into effect in January 2001.

A government committee composed of representatives of the Ministry of Foreign Affairs, Interpol, the DAS, the Ministry of Justice, the Attorney General's office, the Prosecutor General's office, and the presidency meets once every 2 months to discuss trafficking in persons. In November the Ministry of Justice, the Organization for International Migration, and NGO Hope Foundation held the first national conference on trafficking in persons.

The DAS reported at that conference that Colombia is the third most common country of origin of trafficking victims, and that the majority of Colombian women trafficked for prostitution go to the Netherlands, Spain, Japan, Singapore, and Hong Kong. The Organization for Security and Cooperation in Europe issued a report on trafficking in persons in September 1999, which stated that women and girls from Colombia also are trafficked to North America. According to press reports, more than 50 percent of women from Colombia who enter Japan are trafficking victims forced to work as prostitutes. According to the DAS, 126 Colombian trafficking victims have been rescued abroad by Interpol during 1998–2000, and 115 victims were rescued by the National Police during 1999–2000. According to police, the majority of international trafficking operations are managed by Colombians and have ties to narcotics trafficking.

First Lady Nohra Pastrana, in conjunction with the Foreign Affairs Ministry and Interpol, participated in a public relations campaign to alert citizens, in particular women, to the risks of immigrating illegally to other countries.

On June 23, a Colombian woman trafficked to Denmark was granted asylum in Denmark after testifying against Colombian and Danish traffickers. In August police in Andalusia, Spain, detained 51 persons and broke up a ring that trafficked women from Brazil, Colombia, and Ecuador for purposes of prostitution.

COSTA RICA

Costa Rica is a longstanding, stable, constitutional democracy with a unicameral Legislative Assembly directly elected in free multiparty elections every 4 years. Miguel Angel Rodriguez of the Social Christian Unity Party (PUSC) won the presidency in the February 1998 elections, in which approximately 70 percent of eligible voters cast ballots. The judiciary is independent.

The 1949 Constitution abolished the military forces. The Ministry of Public Security—which includes specialized units such as the antidrug police—and the Ministry of the Presidency share responsibility for law enforcement and national security. In 1996 the Government combined several police units within the Ministry of Public Security, including the Border Guard, the Rural Guard, and the Civil Guard, into a single “public force.” Public security forces generally observe procedural safeguards established by law and the Constitution; however, members of these forces occasionally committed human rights abuses.

The market economy is based primarily on light industry, tourism, and agriculture. Real gross domestic product (GDP) growth was estimated at 1.4 percent, compared with 8 percent in 1999. The government deficit is estimated to have narrowed to 2.1 percent of GDP, compared with 2.3 percent in 1999; however, the public sector deficit remained at 3.3 percent of GDP, the same as in 1999. The Constitution protects the right to private property; however, domestic and foreign property owners encounter considerable difficulty gaining adequate, timely compensation for lands expropriated for national parks and other purposes. The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse; however, there were problems in a few areas. There were some instances of physical abuse by police and prison guards, and reports of police abuse of authority or misconduct increased during the year. The judicial system processes criminal cases very slowly, resulting in lengthy pretrial detention for some persons charged with crimes. Domestic violence is a serious problem, and abuse of children also remains a problem. Traditional patterns of unequal opportunity for women remain, in spite of continuing government and media efforts to advocate change. Child labor persists, and child prostitution is a growing problem.

RESPECT FOR HUMAN RIGHTS

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

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

The third judicial police officer accused of the 1994 murder of farmer Ciro Monge did not appear for his trial in April, and his whereabouts were unknown at year's end. The two officers convicted in 1997 appealed the rulings and lost; one fled the country in 1998 but was captured and returned to serve his sentence in February.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits cruel or degrading treatment and holds invalid any statement obtained through violence, and the authorities generally abide by these prohibitions; however, members of the public forces were responsible for some physical abuse, and reports of police abuse of authority or misconduct increased during the year. An effective mechanism for lodging and recording complaints of police misconduct exists. The Ombudsman's office serves as a recourse to citizens that have complaints about violations of their civil and human rights and about deficiencies in public and private infrastructure. It investigates complaints and, where appropriate, initiates suits against officials.

The Ombudsman's office received 52 reports of police abuse of authority or misconduct during the year, compared with 14 in 1999 and 4 in 1998. The majority of

the reports involved complaints about negligence or corruption, but part of the large increase was due to complaints of alleged police brutality during the Costa Rican Electricity Institute strike (see Sections 2.b. and 6.a.). Police intervention during strike-related protests in downtown San Jose included the use of tear gas and riot gear.

A large percentage of police personnel owe their appointments to political patronage. The Rodriguez administration continued implementation of the 1994 Police Code designed to depoliticize and professionalize the police force. The Government's longterm plan is to establish permanent, professional cadres, eventually resulting in a nonpolitically appointed career force. The basic course for new police recruits includes training using a human rights manual developed by the Ministry of Public Security.

Prisoners generally receive humane treatment. Prisoners are separated by sex and by level of security (minimum, medium, and maximum). There are separate juvenile detention centers. Illegal narcotics are readily available in the prisons, and drug use is common. As of August, the Ombudsman's office had received two complaints of physical abuse of prisoners by guards, and four complaints of psychological abuse; compared with six complaints of physical abuse and six complaints of psychological abuse in all of 1999. The Ombudsman's office investigates complaints and refers serious cases of abuse to the public prosecutor.

Penitentiary overcrowding remains a problem, with the prison population estimated at 67 percent above planned capacity in 1999. A study by a U.N. agency found that the prison population grew by 155 percent from 1992-99. The Government is expanding six prisons to address this problem. In March 1996, the Supreme Court's Constitutional Chamber issued an order to the San Sebastian prison in San Jose, giving the institution 1 year to achieve minimally acceptable conditions for the prisoners. As of September, occupancy in that prison was 139 percent above intended capacity, an increase from 108 percent in 1999. In August the Supreme Court's Constitutional Chamber declared that no additional prisoners would be admitted to the San Sebastian prison until it met the U.N. minimum standards for the treatment of the imprisoned. The Ministry of Justice responded by calling on the Rodriguez administration to allocate more funds for prison enhancement. Five additional facilities have been opened and three have been undergoing renovation since 1999 as part of this plan. The Government also approved the budget for a series of detention facilities in outlying provinces, which are expected both to reduce overcrowding and to locate prisoners closer to their families.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally respects these prohibitions.

The law requires issuance of judicial warrants before making arrests. The Constitution entitles a detainee to a judicial determination of the legality of the detention during arraignment before a court officer within 24 hours of arrest. The authorities generally respect these rights.

The law provides for the right to bail, and the authorities observe it in practice. Generally, the authorities do not hold detainees incommunicado. With judicial authorization, the authorities may hold suspects for 48 hours after arrest or, under special circumstances, for up to 10 days.

The Constitution bars exile as punishment, and it is not used.

e. Denial of Fair Public Trial.—The Constitution and law provide for an independent judiciary, and the Government respects this provision in practice. The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

The Supreme Court supervises the work of the lower courts, known as tribunals. The Legislative Assembly elects the 22 Supreme Court magistrates to 8-year terms, subject to automatic renewal unless the Assembly decides otherwise by a two-thirds majority. Accused persons may select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent.

Persons accused of serious offenses and held without bail sometimes remain in pretrial custody for long periods. Lengthy legal procedures, numerous appeals, and large numbers of detainees cause delays and case backlogs. As of February, there were 1,967 accused persons jailed while awaiting trial, representing 21 percent of the prison population.

There were no reports of political prisoners. However, one individual was jailed for committing crimes against the State (politically motivated acts of violence) in the 1980's. The human rights group Families for the Defense of Political Prisoners and Human Rights considers this person to be a political prisoner.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices; government authorities generally respect these prohibitions; and violations are subject to effective legal sanction. The law requires judicial warrants to search private homes. Judges may approve the use of wiretaps in limited circumstances, primarily to combat narcotics trafficking.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Landowners throughout the country have suffered frequent squatter invasions for years. President Rodriguez said he would give priority to reducing these conflicts, increasing public security, and regularizing land tenure. The Legislative Assembly is reexamining laws that allow occupants of land to gain title through adverse possession. The incidence of squatter invasions had increased in 1999 in anticipation of the land tenure regularization. However, during the year there was only one instance when squatter families were removed. In that case, the Government removed 230 families without reports of protests or violence.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, a generally effective judiciary, and a functioning democratic political system together ensure freedom of speech and of the press.

There are 6 major privately owned newspapers, several periodicals, 20 privately owned television stations, and over 80 privately owned radio stations, all of which pursue independent editorial policies. While the media generally criticized the Government freely, there were unconfirmed allegations that the Government withheld advertising from some publications in order to influence or limit reporting.

A 1996 "right of response" law provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. Print and electronic media continued to criticize public figures; however, media managers have found it difficult to comply with provisions of this law.

The Penal Code outlines a series of "insult laws" that establish criminal penalties of up to 3 years in prison for those convicted of "insulting the honor or decorum of a public official." The law also identifies defamation, libel, slander, and calumny as offenses against a person's honor that can carry criminal penalties. The Inter-American Press Association and the World Press Freedom Committee assert that such laws have the effect of restricting reporting by the media, and that they wrongly provide public officials with a shield from public scrutiny by citizens and the press.

The Office of Control of Public Spectacles rates films and has the authority to restrict or prohibit their showing; it has similar powers over television programs and stage plays. Nonetheless, a wide range of foreign films are available to the public. A tribunal reviews appeals of the office's actions.

The Government respects academic freedom.

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

In March police intervention to disband strike-related protests in San Jose resulted in complaints to the Ombudsman's office that such actions were abusive and constituted evidence of police brutality (see Sections 1.c. and 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. While the Constitution establishes Roman Catholicism as the state religion, members of all denominations freely practice their religion without government interference. Religious education teachers, including those in public schools, must be certified by the Roman Catholic Episcopal Conference. Foreign missionaries and clergy of all denominations work and proselytize freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice. There are no restrictions on travel within the country, on emigration, or on the right of return.

There is a long tradition of providing refuge to persons from other Latin American countries.

The law provides for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has admitted approximately 5,000 persons as refugees under terms of the convention. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government makes a distinction between political asylum and refugee status. The issue of the provision of first asylum did not arise. The Constitution specifically prohibits repatriation of anyone subject to potential persecu-

tion, and there were no reports of the forced expulsion of persons to a country where they feared persecution.

The authorities regularly repatriated undocumented Nicaraguans, most of whom entered the country primarily for economic reasons. However, following Hurricane Mitch in 1998, the Government announced a program of general amnesty for all Nicaraguans, Hondurans, and Salvadorans in the country prior to November 9, 1998. By June 156,000 Central Americans, 95 percent of whom are Nicaraguans, qualified for and received legal resident status under this government amnesty program.

Immigration officials reported that 4,000 Colombians were expected to emigrate to Costa Rica during the year; 2,831 emigrated in 1999. The majority immigrate legally. However, others seek temporary refugee status, and under the law, are expected to return to their country of origin once the period of conflict ends in their country.

The Government has been reluctant in many cases to state publicly under what status it would grant legal residence. However, according to press reports, the authorities granted 16 Cuban athletes asylum in the period between January 1999 and June, under the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

Allegations of abuse by the Border Guard periodically arise. Although instances of physical abuse appear to have declined, there were credible reports of extortion of migrants by border officials.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through free and fair elections held on the basis of universal suffrage and by secret ballot every 4 years. The independent Supreme Electoral Tribunal ensures the integrity of elections, and the authorities and citizens respect election results. The Constitution bars the President from seeking reelection, and Assembly members may seek reelection only after at least one term out of office. In September the Constitutional Chamber of the Supreme Court upheld the constitutionality of this provision in response to a petition filed by private citizens. The case is expected to be appealed to the Inter-American Court of Human Rights for a determination of whether the ban on presidential reelection constitutes an infringement of citizens' rights to vote and run for office.

In the 1998 elections, President Rodriguez's Social Christian Unity Party won a plurality in the Legislative Assembly, winning 27 of 57 seats. The National Liberation Party (PLN) won 23 seats, the Democratic Force won 3 seats, and 4 minor parties—the Labor Action, National Integration, Costa Rican Renovation, and Libertarian Movement parties—each won 1 seat.

Women encounter no legal impediments to their participation in politics; however, while they are underrepresented overall, women are represented increasingly in leadership positions in the Government and political parties. Both vice presidents (who are also cabinet members), the Minister of Justice, the Minister of Women's Affairs, and 11 legislative assembly deputies are women. Sonia Picado, leader of the PLN, the principal opposition party, is also a woman. Former Assembly Deputy Sandra Pizsk continues as Ombudsman, a key autonomous post created in 1993 to protect the rights and interests of citizens in their dealings with the Government, and Linette Saborio remained the Director General of the judicial investigative organization. The PUSC mandated that a minimum of 40 percent of posts in party councils be occupied by women and created the Ministry of Women's Affairs, headed by Dr. Gloria Valerin. In 1998 female legislators formed the Foundation of Women Parliamentarians of Costa Rica to commemorate the 45th anniversary of the first female members of the Assembly. The group's principal focus is to promote women's involvement in politics through informational meetings and public awareness campaigns, but it also works for a number of social objectives, including the decentralization of government.

Indigenous people may participate freely in politics and government; however, in practice, they have not played significant roles in these areas, except on issues directly affecting their welfare, largely because of their relatively small numbers and physical isolation. They account for about 1 percent of the population, and their approximately 20,000 votes constitute an important swing vote in national elections. None of the 57 members of the National Assembly identifies himself as indigenous. There are two black members in the Assembly. The country's 100,000 blacks, who mostly reside on the Caribbean coast, enjoy full rights of citizenship, including the protection of laws against racial discrimination.

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

Various human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The Costa Rican Commission for Human Rights, the Commission for the Defense of Human Rights in Central America, and the Family and Friends of Political Prisoners of Costa Rica monitor and report on human rights, as does the Ombudsman's office.

The Legislative Assembly elects the Ombudsman for a 4-year, renewable term. The Ombudsman's office is part of the legislative branch, ensuring a high degree of independence from the executive branch. The law provides for the functional, administrative, and judgmental independence of the Ombudsman's office.

Several international organizations concerned with human rights, including the Inter-American Institute for Human Rights and the Inter-American Court of Human Rights, are located in San Jose.

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

The Constitution provides that all persons are equal before the law, and the Government generally respects these provisions.

Women.—The Government has identified domestic violence against women and children as a serious societal problem. The Costa Rican Women's Defense Office handled 5,188 cases of domestic violence in 1999. The Law Against Domestic Violence classifies certain acts of domestic violence as crimes and mandates their prosecution. An old law permitted a judge to pardon a man accused of statutory rape if the perpetrator intends to marry the victim, she and her family acquiesce, and the National Institute for Children does not object; however, an August 1999 reform to the Penal Code rendered this article void. The authorities have incorporated training on handling domestic violence cases into the basic training course for new police personnel. The domestic violence law requires public hospitals to report cases of female victims of domestic violence. It also denies the perpetrator possession of the family home in favor of the victim. Television coverage of this issue has increased in news reporting, public service announcements, and feature programs. Reports of violence against women have increased, possibly reflecting a greater willingness of victims to report abuses rather than an actual increase in instances of violence against women. The public prosecutor, police, and the Ombudsman all have offices dedicated to this problem. The law against sexual harassment in the work place and educational institutions seeks to prevent and punish sexual harassment in those environments.

Prostitution and sex tourism are both legal for persons over the age of 18. The prohibition against trafficking in women for the purpose of prostitution was strengthened by a statute that went into effect in August 1999, although there have been only infrequent and isolated cases reported in the past (see Section 6.f.).

Women constitute 50.1 percent of the population. In 1998 President Rodriguez created the Ministry of Women's Affairs. The 1990 Law for the Promotion of the Social Equality of Women prohibits discrimination against women and obligates the Government to promote political, economic, social, and cultural equality. In March 1996, the Government's National Center for the Development of Women and the Family presented its 3-year National Plan for Equality of Opportunity between Women and Men. The plan is based on the Platform for Action adopted at the Fourth World Conference on Women in Beijing in 1995. As part of the plan, the Government established an office for gender issues in the Ministry of Labor; similar offices are planned in two other ministries.

According to the United Nations Development Program (UNDP) 1999 Human Development Report, women represent 31 percent of the labor force. Most women work in the services sector, with others working in industry and agriculture. While laws require that women and men receive equal pay for equal work, average salaries for women remain somewhat below those of their male counterparts. According to 1997 UNDP data, women occupy 45 percent of executive, management, and technical positions.

Children.—The Government is committed to children's rights and welfare through well-funded systems of public education and medical care. The Government spends over 5 percent of GDP on medical care. In June 1998, the Legislative Assembly passed a constitutional amendment increasing spending on education from 4 percent to 6 percent of GDP. The country has a high rate of literacy (95 percent) and a low rate of infant mortality (14 persons per 1,000). The law requires 6 years of primary and 3 years of secondary education for all children. There is no difference in the treatment of girls and boys in education or in health care services. The autonomous

National Institute for Children (PANI) oversees implementation of the Government's programs for children. In December 1996, the Assembly passed a law strengthening the PANI's role in protecting and promoting the rights of children, in accordance with the provisions of the U.N. Convention on the Rights of the Child.

In recent years, the PANI has increased public awareness of abuse of children, which remains a problem. From January to June, the Institute intervened in 3,704 cases of abandonment, 1,013 cases of physical abuse, 536 cases of sexual abuse, and 885 cases of psychological abuse of children. The PANI attributed the increase in cases reported to better reporting capabilities and an increase in patterns of child abuse. There was also a continued increase in reported psychological abuse cases because the 1997 Code of Childhood and Adolescence redefined such abuse and increased awareness of it. Abuses appear to be more prevalent among poor, less-educated families. Traditional attitudes and the inclination to treat such crimes as misdemeanors sometimes hamper legal proceedings against those who commit crimes against children.

In February 1996, the PANI announced a comprehensive plan to improve the conditions of the poorest children. According to Institute estimates, 19 percent of children between the ages of 5 and 17 are employed in domestic tasks, while 15 percent work outside the home. The Government, police sources, and UNICEF representatives acknowledge that child prostitution is a growing problem. Although no official statistics exist, the PANI has identified street children in the urban areas of San Jose, Limon, and Puntarenas as being at the greatest risk. Estimates of the number of children involved in prostitution vary widely. An International Labor Organization (ILO) study of four San Jose neighborhoods in 1998-99 identified at least 212 minor girls working as prostitutes, but other countrywide estimates are higher. A PANI study estimated that some 40 families in August supported themselves by "renting" their children to sex tourists. In July 1999, the Legislative Assembly passed the Law Against the Sexual Exploitation of Minors, which specifically penalizes persons who use children and adolescents for erotic purposes and made it a crime to engage in prostitution with minors. An adult who pays for sex with a minor can be sentenced to 2 to 10 years in prison. The Government took steps to enforce this law and has raided brothels and arrested clients. The law provides for prison sentences from 4 to 10 years for those managing or promoting child prostitution. The authorities brought charges against 30 persons for violating the law and had convicted 4 persons by year's end.

Casa Alianza operates a 24-hour telephone help line that received 240 accusations of exploitation of minors. In March the organization made a presentation to the Inter-American Commission on Human Rights (IACHR) about what it termed the growing commercial sexual exploitation of children in the country. Casa Alianza criticized the Government for not providing the PANI with 7 percent of national tax revenue, as stipulated by the law creating the Institute, and also criticized the Government for the relatively low number of persons actually charged, found guilty, and sentenced for child exploitation.

People with Disabilities.—The 1996 Equal Opportunity for Persons with Disabilities Law prohibits discrimination, provides for health care services, and mandates provision of access to buildings for persons with disabilities. This law is not enforced widely, and many buildings remain inaccessible to persons with disabilities. In July a government study concluded that only 35 percent of the law's stated goals had been implemented. Nonetheless, a number of public and private institutions have made individual efforts to improve access. In 1999 the PANI and the Ministry of Education published specific classroom guidelines for assisting children with hearing loss, motor difficulties, attention deficit disorder, and mental retardation. In October the Ministry reported that since 1998 there had been a 20 percent increase in special education services offered throughout the country, and that 116 special education centers had been created.

Indigenous People.—The population of about 3.5 million includes nearly 40,000 indigenous people among 8 ethnic groups. Most live in traditional communities on 22 reserves which, because of their remote location, often lack access to schools, health care, electricity, and potable water. The Government, through the National Indigenous Commission, completed distribution of identification cards to facilitate access to public medical facilities in 1999. The Government also built a medical clinic and several community health centers in indigenous areas. The Ombudsman has established an office to investigate violations of the rights of indigenous people. In January 1999, a group of indigenous people from Puntarenas challenged the constitutionality of the 1978 Indigenous Law because of their inability to possess private property on the reservation. The Supreme Court's Constitutional Chamber rejected this challenge in January.

Section 6. Worker Rights

a. The Right of Association.—The law specifies the right of workers to join unions of their choosing without prior authorization, although barriers exist in practice. About 15 percent of the work force is unionized, almost entirely in the public sector. Unions operate independently of government control.

Some trade union leaders contend that “solidarity” associations, in which employers provide access to credit unions and savings plans in return for agreement to avoid strikes and other types of confrontation, infringe upon the right of association. After the ILO Committee on Freedom of Association (CFA) ruled that solidarity associations and their involvement in trade union activities violated freedom of association, the Government amended the Labor Code in 1993. The following year, the ILO Committee of Experts (COE) ruled that these and other planned changes fostered greater freedom of association. In 1995 the COE encouraged the Government to approve legislation to allow unions to administer compensation funds for dismissed workers and to repeal labor code provisions restricting the right to strike in certain nonessential public, agricultural, and forestry sectors. The International Confederation of Free Trade Unions (ICFTU) reported that the Labor Ministry provided information about newly formed unions to employers who then encouraged formation of solidarity associations and blacklisted union members. The Labor Ministry denied the reports but acknowledged that solidarity association culture is deeply embedded. During 1999 and 2000, the Labor Ministry received 13 complaints (representing 7 incidents) charging explicit antiunion discrimination.

In June 1998, the Rerum Novarum Workers Confederation complained about government noncompliance with commitments to protect worker rights but withdrew the complaint after the Rodriguez administration asked for a reasonable period to demonstrate its commitment to worker rights. Some labor unions did not support the complaint because they believed that it interfered with the administration’s national reconciliation process. In August the Rerum Novarum confederation resubmitted the complaint against the Government; they had not received a response at year’s end.

The Constitution and Labor Code restrict the right of public sector workers to strike. However, in February 1998, the Supreme Court formally ruled that public sector workers, except those in essential positions, have the right to strike. Even before this ruling, the Government had removed penalties for union leaders participating in such strikes.

In March the Supreme Court’s Constitutional Chamber clarified the law forbidding public sector strikes. It ruled that public sector strikes may be allowed only if a judge approves them beforehand and finds that “services necessary to the well-being of the public” are not jeopardized. Public sector workers who decide to strike can no longer be penalized by a prison sentence but can face charges of breach of contract.

In March Costa Rican Electricity Institute (ICE) workers, employees from public hospitals, teachers, students, taxi drivers, and public transportation workers called a general strike that lasted several days to protest the passage of legislation which would partially open the ICE to private participation (see Sections 1.c. and 2.b.).

There are no legal restrictions on the right of private sector workers to strike, but very few workers in this sector belong to unions. Private sector strikes rarely occur; however, their frequency increased during the year.

Unions may form federations and confederations and affiliate internationally.

b. The Right to Organize and Bargain Collectively.—The Constitution protects the right to organize. Specific provisions of the 1993 Labor Code reforms provide protection from dismissal for union organizers and members during union formation. The revised provisions require employers who are found guilty of discrimination to reinstate workers fired for union activities. However, the ILO’s CFA reported that harassment is still used to force workers to leave unions, and that other violations of labor legislation continue to occur. In one incident, a company in the banana industry refused to negotiate with a legitimate union for 3 years. The company eventually fired the union leader and established a solidarity association.

Trade unions claim that the 1993 reforms have not led to significant improvements because the Government has not enforced the law effectively. However, the Labor Ministry hired an additional 10 labor inspectors who are able to expedite such cases. The Constitutional Chamber ruled that the labor inspectorate must comply with the 2-month time limit for investigations. Most cases take up to 2 months to resolve, but some may take longer if the judge decides that an unusual situation merits further investigation and requires witnesses. Delays in processing court rulings are common throughout the judicial branch.

Public sector workers cannot engage in collective bargaining because the Public Administration Act of 1978 makes labor law inapplicable in relations between the

Government and its employees. However, the Supreme Court has affirmed their right to strike (see Section 6.a.). In August 1999, the Government negotiated a wage increase following a 7-day strike by public sector workers. Private sector unions have the legal right to engage in collective bargaining.

All labor regulations apply fully to the country's nine export processing zones (EPZ's). The Labor Ministry oversees labor regulations within the EPZ's. It reported that after an effort to hire additional inspectors, it now has 1 inspector for every 9,000 workers, compared with 1 for every 30,000 in 1999.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and there were no known instances of such practices. Laws prohibit forced and bonded labor by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and the Labor Code provide special employment protection for women and children and establish a minimum working age of 15 years. The Legislative Assembly adopted the Code on Childhood and Adolescence in December 1997, which includes provisions designed to implement the U.N. Convention on the Rights of the Child. Adolescents between the ages of 15 and 18 can work for a maximum of 6 hours daily and 36 hours weekly, while children under age 15 cannot work legally. The PANI, in cooperation with the Labor Ministry, generally enforces these regulations in the formal sector. Due to limited government resources for enforcement, some children work on the fringes of the formal economy in violation of these limits. Youths under the age of 18 may not work in the banana industry. A 1999 study by the Census Bureau and Ministry of Labor estimated that 8.9 percent of the population between the ages of 5 and 14 are involved in the country's formal and informal workforce, and found that 70 percent of these children are boys. However, the study also indicated that the number of minor children in the workforce has dropped steadily over the past 10 years.

With help from the ILO, the Labor Ministry is working to phase out child labor and has asked employers of children to notify the Ministry of such employment. The Government formed the National Directive Committee for the Progressive Eradication of Child Labor and Protection of Adolescent Laborers in 1990. Representatives from the PANI, the Ministry of Labor, the Ministry of Justice, the Ministry of Public Security, the Ombudsman's Office, UNICEF, the ILO, and area universities are part of the committee. In April 1999, the Committee conducted an aggressive public awareness campaign as part of its national plan. The campaign addressed child labor and explained existing legislation to audiences of different age groups. The Ministry of Labor maintains an Office for the Eradication of Child Labor, which cooperates with projects sponsored by the ILO, U.N. Development Program, and other entities. Nonetheless, child labor remains an integral part of the informal economy, particularly in small-scale agriculture and family-run microenterprises selling various items, which employ a significant proportion of the labor force. Child prostitution is a growing problem (see Section 5). The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

In October the International Relations Commission of the Legislative Assembly approved ILO Convention 182 on the eradication of the worst forms of child labor for debate on the Assembly floor, which was scheduled for the session beginning in December.

e. Acceptable Conditions of Work.—The Constitution provides for a minimum wage. A National Wage Council, composed of three members each from government, business, and labor, sets minimum wage and salary levels for all sectors. Monthly minimum wages, last adjusted in July for the private sector, range from \$137 (42,373 colones) for domestic employees to \$662 (205,365 colones) for some professionals. Public sector negotiations, based on private sector minimum wages, normally follow the settlement of private sector negotiations. The Ministry of Labor effectively enforces minimum wages in the San Jose area, but does so less effectively in rural areas. Especially at the lower end of the wage scale, the minimum wage is insufficient to provide a worker and family with a decent standard of living.

The Constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Although often circumvented in practice, it also requires compensation for discharge without due cause. Generally, workers may work a maximum of 8 hours during the day and 6 at night, up to weekly totals of 48 and 36 hours, respectively. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work in excess of the daily work shift. However, agricultural workers do not receive overtime pay if they voluntarily work beyond their normal hours. Little evidence exists that employers coerce employees to perform such overtime.

A 1967 law on health and safety in the workplace requires industrial, agricultural, and commercial firms with 10 or more workers to establish a joint management-labor committee on workplace conditions and allows the Government to inspect workplaces and to fine employers for violations. Most firms subject to the law establish such committees but either do not use the committees or do not turn them into effective instruments for improving workplace conditions. Due partly to budgetary constraints, the Ministry has not fielded enough labor inspectors to ensure consistent maintenance of minimum conditions of safety and sanitation, especially outside San Jose. However, ministry programs to hire additional inspections and enhance inspector training programs have resulted in some progress. While workers have the right to leave work if conditions become dangerous, workers who do so may jeopardize their jobs unless they file written complaints with the Labor Ministry.

f. Trafficking in Persons.—The law prohibits trafficking in women for the purpose of prostitution, and in August 1999, a statute went into effect that strengthens this prohibition. There have been only infrequent and isolated cases of trafficking in women in the past (see Section 5). However, in its March submission to the IACHR, Casa Alianza asserted that there was trafficking in women from Colombia, the Dominican Republic, and the Philippines to the country. Local authorities lack the resources necessary to address this problem; there is little in the way of government protection, aid, or educational campaigns for persons who have been trafficked to or from the country. The Ministry of Women's Issues began an awareness campaign in 1999 to educate women about the dangers of trafficking.

CUBA

Cuba is a totalitarian state controlled by President Fidel Castro, who is Chief of State, Head of Government, First Secretary of the Communist Party, and commander-in-chief of the armed forces. President Castro exercises control over all aspects of life through the Communist Party and its affiliated mass organizations, the government bureaucracy, and the state security apparatus. The Communist Party is the only legal political entity, and President Castro personally chooses the membership of the Politburo, the select group that heads the party. There are no contested elections for the 601-member National Assembly of People's Power (ANPP), which meets twice a year for a few days to rubber stamp decisions and policies already decided by the Government. The Party controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the Communist Party.

The Ministry of Interior is the principal organ of state security and totalitarian control. Officers of the Revolutionary Armed Forces (FAR), which are led by President Castro's brother, Raul, have been assigned to the majority of key positions in the Ministry of Interior in recent years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Interior Ministry's Department of State Security investigates and actively suppresses opposition and dissent. It maintains a pervasive system of vigilance through undercover agents, informers, the rapid response brigades, and the Committees for the Defense of the Revolution (CDR's). The Government traditionally uses the CDR's to mobilize citizens against dissenters, impose ideological conformity, and root out "counterrevolutionary" behavior. During the early 1990's, economic problems reduced the Government's ability to reward participation in the CDR's and hence the willingness of citizens to participate in them, thereby lessening the CDR's effectiveness. Other mass organizations also inject government and Communist Party control into citizens' daily activities at home, work, and school. Members of the security forces committed serious human rights abuses.

The Government continued to control all significant means of production and remained the predominant employer, despite permitting some carefully controlled foreign investment in joint ventures with it. Foreign companies are required to contract workers only through Cuban state agencies, which receive hard currency payments for the workers' labor but in turn pay the workers a fraction of this (usually 5 percent) in local currency. In 1998 the Government retracted some of the changes that had led to the rise of legal nongovernmental business activity when it further tightened restrictions on the self-employed sector by reducing the number of categories allowed and by imposing relatively high taxes on self-employed persons. In September the Minister of Labor and Social Security publicly stated that more stringent laws should be promulgated to govern self-employment. He suggested that the Ministry of Interior, the National Tax Office, and the Ministry of Finance act in a coordinated fashion in order to reduce "the illegal activities" of the many self-em-

ployed. According to government officials, the number of self-employed persons as of September was 156,000, a decrease from the 166,000 reported in 1999.

According to official figures, the economy grew 5.6 percent during the year. Despite this, overall economic output remains below the levels prior to the drop of at least 35 percent in gross domestic product that occurred in the early 1990's due to the inefficiencies of the centrally controlled economic system; the loss of billions of dollars of annual Soviet bloc trade and Soviet subsidies; the ongoing deterioration of plants, equipment, and the transportation system; and the continued poor performance of the important sugar sector. The 1999–2000 sugar harvest (just over 4 million tons) was marginally better than the 1998–99 harvest. The 1997–98 harvest was considered the worst in more than 50 years. For the tenth straight year, the Government continued its austerity measures known as the “special period in peacetime.” Agricultural markets, legalized in 1994, provide consumers wider access to meat and produce, although at prices beyond the reach of most citizens living on peso-only incomes or pensions. Given these conditions, the flow of hundreds of millions of dollars in remittances from the exile community significantly helps those who receive dollars to survive. Tourism remained a key source of revenue for the Government. The system of so-called tourist apartheid continued, with foreign visitors who pay in hard currency receiving preference over citizens for food, consumer products, and medical services. Most citizens remain barred from tourist hotels, beaches, and resorts.

The Government's human rights record remained poor. It continued to violate systematically the fundamental civil and political rights of its citizens. Citizens do not have the right to change their government peacefully. There were unconfirmed reports of extrajudicial killings by the police, and reports that prisoners died in jail due to lack of medical care. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed abuses. Prison conditions remained harsh. The authorities continued routinely to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government used internal and external exile against such persons, and it offered political prisoners the choice of exile or continued imprisonment. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' privacy rights. The Government denied citizens the freedoms of speech, press, assembly, and association. It limited the distribution of foreign publications and news, reserving them for selected party faithful, and maintained strict censorship of news and information to the public. The Government restricts some religious activities but permits others. Before and after the January 1998 visit of Pope John Paul II, the Government permitted some public processions on feast days, and reinstated Christmas as an official holiday; however, it has not responded to the papal appeal that the Church be allowed to play a greater role in society. During the year, the Government allowed two new priests to enter the country (as professors in a seminary) and another two to replace two priests whose visas were not renewed. However, the applications of many priests and religious workers remained pending, and some visas were issued for periods of only 3 to 6 months. The Government kept tight restrictions on freedom of movement, including foreign travel. The Government was sharply and publicly antagonistic to all criticism of its human rights practices and discouraged foreign contacts with human rights activists. Violence against women, especially domestic violence, and child prostitution are problems. Racial discrimination occurs. The Government severely restricted worker rights, including the right to form independent unions. The Government prohibits forced and bonded labor by children; however, it requires children to do farm work without compensation during their summer vacation.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings. There were unconfirmed reports of deaths due to the excessive use of force by the national police.

On October 6, according to a report by the Agencia de Prensa Libre Oriental (APLO—an independent news agency), a policeman shot 41-year-old Leovigildo Oliva, from El Poblado, Dos Caminos de San Luis, Santiago province, as he was returning home in the early morning on horseback carrying a bag of animal feed.

Oliva was taken to the hospital and died a few hours later. No explanation was given for the shooting.

On December 28, 27-year-old Leonardo Horta Camacho was shot and killed. According to some reports, Horta apparently was shot while trying to steal a pig; a policeman reportedly told Horta's girlfriend that he was accidentally shot while struggling with a policeman. Another version was that police thought Horta was one of two escaped prisoners that they were searching for.

Government sanctions against perpetrators were light or nonexistent in the cases of deaths due to excessive use of force that occurred in 1998. There was no information available about the results of any investigations into the 1998 deaths of Wilfredo Martinez Perez, Yuset Ochoterena, and Reinery Marrera Toldedo.

During the year, there were reports that prisoners died in jail due to lack of medical care (see Section 1.c.).

In 1996 the Inter-American Commission on Human Rights (IACHR) issued its final report on the Government's July 1994 sinking of the 13th of March tugboat, which killed 41 persons. The IACHR ordered the Government to indemnify the survivors and the relatives of the victims for the damages caused. At year's end, the Government still had not done so. The Government detained a number of human rights activists to prevent them from participating in a Mass in memory of the victims on the anniversary of the deaths (see Sections 1.d. and 2.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits abusive treatment of detainees and prisoners; however, there were instances in which members of the security forces beat and otherwise abused human rights advocates, detainees, and prisoners. There were numerous reports of disproportionate police harassment of black youths (see Section 5).

On January 22, Communist Party members attacked members of the Sigler Amaya family in their home in Pedro Betancourt, in the province of Matanzas, in the presence of police officers. The family was concluding a fast for the release of two of their family members, Guido Sigler Amaya and Ariel Sigler Amaya, who were detained on December 15, 1999. After destroying a number of placards, the 10 party members attacked several persons in the family with sticks. Juan Francisco Sigler Amaya was knocked unconscious; Miguel Sigler Amaya suffered a broken rib; Gulliver and Ulises Sigler Gonzalez, the sons of Juan Francisco, received lesser injuries. Party members also beat Gloria Amaya Gonzalez, the grandmother. After the attack, police officers entered the house and arrested all the men in the house. The police did not arrest the attackers. On January 23, the authorities released Juan Rogelio "Yeyo" Gonzalez, Juan Francisco Martinez, and Miguel Sigler Amaya but fined them for disturbing the peace and causing public disorder. At year's end, the Government had not sanctioned any of the Communist Party members for this attack. Police released Guido Sigler Amaya on July 9, and Ariel Sigler Amaya on August 5.

On July 13, Ernesto La O Ramos of the "Maximo Gomez National Civic Movement," reportedly planned to place flowers in a nearby river in commemoration of the death of 41 persons, who died in the sinking of the 13th of March tugboat in 1994. A policeman warned La O Ramos not to go to the river. When he refused, the policeman brought him to the police station. On the way to the police station, La O Ramos greeted a friend, and the policeman reportedly interpreted this as an indication that La O Ramos intended to run away. The officer hit La O Ramos in the face, fracturing his nose and breaking his eye glasses. La O Ramos was cited for disrespect and his trial on August 3 was postponed until further notice. However, on September 29, the judge dismissed the charges against La O Ramos.

The Government continued to subject persons who disagree with it to acts of repudiation. At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended victims are obliged to stage public protests against those who dissent with the Government's policies, shouting obscenities and often causing damage to the homes and property of those targeted; physical attacks on the victims sometimes occur. Police and state security agents are often present but take no action to prevent or end the attacks. Those who refuse to participate in these actions face disciplinary action, including loss of employment.

During the year, there were no massive acts of repudiation directed against the homes of individual human rights activists; however, there were smaller-scale acts of repudiation, known as "reuniones relampagos," or rapid repudiations. These acts are conducted by a small number of persons, usually not from the person's neighborhood, and can last up to 30 minutes. These individuals shout epithets and throw stones or other objects at the target's house. For example, in the early morning on June 21, a small group of persons threw stones, tomatoes, and eggs for about 10

minutes at the home of Yvette Rodriguez Manzanares in Santiago de Cuba. Rodriguez is a member of Followers of Chibas Movement (MSC).

On the night of August 12, unknown persons threw stones at the house of Nelson Parra Polanco, a member of the Democratic Solidarity Party in Manzanillo in the province of Granma. On September 27, just before midnight, an unknown number of persons entered the yard of the house of Isabel del Pino, president of the Association of Humanitarian Followers of Christ the King, and knocked loudly on her door. The crowd also shouted abusive language, such as "Down with the Worm" ("Abajo la gusanera"), "Let the worms leave" ("Que se vayan los gusanos"), etc.

Prison conditions continued to be harsh and life threatening, and conditions in detention facilities also are harsh. The Government claims that prisoners have rights, such as family visitation, adequate nutrition, pay for work, the right to request parole, and the right to petition the prison director. However, police and prison officials often denied these rights in practice, and beat, neglected, isolated, and denied medical treatment to detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views. Human Rights Watch (HRW) reported that in February 1999, the Government revised the Penal Code to provide that prisoners cannot be subjected to corporal punishment, nor is it permitted to employ any means against them to humiliate them or to lessen their dignity. However, the revised code failed to establish penalties for committing such acts.

The Government regularly violated prisoners' rights by failing to provide adequate nutrition and medical attention. On June 1, APLO reported that Marcelo Diosdado Amelo Rodriguez, imprisoned in Boniato, was not receiving medicine for hypertension and circulatory problems. In June the Inter-American Press Association (IAPA) called on the Government to provide medical treatment to two journalists serving prison sentences. The two journalists suffered from hepatitis and serious influenza, and the IAPA feared that one might contract tuberculosis. On July 27, an independent press agency reported the death of common prisoner Lucia Castelua Padron because prison authorities did not transfer her to a hospital to receive treatment for hepatitis. In 1997 the IACHR described the nutritional and hygienic situation in the prisons, together with the deficiencies in medical care, as "alarming." Both the IACHR and the former U.N. Special Rapporteur on Cuba, as well as other human rights monitoring organizations, reported the widespread incidence in prisons of tuberculosis, scabies, hepatitis, parasitic infections, and malnutrition.

On April 10, over 100 prisoners in Prison 1580, located in the Havana City municipality of San Miguel del Padron, protested the lack of medical attention and requested better prison conditions. On May 3, a number of prisoners reportedly rioted in Kilo 7, a prison in Camaguey, and requested better medical treatment, better food, and personal respect. Special police forces apparently attacked the prisoners and terminated the strike, an action that resulted in 20 prisoners being hospitalized.

Prison guards and state security officials also subjected human rights and pro-democracy activists to threats of physical violence; to systematic psychological intimidation; and to detention or imprisonment in cells with common and violent criminals, sexually aggressive inmates, or state security agents posing as prisoners.

There are separate prison facilities for women and for minors.

Prison officials regularly denied prisoners other rights, such as the right to correspondence, and continued to confiscate medications and food brought by family members for political prisoners. Prison authorities also routinely denied religious workers access to detainees and prisoners.

Political prisoners are required to comply with the rules for common criminals and often are punished severely if they refuse. They often are placed in punishment cells and held in isolation. Detainees and prisoners often are subjected to repeated vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims.

Vladimiro Roca Antunez, a member of the Internal Dissidents Working Group, remains in prison, and was moved from solitary confinement in early July to a section of the prison for common prisoners. Prison officials denied Roca prison furloughs over weekends, which were granted to the three other members of the group before their release in May (see Section 1.e.).

The authorities took Dr. Oscar Elias Biscet to a prison in Holguin, located about 450 miles from Havana where his family lives, immediately following his 1-day trial in February. On June 7, Biscet was placed in a "punishment cell" and could not receive visitors nor receive food, clothes, or publications. He was not allowed to take any reading materials to the punishment cell, not even the Bible. The authorities allegedly placed Biscet in a punishment cell because he started a 6-hour fast to commemorate the 40 days of fasting that he started on June 7, 1999, in an apartment

on Tamarindo 34 in the 10th of October municipality in Havana. On July 1, Biscet left the punishment cell; however, authorities sent him back to the punishment cell again when he announced his intention to fast on July 13 in honor of the Cubans who died when the 13th of March tugboat sank in 1994. Prison authorities reportedly told Biscet that such actions were disruptive of prison life and could lead to violence. Biscet served 42 days in solitary confinement. In November prison authorities punished Biscet again, this time for protesting inadequate medical attention for 10 common prisoners suffering from diarrhea. Guards allegedly denied him food that his family brought and refused to allow a scheduled family visit. Biscet still was imprisoned at year's end.

From May 24 to June 1, political prisoners Jorge Garcia Perez (Antunez) conducted a hunger strike to protest the lack of medical attention, the arbitrary removal of books and literature, including the Bible, and suspension of family visits. He reportedly received improved treatment from prison officials following the hunger strike.

On August 22, the parents of Jesus Joel Diaz Hernandez reported that he was placed in a punishment cell in the provincial prison of Canaleta in Ciego de Avila. Prison officials did not allow him to have any literature, including the Bible.

Although no longer in solitary confinement in a punishment cell, Francisco Chaviano Gonzalez, who was president of the National Council for Civil Rights in Cuba and who has been imprisoned since 1994 on charges of espionage and disrespect, refuses to see family members until prison officials guarantee that he can receive visits from his family members once a month, in accordance with prison regulations. Presently Chaviano and his wife exchange letters.

The Government does not permit independent monitoring of prison conditions by international or national human rights monitoring groups. The Government has refused to allow prison visits by the International Committee of the Red Cross (ICRC) since 1989 and continues to refuse requests to renew such visits.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention continued to be problems, and they remained the Government's most effective weapons for harassing opponents. The Law of Penal Procedures requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest. It also requires the authorities to provide suspects with access to a lawyer within 7 days of arrest. However, the Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the decision of the Cuban people to build socialism. The authorities routinely invoke this sweeping authority to deny due process to those detained on purported state security grounds.

The authorities routinely engage in arbitrary arrest and detention of human rights advocates, subjecting them to interrogations, threats, and degrading treatment and unsanitary conditions for hours or days at a time. A survey by the illegal nongovernmental organization (NGO) the Cuban Commission of Human Rights and National Reconciliation reported that the Government sanctioned or processed 368 persons for political motives in 1999. Amnesty International (AI) further recognized the increase of arrests and harassment of dissidents at year's end, particularly around the anniversary of the Universal Declaration of Human Rights, when the authorities arrested approximately 200 persons to prevent them from participating in a celebration of that anniversary. Human rights activists characterized this escalation as the worst in a decade. Elizardo Sanchez Santa Cruz, president of the Cuban Commission of Human Rights and National Reconciliation, said that he especially was disturbed about the new and unlawful methods that the security forces used to harass dissidents, including the use of force when arresting activists.

For example, the police arrested Victor Rolando Arroyo Carmona, an independent journalist, and Pedro Pablo Hernandez Mijares during a birthday party celebration for Noel Ascanio Montero in Guines. The police beat Rolando Arroyo, confiscated his cassette recorder (he is an independent journalist) and \$15. Police subsequently left the two men on the side of a road, far from Guines. The men returned to Guines and went to the local police station to lodge a formal complaint against the police, but instead were again driven away and left on the road more than 20 miles away. On returning to Guines in the early morning, Rolando Arroyo again went to the police station, but police intercepted him and took him to the next municipality of Guanajay.

In December 1999, police detained Jose Aguilar Hernandez and Carlos Oquendo Rodriguez of the July 13 Movement, Diosdado Gonzalez Marrero of the Peace, Love, and Liberty Party, and Marcel Valenzuela Salt of the Brotherly Civic Organization when they attempted to demonstrate during the religious festivities in honor of St. Lazarus, near the small town of El Rincon, near Havana. On June 13, the authorities released the four men.

In December 1999, the authorities arrested Maritza Lugo Fernandez, the vice president of the Democratic November 30 Party and released her only on June 2. Maritza Lugo had been released from jail in August 1999, then was detained various times before her subsequent arrest in December 1999. When Maritza Lugo was released, state security officials told her to prepare the papers for the departure of her family, including her husband, Rafael Ibarra Roque, who still was in jail. However, in December the authorities again arrested Maritza Lugo and detained her until year's end without filing charges against her.

The authorities continued to detain human rights activists and independent journalists for short periods, often to prevent them from attending or participating in events related to human rights issues. The authorities also placed such activists under house arrest for short periods for similar reasons.

On January 13, security personnel impeded a number of human rights activists and independent journalists from attending the trial of independent journalist Victor Rolando Arroyo Carmona. Victor Rolando received a 6-month jail sentence for allegedly hoarding toys. He bought toys to distribute to poor children on January 6. The Government confined Juan Carlos Perez Arencibia, Feliciano Alvarez, and Cecilio Gonzalez to their homes so that they could not attend Arroyo's trial in Pinar del Rio. In 1996 Arroyo Carmona served a 1-year and 9 months' prison term for showing disrespect to authorities.

On January 25, police detained Oswaldo Paya Sardinias, president of the Christian Liberation Movement and Hector Palacios Ruiz, director of the Center for Social Studies. According to Elizardo Sanchez Santa Cruz, the two were detained to prevent a meeting from taking place at Palacios' house regarding "All United," a document that was issued just before the Ninth Ibero-American Summit in November 1999 in Havana. The police also detained a number of other dissidents, including Jose Orlando Gonzalez Bridon, Secretary General of the Confederation of the Democratic Workers Union of Cuba, and an independent journalist; all were released the same afternoon. Police had detained Bridon on January 20 and questioned him about his journalistic activities.

State Security officers detained human rights activists and independent journalists, including Alejandro Chang of the Movement of Fraternal Brothers for Dignity; Nelson Aquiar Ramirez of the Orthodox Party; Maria A. Garcia Delgado of the Movement of 24 February; Carlos Alberto Dominguez of the November 30 Democratic Party; Carlos Rios of Change 2000; Clara Morales Martinez of the July 13 Movement; Angel Polanco, Rafael Peraza, Maria de los Angeles Gonzalez Amaro, and Jose Antonio Fornaris Ramos to make sure they did not attend the 1-day public trial of Dr. Oscar Elias Biscet, Eduardo Diaz Fleitas, and Fermin Scull Zulueta, which took place on February 25 in Havana. In addition, the authorities told many dissidents and independent journalists not to attend. The authorities ordered prominent dissident Jesus Yanez Pelletier not to leave his house, and placed guards outside to ensure compliance. Others who were ordered to stay in their homes were Maria Esther Suarez Valdes of the Confederation of Democratic Workers Union of Cuba; Ileana Gonzalez of the Democratic Party November 30; Ruben Camalleri of the Movement of February 24; Carlos Raul Jimenez Carrero of Nationalist Agenda; and Odilia Collazo Valdes of the Pro-Human Rights Party of Cuba. The authorities placed independent journalists Omar Rodriguez Saludes and Jorge Olivera Castillo under 1-day house arrest.

On May 24, security police detained four human rights activists who were on their way to deliver a letter requesting better prison conditions for political prisoners to prison authorities in Vedado, Havana. The letter also protested Dr. Biscet's incarceration 450 miles away from his family. Police detained Armando Dominguez and Iosvani Aguilar Camejo of the Movement of Fraternal Brothers for Dignity, and Alejandro Chang Cantillo and Marlon Cabrera of the Brotherly Civic Movement. On October 23, the police released Marlon Cabrera Rivero and Alejandro Chang Cantillo; they released Armando Dominguez Gonzalez on October 20 and Iosvani Aguilar Camejo on October 30. The authorities also fined Aguilar Camejo about \$30 (600 pesos) for disturbing the peace in the prison.

On June 29, the police arrested Rafael Iturralde Bello, president of the Libertad independent agricultural cooperative in Santiago de Cuba, outside a bus station in Pinar del Rio. They arrested Iturralde before he could meet with other members of the National Association of Independent Farmers of Cuba in Pinar del Rio. They released Iturralde 24 hours later and placed him on a bus to Santiago de Cuba.

As in previous years, on July 13, police prevented activists from commemorating in any way the 1994 incident in which 41 persons drowned when the Border Guard sank the 13th of March tugboat (see Section 1.a.). Beginning on July 12, police detained activists in a number of provinces, and ordered others to remain in their homes on July 13. The authorities told dissidents that if they did not obey they

would be prosecuted for illegal assembly and distribution of enemy propaganda, or for incitement to rebellion. In Santiago de Cuba, more than 80 state security agents reportedly attacked about 30 dissidents who had thrown bouquets of flowers into the ocean in honor of those who died in 1994. State Security agents allegedly also beat women in the group. Security agents accused the dissidents of being thieves and delinquents (see Section 2.b.).

On July 21, the authorities also prevented activists in Santiago de Cuba, including independent journalist Luis Alberto Rivera and Fidel Soria Torres and Ivette Rodriguez Manzanares of the MSC, from attending the trial of Nestor Rodriguez Lobaina and Eddy Alfredo Mena Gonzalez of the Movement of Cuban Youth for Democracy. The two men were charged with disrespect, causing damages, and causing public disorder. On August 15, the court gave Rodriguez a 6-year prison sentence and sentenced Mena to 5 years in prison (see Section 1.e.).

On September 8, security police ordered a number of human rights activists not to attend the annual procession in honor of the Virgin of Charity (see Section 2.c.).

The Penal Code includes the concept of "dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to therapy or political reeducation. Government authorities regularly threaten prosecution under this article. Both the U.N. Commission on Human Rights (UNCHR) and the IACHR have criticized this concept for its subjectivity, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. According to the IACHR, the so-called special inclination to commit crimes referred to in the Criminal Code amounts to a subjective criterion used by the Government to justify violations of the rights to individual freedom and due process of persons whose sole crime has been an inclination to hold a view different from the official view.

On August 8, police summoned Manuel Lantigua Dominguez, a member of the dissident Council of Cuban Workers (CUTC) in the province of Guantanamo, to the local police office. After taking his photograph and fingerprints, the police told Lantigua that a case on charges of dangerousness would be opened against him.

The Government also used exile as a tool for controlling and eliminating the internal opposition. AI has noted that the Government detains human rights activists repeatedly for short periods and threatens them with imprisonment unless they gave up their activities or left the country. The Government used these incremental aggressive tactics to compel Ruben Ruiz Armenteros, vice president of the Human Rights Party of Cuba, to leave the country on September 28. On October 26, Orestes Rodriguez Horruitiner, president of the MSC, also left the country. Rodriguez had been imprisoned from July 1997 to April 7.

The Government also has pressured imprisoned human rights activists and political prisoners to apply for emigration and regularly conditioned their release on acceptance of exile. HRW observed that the Government routinely invokes forced exile as a condition for prisoner releases and also pressures activists to leave the country to escape future prosecution.

AI has expressed particular concern about the Government's practice of threatening to charge, try, and imprison human rights advocates and independent journalists prior to arrest or sentencing if they did not leave the country. According to AI, this practice "effectively prevents those concerned from being able to act in public life in their own country."

e. Denial of Fair Public Trial.—The Constitution provides for independent courts; however, it explicitly subordinates the courts to the ANPP and the Council of State, which is headed by Fidel Castro. The ANPP and its lower level counterparts choose all judges. The subordination of the courts to the Communist Party, which the Constitution designates as the superior directive force of the society and the State further compromises the judiciary's independence. The courts undermine the right to a fair trial by restricting the right to a defense and often failed to observe the few due process rights available to defendants.

Civil courts exist at municipal, provincial, and supreme court levels. Panels composed of a mix of professionally certified and lay judges preside over them. Military tribunals assume jurisdiction for certain counterrevolutionary cases.

The law and trial practices do not meet international standards for fair public trials. Almost all cases are tried in less than a day; there are no jury trials. While most trials are public, trials are closed when there are alleged violations of state security. Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to either a longer or shorter sentence. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases such as those involving maximum prison terms

or the death penalty. Appeals in death penalty cases are automatic. The death penalty ultimately must be affirmed by the Council of State.

Criteria for presenting evidence, especially in cases of human rights advocates, are arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, is the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer. The authorities regularly deny defendants access to their lawyers until the day of the trial. Several dissidents who have served prison terms reported that they were tried and sentenced without counsel and were not allowed to speak on their own behalf. AI concluded in 1996 that "trials in all cases fall far short of international standards for a fair trial."

The law provides the accused with the right to an attorney, but the control that the Government exerts over the livelihood of members of the state-controlled lawyers' collectives—especially when they defend persons accused of state security crimes—compromises their ability to represent clients. Attorneys have reported reluctance to defend those charged in political cases due to fear of jeopardizing their own careers.

In January a Havana court reaffirmed the 4-year prison term for dangerousness imposed in 1998 on Lazaro Constantin Duran, leader of the Friends Club of an independent teachers' organization. On January 18, a court sentenced independent journalist Jesus Joel Diaz Hernandez to 4 years imprisonment for dangerousness (see Section 2.a.).

On February 25, diplomats and members of the international press attended the 1-day trial of Dr. Oscar Elias Biscet, president of the Lawton Foundation for Human Rights. Biscet was convicted of disrespect, creating a public disturbance by hanging a Cuban flag upside down during a press conference in his home, and encouraging others to violate the law. In his opening statement, Biscet denied all charges against him, and insisted that he was a nonviolent activist for human rights. The three judge panel heard six witnesses and listened to the opening and closing arguments of both the prosecutor and defense attorney. The court sentenced Biscet to 3 years in prison (less than the 7 years the prosecution sought). The same court sentenced Fermin Scull Zulueta to 1 year in prison, and released Eduardo Diaz Fleitas. The latter two men were charged with insulting national symbols, creating a public disturbance, and instigating a crime. The authorities transferred Biscet to the Cuba Si prison in Holguin (see Section 1.c.). The authorities detained and prevented human rights activists and independent journalists from attending the trial (see Section 1.d.).

On July 13, prison authorities accused Egberto Angel Escobedo Morales, serving a 24-year sentence for the crimes of espionage, propagating enemy propaganda, and theft of the additional crimes of disrespect and causing disturbances in a penitentiary. The prosecution requested an additional 20-year sentence.

On July 21, in Santiago de Cuba, Nestor Rodriguez Lobaina and Eddy Alfredo Mena Gonzalez of the Movement of Cuban Youth for Democracy went on trial for disrespect, causing damages, and causing public disorder. On August 15, Rodriguez received a 6-year prison sentence, while Mena was sentenced to 5 years in prison.

During the year, three of the four members of the Internal Dissident Working Group received conditional release from prison—Felix Antonio Bonne Carcasses, on May 12; Martha Beatriz Roque Cabello, on May 15; and Rene de Jesus Gomez Manzano, on May 23. Police arrested the four persons in July 1997 for expressing peacefully their disagreement with the Government. In September 1998, they were charged with acts against the security of the state in relation to the crime of sedition. Despite the prosecution's demand for sentences from 5 to 6 years, Felix Bonne and Rene Gomez received a 4-year jail sentence while Martha received a 3-1/2 year sentence. The fourth member of the group, Vladimiro Roca Antunez, received a 5-year sentence. In early July, Roca was moved from solitary confinement to a section of the prison for common prisoners; he remained in prison at year's end.

Human rights monitoring groups inside the country estimate the number of political prisoners at between 300 and 400 persons. On July 16, the Cuban Commission on Human Rights and National Reconciliation reported that 314 persons were in prison for political reasons. The authorities have imprisoned persons on charges such as disseminating enemy propaganda, illicit association, contempt for the authorities (usually for criticizing Fidel Castro), clandestine printing, or the broad charge of rebellion, which is often brought against advocates of peaceful democratic change.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although the Constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled mass organizations, such as the CDR's, remains one of the most pervasive and repressive features of daily life. The State has assumed the right to interfere

in the lives of citizens, even those who do not actively oppose the Government and its practices. The mass organizations' ostensible purpose is to improve the citizenry, but in fact their goal is to discover and discourage nonconformity. Citizen participation in these mass organizations has declined; the economic crisis both has reduced the Government's ability to provide material incentives for their participation and has forced many persons to engage in black market activities, which the mass organizations are supposed to report to the authorities.

The authorities utilize a wide range of social controls.

The Interior Ministry employs an intricate system of informants and block committees (the CDR's) to monitor and control public opinion. While less capable than in the past, CDR's continue to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and defiant attitudes toward the Government and the revolution.

The Government controls all access to the Internet, and all electronic mail messages are subject to censorship. The Department of State Security often reads international correspondence and monitors overseas telephone calls and conversations with foreigners. The Government also monitors domestic phone calls and correspondence.

In January the authorities dismissed Teidy Betancourt Gonzalez from her job as an assistant teacher in a kindergarten because her husband, Ruben Perez Pons, a member of the Democratic Action group in Sancti Spiritus, is a dissident. On April 29, the authorities expelled from his workplace Jose Carlos Malina Gonzalez, conditionally released from jail, because he refused to participate in a government-sponsored public event for the return of Elian Gonzalez Brotons. The administrator of Molina's workplace threatened to inform the police so that he could be returned to prison.

In August Romilio de Jesus Garcia Mauri, member of the Club of Prisoners and Former Political Prisoners, was convoked three times to appear at the local police station in Santiago de Cuba for possible drug trafficking. Every time Mauri arrived at the police station, he was asked to submit a writing test for examination. On August 10, police detained Yuri Tier Pineiro on the La Victoria beach in the province of Sancti Spiritus and interrogated him for 3 days about the political activities of his father, Marcelo Tier Perez, and his older brother Marcelo Tier Pineiro, members of the Democratic Solidarity Party. He himself is not a political activist.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government does not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials carry penalties of between 3 months and 1 year in prison. If President Castro or members of the National Assembly or Council of State are the objects of criticism, the sentence can be extended to 3 years. Charges of disseminating enemy propaganda (which includes merely expressing opinions at odds with those of the Government) can bring sentences of up to 14 years. In the Government's view, such materials as the Universal Declaration of Human Rights, international reports of human rights violations, and mainstream foreign newspapers and magazines constitute enemy propaganda. Local CDR's inhibit freedom of speech by monitoring and reporting dissent or criticism. Police and state security officials regularly harassed, threatened, and otherwise abused human rights advocates in public and private as a means of intimidation and control.

The Constitution states that print and electronic media are state property and cannot become in any case private property. The Communist Party controls all media—except a few small church-run publications. Even the church-run publications, denied access to mass printing equipment, are subject to governmental pressure. In particular, the Government publicly criticized the publisher of the magazine Vitral, a publication of the diocese of Pinar del Rio, twice during the year; President Castro had criticized publicly an article that the magazine printed in 1999. The Government reported extensively on Vitral articles and on the publisher's activities and contacts, which it labeled as counterrevolutionary. As of October, Vitral had not been shut down, but as of year's end, the Church was still being subjected to considerable pressure to avoid political topics.

The Government controls all access to the Internet, and all electronic mail messages are subject to censorship. Citizens do not have the right to receive publications from abroad, although newsstands in hotels for foreigners and certain hard currency stores sell foreign newspapers and magazines. The Government continued to jam the transmission of Radio Marti and Television Marti. Radio Marti broadcasts generally overcame the jamming attempts on short-wave bands, but its me-

dium-wave transmissions are blocked completely in Havana. Security agents subjected dissidents, foreign diplomats, and journalists to harassment and surveillance, including electronic surveillance.

All media must operate under party guidelines and reflect government views. The Government attempts to shape media coverage to such a degree that it not only continued to exert pressure on domestic journalists but also kept up a steady barrage of pressure on groups normally outside the official realm of control, such as visiting international correspondents. Fidel Castro continued to criticize publicly the international press, often by name.

Resident foreign correspondents reported that the very high-level of government pressure experienced in 1999, including official and informal complaints about articles, threatening phone calls, and lack of access to officials, continued throughout the year. The Government strengthened its ability to control the foreign press by ceasing to issue multiple entry visas to journalists from foreign press organizations who reside in Havana. Such journalists are now required to apply for a new visa each time they leave the country.

In August Radio Moron, a small government-run radio station in the central part of the country, dismissed the host of one of its programs after he read on the air a poem by Raul Rivero (founder and director of the Cuba Press news agency).

The 1999 Law to Protect National Independence and the Economy outlaws a broad range of activities as undermining state security, and toughens penalties for criminal activity. Under the law, anyone caught possessing or disseminating literature deemed subversive, or supplying information that could be used by U.S. authorities in the application of U.S. legislation, is subject to fines and to prison terms of 7 to 20 years. While many activities between Cuban nationals and foreigners possibly could fall within the purview of this new law, it appears to be aimed primarily at independent journalists.

This law increased the penalties and broadened the definitions of activities covered by the 1996 Cuban Dignity and Sovereignty Act, which already proscribed citizens from providing information to any representatives of the U.S. Government, or seeking any information from them, that might be used directly or indirectly in the application of U.S. legislation against the Government. This includes accepting or distributing Publications, documents or other material from any origin, which the authorities might interpret as facilitating implementation of such legislation.

The Government continued to threaten independent journalists, either anonymously or openly, with arrest and conviction based on the new law. Some journalists have been threatened repeatedly since the law took effect. Independent journalists noted that the law's very existence had some effect on their activities and increased self censorship, and some noted that it is the Government's most effective tool to harass members of the independent press.

In February 1999, National Assembly President Ricardo Alarcon told foreign correspondents that under the new law, even reporters working for accredited foreign media could be sentenced to up to 20 years in prison if the information they publish is deemed to serve U.S. interests.

The Government continues to subject independent journalists to internal travel bans, arbitrary and periodic detentions (overnight or longer), harassment of family and friends, seizures of computers, office and photographic equipment, and repeated threats of prolonged imprisonment (see Sections 1.d., 1.f., and 2.d.). Independent journalists in Havana reported that threatening phone calls and harassment of family members continued during the year. More than 20 independent journalists experienced varying degrees of harassment, and certain individuals appear to have been singled out. Since January dozens of reporters were repeatedly detained, some for several days. Authorities also placed journalists under house arrest to prevent them from reporting on conferences sponsored by human rights activists, human rights events, and court cases against activists.

Family members have lost their jobs because they refuse to condemn or inform on these so-called counterrevolutionaries (see Section 1.f.). Acts of intimidation have been reported less frequently since 1999. However, police have tried more often to prevent independent journalists from covering so-called sensitive events.

In January an unidentified assailant attacked Mary Miranda, of Cuba Press, and beat her unconscious.

In February police briefly detained Edel Garcia, Director of the Centro Norte del Pais agency, as he left church after attending a memorial Mass for the Brothers to the Rescue pilots who were aboard planes that the air force shot down in 1996. Police frequently stop Garcia on fabricated traffic violations. Garcia's wife receives weekly death threats and his teenage daughters are harassed with increasing frequency. Garcia has a criminal trial pending, but the date and the charges are as yet not known. Charges that have been mentioned include: insulting the President,

illicit association, collaboration with the enemy, spreading false news, and espionage.

In February security officials ordered several journalists to remain home and not to attend the trial of a member of the opposition. Jose Antonio Fornaris, of Agencia Cuba Verdad, refused to stay home; the police detained him at the local jail for the entire day.

In March the University of Havana expelled the daughter of Maria de los Angeles Gonzalez Amaro, Director of the Union de Periodistas y Escritores Cubanos Independientes, after a university dean warned her not to follow in her mother's footsteps. In September on two occasions, security officials intimidated Mrs. Gonzalez in her home.

In April the Government's Juventud Rebelde newspaper accused Raul Rivero, Tania Quintero, Manuel David Orrio, Lucas Garve, and Vicente Escobal of being counterrevolutionary leaders.

In May the authorities went to the home of Manuel Vasquez Portal, Director of Agencia Decoro, who was scheduled to speak that day on "Globalization and Culture" at the Centro de Estudios Sociales. Two officials from State Security threatened Vasquez with detention if he give his speech. State Security officials also visited 17 other persons and told them not to attend the speech.

In July the authorities confiscated equipment (video cameras, camera, and cassette recorders) and all office supplies from the Agencia Yara in Bayamo.

In August police detained Ricardo Arabi Jimenez, director of Agencia Yara, for attending a meeting about organizing the first congress of independent trade unions by the CUTC, scheduled to be held in October (see Section 6.a.).

In September Dorca Cespedes, Havana Press reporter, was told by the director of her daughter's day care center, that the toddler could no longer attend. The authorities had instructed the director not to care for the child due to the mother's counterrevolutionary activities.

In September the security police took octogenarian Nestor Baguer, independent journalist and founder of the original Independent Press Agency of Cuba, to a private home in Havana where he was questioned about his activities. The authorities also made calls to contacts of Baguer to invite them to a meeting at his home. The authorities then went to Baguer's home to inform him that they knew about the alleged meeting.

In September individuals posing as vandals, but thought to be security officials, threw rocks at the home of Juan Tellez, Agencia Libertad.

In September the authorities jailed Joaquin Cabeza de Leon in Camaguey because he helped to organize a literary award ceremony.

In September police arrested brothers Jesus and Jadir Hernandez Hernandez, of Havana-Press, in Guines, and charged them with illegal trafficking in persons and collaboration with a foreign diplomatic mission. For several weeks, both men had been disseminating information about the unification of several dissident groups in Havana Province. In October authorities again threatened the brothers and their family members.

In October a security official showed a photograph to Dr. Jose Luis Garcia, Agencia Libertad, in which Garcia was conversing with a man that he had just casually met. Garcia was told that the man was a member of state security and that the photograph would be shown to other members of the opposition to make it look like Garcia was actually collaborating with state security.

In October the police detained Jesus Alvarez Castillo and Pedro Duque, Cuba Press correspondents from Ciego de Avila, in front of the office of Cuba Press and accused them of involvement in a murder. The authorities later dismissed the accusation as a case of mistaken identity.

The authorities often confiscate equipment when arresting journalists, especially photographic and recording equipment. It is now possible to buy a fax machine or computer, payable in dollars; if a receipt can be produced, this equipment is usually not confiscated. Photocopiers and printers are impossible to find on the local market, which makes them a particularly valuable commodity for journalists. A fax machine that a friend brought from overseas for journalist Reinaldo Cosano Alen, arrived damaged and was not usable after 10 days in Customs. Equipment lost due to burglary also has been reported. In January unidentified persons entered the home of journalist Juan Gonzalez Febles and stole his tape recorder, recorded tapes, and several articles. In August a couple posing as employees of Cuba Press stole all the documents, books, and office materials collected by the agency after the owner of the premises had asked the agency to move due to pressure from the police.

Outside the capital of Havana, independent journalists reported that detentions, threats, and harassment are more severe than in the capital.

AI, HRW, the IAPA, Reporters Sans Frontieres (RSF), and the Committee to Protect Journalists repeatedly called international attention to the Government's continued practice of detaining independent journalists and others simply for exercising their right to free speech (see Section 1.d.).

In June the IAPA called on the Government to provide medical treatment to two independent journalists serving prison sentences. Joel de Jesus Diaz, in prison in Ciego de Avila, was suffering from hepatitis and Manuel Antonio Gonzalez Castellanos in Holguin was suffering from severe influenza and possibly tuberculosis. The IAPA also called for the release of independent journalists Victor Rolando Arroyo and Bernardo Arevalo Pardon, both of whom are serving prison sentences (see Section 1.c.).

In July police detained Ricardo Gonzalez, RSF correspondent, for 6 hours as they tried to coerce him to collaborate with them. In August French journalist Martine Jacot, sent by RSF to the country, was in contact with a dozen independent journalists in Havana and Ciego de Avila. She also met with the families of two of the three journalists currently in prison. On August 17, just before she was to leave the country, security police arrested her, questioned her at the Havana airport, and seized a video camera, two videotapes, and documents. The police never returned this equipment to RSF.

In August the authorities detained three Swedish journalists and later expelled them from the country. The journalists had met with independent journalists and had organized a seminar for two groups of independent journalists. The authorities said that the journalists, including Martine Jacot, violated immigration laws by traveling on tourist visas, instead of traveling on visas issued to journalists.

Distribution of information continues to be controlled tightly. Importation of foreign literature is controlled, and the public has no access to foreign magazines or newspapers. Leading members of the Government have indicated that citizens do not read foreign newspapers and magazines to obtain news because they do not speak English and they have access to the daily televised round tables on issues with which they need to concern themselves. Access to computers is limited. E-mail use is growing slowly as the Government incrementally allows access to more users; however, the Government generally controls its use, and only very few persons or groups have access. The Government opened a national gateway to some journalists, artists, and municipal-level youth community centers, but the authorities still restrict the types and numbers of international sites that can be accessed.

Independent journalist Reinaldo Cosano Alen received a letter from Customs informing him that two magazines were confiscated for being counterrevolutionary. Customs also confiscated several editions of the *Cartas de Cuba* magazine that were addressed to independent journalist Tania Quintero Antunez.

The Government officially prohibits all diplomatic missions in Havana from printing or distributing publications, particularly newspapers and newspaper clippings, unless these publications deal exclusively with conditions in a mission's home country and prior Government approval is received. Many missions do not accept this requirement and send materials out liberally; however, the Government's threats to expel embassy officers who provide published materials had a chilling effect on some missions.

The Government restricts literary and academic freedoms and continued to emphasize the importance of reinforcing revolutionary ideology and discipline over any freedom of expression. The educational system teaches that the State's interests have precedence over all other commitments. Academics and other government officials are prohibited from meeting with some diplomats without prior approval from the Ministry of Foreign Affairs. The Ministry of Education requires teachers to evaluate students' and their parents' ideological character, and note such evaluations in school record that students carry throughout their schooling. These reports directly affect the students' educational and career prospects. As a matter of policy, the Government demands that teaching materials for courses such as mathematics or literature have an ideological content. Government efforts to undermine dissidents include denying them advanced education and professional opportunities. Fidel Castro has stated publicly that the universities are available only to those who share his revolutionary beliefs.

Artistic expression is less restricted. The Government encourages the cultural community to attain the highest international standards in order to sell its work overseas for hard currency. However, the Government began implementing a program in the fall called "Broadening of Culture" that ties art, socialism, and modern "revolutionary" ideology and legends into its own vision of culture. The Government uses the government media and the schools to impose this vision on the public, particularly the youth.

b. Freedom of Peaceful Assembly and Association.—Although the Constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be “exercised against the existence and objectives of the Socialist State.” The law punishes any unauthorized assembly of more than three persons, including those for private religious services in a private home, by up to 3 months in prison and a fine. The authorities selectively enforce this prohibition and often use it as a legal pretext to harass and imprison human rights advocates.

The Government’s policy of selectively authorizing the Catholic Church to hold outdoor processions at specific locations on important feast days continued during the year. For the third consecutive year, it permitted a procession in connection with Masses in celebration of the feast day of Our Lady of Charity in Havana on September 8. The Government also authorized other denominations to hold a few public events in late November. However, the Government continued routinely and arbitrarily to deny requests for other processions and events. Just before Holy Week, the Government informed Catholic Church officials that no processions would be allowed. When the Church made this information public, state officials changed their position and decided that churches that had requested permission for a procession could proceed.

The authorities have never approved a public meeting by a human rights group. On February 22, state security officers detained prodemocracy activists in different parts of the country to prevent them from staging activities commemorating the February 24, 1996, shootdown of two civilian aircraft over international airspace by the air force. Security agents also warned many more activists against staging any public demonstrations on February 24, and warned independent journalists not to cover such incidents.

In early August, security agents detained in Havana leaders of the Council of Cuban Workers from various provinces to ensure that members could not hold a preparatory meeting for the CUTC’s first congress. Although scheduled to take place in October, it never was held. On October 13, state security arrested Pedro Pablo Alvarez Ramos, the Secretary General of the CUTC, as he was about to conduct a press conference. At year’s end, he remained in jail without being charged.

On August 15, state security informed a number of activists not to gather in the cemetery in Havana in honor of Eduardo Chibas, a well-known politician of the 1940’s and early 1950’s.

A march from the Church of the Sacred Heart of Jesus to the Church of La Merced and which was organized by dissidents for the release of political prisoners on September 17 did not take place because of police intimidation and detentions.

On September 25, police again prevented a number of activists from marching from the Church of the Sacred Heart of Jesus to the Church of Mercedes. Police took the activists to a police station to review their identification documents.

On November 2, the Day of the Dead, state security personnel prevented activists from entering the chapel in Havana’s Colon Cemetery where a number of human rights activists are buried.

On November 10, police in Santiago de Cuba prevented activists from marching from the Plaza de Marte in honor of the first anniversary of the attempt to demonstrate in Dolores Park in Havana.

During the year the Government organized a number of marches and rallies in front of diplomatic missions. The Government mobilizes thousands of persons in these marches, including school children and workers. Anyone who does not attend the event can be easily identified since persons congregate at certain points from factories or schools. Sometimes small identification papers are given to participants; they must present these papers to their immediate supervisor or school officials the next day to demonstrate that they attended the rally.

The Government generally denies citizens freedom of association. The Penal Code specifically outlaws illegal or unrecognized groups. The Minister of Justice, in consultation with the Interior Ministry, decides whether to give organizations legal recognition. The authorities have never approved the existence of a human rights group. However, there are a number of professional associations that operate as NGO’s but without legal recognition. For example, some scientists formed the Zoological Society, and some teachers established an Association of Independent Teachers.

Along with recognized churches, the Roman Catholic humanitarian organization Caritas, the Masonic Lodge, small human rights groups, and a number of nascent fraternal or professional organizations are the only associations outside the control or influence of the State, the Communist Party, and their mass organizations. With the exception of the Masons, who have been established in the country for more than a century, the authorities continue to ignore those groups’ applications for

legal recognition, thereby subjecting members to potential charges of illegal association. All other legally recognized nongovernmental groups are at least nominally affiliated with, or controlled by the Government.

c. Freedom of Religion.—The Constitution recognizes the right of citizens to profess and practice any religious belief, within the framework of respect for the law; however, in law and in practice, the Government continues to restrict freedom of religion.

In 1991 the Government allowed religious adherents to join the Communist Party. In 1992 it amended the Constitution to prohibit religious discrimination and removed references to “scientific materialism,” i.e., atheism, as the basis for the State. Members of the armed forces do not attend religious services in their uniform, probably to avoid possible reprimand by superiors.

The Government requires churches and other religious groups to register with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. In practice, the Government refuses to recognize new denominations. The Government prohibits, with occasional exceptions, the construction of new churches, forcing many growing congregations to violate the law and meet in private homes. Government harassment of private houses of worship continued, with evangelical denominations reporting evictions from houses used for these purposes. According to the Cuban Council of Churches (CCC) officials, most of the private houses of worship that the Government closed were unregistered, making them technically illegal. In addition CCC Pentecostal members have complained about the preaching activities of foreign missionaries that led some of their members to establish new denominations without obtaining the required permits. Because of these complaints by the Pentecostals, the CCC has formally requested overseas member church organizations to assist them in dissuading foreign missionaries from establishing Pentecostal churches.

The Government’s main interaction with religious denominations is through the Office of Religious Affairs of the Communist Party. The Ministry of Interior engages in active efforts to control and monitor the country’s religious institutions, including surveillance, infiltration, and harassment of religious professionals and laypersons.

In 1998 following Pope John Paul II’s January visit, the country’s Roman Catholic bishops called on the Government to recognize the Church’s role in civil society and the family, as well as in the temporal areas of work, the economy, the arts, and the scientific and technical worlds. The Government continued to limit the Church’s access to the media and refused to allow the Church to have a legal independent printing capability. It maintained a prohibition against the establishment of religious-affiliated schools. Nonetheless, in September local government authorities, for the third time since 1961, allowed the Catholic Church to hold an outdoor procession to mark the feast day of Our Lady of Charity in Havana. Although visibly present, state security personnel did not harass any participants or observers, as they did in 1998. However, prior to the event, security police ordered a number of human rights activists not to attend the procession. On December 25, 1999, the Government permitted the Catholic Church to hold a Christmas procession in Havana. Catholic Church authorities received permission to conduct the closing ceremonies for the jubilee year celebration and the Cuba Eucharistic Congress (the last one took place in 1959) on December 9 and 10. On December 9, 1,500 children from all over the country received their first communion in the square outside the San Carlos Seminary. On December 10 Cardinal Jaime Lucas Ortega Alamino, carrying the eucharist, led a procession of bishops, priests, and believers from the Church of Christ (Iglesia del Cristo del Buen Viaje) to the San Carlos Seminary. Unlike 1999, there was no broadcast of the Pope’s annual Christmas Day message from the Vatican, but it was mentioned in the evening television news.

In 1998 the Government announced in a Politburo declaration that henceforth citizens would be allowed to celebrate Christmas as an official holiday. (The holiday had been cancelled, ostensibly to spur the sugar harvest, in 1969, and restored in 1997 as part of the preparations for the Pope’s 1998 visit.) However, despite the Government’s decision to allow citizens to celebrate Christmas as a national holiday, it also maintained a December 1995 decree prohibiting nativity scenes in public buildings.

The Government allowed two new foreign priests to enter the country during the year and two to replace two priests whose visas were not renewed during the year. Some visas were issued only for periods from 3 to 6 months, and the applications of many other priests and religious workers remain pending.

The Government continued to enforce a resolution that prevented any national or joint enterprise (except those with specific authorization) from selling computers, fax machines, photocopiers, or other equipment to any church at other than official—and exorbitant—retail prices.

On July 9, dissidents attended the Jubilee Mass for prisoners celebrated by Cardinal Jaime Ortega Alamino at the Church of Our Lady of Charity. The Church distributed leaflets that invited worshippers to attend the Mass and to pray for prisoners and requested former prisoners and prisoners on conditional release to attend. Recently released members of the Internal Dissident Working Group, Martha Beatriz Roque Cabello, Rene de Jesus Gomez Manzano, and Felix Antonio Bonne Carcasses also attended. During the ceremony a white dove was released from its cage, and the congregation spontaneously started to clap and some persons shouted "liberty, liberty." State security officials outside the church did not intervene. The Church normally uses lay members to provide security at events like these. Apart from ensuring that people remain in their places or in the procession line during the service, these church guards also prevent any activities from taking place that could lead to a response from state security officials such as occurred at the July 9 Mass.

On August 30, the independent press agency Grupo Decoro reported that evangelical pastor Pablo Rodriguez Oropeza and his wife Enma Cabrera Cabrera were evicted from the house where they had lived for 6 years. The press agency did not report the reason for the eviction. Santos Osmany Dominguez Borjas, a bishop of the United Pentecostal Church of Cuba (Apostolic), returned to Havana after he was expelled to Holguin on October 8, 1999. In recent years, the Government has relaxed restrictions on some religious denominations, including Seventh-Day Adventists and Jehovah's Witnesses. The CCC continues to broadcast a monthly 15-minute program on a national classical music radio station, under the condition that the program not include material of a political character.

State security officials visited some priests and pastors, prior to significant religious events, ostensibly to warn them about dissidents; however, some critics claim that these visits are done in an effort to foster mistrust between the churches and human rights or prodemocracy activists. State security officers also regularly harassed, including inside churches and during religious ceremonies, human rights advocates who sought to attend religious services commemorating special feast days or before significant national days.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government tightly restricted freedom of movement. The Government generally has not imposed legal restrictions on domestic travel, except for persons found to be HIV-positive, whom it initially restricts to sanatoriums for treatment and therapy before conditionally releasing them into the community. However, in recent years state security officials have forbidden human rights advocates and independent journalists from traveling outside their home provinces, and the Government also has sentenced others to internal exile. On December 12, a court sentenced Angel Moya Acosta to 1 year in prison and banned him from traveling to Havana from his home province of Matanzas for 10 years after serving his prison term.

In 1997 the Council of Ministers approved Decree 217, aimed at stemming the flow of migration from the provinces to the capital. Persons from other provinces may travel and visit Havana; however, they cannot move into the city, on the grounds that if internal migration is left unchecked, the city's problems regarding housing, public transport, water and electrical supplies will become worse. The Government recently noted that since the decree went into effect, 17,000 fewer people have migrated to Havana. Police frequently check the identification of persons on the streets, and if someone is found from another province living in Havana illegally, they are fined \$15 (300 pesos) and sent back home. Fines are higher (\$50 (1,000 pesos) for those who are residing illegally in the neighborhoods of Old Havana and Cerro. Human rights observers noted that while the decree affected migration countrywide, it was targeted at individuals and families, who are predominantly of African descent, from the more impoverished eastern provinces.

The Government imposed some restrictions on both emigration and temporary foreign travel. In June the Government denied an exit permit to Pedro Pablo Alvarez Ramos, secretary-general of the CUTC to attend a labor conference in the United States organized by the AFL-CIO. No explanation was given. Elizardo Sanchez Santa Cruz, president of the Cuban Commission for Human Rights and National Reconciliation also was not allowed to leave the country. Mexico's Partido Accion Nacional (PAN) had invited Sanchez to witness the Mexican presidential election on July 2. The PAN also invited members of the Moderate Reflection Group, but Osvaldo Alfonso Valdes, president of the Democratic Liberal Party and a member of the Moderate Reflection Group, said that the group decided not to apply for an exit permit because of lack of funds to pay for the application fees for exit permits. PAN also issued an invitation to Elizardo Sanchez to attend the inauguration of the new President on December 1. According to Sanchez, even though PAN officials re-

quested an exit visa for him directly from the Government, he never received it. Similarly, the authorities denied an exit visa to Osvaldo Alfonso Valdes, president of the Liberal Party, who was invited to attend the International Liberal Party's convention that took place in Canada in October.

The Government did issue an exit permit to Manuel Costa Morua of the Socialist Movement to travel to Europe in April; Costa Morua also is a member of the Moderate Reflection Group.

The Government allows the majority of persons who qualify for immigrant or refugee status in other countries to depart; however, in certain cases the authorities delay or deny exit permits, usually without explanation. Some denials involve professionals who have tried to emigrate and whom the Government subsequently banned from working in their occupational field. The Government refused permission to others because it considers their cases sensitive for political or state security reasons. In July 1999, the Ministry of Health issued an internal regulation, known as Resolution 54, that provides for the denial of exit permits to medical professionals, until they have performed 3 to 5 years of service in their profession after requesting permission to travel abroad. This regulation normally applied to recent graduates. This regulation was not published as part of the legal provisions, and may apply to other professionals as well.

The Government also routinely denies exit permits to young men approaching the age of military service, and until they reach the age of 27, even when it has authorized the rest of the family to leave. However, in most of those cases approved for migration to the United States under the September 1, 1994, U.S.-Cuban migration agreement, the applicants eventually receive exemption from obligatory service and are granted exit permits.

In September two independent journalists, Jesus Labrador, Cuba Press reporter, and Gustavo Cardero, (NotiCuba reporter) planned to leave the country as refugees until the authorities confiscated their exit permit.

The Government has a policy of denying exit permission for several years to relatives of individuals who successfully migrated illegally (e.g., merchant seamen who have defected while overseas, and sports figures who have defected while on tour abroad).

Migrants who travel to the United States must pay the Government a total of about \$500 per adult and \$400 per child, plus airfare. These government fees for medical exam, passport, and exit visa—which must be paid in dollars—are equivalent to about 5 years of a professional person's accumulated peso salary and represent a significant hardship, particularly for political refugees who usually are marginalized and have no income. In 1996 the Government agreed to allow 1,000 needy refugees to leave each year with reduced exit fees. However, after the first group of 1,000 in 1996, no further refugees have been accorded reduced fees. At year's end, 85 approved refugees remained in the country because they were unable to pay government exit fees for themselves and their families.

The Penal Code provides for imprisonment from 1 to 3 years or a fine of \$15 to \$50 dollars (300 to 1,000 pesos) for unauthorized departures by boat or raft. The office of the U.N. High Commissioner for Refugees (UNHCR) has stated that it regards any sentence of over 1 year for simple illegal exit as harsh and excessive. Under the terms of the May 2, 1995, U.S.-Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Base at Guantanamo, after attempting to emigrate illegally.

In 1994 the Government eased restrictions on visits by, and repatriation of, Cuban emigrants. Citizens who establish residency abroad and who are in possession of government-issued permits to reside abroad may travel to the country without visas. The Government reduced the age of persons eligible to travel abroad from 20 to 18 years and extended the period for a temporary stay abroad from 6 to 11 months. In 1995 the Government announced that emigrants who are considered not to have engaged in so-called hostile actions against the Government and who are not subject to criminal proceedings in their country of residence may apply at Cuban consulates for renewable, 2-year multiple-entry travel authorizations. However, in 1999 the Government announced that it would deny entry permits for emigrants who had left the country illegally after September 1994. It remains unclear whether the Government actually was implementing such a policy.

The Constitution provides for the granting of asylum to individuals persecuted "for their ideals or struggles for democratic rights against imperialism, fascism, colonialism, and neocolonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace." However, the Government has no formal mechanism to process asylum for foreign nationals.

Nonetheless, the Government honors the principle of first asylum and has provided it to a small number of persons. There was no information available on its use during the year. According to the UNHCR, since January the authorities received 75 applications for refugee status within the country. Of the 75 applicants, 24 persons were recognized as refugees. There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the legal right to change their Government or to advocate change, and the Government retaliates systematically against those who seek peaceful political change. The Constitution proscribes any political organization other than the Communist Party. While the Constitution provides for direct election of provincial, municipal, and National Assembly members, the candidates must be approved in advance by mass organizations controlled by the Government. In practice, a small group of leaders, under the direction of President Castro, selects the members of the highest policy-making bodies of the Communist Party—the Politburo and the Central Committee.

The authorities tightly control the selection of candidates and all elections for government and party positions. The candidacy committees are composed of members of government-controlled mass organizations such as the Confederation of Cuban Workers (CTC) and the CDR's and are responsible for selecting candidates, whose names are then sent to municipal assemblies that select a single candidate for each regional seat in the ANPP. An opposition or independent candidate has never been allowed to run for national office.

In January 1998, the Government held national elections in which 601 candidates were approved to compete for the 601 seats in the National Assembly. According to the official state media, the candidates were voted in by over 93 percent of the electorate. No candidates with views independent from or in opposition to the Government were allowed to run, and no views contrary to the Government or the Communist Party were expressed in the government-controlled national media. The Government saturated the media and used government ministries, Communist Party organs, and mass organizations to urge voters to cast a "unified vote" where marking one box automatically selected all candidates on the ballot form. In practice, the Communist Party approved candidates for all offices. A small minority of candidates did not belong formally to the Communist Party. The Communist Party was the only political party allowed to participate in the elections.

On April 23, elections for local representatives to the municipal assembly were held. Government newspapers reported that 98 percent of voters participated in the election. Slightly more than 50 percent of those elected were the incumbents, 20 percent were women, and about 9 percent of all candidates were between the ages of 16 and 30. The reports also claim that nationwide the number of blank ballots decreased from 3.2 percent to 2.8 percent, while the number of annulled votes also decreased to 3 percent from nearly 4 percent, compared with the last election. Municipal elections are held every 2-1/2 years to elect 14,686 local representatives to the municipal assemblies. Deputies to the National Assembly, delegates to the provincial assemblies, and members of the council of state are elected during general elections held every 5 years. The municipal assemblies constitute the lowest level of the Government's structure.

Although not a formal requirement, Communist Party membership is in fact a prerequisite for high-level official positions and professional advancement.

The Government rejects any change to the political system judged incompatible with the revolution and ignored and actively suppressed calls for democratic reform. Although President Castro signed the Declaration of Vina del Mar at the Sixth Ibero-American Summit in 1996, in which government leaders reaffirmed their commitment to democracy and political pluralism, the Government continued to oppose independent political activity on the ground that the national system provides a "perfected" form of democracy and that pluralism exists within the one-party structure.

Government leadership positions continue to be dominated by men, and women remain underrepresented. There are very few women or minorities in policymaking positions in the Government or the Party. There are 2 women in the 24-member Politburo, 18 in the 150-member Central Committee, and 166 in the 601-seat ANPP. Although blacks and persons of African descent make up over half the population, they hold only six seats in the Politburo.

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

The Government does not recognize any domestic human rights groups, or permit them to function legally. The Government subjects domestic human rights advocates to intense intimidation, harassment, and repression. In violation of its own statutes, the Government refuses to consider applications for legal recognition submitted by human rights monitoring groups (see Section 2.b.).

Dissidents generally believe that most human rights organizations have been infiltrated and are subjected to constant surveillance. Activists believe that some, perhaps many, of the dissidents are either state security or are persons attempting to qualify for refugee status to leave the country.

In its 1997 report, the IACHR examined measures taken by the Government and found that they did not "comprise the bedrock of a substantive reform in the present political system that would permit the ideological and partisan pluralism implicit in the wellspring from which a democratic system of government develops." The IACHR recommended that the Government provide reasonable safeguards to prevent violations of human rights, unconditionally release political prisoners and those jailed for trying to leave the country, abolish the concept of dangerousness in the Penal Code, eliminate other legal restriction on basic freedoms, cease harassing human rights groups, and establish a separation of powers so that the judiciary would no longer be subordinate to political power.

The Government steadfastly has rejected international human rights monitoring. In 1992 the country's U.N. representative stated that Cuba would not recognize the mandate of the U.N. Commission on Human Rights (UNCHR) on Cuba and would not cooperate with the Special Rapporteur on Cuba, despite being a UNCHR member. This policy remained unchanged and the Government refused even to acknowledge requests by the Special Rapporteur to visit the country. In April 1998, the UNCHR did not renew the mandate of the Special Rapporteur, following as yet unfulfilled assertions by the Government that it would improve human rights practices if it was not under formal sanction from the UNCHR. As in 1999, the UNCHR again passed a resolution on April 18, introduced by the Czech Republic and Poland, which expressed concern about the human rights situation in the country. The Government responded by organizing a march of an estimated 200,000 persons past the Czech Embassy in Havana. On April 19, national television featured a round-table discussion on the UNCHR vote in which the Foreign Minister strongly criticized the UNCHR resolution and accused it of discriminating against third world countries.

During this same UNCHR session, the U.N. Special Rapporteur on Violence Against Women released her report, which was critical of the Government on issues of women's rights and on other human rights problems.

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

Cuba is a multiracial society with a black and mixed-race majority. The Constitution forbids discrimination based on race, sex, or national origin, although evidence suggests that racial discrimination occurs frequently.

Women.—Violent crime rarely is reported in the press, and there are no publicly available data regarding the incidence of domestic violence and rape; however, human rights advocates report that violence against women is a problem. The law establishes strict penalties for rape, and the Government appears to enforce the rape law; however, according to human rights advocates, the police do not act on cases of domestic violence.

Radhika Coomaraswamy, the U.N. Special Rapporteur on violence against women, visited the country in 1999 and issued a report on her findings in February. The report states that she was surprised to find that most government officials did not see violence against women as a prevalent problem. However, she noted that activists at the grassroots level are very attuned to problems of violence affecting women. Coomaraswamy urged the Government to take comprehensive steps to enhance the legal protection against violence against women and specifically urged the adoption of legislation to address domestic violence and sexual harassment.

Prostitution is legal (except for prostitution by children under 17 years of age); however, pandering or otherwise benefiting from prostitution is a felony. Prostitution has increased greatly in the last few years; press reports indicate that tourists from various countries visit specifically to patronize inexpensive prostitutes. A government crackdown on prostitution that began in late 1998 initially had some effect, but prostitutes (known as "jineteras") were still visible in Havana and other major cities during the year. The early success was obtained by stationing police on nearly every major street corner where tourists are present. Some street police officers are suspected of providing protection to the jineteras. Most observers believe that the

Government clamped down on prostitution to combat the perception that the Government promotes sex tourism. The Government set up centers to take prostitutes off the streets and reeducate them; the newest center reportedly opened in September in Valle Grande near Havana. In her February report, U.N. Special Rapporteur Coomaraswamy recommended that the Government dismantle the centers and find "other mechanisms that do not violate the rights of the prostitutes."

The Family Code states that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. Women are subject to the same restrictions on property ownership as men. The maternity law provides 18 weeks of maternity leave and grants working mothers preferential access to goods and services. About 40 percent of all women work, and they are well represented in many professions. According to the Cuban Women's Federation (FMC), women hold 33 percent of managerial positions. The FMC also asserted that 11,200 women have received land parcels to cultivate; that more than 561,000 women have begun working as agricultural workers, and that women devote 34 hours a week to domestic work, about the same number of hours they spend working outside the home.

Children.—The Constitution provides that the Government protect family, maternity, and matrimony. It also states that children, legitimate or not, have the same rights under the law and notes the duties of parents to protect them. Education is free and compulsory to the ninth grade, but it is grounded in Marxist ideology. State organizations and schools are charged with the integral formation of children and youth. The national health care system covers all citizens. There is no societal pattern of abuse of children. However, child prostitution is a problem, with young girls engaging in prostitution to help support themselves and their families. It is illegal for a child under 17 years of age to engage in prostitution. The police began to enforce this law more actively in late 1998 and continued to do so during the year, as part of their crackdown on prostitution in general. However, the phenomenon continues as more cabarets and discos open for the growing tourist industry which make it easier for tourists to come into contact with child prostitutes.

Police officers who find children loitering in the streets or begging from tourists frequently will intervene and try to find the parents. If the child is found bothering tourists a second time, police frequently fine the child's parents.

People with Disabilities.—The law prohibits discrimination based on disability, and there have been few complaints of such discrimination. However, a young married blind couple, members of the Fraternity of Independent Blind People of Cuba were told to leave a cafe in Moron where they sang for tips. There are no laws that mandate accessibility to buildings for the disabled. In practice buildings and transportation are rarely accessible to disabled people.

On November 8, a special police operation dislodged a number of persons with disabilities from selling their products in Central Havana. Police arrested two persons; a court sentenced one of them to 1 year in jail for selling stolen goods.

National/Racial/Ethnic Minorities.—Many persons of African descent have benefited from access to basic education and medical care since the 1959 revolution, and much of the police force and army enlisted personnel is black. Nevertheless, racial discrimination often occurs, and is acknowledged publicly by high governmental officials, including Castro. There have been numerous reports of disproportionate police harassment of black youths. In 1997 there were numerous credible reports of forced evictions of squatters and residents lacking official permission to reside in Havana. The evictions, exacerbated by Decree 217 (see Section 2.d.), primarily targeted individuals and families from the eastern provinces, which are traditionally areas of black or mixed-race populations.

Section 6. Worker Rights

a. The Right of Association.—The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment. The demands of the economy and society take precedence over individual workers' preferences. The law prohibits strikes; none are known to have occurred. Established official labor organizations have a mobilization function and do not act as trade unions, promote worker rights, or protect the right to strike. Such organizations are under the control of the State and the Communist Party, which also manage the enterprises for which the laborers work.

The Communist Party selects the leaders of the sole legal labor confederation, the Confederation of Cuban Workers, whose principal responsibility is to ensure that government production goals are met. Despite disclaimers in international forums, the Government explicitly prohibits independent unions and none are recognized. There has been no change in conditions since the 1992 International Labor Organization (ILO) finding that the Government violated ILO norms on freedom of associa-

tion and the right to organize. Those who attempt to engage in unofficial union activities face government persecution.

Workers can and have lost their jobs for their political beliefs, including their refusal to join the official union. Several small independent labor organizations have been created, but function without legal recognition and are unable to represent workers effectively or work on their behalf. The Government actively harasses these organizations. Police detained independent labor activist Jose Orlando Gonzalez Bridon of the CUTC for brief periods in January. Most political dissidents lose their jobs and remain unemployed; the only work they are offered is cleaning streets.

The CTC is a member of the Communist, formerly Soviet-dominated World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—Collective bargaining does not exist. The State Committee for Work and Social Security (CETSS) sets wages and salaries for the state sector, which is almost the only employer in the country. Since all legal unions are government entities, antiunion discrimination by definition does not exist.

The 1995 Foreign Investment Law (Law 77) continued to deny workers the right to contract directly with foreign companies investing in the country without special government permission. Although a few firms have managed to negotiate exceptions, the Government requires foreign investors to contract workers through state employment agencies, which are paid in foreign currency and, in turn, pay workers very low wages in pesos. Workers subcontracted by state employment agencies must meet certain political qualifications. According to Minister of Basic Industry Marcos Portal, the state employment agencies consult with the Party, the CTC, and the Union of Communist Youth to ensure that the workers chosen deserve to work in a joint enterprise.

There are no functioning export processing zones, although the law authorizes the establishment of free trade zones and industrial parks.

c. Prohibition of Forced or Compulsory Labor.—Neither the Constitution nor the Labor Code prohibits forced labor. The Government maintains correctional centers where it sends persons for crimes such as dangerousness. Prisoners held there are forced to work on farms or building sites. The authorities often imprison internees who do not cooperate.

The Government employs special groups of workers, known as microbrigades, that are temporarily reassigned from their usual jobs, to work on special building projects. These microbrigades become increasingly important in the Government's efforts to complete tourist and other priority projects. Workers who refuse to volunteer for these jobs often risk discrimination or job loss. Microbrigade workers reportedly receive priority consideration for housing assignments. The military assigns some conscripts to the Youth Labor Army, where they serve their 2-year military service requirement working on farms that supply both the armed forces and the civilian population.

The Government prohibits forced and bonded labor by children; however, the Government requires children to work without compensation. All students over age 11 are expected to devote 30 to 45 days of their summer vacation to farm work, laboring up to 8 hours per day. The Ministry of Agriculture uses "voluntary labor" by student work brigades extensively in the farming sector.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum working age is 17 years. However, the Labor Code permits the employment of 15- and 16-year-old children to obtain training or fill labor shortages. The law requires school attendance until the ninth grade, and this law generally is respected. The Government prohibits forced and bonded child labor; however, it strongly encourages children to work without compensation (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage varies by occupation and is set by the CETSS. For example, the minimum monthly wage for a maid is \$8.25 (165 pesos); for a bilingual office clerk, \$9.50 (190 pesos); and for a gardener \$10.75 (216 pesos). The Government supplements the minimum wage with free education and subsidized medical care (but reduces daily pay by 40 percent after the third day of being admitted to a hospital), housing, and some food (this subsidized food is enough for about 1 week per month). However, even with these subsidies, the minimum wage does not provide a decent standard of living for a worker and family. Corruption and black market activities are pervasive. The Government rations most basic necessities such as food, medicine, clothing, and cooking gas, which are in very short supply.

The Government requires foreign companies in joint ventures with state entities to hire and pay workers through the State. HRW noted that the required reliance on state-controlled employment agencies effectively leaves workers without any capacity directly to negotiate wages, benefits, the basis of promotions, and the length

of the workers' trial period at the job with the employer. Reportedly these exploitative labor practices force foreign companies to pay the Government as much as \$500 to \$600 per month for workers, while the workers in turn receive only a small peso wage from the Government.

The standard workweek is 44 hours, with shorter workdays in hazardous occupations, such as mining. The Government reduced the workday in some government offices and state enterprises to save energy.

Workplace environmental and safety controls are usually inadequate, and the Government lacks effective enforcement mechanisms. Industrial accidents apparently are frequent, but the Government suppresses such reports. The Labor Code establishes that a worker who considers his life in danger because of hazardous conditions has the right not to work in his position or not to engage in specific activities until such risks are eliminated. According to the Labor Code, the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

f. Trafficking in Persons.—In February 1999, the National Assembly revised the Penal Code to prohibit trafficking in persons through or from the country and provided the following penalties for violations: a term of 7 to 15 years' imprisonment for organizing or cooperating in alien smuggling through the country; 10 to 20 years' imprisonment for entering the country to smuggle persons out of the country; and 20 years to life in prison for using violence, causing harm or death, or putting lives in danger, in engaging in such smuggling. These provisions are directed primarily at persons engaging in organized smuggling of would-be emigrants. In addition, the revised code made it illegal to promote or organize the entrance of persons into or the exit of persons from the country for the purpose of prostitution; violators are subject to 20 to 30 years' imprisonment.

There were no reports that persons were trafficked to, from, within, or through the country for the purpose of providing forced labor or services.

DOMINICA

Dominica is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a unicameral legislative assembly compose the Government. A president, nominated by the Prime Minister in consultation with the leader of the opposition party, and elected for a 5-year term by the Parliament, is head of state. The Dominica Labour Party (DLP) prevailed in free and fair elections held on January 31, and Roosevelt P. Douglas became Prime Minister. Douglas died in office on October 1, and former Minister of Communication and Works Pierre Charles replaced him. The judiciary is independent.

The Dominica Police is the only security force. It is controlled by and responsive to the democratically elected Government. There were occasional allegations of abuse by the police.

The country's primarily agrarian economy depends on earnings from banana exports, which declined some 20 percent during the year. The Government's efforts to develop the tourist industry had mixed results, with a decline in tourist arrivals but an increase in cruise ship visitors during the year. The Government also is diversifying agricultural production and promoting the export of fresh fruits, vegetables, and coconut products, both within and outside the region. Per capita gross domestic product was about \$3,426 in 1999.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. The principal human rights problems are occasional instances of use of excessive force by police, poor prison conditions, societal violence against women and children, instances of discrimination against indigenous Carib Indians, and societal discrimination against female Caribs in mixed marriages.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were some allegations of occasional use of excessive force by the police. During the first half of the year, the

authorities reportedly received 13 complaints regarding excessive use of force by the police.

In November 1997, the authorities forced the Commissioner and Deputy Commissioner of police to retire as a result of recommendations by a Commission of Inquiry that investigated allegations of mismanagement, corruption, and police brutality. Under new leadership, the police created an Internal Affairs Department in December 1997 to investigate public complaints against the police and to provide counseling to police. In July 1998, a consultant from the United Kingdom conducted a 3-month study to update antiquated police regulations and to establish new operational guidelines for the police. This report was submitted to the Government in 1998, but the recommendations have not yet been implemented.

Prison conditions are poor. Overcrowding and unsanitary conditions continue to be problems in the sole prison facility. There are over 200 prisoners. The prison provides work therapy, sports programs, educational opportunities, and counseling for inmates. There continued to be complaints by prisoners about the poor quality of prison food. Female prisoners are segregated from male prisoners; however, juveniles are housed with adult inmates.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires that the authorities charge persons with a crime within 24 hours after arrest. If charges are brought, the police must bring the detainee to court within 72 hours. This requirement generally is honored in practice, although those arrested on Fridays often must remain in jail over the weekend and are not charged until the following Monday.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is independent in practice.

The judicial system is composed of a high court judge, 5 magistrates, and 10 magistrate courts located in police stations around the country. Appeals can be made to the Eastern Caribbean Supreme Court and to the Privy Council in the United Kingdom.

The law provides for public trial before an independent, impartial court. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right to appeal. Courts provide free legal counsel to the indigent only in capital cases.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right of free expression, and the Government respects this in practice. The political opposition openly criticizes the Government.

The print media consist of two private newspapers and political party journals; all publish without censorship or government interference. The principal radio station is state-owned and has a government-appointed board. There is also an independent radio station owned by the Catholic Church. Citizens also have access to independent news sources through cable television and radio reception from neighboring islands.

The Government does not restrict academic freedom.

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

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

Members of the Rastafarian community have complained that law enforcement officials unfairly target them. However, it is not clear whether such complaints reflect discrimination on the basis of religious belief by the authorities or simply enforcement of laws against marijuana, which is used as part of Rastafarian religious practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice. The Government may revoke passports if subversion is suspected but has not done so in recent times.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution calls for elections at least every 5 years.

On January 31, the Dominica Labour Party won 10 seats in free and fair elections, defeating the United Workers' Party (UWP) which had held power since 1995. DLP leader Roosevelt P. "Rosie" Douglas forged a majority coalition of 13 seats in the 21-member Parliament, with the Dominican Freedom Party, holder of 2 seats, and 1 former UWP parliamentarian who changed party affiliation to join the DLP Government. Douglas died in office on October 1, and the former Minister of Communication and Works, Pierre Charles, became the Prime Minister. Ian Douglas, nephew of Rosie Douglas and representing the DLP, won the December 11 by-election for the deceased Prime Minister's seat.

There are no impediments in law or in practice to the participation of women in leadership roles in government or political parties; however, they are underrepresented in practice. Voters elected two women to Parliament in the January elections.

Carib Indians participate in national political life.

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

There are no government restrictions on the formation of local human rights organizations, although no such groups exist. Several advocacy groups, such as the Association of Disabled People and a women's and children's self-help organization, operate freely and without government interference. There were no requests for investigations of human rights abuses from international or regional human rights groups.

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

The Constitution includes provisions against racial, sexual, and religious discrimination, which the authorities respect in practice.

Women.—Sexual harassment and domestic violence cases are common, and there is no family court to deal specifically with domestic violence issues. Women can bring charges against husbands for battery, and both the police and the courts prosecute cases of rape and sexual assault, but there are no specific spousal abuse laws. However, in April 1998, a new Sexual Offences Act went into effect to replace the previous act, which required medical evidence or witness corroboration for indictment. As a matter of policy, all rape cases are handled solely by female police officers. The Department of Labor recruited a permanent counselor and established a crisis response mechanism to assist women who are victims of domestic violence. The Welfare Department assists victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Welfare Department reports all cases of abuse to the police. The courts may issue protective orders, but the police do not enforce them consistently.

Beyond the general protection of the Constitution, women do not benefit from any specific civil rights legislation. While there is little open discrimination against women, property ownership continues to be deeded to "heads of households," who are usually males. When the male head of household dies without a will, the wife cannot inherit the property or sell it, although she can live in it and pass it to her children. In the civil service, the law establishes fixed pay rates for specific jobs, whatever the gender of the incumbent.

The Dominica National Council of Women, a nongovernmental organization, has developed local adult education and small business training programs for women. According to the Labor Department, many women in rural areas find it difficult to meet basic needs, at least in part owing to the decline in the banana export industry.

Children.—The law stipulates that the Government should protect the rights of children to education and health care. Education is compulsory through the age of 16, and primary health care is available throughout the island.

Various laws enumerate children's rights, but their enforcement is hampered by lack of staffing in government agencies. According to the Welfare Department, reported cases of child abuse, including sexual abuse, have increased in the past few years. In 1999 there were 303 reported cases of child abuse, which affected 71 boys and 232 girls. Of these cases, 124 involved sexual abuse. At year's end, there were

nine staff members in the social welfare office that handles all welfare problems, including complaints of child abuse.

Although the maximum sentence for sexual molestation (rape, incest) is life imprisonment, the normal sentence given is 15 years except in the case of murder. The age of consent for sexual relations is 16 years.

People with Disabilities.—Beyond the general protection of the Constitution, there is no specific legislation dealing with the disabled. However, the labor laws permit authorization of employment of a disabled person for less than the minimum wage, in order to increase opportunities for employment of the disabled (see Section 6.e.). There is no requirement mandating access for those with disabilities.

Indigenous People.—There is a significant Carib Indian population, estimated at 3,400 persons, of a total population of 76,000. Most live on a 3,783-acre reservation created in 1903 and expanded in 1997. School, water, and health facilities available on the Carib reservation are rudimentary but similar to those available to other rural Dominicans. Most Carib Indians engage in farming, fishing, and handicraft. Unemployment is believed to be higher than in rest of the country, while the average income is below the national average. About 65 percent of the Carib population is between the ages of 18 and 35.

The reservation is governed by the 1978 Carib Constitution. Carib Indians over the age of 18 who reside there are eligible to vote for the Chief and eight members of the Council of Advisors. Elections are held every 5 years, and the latest election was held in July 1999. According to the Carib Constitution, the Council must meet once a month, determine the chief's itinerary, and publish council meeting agendas in the government Gazette.

There are credible reports of discrimination against Carib women who are married to, or who live with, non-Carib men, making it difficult for such couples to obtain permits to build homes within the reservation. Building permits are obtained from the Carib Council. Until 1979 the Carib Constitution allowed Carib men married to non-Carib women to continue living on the Carib reserve but dictated that Carib women married to non-Carib men had to move off the reservation. Although the law has changed, practice is not yet in keeping with the law. In one case, a Carib woman in a common-law relationship with a non-Carib man who tried to build a house on land reserved for her family received threats that her house would be burned down. An estimated 25 percent of the Carib Indian population is believed to be in mixed marriages or relationships.

Section 6. Worker Rights

a. The Right of Association.—All workers have the legal right to organize, to choose their representatives, and to strike, but unions represent less than 10 percent of the work force. All unions are independent of the Government. While there are no direct ties, members of certain political parties dominate some unions. There is no restriction on forming labor federations, but there is no Trades Union Congress. Unions may affiliate with various international labor bodies.

b. The Right to Organize and Bargain Collectively.—Unions have legally defined rights to organize workers and to bargain with employers. Collective bargaining is widespread in the nonagricultural sectors of the economy, including in government service, and there is also recourse to mediation and arbitration by the Government. The law prohibits antiunion discrimination by employers, and judicial authorities enforce union rights. In addition, employers must reinstate workers fired for union activities. The law requires that employers recognize unions as bargaining agents once both parties have followed appropriate procedures. Department of Labor inspectors under the supervision of the Labor Commissioner enforce labor legislation, but the small Labor Inspection Office lacks sufficient personnel to carry out its duties.

Labor regulations and practices governing the country's industrial areas and export firms do not differ from those prevailing in the rest of the economy. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that by children, and such labor is not known to exist.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal age for employment is 15 years. Employers generally observe this law without government enforcement. The law prohibits forced or bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The law sets minimum wages for various categories of workers, but these were last revised in 1989. The minimum wage rate for some categories of workers (e.g., household employees) is as low as \$0.37 (EC\$1.00) per hour if meals are included. However, minimum wages for most workers fall in a range between \$0.74 (EC\$2.00) per hour for tourist industry workers

to \$1.11 (EC\$3.00) per hour for occupations such as shopclerks. Minimum wages are not sufficient to provide a decent standard of living for a worker and family. However, most workers (including domestic employees) earn more than the legislated minimum wage for their category. The Minimum Wage Advisory Board met in 1998 and recommended increases in these wage levels, but the Government had not yet acted upon these recommendations at year's end.

The labor standards laws state that no employer shall establish or maintain differences in wages between men and women performing the same or similar work with parallel responsibilities under similar conditions. The law further states that no employer may reduce the wages of an employee to comply with equal wage standards. The labor laws also provide that the Labor Commissioner may authorize the employment of a disabled person at a wage lower than the minimum rate in order to enable that person to be employed gainfully.

The standard legal workweek is 40 hours in 5 days. The law provides for a minimum of 2 weeks' paid vacation per year. The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. The Advisory Committee on Safety and Health is an established body but has never met. The rarely used enforcement mechanism consists of inspections by the Department of Labor, which can and does prescribe specific compliance measures, impose fines, and prosecute offenders. Workers have the right to remove themselves from unsafe work environments without jeopardy to continued employment.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons.

The country has an economic citizenship program that allows foreign investors to purchase passports through loosely monitored procedures requiring cash inflows ranging from \$15,000 (EC\$40,000) to \$50,000 (EC\$135,000). This process reportedly has facilitated the illegal immigration of persons from China and other countries to North America where, in some instances, they may be forced by the criminal organizations that provided the funds to work under conditions similar to bonded labor to repay their debt.

DOMINICAN REPUBLIC

The Constitution provides for a popularly elected president and a bicameral Congress. President Hipolito Mejia of the Dominican Reform Party (PRD) took office on August 16 after a free and fair election, replacing President Leonel Fernandez of the Dominican Liberation Party (PLD). The PRD also has control of the Senate and Chamber of Deputies. The Constitution provides for an independent judiciary; however, interference from outside forces remains a problem. The Government took some steps to improve the ability of the judiciary to resist such outside interference.

The National Police (PN), the National Department of Investigations (DNI), the National Drug Control Directorate (DNCD), and the military (army, air force, and navy) form the security forces. The PN is under the Secretary of the Interior and Police; the military is under the Secretary of the Armed Forces; and the DNI and the DNCD, which have personnel from both the police and the military, report directly to the President. Although the security forces generally are responsive to civilian authority, there were instances in which members of the security forces, principally the National Police, acted independently of government authority or control. Members of the National Police, and to a more limited extent the military, continued to commit serious human rights abuses.

The economy, once heavily dependent on sugar and other agricultural exports, continues to diversify; tourism, telecommunications, and free trade zones (FTZ's) are major sources of income and employment. Remittances from abroad, estimated to exceed \$1.5 billion, are equivalent to approximately 9 percent of the \$2,100 per capita gross domestic product. The country's agricultural and tourism sectors and electrical power network largely have recovered from the effects of Hurricane Georges, which hit the island in 1998, while housing reconstruction and transportation infrastructure lag behind. The 1999 transfer of sugar mills to private control contributed to increasing poverty and joblessness in the bateyes (sugar cane shantytowns). Income distribution in the country is highly skewed, and according to the U.N. Development Program, the richest 10 percent of the population receives over 37 percent of the income, over 18 times that received by the most impoverished 10 percent of the population.

The Government's human rights record was poor, and serious problems remain. Police committed extrajudicial killings. The police, and to a lesser degree the military, tortured, beat, and otherwise abused detainees and prisoners. Police on several

occasions used force to disperse demonstrators. There was a significant increase in allegations of physical abuse and torture of minors in police and military detention. Prison conditions ranged from poor to extremely harsh. Police arbitrarily arrested and detained suspects and suspects' relatives. The ability of prosecutors to limit police detentions and practices has eroded, as compared with 1999. While there have been some improvements in the efficiency of the judiciary, lengthy pretrial detention and long delays in trials remained problems. Police committed break-ins of private homes without judicial orders. The authorities rarely prosecute abusers, and at times members of the security forces commit abuses with the tacit acquiescence of the civil authorities, leading to a climate of impunity. Numerous allegations of corruption by government officials were raised following the change of administration. The authorities infringe on citizens' privacy rights. Members of the police harassed journalists. The Government at times pressured editors not to publish unfavorable items, and journalists practice self-censorship. The Government at times restricted freedom of assembly. The Government restricts the movement of and forcibly expels Haitian and Dominican-Haitian migrants. Violence and discrimination against women; prostitution, including child prostitution; abuse of children; discrimination against the disabled, discrimination against and abuse of Haitian migrants and their descendants, and child labor are serious problems. There continued to be reports of forced labor. Workers on the sugar plantations and mills continued to work in unsafe conditions. Trafficking in women and girls is a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government officials; however, police committed at least 250 extrajudicial killings. It is difficult for any outside observer to quantify the exact number of victims of extrajudicial killings each year; included in this number are civilians who were killed in alleged "exchanges of gunfire" with police. The police fail to cooperate with civilian authorities in many ways, which made quantifying the problem very difficult. For example, the police do not provide Public Ministry officials with reports on investigations of citizens killed in confrontations with police; police rarely documented citizen killings in accordance with minimum investigations or crime scene standards; police denied civilian authorities, including prosecutors requesting information, transcripts of police tribunal hearings that process these cases in secret; and the police have been known to publicly fire officials involved in these incidents, only to reinstate them quietly later.

The Dominican Human Rights Committee and other observers state that the police may employ unwarranted deadly force against criminal suspects in a kind of uniformed vigilantism. In addition, some victims are involved in private disputes with police agents, while other victims later were found to be honest citizens erroneously caught up in the wave of antigang violence carried out by the police. The circumstances of the vast majority of these killings are questionable, but witnesses other than the police usually are lacking.

Extrajudicial killings stem from the lack of basic education, poor training, and weak discipline of the members of the police force. These problems are aggravated by low pay and the fact that the Government's budgetary allocation for the police is too low to support the higher recruiting standards needed and to provide adequate training for police. For example, new recruits fire only one round of ammunition during training, and there is no coherent policy on the use of deadly force or rules of engagement by the police. Additionally, the lack of professional, transparent, and credible investigation of the circumstances in which police kill citizens in "exchanges of gunfire" lead to the perception of impunity in these killings. Finally, there is a lack of specific training in human rights as applied to police work.

In the majority of the 250 deaths at the hands of police, the police characterized the victims as delinquents. The rest were wives, girlfriends, or associates of the officers, other civilians, or fellow officers. In most cases, the police claimed that the deaths resulted from the exchange of gunfire in the course of an arrest. Amnesty International's August report noted the large number of deaths at the hands of police and the lack of transparency in the investigative process. In October 1999, the Inter-American Commission on Human Rights (IACHR) issued a report that criticized the police for committing extrajudicial killings and neglecting to investigate and punish officers responsible for such abuses. Police assert that the deaths of so-called delinquents resulted from shoot-outs requiring the police to act in self-defense. However, a number of cases demonstrate that this often is not the case.

For example, on April 18, police shot and killed Antonio Lora Fernandez allegedly during questioning at the Isabela police substation of Puerto Plata.

In July in Manoguayabo, a suburb of Santo Domingo, police shot and killed Juan Expedito Garcia, a 49-year-old businessman who was traveling with his daughter-in-law, Katy Jimenez de Garcia. Garcia and Jimenez were victims of an attempted carjacking by a group of delinquents. The delinquents ultimately kidnaped the two and sped away, followed closely by the police. After being stopped by police, Garcia and Jimenez threw themselves to the ground, raised their hands, and told the police not to shoot because they themselves were victims. Jimenez, the only surviving witness, reported that the police shot Garcia four times in the head and three times in the body before shooting and killing one of the kidnapers. She overheard one officer giving the order to kill her as well, but was spared when she was able to explain the circumstances of their kidnaping. The police commission investigating the incident recommended that those responsible be tried in a military tribunal. At year's end, there was no public information about the investigation into this case.

In July witnesses, including the victim's sister, reported that police shot and killed 20-year-old Juan Jose Urena in Santo Domingo. The police said that Urena was wanted by the Secret Service and the Department of Homicide and Crimes against Property. They reported that when they tried to detain Urena, he threatened them with a machete, and they were forced to shoot him. The victim's sister, who saw the incident, said that he did not resist arrest, but that he already was wounded and handcuffed when the agents fired the shots that killed him. Urena's death at the hands of police led to public protests, tire burnings, and the throwing of Molotov cocktails. Police responded with tear gas and guns. The police shot a bystander in the leg as they tried to calm the protests (see Section 2.b.). The police officers who participated in the shooting of Urena were arrested pending a police investigation.

On July 18, in Guayabin, on the northern border with Haiti, military agents shot and killed 6 Haitians and 1 Dominican citizen and wounded 13 others after they crossed the border illegally in a truck (see Section 2.d.).

On August 13, a 30-year-old Haitian died after soldiers took him into custody in La Canada, near Hondo Valle (see Section 2.d.).

On September 25, police killed two persons in separate incidents, 20-year-old Emilio Jose Matias Moronta and 23-year-old Lauri Mendez Sena, in Santo Domingo neighborhoods Villa Maria and Los Alcarrizos, respectively. The local press reported that the police said that Moronta resisted arrest and threatened officers with a gun; however, an unidentified businessman claimed the police version was false and that the victim did not carry a firearm and was first wounded by the police in the leg. In the same press report, the police claimed Sena resisted arrest with a machete. At year's end, there was no public information about an investigation.

On November 15, police shot and killed Johnny Perdomo Santo, in the Santo Domingo neighborhood of Ozama. Police reported to the press that they followed Santo in a car, whose plates linked it to a history of crimes, and that Santo attempted to shoot at them. Santo reportedly died on the way to the hospital. Witnesses told the press there were a total of three victims, including a woman. They said two corpses were taken away in the police vehicle, and a third one was taken away in the victims' car. At year's end, there was no public information about an investigation into the facts of the case.

Military personnel killed a number of Haitian migrants who were attempting to enter the country (see Section 2.d.).

The administration of President Hipolito Mejia acknowledged the problems with the police apparatus and early in his administration agreed to the creation of a Police Reform Commission to be made up of the Chief of Police, the Attorney General, the Secretary of the Armed Forces, the Legal Advisor to the President, representatives of human rights organizations, and legislators. However, President Mejia retained the services of Chief of Police Pedro de Jesus Candelier, under whose tenure the number of deaths at the hands of the police rose significantly over previous years. At year's end, the Commission had not made public any recommendations, but the Secretary of Interior and Police indicated in early December that he would make public and open to public debate any contemplated reforms. In October the Attorney General publicly agreed to more aggressive independent investigation of extrajudicial killings. On December 7, the Supreme Court president urged judges to apply the full weight of the law in cases of violations of human rights.

Police courts may try police officers or may remand them to civilian court jurisdiction. Military courts try military personnel charged with extrajudicial killings or other crimes. Police Chief Candelier announced that every time an officer is involved in a questionable incident, the case goes to a commission of superior officers for investigation. He said that if it is determined that the police officer exceeded his authority, the case is sent to the police courts or to the civilian courts, depending on the severity of the offense. However, the police send very few—if any—cases to

civilian courts, despite requests from the former Attorney General, District Attorney, and Justice Reform Commissioner. On September 4, six civil society groups submitted an "Act of Unconstitutionality" to the Supreme Court on the issue of the legality of Law 285, which encompasses the Code of Police Justice. Civil society groups argue that police courts violate the Constitution, and that they weaken the separation and independence of governmental functions, as well as the exclusivity of the judicial function in the administration of justice. The lawsuit asks the Court to rule on the constitutionality of these police tribunals; a decision was still pending at year's end.

State agents in prisons also committed extrajudicial killings. In the Najayo Prison in San Cristobal, police custodians shot and killed inmates Francisco Alberto Jaquez Brito, Manuel Sanchez Fermin, and Rafael Taversal Alberto in August during an escape attempt. A commission that included the Attorney General, the Chief of Police, and the Director of Prisons concluded that police agents acted negligently and in excess of their duties, and that the escapees could have been subdued by other means. The prisoners had not yet breached the exterior gates of the prison campus when they were shot and killed. The commission recommended that the three police cadets be tried in a police tribunal, and that three police supervisors be sanctioned with days in prison and "arrest without salary" for failing to control their subordinates and for failing to take an adequate count of prisoners. Human rights groups called for civilian trials for those responsible for the deaths of the prisoners.

There also were a number of deaths in prisons due to harsh conditions and official negligence (see Section 1.c.).

In July 1999, the authorities arrested a general, a colonel, a legal consultant, and various police officers in connection with the deaths of three alleged delinquents in Moca. In a civilian video, the police were shown handcuffing the three young men and placing them, alive, in the back of a police pickup truck. When the truck arrived at police headquarters, the three men were dead. A lower police tribunal reportedly tried, convicted, and sentenced officers Cesar Ovando Michell and Virgilio Severo Rodriguez to 2 years in prison, but a Police Appeals Tribunal later absolved the officers. The first-instance police tribunal discharged three other officers. In early November, the Attorney General asked Police Chief Candelier for a detailed report on the tribunal's proceedings, and said that he would investigate the possibility of reopening the case on a procedural appeal to the Supreme Court. Candelier said that he would not prevent such action; however, as of year's end, the case had not yet been presented to the Supreme Court.

In August a court sentenced Rafael Paredes de la Cruz, a former cadet in the National Police to 15 years in prison for the 1998 killing of Father Jose Antonio Tineo Nunez. The court found the other defendant, Juan Bautista Caminero Mendoza, not guilty.

There was no progress reported in trials of police officers detained for killing law student Franklin Bortolo Fabian Mejia in July 1998; for killing a suspected robber of a Santiago pharmacy, also in July 1998; or for the triple homicide in November 1998 of three young male victims who might have been killed because of their refusal to share the proceeds of a recent robbery with the police.

In August a court in Santo Domingo released the verdict in the case of the 1975 murder of journalist Orlando Martinez Howley, a critic of the Balaguer administration. Retired General Joaquin Pou Castro, former air force officer Mariano Cabrera Duran, and Luis Emilio de la Rosa Beras admitted to the killing and a court sentenced each of them to the maximum penalty of 30 years in prison. The court also awarded an indemnity of \$314,000 (5 million pesos) to Martinez's surviving brothers. Lawyers for the sentenced defendants say that they plan to appeal. Although several witnesses testified to the knowledge and complicity of former President Balaguer in the murder, he was not called to testify for health reasons.

In April violence at political rallies during the election campaign resulted in two deaths and several injuries when PRD bodyguards fired into the crowd at a political rally in Moca (see Section 3.)

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

There was little progress in the investigation into the case of Narciso Gonzalez, a university professor and critic of the Balaguer government who disappeared in May 1994. According to the former District Attorney, there is not enough evidence to go to trial, and existing evidence is contradictory. There was no action during the year on the family's complaint to the Inter-American Court of Human Rights.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the law prohibit torture and other forms of physical abuse; however, security force personnel continue to torture, beat, and otherwise physically abuse detainees and prisoners. Lack of supervision, training, and accountability throughout the law enforcement and corrections systems exacerbate the problem of

physical abuse. Human rights groups, the local press, and the President's Commission to Support the Reform and Modernization of Justice (Justice Reform Commission) reported regular and repeated occurrences of physical abuse of detainees while in custody. There was a significant increase in allegations of physical abuse and torture of minors in police and military detention.

In June the Justice Reform Commission reported cases of torture and abuse of at least nine minors in the police stations in Villas Agrícolas, Los Farallones, Villa Francisca, and Plan Piloto in the national district. It cited numerous instances of beatings, sexual abuse, asphyxiation with plastic bags to elicit confessions, and a torture method called "roasting the chicken" in which the victim is placed over hot coals and turned until confessing. After completing an internal investigation, the National Police claimed that there were no instances of torture or abuse, and that if force was used, it was necessary to obtain the "obedience" of the minor. The Justice Reform Commission criticized the police for failing to conduct an objective investigation and for covering up serious abuses. As of September, the district attorney for Santo Domingo had made two requests to the Chief of Police that three officers be turned over for interrogation. Both of these requests were denied. An investigative judge was appointed to the cases, which were still pending in the Eighth Penal Court in Santo Domingo at year's end.

In August judges of the Appeals Court for Children and Adolescents in San Pedro de Macoris made public a set of allegations of similar abuses committed against 19 minors in police stations in Juan Dolio and Boca Chica, as well as in the General Pedro Santana public jail, which is controlled by the army. One of the adolescent victims reported that the police beat him to force him to say "yes" to their questions; in the interrogation sessions, they hit him with the butts of their guns; they made him kneel and two officers at once hit him in the ears and kicked him; they hit him with a baton, and put him in a dark room where they applied an electric current to his body. The child reported that due to the marks these incidents left on his body, the police held him for 8 days before transferring him to the judge. The law requires that minor detainees be transferred to a judge within 24 hours. There is no information available regarding any investigation into these alleged abuses by the police or the military.

Homosexual and transvestite detainees report to gay rights advocates that during detention the police have held them in a darkened room and have given them the alternative of performing fellatio on guards or being placed in a locked cell with the most dangerous prisoners, where the detainees presumed that they would be raped, beaten, or both. Other informants confirmed that the police use the prospect of being locked in with the most dangerous prisoners as a threat.

The National Coordinator for Human Rights cited the Department of Homicide and Robbery Investigations and the DNCD for the persistent use of torture to extract confessions from detainees. According to human rights organizations, the method most often used is beating. After several former detainees went to the press in 1999 with credible reports that police interrogators had beaten them repeatedly, the Chief of Police and Attorney General designated a commission to investigate. The beatings allegedly took place during periods of detention of up to 15 days without arraignment before a judge (the Constitution permits only 48 hours). The informants reported that the police repeatedly awoke them during the night for questioning. Human rights advocates have described another form of abuse that guards reportedly use against prisoners in the Mexico section of San Pedro de Macoris Prison. Prison officials use a punishment called "the toaster", where prisoners are laid, shackled hand and foot, on a bed of hot asphalt for the entire day and are beaten with a club if they scream. The army administers San Pedro de Macoris prison.

The National District Prosecutor's office continued to place lawyers in high-volume police stations and in several DNCD offices to monitor the investigative process and to assure that detainees' rights are respected (see Section 1.d.). Most of the affected PN and DNCD investigators responded positively to this oversight, although some DNCD personnel reportedly complained that their hands were being tied. This initiative remains largely limited to the Santo Domingo metropolitan area, with a lesser presence in Santiago. There is some evidence that these assistant prosecutors at times acquiesce in traditional police practices, rather than attempt to raise these practices to constitutional standards. Less qualified prosecutors assigned to the rest of the country have not assumed strong roles in managing criminal investigations and ensuring the rights of suspects. Human rights courses are offered in the training curriculums for military and DNCD enlisted personnel and officers; however, the courses are optional. In October the Armed Forces Secretary inaugurated the Military Institute of Human Rights, located in Santiago.

Civilian prosecutors sometimes file charges against police and military officials alleging torture, physical abuse, and related crimes. A 1997 law provides penalties for

torture and physical abuse, including sentences of from 10 to 15 years in prison. However, until recently these provisions were not known fully or applied by prosecutors and judges. There have been repeated calls by human rights groups as well as by the Justice Reform Commission for civilian trials of officials charged with abuse and torture; however, most cases, if tried at all, are sent to military or police tribunals.

Out of a police force of about 23,000 members, Police Chief Candelier fired 84, disarmed 200, and sent 100 officers for retraining during the first 6 months of the year as part of an effort to increase respect for human rights and discipline within the police force. He reported that many of the 84 were fired for drug use, including cocaine and marijuana. However, some discharged officers later were rehired. Significant problems also remain because serious efforts have not been made to vet police recruits. Many persons with prior criminal records reportedly have been incorporated into police ranks, either using false names or identification or with recommendations from other state institutions, such as the army.

The police at times forcibly dispersed demonstrators, using tear gas and weapons (see Sections 2.b. and 6.b.).

Prison conditions range from poor to extremely harsh. Reports of torture and mistreatment in prisons are common. The prisons are seriously overcrowded, health and sanitary conditions are poor, and some prisons are out of the control of the authorities. The General Directorate of Prisons falls under the authority of the Public Ministry and is seriously underfunded. Budget allocations for necessities such as food, medicines, and transportation were lacking. Medical care in all prisons suffers from a lack of supplies and available physicians. Prisoners immobilized by and dying of AIDS are not transferred to a hospital, but some terminal-stage inmates were released early to spend their last days at home.

In 32 prisons around the country with a total capacity of 9,000 persons, the police and the military hold more than 15,000 prisoners and detainees. The military controls 22 prisons with a total of 6,000 prisoners, and the National Police controls 10 prisons, with a total of 9,000 inmates. A warden is responsible for running each prison and reports to the Attorney General through the Directorate of Prisons. A police or military colonel (or lieutenant colonel), who is appointed for 3 to 6 months only, reports to the warden and is responsible for providing security. However, in practice the colonel is in charge of the prison, and neither the Directorate of Prisons nor the individual wardens have much power. According to credible reports, some prisons are totally out of the control of the authorities. They are, in effect, operated by armed inmates, who decide whether an individual gets food, space to sleep, or medical care. Individual inmates only can secure a tolerable level of existence by paying for it. Only those with considerable personal or family resources can do so.

Conditions at La Victoria prison, which is run by the National Police, pose a serious threat to life and health. In June this prison held over 3,500 prisoners in a facility built for 1,000. In March there was a serious fire at La Victoria in which 13 persons died, 44 suffered burns, and 20 others were injured. Inmates alleged that guards refused to open cell doors so that they could escape. At year's end, the Director of Prisons reported that an investigation had been conducted, and that those responsible were arrested and sent before a police tribunal. However, there was no public information on the trial's outcome.

The Barahona Commission for the Defense of Human Rights has criticized the conditions in the Barahona prison, which has 22 beds, but currently holds 586 inmates. In one cellblock, which has space for 32 persons, there are 145 inmates. The commission issued a report at mid-year, in which it described 52 Haitians imprisoned there as "practically kidnaped," and said that they have not been taken to their hearings. The Commission reported that the bathroom facilities amount to cesspools and that the authorities are indifferent to the lack of hygiene; prisoners do not receive medicine or medical attention, and many have tuberculosis and other diseases. They allegedly receive only one meal on Saturdays and no meals on Sundays.

A government food program for the general public is used to provide lunches at some prisons. The former Director of Prisons reported that his office had the budget to spend \$0.50 (8 pesos) per inmate to provide three meals per day. Inmates surveyed said that the food provided was unacceptable, and most chose to eat whatever they could beg for or purchase from persons in the vicinity of the prison or from family members. Due to inefficiency and corruption within the prison system, visitors often have to bribe prison guards in order to visit prisoners.

Female prisoners are separated from male inmates. In general, conditions in the female prison wings are superior to those found in male prison wings. There have been some reports of guards physically and sexually abusing female inmates. Female inmates, unlike their male counterparts, are prohibited from receiving conjugal

visits. Those who deliver while incarcerated are permitted to keep their babies with them in prison until they reach 1 year of age.

In May in Rafey Prison in Santiago, guards beat six inmates with aluminum and wooden bats as they bathed in the rain in a courtyard of the prison. Two officials allegedly responsible for the beatings were said to have been tried in a police tribunal; however, there was no public information available about any investigation or trial.

The law requires that juveniles be detained separately from adults. However, recent press reports found a high incidence of juveniles who were detained with adult prisoners being forced into sexual servitude in return for protection at prisons around the country. Najayo prison has a new wing for juvenile offenders that holds 250 persons. Inmates are not separated by crime within the prison population; however, they may be put into solitary confinement for disturbances while incarcerated.

The Government permits prison visits by independent human rights monitors and by the press.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Constitution provides for the security of the individual against imprisonment without legal process, bars detention beyond 48 hours without the detainee being presented before judicial authorities, and prohibits custodial authorities from not presenting detainees when requested. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. However, the security forces continued to violate constitutional provisions by detaining suspects for investigation or interrogation beyond the prescribed 48-hour limit. The police traditionally detain all suspects and witnesses in a crime and use the investigative process to determine who are innocent and merit release, and who they should continue to hold. After the prosecutor's office placed its lawyers in several police stations in 1997, the police began to curtail the practice of arbitrary detention in those precincts. However, progress has been slow (see Section 1.c.), and this program has been limited for the most part to the Santo Domingo metropolitan area. During the year, no new prosecutors were placed in police stations, and the effectiveness against human rights abuses of those working in police stations cannot be discerned accurately.

The prosecutor for the Court of Appeals in Santiago reported that the Department of Investigation of Homicide and Robbery of the National Police, Northern Command, routinely detained persons beyond the 48-hour limit. Detainees at police headquarters in Santo Domingo, known as "the palace," reported that they were held for 15 to 21 days. Juveniles held at the Department for Minors at the Villa Juana Police Station commonly are held for 8 to 14 days, well beyond the 24-hour limit for minors. The official in charge of the Department for Minors attributes this to lack of swift action by the Juvenile Defender, the Public Ministry official in charge of interrogating minors and sending them before a Juvenile Court judge. By law juveniles may not be interrogated by the police or in the presence of police.

The police continued the practice of making frequent sweeps or roundups in low-income, high-crime communities in which they arrest and detain individuals arbitrarily. The alleged objective of the roundups is to fight delinquency. Following the indiscriminate arrests, the police regularly detain individuals for up to 20 days or more, while they look for a reason to charge them with a crime. For example, on September 23–24, police arrested 900 persons around the country in 1 weekend with the objective of "preventing the commission of crimes" and "maintaining order and peace." They also took possession of property including motorcycles, other vehicles, and weapons. Human rights organizations report that individuals detained in these roundups frequently are beaten. The police say that they rely upon unlawful detention without presentation to a court because some cases involve more complicated investigations. However, there is a clear pattern of the police arresting individuals before investigating a crime thoroughly, and relying on confessions to make their case. Without the education, training, or equipment to conduct modern forensic investigations, police rely instead on holding suspects incommunicado (see Section 1.e.), repeatedly questioning them, and sometimes beating them, until they confess. Prosecutors who are assigned to monitor the criminal investigation phase at police stations appear to be unable to control the practice (see Section 1.c.).

A related problem is the police practice of arresting and detaining individuals solely because of their familial or marital relationship to a suspect. A suspect's parents, siblings, or spouse are all vulnerable to this practice, the goal of which is to compel an at-large suspect to give himself up or to coerce a confession from one already arrested. In 1999 the PN chief had ordered that this practice be ended immediately; however, it continued. According to the Dominican Human Rights Committee, there were several reports of detentions of suspects' relatives during the year.

Local human rights organizations have reported on and criticized police roundups of Haitian and Dominican-Haitian construction workers. Officials allegedly take groups of dark-skinned or "Haitian-looking" individuals to empty buildings soon after they are paid, in order to extort money from them. One worker reported that he was beaten frequently, and that many of his paychecks were taken during these roundups. He said that the license plates are removed from the official police vehicles so that the perpetrators cannot be identified easily.

Many suspects suffer long pretrial detention. In November over 83 percent of the national prison population was awaiting trial, 11 percent higher than in 1999; of these, about three-quarters were "prisoners without sentences," and the remainder had convictions under appeal. However, while suspects nationwide still suffer long pretrial detention, judicial statistics show reduced delays for the last 3 years in the Santo Domingo National District (an area that accounts for approximately 45 percent of all criminal cases in the country). The average pretrial detention throughout the country is more than 6 months.

Due to the historical inefficiency of the courts (see Section 1.e.), the granting of bail serves as the de facto criminal justice system. As a rule, defendants awarded bail rarely face an actual trial. (Time already served counts toward a sentence.) This situation improved somewhat as a result of the steps taken by the former Santo Domingo District Attorney and the judiciary, in cooperation with the Director of Prisons, to introduce a prisoner registry system that focuses on providing timely trials for prisoners. The failure of prison authorities to produce the accused caused a significant percentage of trial postponements. Authorities held some prisoners even though there were no formal charges against them, and kept some prisoners jailed even after a court ordered their release. One prisoner held in Najayo Prison was charged with swindling over 4 years ago. The maximum penalty for this crime is 3 years; however, the prisoner was never tried or convicted. His case finally was dismissed in August. In October the Attorney General proposed a program to reduce prison crowding by releasing inmates who only were held pending payment of a fine. Large numbers of prisoners are generally pardoned at the end of the year. In early December, prison authorities paroled 80 elderly (75 years or older) persons, 90 terminally ill prisoners, and 150 inmates who have finished sentences, but cannot pay their fines.

Notable advances also were made by the new Mejia administration to increase the availability of free legal services to the poor. Most detainees and prisoners cannot afford adequate defense services. There were 12 new public defenders added, bringing the total to 31 throughout the country. A bill to create a national public defender program was pending in Congress at year's end.

Hoguisten Canji, a 33-year-old Haitian, spent 9 years in prison without an official charge and without ever being presented to a judicial officer. His case finally came to the attention of the Public Defender Program, which ultimately obtained his release on January 14 on a writ of habeas corpus. His attorney noted that there was no official file on the case, no name of the person that he allegedly murdered in 1991, and no order for preventive detention. A Public Defender Program attorney also defended Hector Manuel Reyes, who spent 17 years behind bars for a murder for which he had never been convicted. The authorities had lost his case file. Reyes was released on March 20. Officials acknowledge that there may be hundreds of such cases in the prison system.

The law prohibits forced exile, and there were no reports of its use. However, persons who credibly asserted that they were citizens sometimes were expelled to Haiti (see Sections 1.f. and 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, attempts by public and private entities, including the executive branch, to undermine judicial independence still remain. The judiciary appears better equipped to resist such outside interference, due in part to training funded by foreign technical assistance. Court officials also began to implement new selection criteria for judges. The National Judiciary Council chooses members of the Supreme Court, with the goal of ensuring independence from the executive and legislative branches, and some progress has been made.

The judiciary, based primarily on the Napoleonic Code, includes a 16-member Supreme Court, appeals courts, courts of first instance, and justices of the peace. There are also specialized courts that handle administrative, labor, land, and juvenile matters.

Military or police courts have jurisdiction over members of the security forces. However, civil society groups challenged this system in a Supreme Court case filed in August (see Section 1.a.). Public pressure exists for military or police boards to remand cases involving serious crimes to civilian courts for review; however, there is no information that any such cases were remanded during the year. In other

cases, civil authorities have requested that the PN turn over their files so that cases of suspected extrajudicial killings might be evaluated independently for possible prosecution. There was little cooperation from the National Police or military in requested investigations during the year (see Section 1.c.).

Judges, rather than juries, render all verdicts. Under the 1994 constitutional amendments, which entered into force in August 1998, the Supreme Court is responsible for naming all lower-court judges in accordance with a judicial career law. The National Judiciary Council selects new justices of the Supreme Court. The Council consists of the President, the President of the Senate, the President of the Chamber of Deputies, two at-large members designated by them (one Senator and one Deputy, from parties different than those of the presidents of the Senate and Chamber), the President of the Supreme Court, and one other justice designated by the Supreme Court.

Following the commission of a crime, the criminal process begins with the arrest of possible suspects. During the investigative phase, suspects are questioned repeatedly and urged to confess. The Constitution provides for the right not to be arrested without judicial warrant except in cases where the suspect is caught in the act; the right not to be deprived of liberty without trial or legal formalities, or for reasons other than those provided by law; the right to be presented to a competent judicial authority within 48 hours of one's detention; the right not to be a witness against oneself; and the right to a defense in an impartial and public trial. These rights commonly are disregarded.

The most serious and common violation of these rights occurs when police detain suspects, sometimes for many days, without giving them access to a telephone call to family while subjecting them to frequent questioning. Although accused persons are entitled to have an attorney present, they often are not permitted to call one or, if one arrives, the attorney is not permitted to be present during the questioning. (The police complain that the presence of attorneys interferes with their investigations.) Torture frequently is used as a method to extract a confession during questioning (see Section 1.c.). Under these circumstances, suspects may confess to acts that they did not commit merely to get relief from the intense questioning and the detention. The results of these interrogations frequently form the only evidence presented at the trial.

The law provides for the remedy of "Amparo," an action any citizen may bring for violation of a constitutional right, in accordance with the terms of the Inter-American Convention on Human Rights. This action includes violations by judicial officials. The process of dispute resolution, including reconciliation, mediation, and arbitration, continues to be used as an alternative to trial and incarceration.

There remains a large backlog of criminal cases in the National District and throughout the country. The Supreme Court's plan to unclog the court dockets has been frustrated by the Government's failure to allocate sufficient funds. Dockets are crowded with traffic infractions that should be heard in the traffic courts provided for by statute; due to a lack of funds, the traffic courts have not been set up. Other complications in clearing the backlog arise from the exhaustion of funds for transporting prisoners to court; many cases must be sent back when the accused does not appear. The Government has not yet established 25 additional courts provided for by law.

Throughout the year, there were improvements in the administration of justice that resulted from cooperation between the judiciary and the Santo Domingo district attorney's office. New cases unnecessarily congesting the criminal system were reduced by more than 50 percent through use of community conciliation centers, and investigative judge rulings increased by 65 percent in the last 2 years. The courts' efforts to improve productivity of judges was notable: the number of definitive (final) sentences quadrupled over the past 3 years and time to trial was reduced from an average of 11.8 to 6.5 months. It is not yet clear how the change of 90 percent of Public Ministry officials in August will affect the changes introduced by the previous administration.

The judicial training school trained 530 judges (out of a total of 585) on drafting and structuring sentences in its first cycle. The school prepared a computer seminar on fundamental constitutional protections with four modules for judges on human rights. In October it held a seminar on domestic violence and a seminar on judicial ethics for 200 judges. A dialog among 500 judicial and civil society representatives created a judicial code of ethics.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution contains provisions against arbitrary entrance of one's home; however, police sometimes break into private quarters without cause to search for suspects, and the authorities infringe on citizens' privacy rights in other ways as well. Al-

though the Government denies arbitrary use of wiretapping or other surreptitious methods to interfere with the private lives of persons or families, it has not taken necessary steps to dismantle an active private wiretapping industry.

The law permits the arrest of a suspect caught in the act of committing a crime, and police may enter a residence or business in pursuit of such suspects. Otherwise judges must authorize arrests and issue search warrants. However, the PN and occasionally the DNCD continued to violate these requirements. Some prosecutors confessed that out of "tactical necessity to combat criminality" and "with great reluctance," they tolerated the illegal search practices. They justified their actions by arguing that the Government has not provided sufficient resources or attention to criminal investigation and that, given the cumbersome and antiquated criminal procedures, adhering to the letter of the law would make law enforcement nearly impossible.

The Dominican Human Rights Committee reported that police carried out raids on private homes in the Santo Domingo neighborhoods of Caputillo, Villa Agricola, Los Alcarrazos, and Guachupita; police allegedly went into homes without search warrants to look for delinquents.

The police continued to detain relatives and friends of suspects to try to compel suspects to surrender or to confess (see Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for these freedoms, and the Government generally respected them in practice; however, there were some isolated exceptions. For example, there were isolated instances of government pressure on editors not to publish certain unfavorable items, such as negative poll results.

Citizens of all political persuasions exercise freedom of speech. Newspapers and magazines freely present a diversity of opinion and criticism; there are eight daily and seven weekly newspapers, and three weekly magazines. However, journalists and editors practice self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners.

The National Press Union criticized police treatment of journalist and union secretary Paul Meguis Jose in April. Jose was following a story in Batey Central in Barahona when a police officer shoved him, threw his camera on the ground, and then confiscated it. A police tribunal found the official guilty of an infraction, and ordered that he serve 10 days in prison. In San Francisco de Macoris, police smashed the camera of La Nacion newspaper reporter Julio Benzant. DNI agents arrested and mistreated Jose Rivas, a reporter for the daily newspaper Hoy, during his coverage of the return of Mario Duran Cabrera, one of the defendants in the Orlando Martinez case (see Section 1.a.). The Dominican Human Rights Committee criticized the detention of journalist Robert Vargas, of the Spanish news agency (EFE), and the unlawful search of his residence carried out by police as an attempt to intimidate him for his reporting on human rights issues.

Numerous privately owned radio and television stations broadcast all political points of view. The Government controls one television station.

In September the National Press Union criticized the violation of freedom of expression by the director of the government-owned Dominican Radio and Television for canceling an FM radio program. The director of the station arrived with a group of military officers to interrupt the broadcast and said that the program served as a forum to criticize the Government of President Mejia. The union complained that this cancellation occurred only days after installation of the new Government and asserted that the station director should have discussed the program with its producers if he disagreed with its content.

In November the National Press Union reported that PRD leaders, including one from the Secretariat of Youth and another from the National Lottery, beat a journalist in Hato Mayo, who broadcast a radio program critical of the PRD. In the same month, in Moca, a provincial official of the Secretariat of Education punched a correspondent of the daily newspaper El Nacional when he asked the official about problems with the national school lunch program. Also in November, a correspondent from the El Siglo newspaper was sued for slander and detained for 2 days after he denounced the cutting of trees ordered by the vice mayor of Constanza. The charges later were dropped.

Public and private universities enjoy broad academic freedom. The main public university, the Autonomous University of Santo Domingo, with approximately 100,000 mostly part-time students, has few restrictions on enrollment and maintains a policy of nonintervention (other than on curriculum development) in classroom affairs. The Government exerts no control over private universities, except for the preservation of standards, and teachers are free to espouse their own theories without government oversight.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and the Government generally respects this right in practice; however, there were some exceptions, and the Government at times restricted this right. Outdoor public marches and meetings require permits, which the Government usually grants; however, the police used force to break up demonstrations on several occasions throughout the year. The Government responded with force to disperse demonstrators calling for completion of public works projects, opposing evictions, or supporting a strike. During transportation strikes in the first 4 months of the year, police used force to disperse union members; others were arrested and detained without charges for several days.

The police used force to disperse demonstrators. News reports and human rights organizations criticized the manner in which police used force to disperse demonstrators in Batey 5 in Barahona in mid-year. Protesters gathered to call for compliance with a promise to finish installation of electricity made 4 years ago by the governor of the province. There were reports that police indiscriminately launched tear gas into homes; several children had to be taken to hospitals due to the effects of the gas. According to the Dominican Human Rights Committee, the police on several other occasions used force to remove squatters from Punta Villa Mella, Valiente, La Toronja, and Vallo Lindo, state-owned lands near the national district (Santo Domingo and environs).

In a December interview with the newspaper *Hoy*, the Secretary of Interior and Police admitted that the police committed abuses when responding to several public marches and demonstrations in late November. These protests were largely in response to the Government's package of economic proposals. On November 16, a police lieutenant and four others were wounded by bullets and rocks in the confrontation between high school students and police in the town of Licey. National news media reported that the police repelled the students with tear gas. Student leaders told reporters that the police came into the school and arrested and beat several students. The police have promised an investigation into the protests.

On November 24, former President Leonel Fernandez and numerous other PLD leaders were involved in confrontations with the police when the PLD officials marched to the offices of the Public Ministry to protest the arrest of four high-level PLD members on corruption charges. The police used tear gas against the marchers and prevented Fernandez from entering the building. He and several others were overcome by the gas and taken to nearby hospitals.

On November 29, the "black helmet" unit of the police interrupted a march to the National Palace by groups of student, chauffeur, and social organizations who were also protesting the economic reform package. Police repelled demonstrators with tear gas and rubber bullets and detained more than 170 demonstrators. Organizers of the demonstration, including Human Rights Committee president Virgilio Almanzar, claimed that the police denied their right to freedom of assembly.

There were no reports of the use of the criminal charge "association with criminal elements" to stifle political dissent this year. Under former President Balaguer, the authorities traditionally used this charge against dissidents and those involved in street demonstrations against the Government.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties frequently affiliate with their foreign counterpart organizations. Professional organizations of lawyers, doctors, teachers, and others function freely and can maintain relationships with counterpart organizations.

c. Freedom of Religion.—The Constitution prohibits discrimination on religious grounds, and many religions and denominations are active. The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

The Catholic Church, which signed a concordat with the Government in 1954, enjoys special privileges not extended to other religions. These include the use of public funds to underwrite some church expenses, such as rehabilitation of church facilities, and a complete waiver of customs duties when importing goods into the country. The attendance at Catholic Mass for members of the National Police is compulsory.

In July then-President Fernandez signed a law making Bible reading in public schools obligatory. This new law added Bible reading to the weekly flag raising and singing of the national anthem in public schools. Private schools are not obliged to include Bible reading as part of their weekly activities.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of travel, except for limitations imposed under judicial sentence, or police regulations for immigration and health reasons, and the Government generally respects these provisions in practice; how-

ever, there were some exceptions. Citizens face no unusual legal restrictions on travel within or outside the country. Local and international human rights groups cited discrimination against Haitian migrants, whom they said were subject to arbitrary and unilateral action by the authorities.

Haitians continue to migrate in great numbers to the Dominican Republic, some legally but most without legal documents, in search of economic opportunity. Some illegal migration is assisted or sanctioned indirectly by the authorities, especially by police and military in the border areas, who profit from the illegal traffic. Throughout the year, the security forces, particularly the army, repatriated undocumented Haitian nationals believed to be in the country illegally. In December the Directorate of Migration reported that 12,500 Haitians were repatriated during the year; however, a later report issued by the armed forces stated that they had deported 36,362 Haitians between August 16 and the end of the year.

In many cases, the Government denied those deported the opportunity to demonstrate that they were legal residents in the country or to make arrangements for their families or property. Haitian Government officials complained that Haitians often were detained with little or no food and then deported without timely notice to the Haitian authorities. Human rights organizations and the media continued to report many instances of violent treatment of Haitian migrants by the authorities.

On July 18, in Guayabin, on the northern border with Haiti, military agents shot and killed 6 Haitians and 1 Dominican citizen and wounded 13 others after they crossed the border illegally in a truck. The truck had sped through several military checkpoints, and members of the military pursued it until it crashed. Controversy exists as to whether the military personnel knew that the truck was filled with immigrants when they fired at it. A Commission with members from Haiti and the Dominican Republic was established to investigate the incident. The officers reportedly were tried in a military court, given letters of reprimand, and returned to military service.

On August 13, a 30-year-old Haitian died after he was taken into custody by soldiers in La Canada, near Hondo Valle, a border town. According to newspaper reports, he entered the country illegally and was detained along with two other illegal migrants; soldiers allegedly beat him to death. The Commander of the Third Brigade of the army arrested the soldiers involved in the homicide and promised a quick investigation.

On November 7, soldiers in the Department of Border Investigation Operations shot and killed a Haitian under questionable circumstances at the Elias Pina border crossing point. Investigations of killings of civilians at the hands of military, similar to killings at the hands of police, lack transparency. At year's end, there was no information about an investigation into this case.

On March 6, the IACHR held a hearing in two 1997 cases of two Dominican-born children who have been denied birth registrations. The mothers of both children are Dominican citizens of Haitian descent. The law in question is Law 6-59 on Civil Records, and the legal issue in the case is the denial of the right to register a late declaration of birth. The cases were still pending at year's end.

On August 8, the Inter-American Court of Human Rights heard a case presented by the Dominican Center for Justice and International Law (CEJIL), Dominicans 2000, Human Rights Watch, the International Human Rights Law Clinic, and other international human rights organizations, alleging that massive expulsions, repatriations, and deportations of Haitians and Dominican-Haitians by the Government violated international human rights law. The Inter-American Court considered general concerns about "mass expulsions" and "forced repatriations" carried out by the Ministry of Interior and Police, as well as nine individual cases of persons who allegedly were expelled forcibly without opportunity for due process. The Court did not address the case of the six Haitians killed in Guayabin.

On August 18, the Court rendered its decision, laying out "provisional measures" for the future treatment of Haitians, and specific relief and protection of the nine individuals. It did not require immediate broad-based accountability of the migration authorities for enforcement of border agreements reached with Haiti in December 1999. These agreements set out a systematized deportation procedure in which Haitian authorities would be advised of potential deportations, deportees would be given opportunities for legal hearings (to present proof of legal status in the country), as well as opportunities to advise family members and collect belongings. Rather, the Court requested that the Government provide more detailed information about the condition of individuals in the border "bateyes" (shantytowns) who potentially are subject to forced expulsions. It also asked for a government report every 2 months on provisional measures that are expected to be adopted to comply with the Court's decision.

The ongoing process of repatriating Haitian citizens did not diminish after the Court's decision in August. NGO representatives working in rural areas reported that decisions to deport often were made by lower ranking members of the security forces, sometimes based upon the racial characteristics of the deportees. The Director of Migration stated that the process of rounding up illegal Haitians is performed by the rank and file of the armed forces and migration officers. They approach persons who look like Haitians, including persons who have very dark complexions and fairly poor clothing. They engage them in conversation about their work and residence, mainly to check their use of Spanish and any accent they may have. If such persons speak Spanish poorly or with a noticeable accent, they generally are detained and deported.

The Haitian Government protested the failure to give detainees an opportunity for a hearing on their claim of citizenship or right to residence, although it acknowledges the Government's right to deport those individuals who are illegal aliens. NGO's and Catholic priests familiar with the process also have protested that children born of one or two Haitian parents in the Dominican Republic, heretofore denied registration as Dominican citizens, frequently are among those deported as illegal Haitians.

While the Government has a policy of strictly enforcing documentary requirements and repatriation for those found lacking, it appears to have an unofficial policy that is more tolerant, which is fueled by the reality of dependence on Haitian labor for certain agricultural and construction work. Thus, after being stopped as a suspected illegal Haitian migrant, an individual may be allowed to remain in the country despite his lack of documents if his story about work satisfies the official who stopped him. NGO's have reported corruption among the military and migration border officials, and noted that these officials sometimes cooperate with the transit of Haitian workers into the country. However, in December the Director of Migration reported that the need for Haitian labor is generally filled by Haitian migrants already in the country.

According to a 1984 presidential decree, an applicant for refugee status must be referred to the Technical Subcommittee of the National Commission for Refugees by the National Office of Refugee Affairs. The Subcommittee, which makes a recommendation to the Commission, is made up of members from the Foreign Ministry, the DNI, and the Immigration Directorate. The Commission, which makes a final decision on the application, consists of the three members of the Subcommittee; the legal advisor to the President; and members of the PN, the Ministry of Labor, and the Attorney General's office. There is no functioning National Office of Refugee Affairs, and the National Commission for Refugees, an office of the Foreign Ministry, has not met since 1993. However, the Subcommittee makes recommendations, and the Immigration Directorate issues documentation to refugees certified as such by the U.N. High Commissioner for Refugees (UNHCR). While these documents are accepted routinely by the police and immigration officials, the process by which they are issued does not comply with the decree. During the year, 43 refugee applications (30 of which were from Haitians) were submitted. Of those, the UNHCR recognized 14 and refused 5; 17 were pending and 5 were abandoned. There were no reports of repatriation or refoulement of persons claiming refugee status.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum and resettlement. There were several cases in which the Government offered political asylum to refugees and their families fleeing war-torn countries.

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

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

The Constitution provides citizens with the right to change their government peacefully through periodic elections. Citizens exercised this right in free and fair presidential elections in May. Voters gave the PRD 49.87 percent of the vote, while the DLP received 24.94 percent, and the Social Christian Reform Party (PRSC) received 24.6 percent of the vote. The Constitution requires 50 percent plus one vote for a candidate to be elected to the presidency; however, if the second-place candidate concedes, as happened in May, the Central Electoral Board (JCE) may declare the first-place candidate the winner without a second round of elections.

The President and all 179 members of the Senate and the Chamber of Deputies are elected freely every 4 years by secret ballot. There is universal adult suffrage; however, active duty police and military personnel may not vote. In practice, voting is limited to those persons who can show a national identity document, which requires that their births were registered properly by their parents.

There was a significant controversy about the ability of the JCE to issue new national identity cards to the voting population prior to the May elections, and there were serious allegations by the PRD that the PLD intentionally was sabotaging its supporters' ability to vote. Ultimately, the Board was able to issue cards to most voters who applied for them. However, there were numerous reports, including allegations by supporters of the PRD, that identity cards were being taken or "bought" from dark-skinned individuals so that they would not exercise their right to vote.

Election campaigning was relatively peaceful, although there were isolated instances of violence. On April 29, two PLD activists were killed in Moca during a PRD campaign rally. PLD members claimed that PRD supporters shot into a group of PLD flag wavers. In contrast, PRD supporters argued that PLD opposition members were trying to "ambush" their presidential candidate's motorcade. There was also political violence in San Pedro de Macoris at the end of April in which a vice mayor and secretary general of the PRD were wounded by gunfire when their party was carrying out a medical mission in one of the neighborhoods. During the August 16 election, an argument between political rivals reportedly led to the fatal shooting of an unidentified man in San Juan de la Maguana.

The nation has a functioning multiparty system. Opposition groups of the left, right, and center operate openly. The President often dominates public policy formulation and implementation. He can exercise his authority through the use of the veto, discretion to act by decree, and influence as the leader of his party. Traditionally, the President has predominant power in the Government, effectively making many important decisions by decree. Former President Fernandez reduced the reliance on rule by decree during his administration. The President appoints the governors of the 29 provinces.

Congress provides an open forum for the free exchange of views and debate. The main opposition party is the PLD, which holds 4 of 30 seats in the upper house and 49 of 149 seats in the lower house. A third major party, the PRSC of former President Balaguer, contests all elections; various smaller parties are certified to contest provincial and national elections.

The JCE conducts all elections. In April 1999, the leading political parties agreed that the Congress should approve legislation expanding the JCE from five to seven members until after the May presidential elections. The PLD and the PRSC each nominated one new member to join the board.

There were no reports of disturbances surrounding the Dominican Municipal League (LMD). It functioned normally, albeit with diminished legitimacy, due to the exclusion of PRD candidates from the 1999 election for LMD president.

Women and minorities confront no serious legal impediments to political participation; however, they are underrepresented in government and politics. By law parties must reserve 33 percent of positions on voting lists for women; a proportion that is to increase to 40 percent in 2002. However, the parties often place women so low on the lists as to make their election difficult or impossible. With the election of former Senator Milagros Ortiz-Bosch to the vice-presidency, there is only 1 woman in the 30-member Senate; women hold 24 seats in the 149-member Chamber of Deputies. Women continue to be represented in appointed positions, albeit to a limited degree. The President of the Chamber of Deputies is a woman, as are two cabinet secretaries. Women fill 5 of the 15 seats on the Supreme Court.

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

Nongovernmental human rights organizations generally operate freely without government interference. In addition to the Dominican Human Rights Committee, the National Human Rights Commission, and the nongovernmental Truth Commission (dealing with the Narciso Gonzalez case), several Haitian, church, women's, and labor groups exist.

The Government established the Reform Commissions for the police and armed forces in the latter part of the year, and allowed limited civil society or NGO representation. The most credible human rights and civil society organizations are not represented. At year's end, there was no public information available nor discussion in civil society about the objectives of the two reform commissions.

There is no ombudsman's office. However, at year's end, legislation was pending in Congress to create a human rights ombudsman's office as well as a special prosecutor for human rights abuses.

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

The law prohibits discrimination based on race and sex; however, such discrimination exists, the Government seldom acknowledges its existence or makes efforts to combat it.

Women.—Domestic violence is widespread. Under the 1997 Law Against Domestic Violence, the State can prosecute for rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from one year to 30 years in prison, and have fines ranging from \$30 to \$6,000 (500 to 100,000 pesos). The State can prosecute a suspect for rape even if the victim does not file charges. This law also allows a rape victim to press charges against her husband without having her marriage annulled. The Secretariat of Women, as well as various NGO's, have outreach programs on domestic violence and legal rights. In 1998 the Government opened a center in Villa Juana (National District) for the legal support and forensic examination of abused women, which handled 35 to 50 cases per day in its first year. Since its opening, it has handled over 7,000 cases and now averages 60 to 90 cases per day. Due to the success of this first center, the Government opened two additional centers during the year in San Francisco de Macoris and Santiago. The Ministry of Women has begun a project, in coordination with a local NGO, to open a fourth Services Center for Victims of Domestic Violence in San Cristobal. At year's end, there were still no shelters for battered women.

Rape is a serious problem and is believed to be widely underreported. From January through October, the Santo Domingo district attorney's office received only 203 reports of rape in the National District. The penalties for committing rape are 10 to 15 years in prison and a fine of \$6,097 to \$12,195 (100,000 to 200,000 pesos). Victims often do not report cases of rape because of fear of social stigma, as well as the perception that the police and the judiciary would fail to provide redress. The police are reluctant to handle rape cases and often encourage victims to seek assistance from NGO's.

Sexual harassment is widespread.

Prostitution is illegal; however, the Government does not enforce vigorously prostitution laws, except in cases involving child prostitution and international trafficking in women and girls, which is a serious problem (see Sections 6.c. and 6.f.). Sex tourism is a growing industry throughout the country as the number of international visitors increases. NGO's have ongoing HIV/AIDS and sexually transmitted disease prevention programs for male and female prostitutes, as well as for hotel and industrial zone workers. The 1997 Domestic Violence Law prohibits acting as an intermediary in a transaction of prostitution, and the Government has used the law to prosecute third parties that derive profit from prostitution.

Divorce is easily obtainable by either spouse, and women can hold property in their own names apart from their husbands. Traditionally, women have not shared equal social and economic status or opportunity with men, and men hold the majority of leadership positions in all sectors. In many instances women are paid less than men in jobs of equal content and equal skill level. Some employers reportedly give pregnancy tests to women before hiring them, as part of a required medical examination. Union leaders and human rights advocates report that pregnant women often are not hired.

Children.—Despite the existence of government institutions dedicated to child welfare, private social and religious organizations carry the principal burden. The Oversight Organization for the Protection of Children, created by the executive branch, is the primary government institution covering issues of child welfare. Private institutions receive 35 to 40 percent of the budget of the Oversight Organization. The Mejia administration created a new Ministry of Youth soon after the election.

The 1994 Minor's Code requires 8 years of formal education. The Oversight Organization works with NGO's, law enforcement personnel, and the general public to publicize children's rights. In the National District, the Department of Family and Children, in the Office of the Prosecutor, administers the Minor's Code and arranges conciliation of family conflicts to execute court decisions with respect to child protection, and to interview children whose rights have been violated.

Abuse, including physical, sexual, and psychological, is the most serious human rights violation affecting children. The Department of Family and Children estimates that 50 percent of the children in the country are victims of some sort of abuse. No statistics were available from the National Police's Department of Sexual Abuse regarding rapes of children between 4 and 11 years of age, and few such cases reached the courts. In 50 percent of the cases, the accused is a person close to the child: a father, grandfather, uncle, brother, cousin, or close family friend. The criminal law provision on sexual abuse and intrafamily violence provides for a pen-

alty of 10 to 20 years incarceration and a fine of \$6,600 to \$13,200 (108,000 to 216,000 pesos) for persons found guilty of sexual abuse of a minor, and up to 30 years if the victim is a family member of the abuser.

Typical cases of child abuse include that of a 4-month-old child whose arm and rib were broken by his parents. The child was separated from his parents and sent to a shelter until the parents completed required counseling and psychological treatment. An 8-year-old child's father burned his child's hand after the child was caught stealing. There also have been reports of children being left tied up and without food in their homes while their parents go to work. The law prohibits the press from reporting on all cases of child abuse, which results in a diminished public perception of it.

The Minor's Code contains provisions against child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. It also provides for removal of a mistreated child to a protective environment. According to local monitors, instances of child abuse were underreported because of traditional beliefs that family problems should be dealt with inside the family. However, child abuse is receiving increasing public attention.

The Ministry of Health gave conservative estimates that, from January through October, there were 887 deliveries by female adolescents under age 15, and 15,491 deliveries by adolescents between the ages of 15 and 19. This information is preliminary and conservative in light of 1999 statistics, which estimated deliveries by adolescents below age 15 at 1,529, and by adolescents from 15 to 19 at 33,332 for that full year. Many of these pregnancies were reported to be the result of rape or incest and often are accompanied by sexually transmitted diseases.

Some in the tourist industry have facilitated the sexual exploitation of children; particular areas of concern are Boca Chica and Puerto Plata. Tours are marketed by foreigners overseas with the understanding that boys and girls can be found as sex partners. According to an official in the District Attorney's Office, the Association of Hotels has asked to participate in government initiatives to combat the exploitation of children in the tourist industry. Journalists reported that the majority of prostitutes in brothels visited around the National District appeared to be between 16 and 18 years of age. There are several church-run shelters that provide refuge to children who break free from the prostitution trade. Prostitution is the principal area of exploitation of underage girls in the informal economy. The Oversight Organization carried out community information campaigns on children's rights, including the prevention of child abuse, child labor, and family violence. It also provided training to persons and groups providing social services to children, judicial officials, and other children's advocates.

Poor adolescent girls and boys sometimes are enticed into performing sexual acts by the promise of food or clothing; sometimes they are forced into unsafe relationships with strangers by the need for money. Once involved, they may be held against their will by individuals who sell their sexual favors to others. Some of these minors are lured from their parental homes; others are already on the street.

Trafficking in girls is a serious problem (see Section 6.c. and 6.f.).

The judicial system sometimes fails to protect the status of minors in criminal cases. The authorities sometimes treated minors as adults—most often when physical forensic examinations indicated that the person claiming to be minors were probably adults—and incarcerated them in prison rather than juvenile detention centers. In 1997 the Government began implementing the 1994 Minor's Code, laying the groundwork for a juvenile court system. The Supreme Court inaugurated the first of 11 juvenile courts in August 1999 and chose judges for the other 10 courts, some of which were functioning by year's end. Although these juvenile courts are organized with a focus on rehabilitating offenders, very few social services are available for minors. In practice, juveniles are detained in excess of the time permitted by law, and then are sent to jail rather than referred for rehabilitative services. There are legal advocates especially for juveniles in Santo Domingo and La Vega to provide them with representation in delinquency cases.

Child labor is a problem (see Section 6.d.). It is not uncommon for minors to be put on the street to fend for themselves as younger siblings claim the parent's meager resources. Homeless children called "palomas" (doves) are frequently at the mercy of adults who collect them and put them to work begging and selling fruit, flowers, and other goods on the street. In return for their work they are given basic housing. The ages at which these children work, the hours they put in, and their failure to comply with compulsory school attendance all violate the law, but the Government has not been able to combat this practice.

People with Disabilities.—Disabled persons encounter discrimination in employment and in the provision of other services. Although the law provides for physical access for the disabled to all new public and private buildings, the authorities have

not enforced this law uniformly. There is a Subsecretariat for Rehabilitation under the Ministry of Public Health, a recreation center for the disabled in Las Caobas, and a department in the Sports Ministry to facilitate athletic competition for the disabled. However, there is little consciousness of the need to make the daily lives of the disabled safer and more convenient. For example, new street construction makes few provisions for the disabled to cross the streets safely.

The Dominican Rehabilitation Association (ADR) has grown from a 1-room operation to a large complex with 17 affiliates throughout the country. It provides services for 2,500 persons daily. The Government provides about 30 percent of the ADR's budget. The Government also distributed 25,000 wheelchairs donated by a foreign athletic team.

National/Racial/Ethnic Minorities.—A strong prejudice against Haitians runs through society and disadvantages many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of African descent. The Government has not acknowledged the existence of this discrimination nor made any efforts to combat it. Darker-skinned Dominicans also face informal barriers to social and economic advancement.

Efforts to stem the influx of Haitian immigrants have made it more difficult for those Haitians already in the country to live peacefully. Police regulations threaten those offering transportation to illegal immigrants with confiscation of their vehicles, and have discouraged taxi and bus drivers from picking up dark-skinned persons. In roundups of illegal immigrants, authorities pick up and expel darker Dominicans as well as legal Haitian residents.

Perhaps 500,000 Haitian immigrants—or 7 percent of the country's population—live in shantytowns or sugar cane work camps, in harsh conditions with limited or no electricity, running water, or schooling. There are estimates that as many as 1 million Haitians live in the country. Human rights groups regularly charge the Government with unlawful deportations of, and police brutality toward, these legal and illegal immigrants (see Sections 1.d and 2.d.).

Credible sources also charge that the Government refuses to recognize and document as Dominican citizens many individuals of Haitian ancestry born in the country. Since many Haitian parents have never possessed documentation for their own birth, they are unable to demonstrate their own citizenship. As a result, they cannot declare their children's births at the civil registry and thereby establish Dominican citizenship for their offspring. Some civil registry offices do not accept late declarations of birth for children of Haitian immigrants, although they routinely accept late declarations for children of Dominican parents.

Haitian parents encounter difficulties registering their children for school. Lack of documentation usually deprives children of Haitian descent of the opportunity to attend school where there is one available. Some parents fail to seek documentation due to fear of being deported. It falls to the discretion of public school principals whether children may attend, when immigrant parents have no identity cards or birth certificates to register children formally. Even when permitted to attend primary school, it is rare that the children of Haitian parents progress beyond sixth grade.

Sometimes poor Haitian families arrange for Dominican families to "adopt" and employ their children. The adopting parents can simply register a child of any age as their own. In exchange, the parents receive monetary payment or a supply of clothes and food. They believe that this ensures their children a more promising future. In many cases, adoptive parents do not treat the adoptees as full family members and expect them to work in the households or family businesses rather than attend school. The effect is a kind of indentured servitude, at least until the young person reaches majority (see Section 6.c.). There were reports that Haitian girls between the ages of 10 and 14 were the most sought after, especially in border areas.

The Government is doing little to improve the conditions of Haitian immigrants. Most social services in shantytowns are provided by NGO's and other relief organizations.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the freedom to organize labor unions and for the right of workers to strike (and for private sector employers to lock out workers), and workers in all sectors exercise this right. All workers, except the military and the police, are free to organize. Organized labor represents an estimated 10 percent of the work force and is divided among four major confederations and a number of independent unions. There are approximately 190 registered unions in the country. The 1992 Labor Code provides extensive protection for worker rights and specifies the steps legally required to establish a union, federation, or confederation. The Code calls for automatic recognition of a union if the

Government has not acted on its application within 30 days. In practice, the Government readily facilitates recognition of labor organizations.

Unions are independent of the Government and generally independent of political parties. The law against companies who fire union organizers or members is enforced selectively, and penalties are insufficient to deter employers from violating worker's rights. There were reports of widespread discreet intimidation by employers in an effort to prevent union activity. This is apparent particularly in the FTZ's where foreign companies have located in search of low labor costs and little interference in their operations. For example, unions in the FTZ's in San Pedro de Macoris report that their members hesitate to discuss union activity at work, even during break time, due to fear of losing their jobs.

Requirements for calling a strike include the support of an absolute majority of all company workers whether unionized or not, a prior attempt to resolve the conflict through mediation, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike. The Government generally respects association rights and places no obstacles to union registration, affiliation, or the ability to engage in legal strikes. However, enforcement of labor laws is sometimes unreliable, inhibiting employees from freely exercising their rights.

In May nurses belonging to the National Union of Nursing Services and the National Union of Dominican Nursing Services unions went on strike to protest non-compliance with terms that the Ministry of Health agreed to in 1997. Issues of contention included a pay raise and a demand for hospital equipment. Sugar workers struck in La Romana in August to protest the company's failure to make bonus payments. Transportation workers struck in the Puerto Plata in September to protest rising fuel costs.

G & K Services, a company in San Isidro, fired 20 union members in April. No judicial action was taken because the company paid severance pay to the workers. A court judgment in April ordered Dennis Fashions, Inc., which had been closed since 1998, to provide severance pay to its 352 unionized employees. The company failed to comply with the judgment. A total of 350 unionized workers of Euromodas in Cristo Rey filed a lawsuit to collect severance pay after the company closed in 1998. In January the court ruled that Euromodas had to pay the workers; however, the company no longer exists. The owners of Euromodas opened a new company during the year, and in June former employees protested outside the new factory. Protesters were dispersed by the police, who arrested 35 of them and held them for 2 days without charges before releasing them.

In November 1999, employees of the FTZ company D & P Handbag in Santiago formed a union and filed the register of union members with the Director of Labor. This register was rejected because the Director General of Labor claimed that it did not contain the requisite number of members. In January the Ministry of Labor reversed this decision; however, the company did not permit formation of a union. At year's end, the case was still pending before a labor court in Santiago.

On December 29, 1999, the Supreme Court issued a judgment against Han Chang company. It upheld the decision of the lower court that the work contracts of five union leaders fired in 1995 were valid. The Court ordered that the workers be reinstated and paid back wages. The Bani company has failed to comply with the decision and the National Federation of Free Trade Zone Workers (FENATRAZONA) has asked for the cancellation of the company's export license. Legal authority to cancel export licenses lies with the National Council of Free Zones and is dependent on a request from the Ministry of Labor. The Ministry of Labor reported that this case was being mediated.

Labor unions can and do affiliate freely regionally and internationally.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is legal and may take place in firms in which a union has gained the support of an absolute majority of the workers. Only a minority of companies have collective bargaining pacts, and the International Labor Organization considers the requirements for collective bargaining rights to be excessive and finds that in many cases they could impede collective bargaining. The Labor Code stipulates that workers cannot be dismissed because of their trade union membership or activities; however, in practice, workers sometimes are fired because of their union activities.

The Labor Code establishes a system of labor courts for dealing with disputes. While cases do make their way through the labor courts, enforcement of judgments is sometimes unreliable.

The Labor Code applies in the 40 established FTZ's, which employ approximately 200,000 workers, mostly women. Workplace regulations and their enforcement in the FTZ's do not differ from those in the country at large, although working conditions are sometimes better and the pay is higher. Some FTZ companies have been

accused of discharging workers who attempt to organize unions, but there also have been reports of union organizers extorting money from business owners. In the FTZ's, while there may be as many as 10 collective bargaining agreements on paper, only 3 actually are functioning. The majority of the unions in the FTZ's are affiliated with the National Federation of Free Trade Zone Workers or the United Federation of Free Trade Zone Workers.

Many of the major manufacturers in the FTZ's have voluntary "codes of conduct," that provide for protection against forced labor, freedom of association, freedom from discrimination, and prohibit the use of child labor. They also call for a workplace that is safe and healthy. However, workers rarely have heard of such codes, or the principles they set out.

Tortoni Manufacturing closed its doors in April after unionized employees told management they wanted a collective bargaining agreement. New investors reportedly took control of the company, renamed it Gramerci Dominicana (a subsidiary of Andover) in July, and committed to pay the employees their severance pay. As of December 8, through mediation by the Secretariat of Labor, the employees were reinstated and had received the first of two installments of severance pay.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, including that performed by children; however, such practices still exist to a limited extent in the adult worker population and, to a limited extent, among children in the informal sector. Young children "adopted" by families work under a kind of indentured servitude and homeless children are made to beg by adults (see Section 5). Trafficking in women and girls for purposes of prostitution is also a problem (see Sections 5 and 6.f.). The FENATRAZONA noted that there were over 40 reports of coerced overtime in factories. Workers gave examples of their employers locking factory doors with chains so they could not leave, and taking incentive pay away from or firing those who refused to work overtime. Union officials state that newly hired workers are not informed that overtime is optional. The Association for the Development of Women and the Environment reported several instances of forced adult labor in the sugar industry in the shantytowns of La Jagua, Sabana Grande de Boya, and Los Jovillos. Field guards reportedly kept workers' clothes and documents to prevent them from leaving. In January a field guard in Los Jovillos broke a worker's arm when he tried to leave.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits employment of children under 14 years of age and places restrictions on the employment of children under the age of 16. These restrictions include limiting the daily number of working hours to 6, prohibiting employment in dangerous occupations or in establishments serving alcohol, and limiting nighttime work. A company could face legal sanctions and fines if caught employing underage children. Children between the ages of 14 and 16 may work in apprenticeship and artistic programs. The law requires 6 years of formal education. Children who do not continue in school often seek illegal employment before reaching the minimum working age (see Sections 5 and 6.c.).

In August FENATRAZONA criticized the Overseas Manufacturing Corporation, in the FTZ in San Pedro de Macoris, for employing underage workers in the production of computer components. The Ministry of Labor carried out two investigations and found no workers under age 16. (FENATRAZONA asserted that the inspectors were denied entry on their first visit and that when they returned, the children had been removed. The Secretariat of Labor denied this version and said that the inspectors were never denied entry.) At the end of August the company was operating with only 20 workers, rather than the normal force of 60 to 80. According to the owner, the company was undergoing a work "slow down" due to lack of primary materials. At year's end, the company reportedly had closed.

The high level of unemployment and lack of a social safety net create pressures on families to allow or encourage children to earn supplemental income. Tens of thousands of children begin working before the age of 14. Child labor takes place primarily in the informal economy, small businesses, clandestine factories, and prostitution. Conditions in clandestine factories are generally poor, unsanitary, and often dangerous. The Government largely has eliminated the use of children for cutting sugar cane; however, there are still reports that poor Haitian and Dominican children accompany their parents to work in the cane fields, with the tacit acceptance of sugar companies.

Sexual exploitation of children is a problem (see Section 5).

The Ministry of Labor, in collaboration with the International Labor Organization's Program on the Eradication of Child Labor, and other international labor rights organizations, has implemented programs to combat child labor. These include a national child labor survey; a program to remove children from dangerous agricultural work in San Jose de Ocoa, Constanza, and Azua; and an upcoming pro-

gram in the area of child prostitution in Boca Chica and Puerto Plata. By November the Constanza program removed 500 children, twice as many as the targeted number, from work in hazardous agriculture, and placed them in schools.

The law prohibits forced or compulsory labor by children; however, such practices persist in the informal sector (see Section 6.c.). There were no reports of forced child labor in the formal sector.

e. Acceptable Conditions of Work.—The Constitution empowers the executive branch to set minimum wage levels, and the Labor Code assigns this task to a national salary committee. Congress also may enact minimum wage legislation. The minimum monthly salary is \$135 (2,222 pesos) in the FTZ's and ranges from \$107 (1,757 pesos) to \$176 (2,895 pesos) outside the FTZ's depending upon the size of the company and the nature of the business. The minimum wage does not provide a decent standard of living for a worker and family. It only provides approximately one-third of the income necessary to sustain an average family. The national poverty level, which is based on a basket of goods and services consumed by a typical family, is \$402 (6,607 pesos) per month for a family of five.

The Labor Code establishes a standard work period of 8 hours per day and 44 hours per week. The code also stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. In practice, a typical workweek is Monday through Friday plus a half day on Saturday, but longer hours are common. The code grants workers a 35 percent differential for work totaling between 44 hours to 68 hours per week and double time for any hours above 68 hours per week.

Conditions for agricultural workers are poor, especially in the sugar industry. Most sugar cane worker villages have high rates of disease and lack schools, medical facilities, running water, and sewage systems. On sugar plantations, cane cutters usually are paid by the weight of cane cut rather than the hours worked. Employers often do not provide trucks to transport the newly cut cane at the conclusion of the workday, causing workers to receive lower compensation because the cane dries and weighs less.

When the cane is weighed, workers are given tickets indicating the weight of cane cut (often rounded in favor of the employer) and the amount of money due. These tickets, issued to a specific person but payable to the bearer, may be turned in to the employer and redeemed for cash every 2 weeks. Many cane cutters earn less than \$4.00 (60 pesos) per day. Because workers earn so little and sometimes cannot wait until payday to redeem their tickets, an informal barter system has evolved in which the tickets also are used to purchase items at private stores located on the plantations. These private stores make change by giving back a combination of tickets and cash. However, it is not unusual for these stores to retain 10 percent of the cash due a customer.

The Dominican Human Rights Committee and batey residents report that conditions of work for cane workers have deteriorated since the industry was privatized in 1999. Workers reportedly are paid less, work longer hours, and have fewer benefits, according to the Committee. The Dominican Association of Sugar Technicians reported that before the October 1999 privatization of the industry, there were approximately 32,000 sugar industry workers, compared to approximately 3,200 at year's end. While child labor in the sugar industry has decreased significantly, it still exists according to human rights advocates and labor federations (see Section 5).

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. The existing social security system is seriously underfunded and applies to only about 9 percent of the population. Approximately 13,000 employees work in the IDSS bureaucracy to support fewer than 20,000 retirees.

Both the IDSS and the Ministry of Labor have small corps of inspectors charged with enforcing standards. The Secretariat of Labor has 250 inspectors who seek to improve sanitation, health care, and safety for workers. Included in this number is a smaller, specialized corps (eight in the National District) of inspectors for the FTZ's. Inspector positions customarily are filled through political patronage, and bribes from businesses are common. In practice, workers cannot remove themselves from hazardous working situations without jeopardizing employment (see Section 6.b.).

For example, an FTZ in Bonao, Bi Bong Apparel, fired several workers who, displeased with the safety of work conditions, cut wires to stadium lighting under which they were forced to work. In March the Labor Court held that the company should not have fired the workers and ordered an inspection. The Department of Hygiene and Safety carried out an inspection of the lighting, drinking water, bathrooms, and ventilation. According to the Ministry of Labor, inspectors found irregularities and made a series of recommendations. In November the workers returned to their jobs.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and a 1998 alien smuggling law increased the penalties for those found guilty of various phases of this crime; however, trafficking in women and children from, to and within the country remains a serious problem. The penalties for trafficking are 3 to 10 years in prison, or, if there is a death, 10 to 20 years in prison, plus punitive damages.

Laws dealing with domestic violence, as well as the Minor's Code, create protection under both civil and criminal law against particular situations that may be conducive to, or acts that may be a part of, the traffic in persons, whether female or male, minors or adults. The law also prohibits acting as an intermediary in a transaction of prostitution, and the Government has used this law to prosecute third parties that derive profit from prostitution.

The Directorate of Migration estimates that there are approximately 400 rings of alien-smugglers, traffickers, and purveyors of false documents operating within the country. These individuals profit by facilitating the trafficking of women to Europe and the Eastern Caribbean under false pretenses and for purposes of prostitution.

In 1996 the Government created the Interinstitutional Committee for the Protection of Migrant Women (CIPROM); however, this organization ceased functioning due to lack of funding. One NGO, the Center for Integral Orientation and Investigation (COIN), counsels women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other issues including the dangers of trafficking, forced prostitution, and domestic servitude. The program also provides services to returning women. COIN administers the Center for Health and Migration Information for Migrant Women that carries out community education campaigns in high risk areas on various issues, including citizenship, legal work requirements, dangers of trafficking, forced prostitution, and domestic servitude. It also provides a information hotline and offers psychological, legal, and health counseling to returning women.

In January two journalists from the Spanish newspaper, *El Mundo*, made public a documentary that exposed a ring of traffickers of women to Europe. The ring included foreigners as well as local officials. The authorities arrested one military officer and deported one Dutch citizen. In July the Public Ministry dismantled a house of prostitution in which the majority of the prostitutes were from Europe and Russia. The leader of the operation, as well as the women themselves, fled the country before they could be prosecuted.

From January through August, the authorities dismissed 42 immigration employees for links with groups trafficking in persons. In addition authorities have charged at least 45 persons for allegedly organizing illegal trips under the 1998 anti-smuggling law. Of these, 30 persons were tried and 15 were convicted. Their sentences range from 3 to 5 years in prison. At year's end, 15 cases were pending.

The Oversight Organization for the Protection of Children coordinates the approaches of various agencies involved in combating trafficking in children, whether for adoption, sexual exploitation, or other purposes. This organization works with the Attorney General's office, the Public Health Ministry, Migration, and other agencies. In the National District, the Department of Family and Children in the Office of Public Prosecutor focuses on identifying children who are victims of abuse and prosecutes offenders under heightened penalties contained in the domestic violence law.

A primary concern of the Oversight Organization is preventing abuse of the child adoption process by those intending to sell or exploit children through prostitution or child pornography. The Department of Family and Children is very concerned about kidnappings, especially of infants, for sale to foreigners who deliberately have sidestepped legal formalities—including those of their own country. The Government seeks to protect children from victimization under the rubric of adoption. Many children leave the country as adoptees, but government officials have made such adoptions much more difficult and, they hope, have prevented would-be traffickers from abusing the system.

Poor Haitian and Dominican parents sometimes arrange for more prosperous Dominican families to "adopt" their children, in exchange for money or goods. Such children often are not treated as full family members and are expected to work long hours in domestic service, agriculture, or industry under threat of corporal punishment and without compensation. Especially in the case of girls, these children often are abused sexually.

ECUADOR

Ecuador is a constitutional republic with a 123-member unicameral legislature that was chosen in free elections in May 1998. On January 21, members of the military joined protesters, including indigenous dissidents, to force President Jamil Mahuad from office. After a brief period of confusion and the proclamation of a "People's Parliament" by the coup leaders, on January 22, Vice President Gustavo Noboa assumed the presidency and restored order. At the end of May the Government extended a full amnesty to all those who participated in the overthrow of Mahuad. The judiciary is constitutionally independent, but in practice is inefficient and susceptible to outside pressure.

The military enjoys substantial autonomy, reinforced by assured revenues from the country's oil exports, as well as from civil aviation, shipping, and other commercial sectors. The National Police are responsible for domestic law enforcement and maintenance of internal order and fall under the civilian Ministry of Government and Police. In early January, then-President Mahuad declared a state of emergency, which gave him the power to use troops to monitor and react to public protests. The state of emergency lasted 1 month in most of the country, and until March in Guayas province. Throughout the year, the military continued to supplement the police on an ad hoc basis. Some military officers were forced to resign for their role during the events of January 21, despite the blanket amnesty. The police and, in some isolated cases, members of the military, continued to commit abuses.

The economy is in a severe economic recession, although it began to improve slightly during the year. The economy is based on private enterprise, although there continued to be heavy government involvement in key sectors such as petroleum, utilities, and aviation. The principal exports are oil, bananas, shrimp, and cut flowers, which are the country's leading sources of foreign exchange. Most citizens are employed in the urban informal sector or as rural agricultural workers; rural poverty is extensive, and underemployment is high. According to a 1999 study, approximately 62 percent of citizens live in poverty and 15 percent are indigent, with an almost total lack of resources. By the end of 1999, the incomes of approximately 56 percent of households were below the poverty line. The per capita gross domestic product (GDP) of \$1,053 provided most of the population with a low standard of living during the year. Per capita GDP was \$1,101 in 1999. In response to the recession, the Government announced in January that the country would adopt the U.S. dollar as its national currency and completed that process in September. Inflation for the year was 91 percent.

The Government's human rights record was generally poor in a number of areas, and serious problems remain. There were credible reports that police committed extrajudicial killings. Police tortured and otherwise mistreated prisoners and detainees, usually with impunity. Prison conditions remained poor. In August a law went into effect that is expected to either free or reduce the sentences of approximately 2,900 prison inmates for humanitarian reasons. Persons often are subject to arbitrary arrest and prolonged detention is a problem. Once incarcerated, persons may wait years before being convicted or acquitted. More than one-half of the prisoners in jail have not been sentenced formally. The Government failed to prosecute and punish human rights abusers. The most fundamental human rights abuses stem from shortcomings in the politicized, inefficient, and sometimes corrupt legal and judicial system. The Government infringed somewhat on press freedom and some self-censorship continues. The Government declared states of emergency during the year that limited freedom of assembly and movement. Violence and pervasive discrimination against women, indigenous people, and Afro-Ecuadorians also remain problems. The Government continued to order participants in nationwide strikes back to work, and arrested striking members of the National Teachers' Union. Child labor is a problem. Mob violence and killings persist.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of politically motivated killings; however, there continued to be credible reports that police committed extrajudicial killings. Through December the Ecumenical Committee for Human Rights (CEDHU) reported a total of 15 extrajudicial killings by the police, security forces, or semiofficial entities such as neighborhood brigades. However, during the same period, the Permanent Committee for Human Rights (CDH) reported 20 cases of extrajudicial killings by the same groups in Guayas province alone. (Neighborhood brigades are civic defense groups organized by the National Police to provide an anticrime presence in neighborhoods. They are not au-

thorized to carry firearms, but often do.) In many of these instances, there was insufficient evidence to reach a conclusion as to what occurred; however, the killings sometimes exhibited a suspicious pattern.

On January 6, a crowd of residents from the evacuated town of Banos forced their way past a military roadblock in order to reoccupy their homes. (Banos had been evacuated due to the threat from a nearby active volcano.) A stray bullet fired by security forces struck and killed Edison Guato, and dozens of persons were injured during the melee (see Section 2.b.).

On May 13, in a remote northeast section of the Amazon near the Peruvian border, government security forces clashed with a previously unknown armed group calling itself the Revolutionary Armed Forces of Ecuador—Defenders of the People (FARE-DP). Two of its members were killed and five others were wounded and/or captured, including their purported leader, “Alex.” The authorities later maintained that the FARE-DP was criminal in nature and linked the group to a series of kidnapping and murder cases.

In Guayaquil on May 31, Guayas Transit Commission police reportedly shot 24-year-old civil engineer Cesar Matute nine times and killed him. Matute apparently failed to stop his truck at a police roadblock, thinking it was set up by robbers. The authorities suspended officers Alfonso Peasantes and William Jimenez. After an investigation by the fourth district police court, the two officers were exonerated and reinstated.

On June 5, in Guayaquil Special Operations Group police confronted a group of criminals that they were pursuing and killed seven persons; eight others reportedly escaped. Police stated that the robbers were armed heavily and strongly resisted arrest.

On August 28, in Portoviejo, police surprised 19 armed robbers attempting to hold up a local bank. Eleven of the gunmen were killed during the shootout and 8 escaped. Three policemen also were wounded. Police stated that all of the suspects refused to surrender. There was no investigation of the incident.

Also on August 28, in Guasmos Sur, members of an army patrol shot and killed Sergeant Carlos Lemos as he allegedly fled from them. Officials reported that Lemos had escaped 12 days earlier from a jail at the 5th Army Engineers headquarters where he was being held pending an investigation into the theft of rifles from an armory in Esmeraldas. Lemos’s lawyer and his family dispute the official version of events and claim that he was tortured and murdered. No official inquiry had been made by year’s end.

On December 4, 60-year-old Josefina Rios Murillos died after apparently being thrown from a police vehicle in Guayaquil. Her family said that the city’s recent “greater security campaign” had increased police brutality, and it has charged that Rios was struck on the head before being thrown out of the patrol car. At year’s end, the case was under investigation.

On February 9, the bodies of two men were found in different parts of Guayaquil. One was identified as a security guard mysteriously killed at a business from which nothing was stolen; the other was an unidentified individual whose corpse was dumped along the highway that circles the city. There have been other unsolved murders along this highway; for example, in May the bodies of John Merchan and Jacobo Moreira were found there—both had long criminal histories. Other bodies found on the highway include: On June 21, Adolfo Perez; on June 23, Francisco Pazmino; and on July 27, Angel Pacucar. Seven other bodies of suspected criminals also were found on the highway over a 4-day period in September. Some human rights groups suspect police involvement in these killings, but no investigation had been undertaken by year’s end.

In January a police court inquiry into the March 1999 killing of 14-year-old Mickey Mendoza concluded; the court charged policeman Carlos Alberto Iturralde Salazar with unintentional homicide. The court ruled that he had failed to maintain proper control of the weapon, which apparently went off when Mendoza tried to grab the gun. Iturralde was confined to police barracks pending trial. On January 13, the Mendoza family filed a dissent with the court asking that the second policeman on the scene also be tried, and that five policemen whom they believe conspired to cover up the incident be charged as accomplices. The charges were increased and, on July 17, Iturralde was found guilty of simple homicide; however, he was transferred to Cuenca and returned to full duty status pending the court’s issuance of a final decision. Late in the year, the authorities arrested Iturralde and jailed him pending the outcome of a sentencing hearing. Iturralde faces a sentence of up to 8 years’ imprisonment; however, the Mendoza family believes that the killing was premeditated and is seeking additional charges that would carry a longer sentence.

A court dismissed the case against Carlos Alulema, a policeman who shot and killed a cigarette vendor in July 1999 in Guayaquil, on the grounds that the police-

man was drunk and not responsible when he committed the crime. No information was available about the investigation into the killing by two police officers of Richard Morales Cabrera in November 1999 in Guayaquil, a shooting that also wounded several other persons.

The investigation continued into the February 1999 killing of Jaime Hurtado Gonzalez, an Afro-Ecuadorian member of Congress from the far-left Popular Democratic Movement (MPD) party; Pedro Tapia (Hurtado's alternate in the Congress); and Wellington Borja near the Supreme Court in Quito. The killings bore the hallmarks of a professional "hit," and the authorities have brought charges against several suspects, including police officers and a former police informant, in the killings. Several suspects were jailed and convicted, and their appeals were denied; at year's end, the investigation was still active.

There has been no disposition of the November 1998 kidnapping and killing in Quito of Saul Filormo Canar Pauta, a leader of the Ecuadorian Confederation of United Working Class Organizations. In December 1998, a municipal worker found Canar's body in a trash dump. His hands and feet were tied and his body showed signs of torture. The authorities suspect that he may have been killed by private landowners in retaliation for his activities organizing land invasions by squatters.

There also were instances in which citizens took the law into their own hands, inciting mob violence that resulted in lynchings and burnings of suspected criminals (see Section I.e.). Mobs killed at least 14 crime suspects in the first 11 months of the year; individual lynchings continued to occur in all parts of the country, especially in indigenous communities in remote areas of the highlands. For example, on August 13, in the indigenous community of Quilla Silla in Azuay province, local residents beat three men whom they accused of cattle rustling. As a result, 22-year-old Jorge Guanuci died, and two of his companions were injured seriously before firemen from a nearby town intervened.

Government officials reported the killings of 20 persons in the town of Lago Agrio during November and December. Most were killed execution-style as the result of conflicts between rival Colombian groups who had entered the country. In addition, in December another five persons were killed while travelling on a public bus outside of Lago Agrio when unidentified criminals blew up a section of the oil pipeline.

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

Criminal kidnapping for profit continued to be a problem. By mid-year the police antikidnaping unit reported 8 kidnapping cases and another 56 possible cases. On October 12, an unidentified armed group kidnaped a group of 10 oil workers near Pompeya, in Orellana province. The Government launched a major operation to find the victims and to investigate the perpetrators of this act. At year's end, eight oil workers still were being held.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and similar forms of intimidation and punishment; however, the police continued to torture and abuse suspects and prisoners, usually with impunity. Reports of abuse increased.

The CEDHU published detailed reports on suspects who reported being tortured by specific policemen. By December the authorities had registered 33 complaints of some form of torture by security forces. In most cases, the police appeared to have abused such persons during investigations of ordinary street crime. The victims reported that the police beat them, burned them with cigarettes, applied electric shocks, or threatened them psychologically. By year's end, human rights nongovernmental organizations (NGO's) had received at least 135 reports of incidents involving physical mistreatment.

For example, on January 29, near Milagros, an 18-year-old woman accepted a ride and a drink from policeman Freddy Veloz. She later awoke from a state of unconsciousness in a remote area after having been raped. The woman lodged a formal complaint in court, but there was no disposition in the case by year's end.

On March 2, in Guayaquil, off-duty CTG Corporal Miguel Noriega, in an inebriated state, shot and wounded Anabel Villegas in the hand and leg. Noriega subsequently was arrested, and the case was pending at year's end.

On August 24, in Guayaquil, police shot and wounded off-duty fireman Xavier Barriero, in a case of mistaken identity. Once police discovered their mistake, they then left the scene without providing any assistance to Barriero. Eventually, the police admitted their error and paid his medical bills.

Police corruption is a problem throughout the country. During the year, the police in Guayaquil dismissed 20 police officers for various reasons that included corruption.

Conditions in prisons and detention centers generally continued to be poor. Prisons in the tropical coastal areas tend to be worse than in the temperate highlands. For example, the Tomas Larrea prison in Portoviejo was built in 1930 to hold 150

inmates, but its current population exceeds 300. It has never been repaired or expanded and has many tunnels, which have contributed to some of the 30 successful escapes since 1970. Overcrowding also is a chronic problem elsewhere. There are no separate facilities for hard core or dangerous criminals, nor are there effective rehabilitation programs. New prisons have not been constructed due to lack of financial resources.

The Constitution requires that prisoners charged with lesser offenses (those carrying a maximum sentence of 5 years or less) and who have been detained for more than 1 year without a sentence obtain their freedom immediately. In January the National Directorate for Social Rehabilitation (DNRS) reported that 553 inmates had been released since the provision entered into force. On August 18, a law went into effect that is expected eventually to free or reduce the sentences of 2,947 prison inmates for humanitarian reasons.

In September 1999, the DNRS published a report that indicated that there were a total of 8,520 inmates incarcerated in facilities originally designed to hold a population of 5,964 prisoners. In 1998 a total of 26 inmates died in prison. The report stated that traumatic injuries, reportedly inflicted by fellow inmates, caused 65 percent of those deaths. It attributed the others to illness and drug use. The prison authorities routinely investigate deaths in custody. During the year, a number of prisons experienced serious outbreaks of disease, including meningitis.

In September 1999, women represented 9.5 percent of the total prison population. Women are held separately from men, and conditions are notably better in the women's prison in Quito than in other facilities. There also are separate facilities for juveniles.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the Penal Code provide that no one may be deprived of liberty without a written order from a governmental authority; however, the authorities often violate these legal protections in practice, and arbitrary arrest and detention remain problems. For example, on January 28, in Azuay, the authorities arrested Maria Guatama, her daughter, and granddaughter; they spent a night in jail without any formal charges. The incident was traced to a disgruntled neighbor who apparently had friends on the police force. The family's release most likely was due to the fact that they could afford a lawyer.

The law requires the authorities to issue specific written arrest orders within 24 hours of detention—even in cases in which a suspect is caught committing a crime—and the authorities must charge the suspect with a specific criminal offense within 48 hours of arrest. All detained persons may challenge the legality of their detention by petition within 48 hours of their arrest, but in practice few such petitions are brought forward. The senior elected official (usually the mayor) of the locality in which the suspect is held reviews any such petitions. Regardless of the legality of a detention, a prisoner may be released only by court order. In some cases, detainees who are unaware of this, or who do not have the funds to hire a lawyer, may remain in prison for an extended period of time before being released. Bail generally is not available, and the law prohibits it in narcotics and major offense cases. Families of detainees sometimes attempt to secure the prisoners' freedom through illegal means.

Human rights organizations continued to report occasional cases of incommunicado detention, although the law prohibits this practice. Even when the police obtain a written arrest order, those charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. The system frequently was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges. Preventive detention up to and including trial is legal if a judge determines that it is necessary and if evidence that a crime has been committed is presented.

As in the previous year, the authorities in Guayas Province arrested scores of persons under a state of emergency that was imposed from January until May. The measure was imposed to stem a soaring crime rate (584 persons died in violent crimes in the city of Guayaquil in 1999, and 104 kidnaping cases were registered.) The police often arrested persons on mere suspicion or for lack of proper identification; they released most of them a few days later.

The Constitution prohibits forced exile, and the Government does not use it as a method of political control.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is susceptible to outside pressure and corruption. Despite efforts begun in 1992 to depoliticize and modernize the court system, the judiciary continues to operate slowly and inconsistently. Judges reportedly rendered decisions more quickly or more slowly depending on political pressure, or

in some instances, the payment of bribes. There are lengthy delays before most cases come to the courts.

The judiciary is composed of the Supreme Court, superior circuit courts, other courts and tribunals that hear cases in accordance with the Constitution and other laws, and the Judicial Council. There also are military and police tribunals that have the same status as circuit courts, while criminal, provincial, and cantonal courts serve as courts of first-instance.

The regular court system tries most nonmilitary defendants, although some indigenous groups try members independently for violations of tribal rules. The law permits police or military courts to try police officers and military defendants in closed sessions, in accordance with the respective military and police court martial manuals. Only the Supreme Court may try cases involving flag-rank officers. The police court does not announce verdicts or punishments, reinforcing the strong impression that the police are immune from prosecution. The 1998 Constitution placed both police and military justice under the control of the Supreme Court. However, the three systems have not yet been integrated.

The Supreme Court that took office in 1997 publicly recognized the shortcomings of the judicial system and pledged to improve the quality and training of judges. In May 1998, the Supreme Court supervised the selection by open competition of all appellate judges. A Judicial Council, charged with administering the court system and disciplining judges, took office in the fall of 1998. In November 1999, the Council's disciplinary committee fired two judges and two court employees for their role in the release of suspected drug traffickers. All four faced criminal charges. During the year, the Judicial Council removed at least two judges and a number of minor officials from their jobs.

The failures of the justice system contributed to a growing number of cases in which communities took the law into their own hands. There continued to be reports of lynchings and burnings of suspected criminals by outraged citizens (see Section 1.a.). These occurred particularly in indigenous communities and poor neighborhoods of major cities where there is little police presence.

The law provides for internationally accepted due process rights for criminal defendants, but the authorities, including the Chief Prosecutor's office, often did not observe these rights in practice. By law, the accused is presumed innocent until proven guilty and defendants have the right to a public trial, defense attorneys, and appeal. They may present evidence, refuse to testify against themselves, and confront and cross-examine witnesses. Although a public defender system exists, in practice there are almost no attorneys available to defend the large number of indigent suspects.

Trial is supposed to begin within 15 to 60 days of the initial arrest; however, in practice initiation of the trial phase can take years. Less than 40 percent of all those incarcerated have been convicted and sentenced. Accused narcotics traffickers and suspects in major crimes cannot obtain bail or be released on their own recognition.

In November 1999, Congress passed a new Criminal Procedures Code. Then-President Mahuad proposed changes in December 1999, which Congress accepted in January. The code is scheduled to take effect in July 2001, and is intended to change the criminal justice system from an inquisitorial to an accusatorial-style system. The Chief Prosecutor's office is to investigate and prosecute crimes, while the role of judges is to change to that of neutral arbiters presiding over oral trials. The new code is a step toward implementation of provisions in the 1998 Constitution intended to strengthen the justice system by improving due process and enhancing the rights of the accused, through measures such as habeas corpus and limits on preventive detention.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, and the authorities generally respected this provision in practice; however, there were some notable exceptions. There are frequent charges of slander and libel brought by and against public figures, but few result in final decisions or judicial relief. On April 19, the President of Congress announced that press coverage of congressional proceedings would be restricted to an audio broadcast; following vigorous protest by the press, which formerly had enjoyed wide access to Congress, he announced that separate areas would be set aside for live coverage of sessions. Some self-censorship continues.

There is a free and vigorous press. Ownership of the media is broadly based, and editorials represent a wide range of political views and often criticize the Government. However, some degree of self-censorship in the print media occurs, particularly with respect to politically sensitive issues or stories about the military and its related industries. In addition, most elements of the media were influenced by economic considerations and tend to reflect the narrow, regional interests of their owners.

All of the major media organs—newspapers, radio, and television—are locally and privately owned, except for one government-owned national radio station. The law limits foreign investment in broadcast media. Using a law promulgated by the last military regime that requires the media to give the Government free space or broadcast time, the Government can and does require television and radio to broadcast government-produced programs featuring the President and other top administration officials.

On February 16, in Guayaquil, Rafael Cuesta, the news director of the Tele Centro television station was injured severely by a bomb contained inside a videocassette. Congresswoman Cinthya Viteri and indigenous leader Marco Murillo also received videocassette bombs in the mail; however, because of the Cuesta incident they were suspicious and alerted the police, who defused the devices. Police were unable to discover who sent the bombs.

Near the end of the year, the mayor of Guayaquil banned a guidebook that contained negative comments about the city.

The Constitution provides for academic freedom, and the Government does not interfere in issues involving academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of free assembly for peaceful purposes, and the Government generally respected this right in practice; however, there were some limits. In February President Noboa decreed a nationwide state of emergency that lasted until March and limited freedom of assembly. Public rallies require prior government permits, which generally are granted, although exceptions occur. In January protesters took over the congressional building and, joined by military leaders, forced the resignation of President Mahuad (see Section 3). Numerous other labor and student demonstrations took place without major incident in the capital and the outlying regions during the year. Protesters often blocked roads. On January 6, police in Quito and Guayaquil arrested 46 protesters, and in Quito 1 student was shot and injured; some protesters were armed, and the police denied responsibility. In general the security forces intervened in demonstrations only when there was violence against bystanders or destruction of property. Police in Quito used tear gas in January, March, and September to repel demonstrators who sought access to the city center (see Section 6.a.). Police also used tear gas against protesting members of the National Teachers' Union. On April 17, members of the Evangelical Indigenous Movement (FEINE) and the Federation of Indians, Campesinos, and Blacks (FENOCIN) occupied the Government's Indigenous Affairs Office.

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Government does not require religious groups to be licensed or registered unless they form NGO's that engage in commercial activity. Approximately 90 percent of the population consider themselves to be Roman Catholic, although most citizens do not regularly practice the religion or follow a syncretistic version that combines indigenous beliefs with orthodox Catholic doctrine. The Government allows missionary activity and religious demonstrations by all religions. The Government does not permit religious instruction in public schools; private schools are permitted to teach religion, as are parents in the home. There are no restrictions on publishing religious materials in any language. In early 1998, police in Pinchincha suspended the meetings of a group known as "Gnostico Cristiano Universal," following the suicide of 29 members of the "Heaven's Gate" cult in California, while they investigated possible links between the two groups. The Government's investigation was inconclusive, and the groups have resumed their activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, frequent military and police roadblocks often present problems for travelers using public transportation, especially at night. The Government requires all citizens to obtain exit visas when travelling abroad, which are granted routinely. Military and minor applicants must comply with special requirements.

The law includes provisions for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of provision of first asylum did not arise. There were no reports of the forced return of persons to a country where they feared persecution.

According to the UNHCR, since September approximately 1,600 Colombian refugees arrived in the country, most of whom fled due to fighting between guerrillas and paramilitary forces in the Colombian department of Putumayo. The Government and the UNHCR have developed a three-point contingency plan to cope with the refugee influx into Sucumbios province. In November nine persons occupied offices of a Catholic Church in Quito that worked with the UNHCR to screen and register refugees. The occupation ended peacefully after 48 hours.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, on January 21, members of the military joined protesters, including indigenous dissidents, to force President Jamil Mahuad from office. After a brief period of confusion during which the leaders of the coup announced the dissolution of the three branches of government and the formation of a "People's Parliament," on January 22, Vice President Gustavo Noboa assumed the presidency and restored order.

On January 19, approximately 6,000 persons including members of the Confederation of Ecuador's Indian Nationalities (CONAIE), students, and leftwing political protesters marched in Quito. On January 21, thousands of protesters, including members of CONAIE, students, teachers, and union members, occupied and took control of the congressional building in Quito. The police and military guarding the building did not oppose the occupation with force, and over 100 soldiers joined the protesters. CONAIE leader Antonio Vargas announced on television from the floor of Congress that he would head the People's Parliament. He also said that retired army Colonel Lucio Gutierrez would join him in a new "ruling junta" as the executive, and that former Supreme Court President Carlos Solorzano would take over the role of Supreme Court President. The protesters called for President Mahuad to resign. (There also were protests in Guayaquil, where a group of students, unionists, and neighborhood associations seized the provincial government building.)

President of Congress Juan Jose Pons described the small military group that joined the protests as "seditious" and called for support for the democratically elected Government. Mahuad then spoke on television and refused to resign. On the afternoon of January 21, the armed forces service chiefs and joint staff chief General Carlos Mendoza called for the President to resign. Mahuad resisted the call to resign but later fled the palace. The junta (also called the "triumvirate") originally was composed of Vargas, Solorzano, and Colonel Gutierrez. Later during the night of January 21, at the palace, General Mendoza briefly joined the junta, replacing Colonel Gutierrez. On January 22, President Mahuad appeared again on television and accepted Vice President Gustavo Noboa as president; on the same day, Congress ruled that Mahuad had deserted his post. With Noboa's assumption of office, order was restored.

On January 22, Congress sanctioned two of its members Democratic Left representatives (and former army generals) Paco Moncayo and Rene Yandunfor their role in the coup and removed them from their seats in the Congress.

On February 4, General Norton Narvaez, the head of the armed forces, announced that a military court had found 113 soldiers, 17 of whom were in jail, guilty of breach of discipline and breaking their oath for taking part in the coup. They were put on administrative leave and confined to barracks. General Mendoza resigned.

On May 31, Congress approved an amnesty for army officers involved in the coup, and those held in prison were released. On June 5, the 17 most senior imprisoned officials were placed on 48-hour administrative leave. Colonel Gutierrez served 4 days in jail for a "breach of discipline," i.e., for his interviews with the press. On June 12, the military forced Colonel Gutierrez and 11 other officers to resign despite the blanket amnesty.

On July 13, Supreme Court President Galo Pico issued arrest warrants for former President Mahuad and his former finance minister for crimes in connection with the freezing of bank assets in March 1999.

Voting is mandatory for literate citizens over 18 years of age and voluntary for illiterate citizens. The law does not permit active duty members of the military to vote. The Constitution bars members of the clergy and active duty military per-

sonnel from election to Congress, the presidency, or vice presidency. The Constitution provides that if a political party fails to garner a minimum of 5 percent of the votes in two open elections, the party must be eliminated from the electoral registry.

In August a dispute arose over who had the right to be elected president of Congress. After a Constitutional Court ruling forced Susana Gonzalez from office following a challenge, Hugo Quevedo was elected. He later defeated a challenge to his own election and remained in office at year's end.

No specific laws prevent women or minorities from attaining leadership positions; however, few women, indigenous people, or Afro-Ecuadorians occupy senior positions in government. Women are underrepresented in politics and government, although they have made gains in recent years. Women hold 17 of 123 seats in Congress, the largest proportion of seats held by women in the country's history. There is one female cabinet minister.

The indigenous movement, which previously shunned traditional politics, formed an electoral movement called Pachakutik (which means "cataclysmic change" in Quichua) and ran candidates for national, provincial, and local office in the 1996, 1998, and 2000 elections. A Pachakutik Congresswoman, Nina Pacari, formerly the Second Vice President of Congress, is part of an eight-member congressional bloc whose cooperation with the majority in Congress on some issues has ensured it significant influence. The politically active Confederation of Ecuador's Indian Nationalities, headed by Antonio Vargas, was at the forefront of protests that overthrew then-President Mahuad. Indigenous members of the National Constituent Assembly and their supporters won important constitutional protections for indigenous rights in the 1998 Constitution. There are 3 indigenous deputies serving in the 123-member Congress.

One Afro-Ecuadorian serves as a member of Congress, but none are found in senior-level government jobs.

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

A number of domestic and international human rights groups operate without restriction, investigating and publishing their findings on human rights cases. Domestic human rights groups, such as the CEDHU and the regional Latin American Human Rights Association (ALDHU), were outspoken in their criticism of the Government's record on specific cases. Nevertheless, the Government contracted with the ALDHU to provide human rights training to the military and the police.

The office of the Ombudsman was created in 1998 to ensure ongoing attention to human rights problems; however, some observers have criticized its independence in practice. In May Congress removed the Ombudsman from office on charges of fraud for acts that he committed while he was acting Attorney General. As of year's end, Congress had not named a replacement, and Claudio Mueckay was acting Ombudsman at year's end.

In 1998 the Government decreed an ambitious National Human Rights Plan with the goal of preventing, penalizing, and eradicating human rights violations in the country. The three branches of government, as well as the independent Ombudsmen's office and a number of NGO's, contributed to development of this plan. At the end of 1999, the U.N. had contributed \$1.2 million to support the plan. The plan includes education for the Congress on human rights matters. The Government began to implement various aspects of its plan, including seminars, publishing documents, and a contingency plan for refugees.

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

The Constitution prohibits discrimination based on race, religion, sex, or social status. In addition, the constitutional reforms explicitly increased the rights of women, children, and minorities, and required Congress to pass legislation implementing these rights promptly. However, women, indigenous people, and Afro-Ecuadorians continue to face significant discrimination.

Women.—Although the law prohibits violence against women, including within marriage, it is a widespread practice. The 1995 Law Against Violence Affecting Women and Children criminalized spousal abuse, including physical, sexual, and psychological abuse; created family courts; and reformed the Penal Code to give courts the power to separate an abusive spouse from the home. Although nationwide statistics were not available, according to an NGO in Guayaquil, that city registered more than 32,000 official complaints of domestic violence between May 1998 and May 1999, almost double the previous period's figure. The NGO's report also said that one out of three women suffered from some form of domestic violence. Women may file complaints against a rapist or an abusive spouse or companion only if they

produce a witness. Many rapes also are not reported due to the victims' reluctance to confront the perpetrators. The penalty for rape is a jail sentence of up to 16 years. In cases of statutory rape involving "amorous" sex with a minor, if the rapist marries the victim the charges against him, or anyone else who took part in the rape, cannot be pursued unless the marriage subsequently is annulled. While some communities have established their own centers for counseling and legal support of abused women, the Government only began to address this problem seriously with the 1994 formation of the Women's Bureau. Although this office can accept complaints about abuse of women, it has no authority to act on the complaints. However, the Women's Bureau has doubled the number of its outreach offices and actively referred abuse cases to prosecutors.

Sexual harassment in the workplace is common.

Adult prostitution is legal.

Discrimination against women is pervasive in society, particularly with respect to educational and economic opportunities for those in the lower economic strata. The increasingly active women's movement alleges that culture and tradition inhibit achievement of full equality for women. There are fewer women than men in the professions and skilled trades, and pay discrimination against women is common.

The Ecuadorian Women's Permanent National Forum, founded in 1994, includes more than 320 women's organizations and promotes social, economic, and cultural change through various methods, including increasing political participation by women. In addition the National Women's Council provides support for approximately 500 women's organizations, many of which promote social consciousness and greater participation by women in the political process. The Women's Political Coordinator, an NGO that operates in 17 provinces, promotes similar themes relating to women's rights, with an emphasis on political participation and human rights. It also focuses on young women and Afro-Ecuadorian women.

Children.—According to the National Statistics Institute, in 1999 approximately 47 percent of the population was under the age of 18. The Government has not taken effective steps to promote the welfare of children. The Constitution requires that children achieve "a basic level of education," estimated at 9 years of school; however, the Government rarely enforces this requirement in practice (see Section 6.d.). Education is free.

There is no societal pattern of abuse against children. Government resources to assist children traditionally have been limited, although the Government operates a program to care for the children of the working poor called "Operation Child Rescue." The Inter-American Commission on Human Rights has concluded that this program reached only a small percentage of those affected. Approximately 45 percent of children under the age of 5 are malnourished. Government spending on education continued to decline, both in real terms and as a proportion of GDP. There are more than 20 NGO's that promote child welfare.

Several private organizations are very active in programs to assist street children, and UNICEF also runs a program in conjunction with the Central Bank. The children of the poor often experience severe hardships, especially in urban areas. Children as young as 5 or 6 years of age often sell newspapers or candy on the street to support themselves or to augment family income. Also, there are reports of prostitution by girls and boys under 18 years of age in urban areas, and there have been reports of cases in which children were forced into prostitution. In rural areas, young children often must leave school at an early age to help out on the family's plot of land.

People with Disabilities.—There is no official discrimination against disabled persons in employment, education, or the provision of other state services. However, there are no laws to ensure disabled persons access to public buildings or services, nor are they provided any other special government assistance. In June the city of Guayaquil began a modest program to give the disabled better access to public buildings.

Indigenous People.—While at least 85 percent of all citizens claim some indigenous heritage, culturally indigenous people make up about 15 to 20 percent of the total population. The vast majority live in rural areas, including the highlands and the Amazonian provinces, and most live in varying degrees of poverty. Land is scarce in the more heavily populated highland areas where high infant mortality, malnutrition, and epidemic disease are common. Electricity and potable water often are unavailable. Although the rural education system is seriously deficient, many indigenous groups participated actively with the Ministry of Education in the development of the bilingual education program used in rural public schools.

The Constitution recognizes the rights of indigenous communities to hold property communally, to administer traditional community justice in certain cases, and to be consulted before natural resources are exploited in community territories. Indige-

nous people also have the same civil and political rights as other citizens. In the Amazon area, indigenous groups have lobbied the Government, enlisted the help of foreign and domestic NGO's, and mounted protests (including kidnaping oil workers and tourists), in their attempts to win a share of oil revenues and a voice in exploitation and development decisions. The Constitution expressly recognizes the indigenous communities' rights to be consulted on, but not to approve, oil exploration and development. Oil companies have increased their efforts to minimize the environmental and social impact of their oil projects in the Amazon but continue to face criticism from indigenous groups that environmental damage still is occurring.

Despite their growing political influence and the efforts of grassroots community groups, which were increasingly successful in pressuring the central Government to assist them, Indians continue to suffer discrimination at many levels of society. With few exceptions, indigenous people are at the lowest end of the socioeconomic scale. For example, by one UNICEF estimate in 1999, 83 percent of indigenous children worked at some kind of job (see Section 6.d.).

CONAIE was at the forefront of protests that toppled President Mahuad (see Section 3). It also has arranged a popular referendum and public demonstrations to protest government economic austerity measures and to urge the repeal of economic modernization laws involving privatization of state-owned enterprises.

Religious Minorities.—Although relations between religious communities generally have been amicable, in past years there have been a few incidents of interreligious or intrareligious tension or violence.

A Baptist clinic in the town of Chachas is operating normally, following opposition to its establishment from local residents in April 1999.

National/Racial/Ethnic Minorities.—The population of the rural, northern coastal area includes large numbers of Afro-Ecuadorian citizens. They suffer widespread poverty and pervasive discrimination, particularly with regard to educational and economic opportunity. There are no special government efforts to address these problems.

There are five major Afro-Ecuadorian organizations active in the country; the largest is the Confederacion Nacional Afroecuatoriana, with headquarters in Quito. It estimates that Afro-Ecuadorians account for more than 1 million persons, or about 10 percent of the total population. While the presence of Afro-Ecuadorians has grown in the fields of sports and culture, their educational opportunities continue to be limited.

The press has focused on lingering racism among all strata of society. Afro-Ecuadorian organizations note that despite the absence of official discrimination, societal discrimination continues to affect them. For example, they assert that the police stop Afro-Ecuadorians for document checks with greater frequency than other citizens.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and Labor Code provide most workers with the right to form trade unions. Members of the police, the military, and public sector employees in nonrevenue producing entities are not free to form trade unions. The 1991 Labor Code reforms sets the number of workers required for an establishment to be unionized at 30, which the International Labor Organization's Committee on Freedom of Association considers too stringent a limitation at the plant workers' council level. Although the Congress debated additional labor reforms, labor law was in flux at year's end because the Constitutional Court ruled that some recent labor legislation was unconstitutional. The court's ruling nullified several articles that the Government stated provided flexibility to employers, but that some observers claimed undercut constitutional protections of worker rights.

While employees of state-owned organizations enjoy rights similar to those in the private sector, the law technically prevents the majority of public sector employees from joining unions or exercising collective bargaining rights. However, most public employees maintain membership in some labor organization, and there are frequent "illegal" strikes. Despite official threats, the Government rarely takes action against striking public workers. However, in May the Government ordered striking teachers back to work and arrested and temporarily jailed National Teachers' Union (UNE) leaders. A November 1997 law prohibits public sector strikes if they paralyze key services, including schools.

Although the labor confederations are politically independent, the two largest single labor unions, the UNE and the Union of Social Security Workers, are allied with the Democratic Political Movement, a communist party. Approximately 12 percent of the work force is organized. There are four large labor centrals or confederations. None of the main labor centrals is connected firmly to any one political party, and there are no ties between the Government and any labor union.

There are few restrictions on the right of workers to strike, although a 10-day cooling-off period is required before a strike can be declared. The Labor Code revisions limit solidarity strikes or boycotts to 3 days, provided that the Labor Ministry approves them. In a legal strike, workers may take possession of the factory or workplace, thus ending production at the site, and receive police protection during the takeover. The employer must pay all salaries and benefits during a legal strike; the Labor Code protects strikers and their leaders from retaliation.

There were several significant strikes during the year, mainly in response to government austerity measures. They involved public sector employees such as teachers and social security and medical workers, as well as petroleum, electricity, and transportation workers; indigenous groups also protested during the strikes. Police in Quito used tear gas in January, March, and September to repel demonstrators who sought access to the city center (see Section 2.b.). In April public sector bureaucrats went on strike to demand higher wages. In May the Public Teachers Union (UNE) began a countrywide strike for higher wages, and a judge issued an arrest warrant for Arcelly Moreno, the president of the UNE. The strike lasted more than 2 months; some striking teachers were detained for as long as 10 days. In December health workers held a strike for 2 weeks.

Unions may freely form and join federations or confederations, and three of the large labor centrals maintain international affiliations.

b. The Right to Organize and Bargain Collectively.—The labor market is highly segmented, with a minority of workers in skilled, usually unionized, positions in state-run enterprises or in medium to large industries. Most of the economically active population is employed in the agricultural sector or the urban informal sector; the vast majority of these workers are not organized. The Labor Code requires that all private employers with 30 or more workers belonging to a union must negotiate collectively when the union so requests. Collective bargaining agreements cover only onequarter of the approximately 12 percent of the work force that is organized. In March a new labor law allowed businesses to hire workers on “individual contracts,” but the practice did not become prevalent because Congress was reconsidering the law at year’s end.

The Labor Code streamlined the bargaining process in state enterprises by requiring workers to be represented by only one labor union. It prohibits discrimination against unions and requires that employers provide space for union activities upon the union’s request. The law does not permit employers to dismiss a worker without the express permission of the Ministry of Labor, whose rulings are not subject to judicial review. If the Ministry of Labor rules that a dismissal is unjustified, it can require the employer to pay large indemnities or separation payments to the worker, although the reforms set a cap on such payments. A fired worker is eligible for reinstatement and in general would not be blacklisted at other companies. Workers generally are protected against antiunion discrimination only by pressure from the union. The Labor Code provides for resolution of labor conflicts through an arbitration and conciliation board which consists of one representative of the Ministry of Labor, two from the union, and two from management.

The 1990 Maquila Law permits the hiring of temporary workers for the maquila (in-bond processing for export) industries only. While there is no express prohibition on association rights in the Maquila Law, in practice it is difficult to organize temporary employees on short-term contracts. Since temporary workers are not recognized by the Labor Code, they do not enjoy the same level of protection offered to other workers. The maquila system allows a company and its property to become an export-processing zone wherever it is located. Many such “zones” have been established; most are relatively small and are dedicated to textiles and fish processing.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the Labor Code prohibit compulsory labor, and there were no reports of it in general. There have been reports of children forced into prostitution (see Section 5), but there were no other reports of forced or bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits boys younger than 12 years old and girls younger than age 14 from working, except in special circumstances such as apprenticeships. It requires children between the ages of 12 or 14 and 18 years to have the permission of their parent or guardian to work. The law also prohibits children between the ages of 14 and 18 years from working more than 7 hours per day or 35 hours per week, and it restricts children below the age of 14 years to a maximum of 6 hours per day and 30 hours per week. In practice the Ministry of Labor fails to enforce child labor laws, and child labor is prevalent. The problem has increased in recent years due to the prolonged economic crisis, and urban child labor has increased with the migration of the rural poor to the cities. A UNICEF report estimated that in 1997, 37 percent of the 2.1 million children between the ages of 10 and 17 worked; in 1999 almost

1 out of 2 children in this age bracket worked. A 1999 report based on a joint national and World Bank study found that 45 percent of children between the ages of 10 and 17 worked at least parttime. Among children aged 10 to 11, who cannot work legally, 28 percent worked at least part-time nationwide. More than 60 percent of all children live in rural areas and do unpaid agricultural work for their families.

The Constitution provides that children must attend school until they attain a "basic level of education" estimated at 9 school years. However, due to the lack of schools in many rural communities, the Government's failure to provide adequate resources, and the need for children to work, this provision rarely is enforced. UNICEF reported in 1999 that one out of three children did not remain in school long enough to complete the 6th grade. The Constitution provides that 30 percent of the public budget must be devoted to education; however, in practice only half of that amount is spent. The Government has programs in 18 urban areas that provide families with educational subsidies as an incentive to keep children in school. In rural areas, many children attend school only sporadically after about 10 years of age in order to contribute to household income as farm laborers.

In the city, many children under 12 years of age work in familyowned "businesses" in the informal sector, shining shoes, collecting and recycling garbage, or as street peddlers. Others are employed in commerce, messenger services, domestic service, and begging. Child prostitution is a problem, and there have been cases reported of children being forced into prostitution (see Section 5). The law prohibits forced or bonded labor by children, and there were no other reports of such practices (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Labor periodically sets the minimum wage in consultation with the Commission on Salaries, but Congress also may adjust it. As of August, the minimum wage plus mandated bonuses provided a gross monthly compensation of approximately \$110, or 50 cents per hour in the case of contract workers. The statutory minimum wage is not adequate to provide a decent standard of living for a worker and family. Most organized workers in state industries and formal sector private enterprises earned substantially more than the minimum wage and also received other significant benefits through collective bargaining agreements. However, the majority of workers work in the large informal and rural sector without recourse to the minimum wage or to legally mandated benefits.

The Ministry of Labor has the principal role in enforcing labor laws and carries this out through a corps of labor inspectors who are active in all 22 provinces. The Labor Code provides for a 40-hour workweek, a 15-day annual vacation, a minimum wage, and other employer-provided benefits, such as uniforms and training opportunities. In March reforms to the labor law nominally gave greater flexibility to employers by hiring parttime workers, such as accountants, for only a few hours per week. However, this legislation was affected by a Constitutional Court decision (see Section 6.a.).

The Labor Code also provides general protection for workers' health and safety on the job. However, a worker may not leave the workplace of his own volition, even if there is a hazardous situation. The worker is allowed to request that an inspector from the Ministry of Labor come to the workplace and confirm the hazard; that inspector then may close down the workplace. Response time for inspectors ranges from a few days in major cities to much longer in the countryside.

The Government enforces health and safety standards and regulations through the Social Security Institute. In the formal sector, occupational health and safety is not a major problem. However, there are no specific regulations governing health and safety standards in the agricultural sector and in practice there is no enforcement of safety rules in the small mines that make up the vast majority of the mining sector. During the year, at least two fatalities were reported due to accidents in the mines.

f. Trafficking in Persons.—There is a misdemeanor law that addresses trafficking in persons; it provides for penalties from 6 months to 3 years in prison, as well as fines. The Migration Law and the Penal Code provide for the imposition of sanctions on suppliers of false documents for purposes of travel or work. Other laws dealing with kidnaping, labor, occupational safety, and slavery apply to and provide sanctions for trafficking in persons. In June Congress amended the Criminal Code to strengthen sentences for furnishing or utilizing false documents and for alien smuggling. Alien smugglers or traffickers can receive sentences from 3 to 6 years' imprisonment; the penalties range from 6 to 9 years' if victims are injured, and a penalty of up to 12 years may be imposed if a death occurs. The law specifically exempts victims from prosecution. There were no confirmed reports of persons being trafficked to, from, within, or through the country against their will; however, there were many reports of persons being smuggled illegally from the country to the

United States through Central America in which trafficking sometimes was suspected. In 1999 police in Spain reported that they had arrested 50 Ecuadorian women working as prostitutes who were likely victims of trafficking.

EL SALVADOR

El Salvador is a constitutional, multiparty democracy with an executive branch headed by a president and a unicameral legislature. President Francisco Flores of the Nationalist Republican Alliance (ARENA) was elected in 1999 to a 5-year term. In free and fair elections in March, the former guerrilla organization Farabundo Marti National Liberation Front (FMLN) won a plurality of the seats in the Legislative Assembly. ARENA maintains a working majority in coalition with the conservative National Conciliation Party. Three other parties hold seats in the Assembly. The judiciary is constitutionally independent but suffers from inefficiency and corruption.

The National Civilian Police (PNC) maintains internal security. The military is responsible for external security. The military provides support for some PNC patrols in rural areas, a measure begun in 1995 by presidential executive order in an effort to contain violence by well-armed, organized criminal bands. In March at the President's direction, the air force, navy, and selected army units formed Joint Task Groups with the police as part of an interagency antinarcotics program. Civilian authorities maintain effective control of the military and security forces. Some members of the police committed human rights abuses.

The country has a free-market, mixed economy largely based on services, agriculture, and manufacturing. Although agriculture accounts for only 12 percent of the gross domestic product (GDP), it is the largest source of employment, engaging 35 percent of the work force, estimated at 2.3 million persons. Coffee and sugar are the principal export crops and important sources of foreign exchange. The manufacturing sector, which contributes 21 percent of GDP, employs 9 percent of the work force. The textile sector, especially the maquila (in-bond assembly or processing) plants in free trade zones, represents about 50 percent of manufacturing sector employment and is the main source of new jobs. The economy is open, and private property is respected. The rate of real economic growth was estimated to reach 2.5 percent during the year. Inflation was 3.6 percent. Per capita GDP reached \$2,080. The official unemployment rate averaged 7.7 percent during the year, 6.5 percent urban and 11 percent rural; however, the rate of underemployment (less than full-time work or total income below the minimum wage) was estimated at about 30 percent. Approximately 44 percent of the population lives below the poverty level.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police officers committed extrajudicial killings. The Supreme Court found the 1993 Amnesty Law constitutional but noted that certain categories of crimes were not covered. Police kidnaped persons for profit. The police used excessive force and mistreated detainees; there were also allegations that police abused street children. Prison conditions remained poor. High crime rates, together with police officer involvement in prominent kidnappings, led to the creation of a presidential commission to discipline and dismiss corrupt and criminal police. Police arbitrarily arrested and detained persons. The judiciary remained inefficient and is hampered by widespread corruption. Impunity for the rich and powerful remained a problem. The authorities used force to disperse one demonstration; one person was injured. In February Human Rights Ombudsman Eduardo Penate Polanco resigned over misconduct charges; the Legislative Assembly had not named a successor at year's end. Violence and discrimination against women continued, and discrimination against disabled persons also remained a problem. Abuse of children, child labor, and forced child prostitution were also problems. The Government did not adequately protect workers' rights to organize and bargain collectively. Trafficking in women and children is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by agents of the Government; however, the police committed some extrajudicial killings.

During the year, the Human Rights Ombudsman's office received for investigation 87 cases alleging killings by the PNC during the year and in prior years. As of November, the presidential commission investigating police misconduct identified at

least 72 officers suspected of extrajudicial killings during the year and in prior years.

On February 10, police shot at the tires and windshield of a vehicle that failed to obey their signal to stop on a major thoroughfare in San Salvador. When the vehicle halted, passenger Salvador Hernandez fled, and a police officer shot and killed him. The prosecutor charged Mario Orlando Franco Duran with aggravated homicide. He also charged Franco and three other officers with the attempted murder of Edwin Quintanilla Flores and Ricardo Trejo Stanley, the vehicle's driver and another passenger. On December 11, a judge determined that there was sufficient evidence to support the homicide charge for the trial of Franco to proceed to the next phase; however, the judge dismissed the attempted homicide charges against the defendants on grounds that it was impossible to determine which officers intended to shoot at the vehicle's windshield. The prosecutor appealed the latter verdict, and the appeal was pending at year's end.

On April 7, police driver Mauricio Enrique Martinez shot and killed Luis Edgardo Garcia Vasquez after he failed to stop when signaled by police on the highway between Santa Ana and Ahuachapan. Two police officers and two police drivers pursued him and shot out his tires. When the vehicle stopped, Martinez opened the door and shot Garcia in the head. In December a court convicted Martinez of aggravated murder and sentenced him to 28 years in prison. The two officers were acquitted, and charges were dropped against the other driver, who became a witness in the case.

In June PNC officer Luis Alonso Navarrete was on duty with a Joint Task Group (composed of soldiers and police) when he allegedly shot and killed six persons and wounded four others with an M-16. Five of the victims were soldiers who formed part of his Joint Task Group. Police arrested Navarrete the same day; he reportedly suffered from mental illness. The PNC disciplinary committee dismissed Navarrete from the police in September. He remained in custody awaiting trial on charges of aggravated homicide and attempted aggravated homicide at year's end.

A total of 13 inmates died in prison due to violence and illness (see Section 1.c.). There was mixed progress in resolving cases of extrajudicial killings from previous years.

In October a court sentenced police officer Jose Miguel Soriano Melgar to 12 years in prison for the November 1999 shooting of Carlos Lopez Regalo. The court acquitted police captain Erick Fuentes of the charge of aggravated homicide. That verdict was appealed in November; the appeal was pending at year's end.

In July a police disciplinary tribunal removed from the force five officers charged with the November 1999 beating death of Manuel de Jesus Parada. In October a jury acquitted four of them of the crime; it issued no verdict for the fifth officer, who had fled prosecution and did not appear for the trial.

In October a court found three PNC officers guilty of attempted homicide for torturing Juan Carlos Miranda before stabbing him and stealing his vehicle (see Section 1.c.).

In November a court convicted police officer Jorge Alberto Canas Sanchez of aggravated homicide and sentenced him to 30 years in prison for the August 1999 murders of Fernando Hernandez and Manuel Aguilar. Two other officers charged with the crime remained fugitives at year's end. A judge provisionally acquitted another individual who had been charged with complicity. The prosecutor's appeal was pending at year's end.

In February a court dismissed charges against a police officer in the August 1999 shooting of a protester near Sonsonate during a confrontation between police and several hundred members of the Association of Salvadoran Agricultural Producers. The prosecutor appealed, but the appeals court upheld the verdict.

In October the trial of Jose Ernesto Cordova, charged with the July 1999 murder of William Ernesto Rosales Bonilla, an employee of the newspaper *El Diario de Hoy*, began. The trial had not concluded at year's end. Prosecutors assert that there were other participants in the crime, including police officers. However, no evidence of police participation had been found by year's end.

A public prosecutor charged police captain Mariano Rodriguez Zepeda with aggravated homicide for the 1998 shooting of Jose Antonio Villalta. The next phase of the trial was scheduled for January 2001.

There were no further developments in the 1998 death of Carlos Ernesto Lovo who died of drowning after fleeing police custody.

In February four members of the National Action Party (PAN) were killed in two separate incidents. Masked gunmen shot and killed Gilberto Cano Gonzalez near PAN headquarters in Metapan while he was distributing campaign materials to a party sympathizer, Samuel Martinez Flores. Martinez was killed by his own gun, which he dropped in his attempt to flee after the first shots were fired. In October

a court found ARENA activist Jose David Murcia and Gilberto Torres not guilty of aggravated homicide. The prosecutor appealed, alleging procedural errors in the trial. The appeal was pending at year's end. In San Antonio de Monte a local resident (reportedly mentally disturbed) stoned two PAN members to death. The police detained the perpetrator, and there was no indication of any political connection.

On March 26, Jose Maria Tojeira, rector of the Jose Simeon Canas Central American University, formally asked the Attorney General to reopen the case of the 1989 murders of six Jesuit priests, their housekeeper, and her daughter and prosecute the crime's alleged instigators. He based his request in part on the December 1999 report by the Inter-American Commission on Human Rights (IACHR) which found the State responsible for violating the right to life of the eight murdered persons and for failing to conduct an effective investigation. The report also criticized the 1993 General Amnesty Law, which led to the release from custody of two military officers found guilty of the murders in 1992, and called on the Government to reopen the case. In reply to the IACHR report, the President reviewed the steps taken by the justice system to investigate and punish the crime; however, he recommended against reopening the case because that would undermine the integrity of the post civil war amnesty, which he regarded as essential to the continuing process of national reconciliation. The Attorney General deferred action on Tojeira's petition until the Supreme Court (CSJ) issued its decision on the constitutionality of the 1993 General Amnesty Law. On September 26, the CSJ upheld the constitutionality of the 1993 General Amnesty Law. However, the Court also indicated that certain special cases were not eligible for amnesty and gave lower courts discretion to adjudicate these matters on a case-by-case basis. In December the Attorney General brought the matter before a lower court judge and recommended that the case be closed. The judge ruled that the accused were not covered under the amnesty law because they were public officials at the time of the killings. However, she closed the case because the 10-year statute of limitations had expired. Tojeira appealed the decision, as did the defense, who wanted the court to find the accused not guilty based on the facts rather than the statute of limitations. Both appeals were pending at year's end.

b. Disappearance.—There were no confirmed politically motivated disappearances. As of mid-November, the presidential commission investigating police misconduct identified at least 12 officers suspected of involvement in kidnappings in during the year and in prior years. Most disappearances were the result of kidnapping for profit, a common occurrence affecting all levels of society throughout the country.

In May an organized crime group that included police officers kidnaped businessman Rodrigo Zablah in San Salvador and held him for more than 2 weeks. Three police officers allegedly stopped his vehicle and told him to accompany them to the police station because of a traffic accident that had occurred a day earlier. Once he was in the police car, they took him to another location. The Attorney General's office identified 18 persons involved in the crime, including at least 3 police officers. A hearing was scheduled for June 2001. Eight of the accused remained at large at year's end.

In June another organized crime group that included police officers kidnaped a couple in Sonsonate and demanded ransom. The PNC's antikidnaping unit rescued the victims the next day and captured five persons. The Attorney General's office charged eight persons with the crime, including PNC sergeant Tomasa Reyes Alvarado and former PNC sergeant Jose Azcunaga Segura. The latter had been charged with kidnapping in the past and had been removed from the police force. A hearing was scheduled for May 2001. Two of the accused remained at large at year's end.

There were no new developments in the 1999 kidnappings of Margarita Posada, the director of a domestic nongovernmental organization (NGO), and Miguel Montenegro, president of the Human Rights Commission of El Salvador. Both victims were released within a day. The police did not find the perpetrators.

The Association for the Search for Children who Disappeared as a Result of the Armed Conflict, a local NGO, advocated the creation of a national commission to clarify what happened to 383 children who disappeared during the war, and whose whereabouts remain unknown. The Legislative Assembly had taken no action on their request at the end of the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, some members of the PNC continued to use excessive force or otherwise mistreated detainees.

In February four PNC officers allegedly tortured Juan Carlos Miranda before stabbing him and stealing his vehicle. The officers had stopped him as he was driving a minibus. After putting him in the back of the bus, they kicked, beat, and threatened him for 2 hours. Finally, they stabbed him and left him for dead. In Oc-

tober a court found three officers guilty of attempted homicide and sentenced them to 16 years in prison. The court absolved a fourth officer of all charges.

During the year, the office of the Ombudsman for the Protection of Human Rights (PDDH) received 724 complaints of violation of the right of personal integrity by government authorities, a decrease from a total of 929 complaints in 1999. This category covers torture, inhuman or degrading treatment, mistreatment, disproportionate use of force, and improper treatment of detainees. The majority of these complaints involved the PNC and alleged minor to serious violations of arrest procedures. The PDDH received a total of 1,198 complaints against the PNC for all categories of human rights violations during the year. The number of complaints against the PNC and the cases of violations of personal integrity by all authorities have declined for the past several years.

At year's end, 128 police officers were in prison on criminal charges or serving prison sentences for crimes that included murder, rape, extortion, and kidnapping.

In June President Flores named a commission to investigate alleged police misconduct. The commission proposed reforms to PNC regulations to expedite discipline and dismissals, including the establishment of special courts to review cases of alleged misconduct. In June the Legislative Assembly passed authorizing legislation to implement the measures recommended by the commission. This legislation strengthened the role of the PNC Inspector General's office, making it a quasi-independent body within the PNC, charged with investigating allegations of police misconduct and reporting directly to the chief. In August the Assembly approved a temporary measure that allowed the chief of police for 120 days to remove officers charged with crimes or inadequate performance following an internal PNC investigation by the office of the Inspector General. In December the Assembly extended the measure for an additional 45 days. By year's end, the police force had dismissed more than 1,500 persons under the special decree and preexisting disciplinary procedures, and the special police courts had acquitted more than 200 persons. Some assembly deputies and the press questioned the transparency of the process and the fairness of its application and charged that high ranking officers remained immune from scrutiny. The commission identified 14 persons suspected of having committed torture.

Labor organizations and the Human Rights Ombudsman alleged that in March the Government used unwarranted force to disperse a demonstration by striking social security workers. The police used water cannons on demonstrators who had blocked a busy street for several hours and refused to move when urged to do so by police and other authorities, including the Human Rights Ombudsman. The police shot rubber bullets in the air, injuring one journalist. When the case was brought to court in March, the judge determined that the use of force by police was appropriate for the circumstances. The Government did not employ force during other demonstrations during the year.

In the past there have been allegations from children's rights groups that street children suffer from police brutality; the PNC always have denied these charges (see Section 5).

There were no further developments in the 1998 shooting of FMLN communications adviser Leonardo Mena Marroquin.

Human rights awareness was a standard component of the police officers' basic training program.

Prison conditions remained poor. From December 1997 to December 1999, the prison population fell about 23 percent as a result of the implementation of new sentencing and penal codes, which limit preventive detention to serious crimes. However, it increased again during the year. The prison system has the capacity to hold 5,794 prisoners in 18 penal facilities. There was still some overcrowding in individual facilities. At year's end, 7,383 men were held in 17 prison facilities with a combined capacity of 5,674; there are 371 women in the single women's prison, which has a capacity of 120; and there are 61 men in 3 secure hospital wards with a combined capacity of 75 persons. Because of a lack of holding cells, pretrial detainees often are sent to regular prisons, where they may be placed together with violent criminals.

Gang violence, especially in the country's three largest and oldest penitentiaries and its juvenile holding facilities, continued to plague the prison system, despite government efforts to separate different gangs. In January the media reported incidents of prisoners torturing other prisoners in La Esperanza in San Salvador in 1999 and earlier. Prison authorities reported that, during the year, there were 13 deaths in the prison system, 4 of which were from multiple wounds caused by violence between prisoners. The remaining deaths resulted from illness.

There are separate facilities for female detainees and prisoners.

The law requires that all juveniles be housed separately from adults both prior to trial and while serving a prison sentence, and the Government observes this requirement in practice. Most criminal cases involving juveniles are brought to trial or conciliation proceedings within 3 months.

The Government permits prison visits by independent human rights monitors, NGO's, and the media.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest; however, at times the PNC arbitrarily arrested and detained persons. During the year, the PDDH received 181 complaints for violations of personal liberty, a decrease from 225 complaints in 1999. The number of complaints in this category has declined steadily since 1996. The courts generally enforced a ruling that interrogation without the presence of counsel is coerced and that any evidence obtained in such a manner is inadmissible. As a result, police authorities generally delayed questioning until a public defender arrived.

The law permits the police to hold a person for 72 hours before delivering the suspect to court, after which the judge may order detention for an additional 72 hours to determine if an investigation is warranted. Because of a lack of holding cells, such detainees often are sent to regular prisons, where they may be placed together with violent criminals. The law allows 120 days to investigate serious crimes and 45 days for lesser offenses before a judge is required to bring the accused to trial or dismiss the case. However, many cases were not completed within the legally prescribed time frame. During the year, more than 2,000 inmates were in pretrial detention. From January through May, the justice of the peace courts, where most court cases originate, accepted a daily average of 166 cases. Of these, a daily average of nine cases were resolved through conciliation proceedings.

The Penitentiary Code permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. Because it may take several years for a case to come to trial, some prisoners have been incarcerated longer than the maximum legal sentence for their crimes. In such circumstances, a detainee may request a review by the Supreme Court of his or her continued detention.

The Constitution prohibits forced exile, and the Government observes this prohibition.

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

The court structure has four levels: justices of the peace, trial courts, appellate courts, and the Supreme Court. The Supreme Court selects justices of the peace, trial judges, and appellate judges from a list of nominees proposed by the National Judicial Council. The Council is an independent body provided for in the Constitution to nominate, train, and evaluate judges. All lower court judges serve until they voluntarily resign or are dismissed for cause. The Legislative Assembly elects, by a two-thirds majority, Supreme Court justices from a list provided by the National Judicial Council and the National Association of Lawyers. A justice serves for 9 years and may be reelected. There are separate court systems for family matters and juvenile offenders; they stress conciliation as an alternative to adjudication. The Criminal Sentencing Court has responsibility for executing and monitoring the sentences imposed by the trial courts. Through its Department of Judicial Investigation, the Supreme Court regularly receives and investigates public complaints about judicial performance. This department also reviews the findings and recommendations of the National Judicial Council, which evaluates justices on an ongoing basis. The Supreme Court imposes penalties when warranted.

Judges, not juries, decide most cases. A jury verdict cannot be appealed. However, the defendant may appeal the sentence to the Supreme Court for reduction. A jury verdict may be overturned by a mistrial determination that there were serious problems with jury panel selection or errors in the trial procedure. A judge's verdict may be appealed.

The Juvenile Legal Code requires that minors under the age of 18 be tried only in juvenile courts, limits sentences for minors to a maximum of 7 years, and includes alternatives to incarceration for minors.

In 1999 the Legislative Assembly approved a number of additional changes to the Criminal Procedures and Penal and Penitentiary (Sentencing) Codes. These changes included the establishment of more severe penalties for some crimes (including increasing the maximum possible prison sentence from 30 to 35 years), the elimination of parole for some crimes, and the addition of new crimes to the code. One of these reforms strengthened the legal protection afforded to children and the disabled by prescribing 6-to-8-year prison sentences for persons convicted of sexual ag-

gression against adults incapacitated by mental or physical conditions or against minors.

The Constitution provides for the presumption of innocence, protection from self-incrimination, legal counsel, freedom from coercion, and compensation for damages due to judicial error. Defendants also have the right to be present in court. These rights were not always respected fully in practice. The Constitution and law require the Government to provide legal counsel for the indigent; however, this requirement was not always implemented in practice.

Impunity before the country's civil and criminal laws continued, especially for persons who were politically, economically, or institutionally well-connected. In August National Conciliation Party leader and Legislative Assembly Deputy Francisco Merino shot at police officers, injuring one officer. (Merino is also a former Vice President.) Merino settled out of court with the police department and the injured officer. The Assembly decided not to lift Merino's parliamentary immunity to allow criminal prosecution.

In October a judge exonerated the individuals accused of the April 1999 rape and murder of 9-year-old Katya Miranda. Investigators allegedly failed to collect important evidence at the crime scene, and the judge refused to interview several witnesses identified by prosecutors. In November a judge ruled that the ex-president and directors of the Salvadoran Soccer Federation could not be prosecuted for misuse of funds, document fraud, and other charges because the organization was not public. More than \$4 million (36 million colones) was missing from the Federation. The Attorney General's office appealed the judge's decision, and a hearing was scheduled for January 2001.

Inadequate police coverage (due to limited resources and lack of sufficient personnel) and intimidation of victims and witnesses (especially by gangs) made it difficult to identify, arrest, and prosecute criminals, resulting in diminished public confidence in the justice system.

Corruption in the judicial system and the Attorney General's office contributed to impunity. In November the Attorney General announced that he was investigating information that almost 450 prosecutors and judges might have falsified their credentials or obtained them illegitimately, and another 83 persons might have been involved in nepotism. He also was investigating suspicions that prominent defense attorneys had sources inside the prosecutors' office who provided leaks that impeded investigations and prevented successful prosecutions.

The Government and the Legislature took steps to address these problems. At the Attorney General's urging, the Legislative Assembly passed a law on November 23 that created an expedited process for dismissing employees of the Attorney General's office. The measure, authorized for 120 days, was modeled after a law passed in August that permitted the expedited removal of undesirable persons from the police force.

Some public officials called for the Supreme Court to begin a similar initiative to remove corrupt judges. The Court maintained that its Department of Judicial Investigation and the National Judicial Council already scrutinized judicial performance on an ongoing basis. In practice, the Court imposed few sanctions upon judges. During the year the Court received the Council's evaluations of the performance of 322 justices of the peace, 46 trial court judges, 63 sentencing court judges, and 28 appeals court magistrates. The evaluations reviewed each judge's performance over several months in 1998 or 1999. The Council recommended the dismissal of 3 justices of the peace and 1 trial court judge, and suspensions ranging from 3 to 60 days for 156 justices of the peace, 23 trial court judges, 18 sentencing court judges, and 13 appeals court magistrates. The Court exonerated two of the four officials recommended for dismissal; a third resigned, and the fourth case remained under review at the end of the year. By the end of the year, the Court had begun to review 11 cases of judges recommended for dismissal. It had taken no action in the remaining cases.

The implementation of judicial reforms continued to create confusion and uncertainty among police, prosecutors, public defenders, and the courts. Inadequate police coverage (due to limited resources and lack of sufficient personnel) and intimidation of victims and witnesses (especially by gangs) made it difficult to identify, arrest, and prosecute criminals, thus diminishing public confidence in the justice system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for a right to privacy, and government authorities generally respected these rights in practice. The law requires the police to have a resident's consent, a warrant, or a reasonable belief that a crime is under way or is about to be committed, before entering a private dwelling.

In June the Attorney General's office initiated investigations of reported illegal wiretapping activities conducted by the telecommunications company, TELECOM. The Legislative Assembly formed a special commission to conduct parallel investigations. The Superintendent of Telecommunications and Electricity produced a list of telephone numbers believed to have been tapped, including those of the offices of the Attorney General, politicians, journalists, and NGO's. Neither the commission nor the Attorney General had completed their investigations, and the purpose of the wiretapping had not been determined at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, and the Government respects this right in practice. Print and broadcast journalists from all major media outlets regularly and freely criticize the Government and report opposition views. Opposition figures are interviewed routinely on television and radio, and in the press. According to major media associations, the Government did not use direct or indirect means to control the media. However, some television stations complained that advertising agencies responsible for placement of government-funded public service announcements were biased in favor of media companies that generally supported government policy.

The Inter-American Press Association identified problems in several areas, including the absence of a law providing for journalists' right to maintain the confidentiality of sources. In September some news organizations criticized the Government for attempting to require all television and radio stations to broadcast the President's speech and related events celebrating Independence Day. Several organizations refused to broadcast events other than the President's speech; however, the Government took no action against them.

There are 5 daily newspapers, with a combined circulation of more than 250,000 copies per day, and 12 television stations. Four independent VHF television stations reach most areas of the country, while the government-owned and operated VHF station has poor signal quality even in San Salvador. Seven independent UHF stations serve San Salvador, and several can be received as far as 30 miles from the capital. Two cable television systems cover much of the capital, and other cable companies operate in the major cities of San Miguel, Santa Ana, and Sonsonate. All carry major local stations and a wide range of international programming. There are approximately 20 small cable television companies across the country, serving limited local areas. While most of them appear to be authorized broadcasters, several are believed to be pirating signals. Approximately 150 licensed radio stations broadcast on the FM and AM bands.

A provision in the 1999 Criminal Code allows judges to close court proceedings if public exposure could prejudice the case. The media and the Inter-American Press Association (IAPA) have asserted that the provision abridges press freedom. In the past, legislative deputies have argued that misuse of the provision could lead to impunity and corruption by limiting the "watchdog" role of the press.

There were no instances of censorship of books, other publications, films, or plays.

The Constitution provides for academic freedom, and the Government respects this right in practice.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for peaceful assembly for any lawful purpose, and the Government respects this right in practice. There is no requirement for permits to hold public meetings, and public demonstrations are common and generally peaceful. A court determined that the Government's use of force to disperse a demonstration by striking social security workers in March was appropriate (see Section 1.c.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

The Supreme Court still had not decided a constitutional challenge to a 1996 law charging the Ministry of Interior with registering, regulating, and overseeing the finances of NGO's and non-Catholic religious groups, which a group of affected organizations filed in 1998.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution specifically recognizes the Roman Catholic Church and grants it legal status. In addition, the Constitution provides that other churches may register for such status in accordance with the law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The law does not include specific provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Sta-

tus of Refugees and its 1967 Protocol; however, the Government has procedures for handling such requests in accordance with these principles.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum has not arisen in recent years. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The President and Vice President are elected every 5 years. The Constitution bars the President from election to consecutive terms. Voting is by secret ballot.

Ten political parties, representing the full political spectrum, fielded 7 candidates in the March 1999 presidential elections. The Government did not restrict opposition participation, and there were no violent incidents during the campaign. Observers found that the vote was without major flaws and proceeded peacefully with fair access to the polls for all. Francisco Flores, the candidate of the ARENA party, won a clear majority in the first round of voting.

In March the country held legislative elections that observers generally reported to be free and fair. The FMLN won a plurality of legislative seats.

Four PAN members were killed in two separate incidents in February prior to the March elections (see Section 1.a.).

There are no laws or overt practices that prevent women from voting or participating in the political and governmental systems; however, women are not accorded equal respect or stature in these areas and are under-represented in government and politics. Women head three ministries (Foreign Affairs, Education, and Environment) and the Social Security Institute, and hold a substantial number of vice- and sub-ministerial jobs. Women represented 49 percent of the registered voters in the March election. In March voters elected 8 women to the 84-seat legislature, a decrease from the previous Assembly's 14 women. One woman sits on the Assembly's 11-member governing board; there were 2 women on the board in the previous legislature.

Minorities, including indigenous people, are not barred from voting or participating in government and politics; however, they are underrepresented.

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

The Government generally demonstrated a willingness to discuss human rights issues and problems with international and domestic NGO's. However, it was sometimes reluctant to discuss worker rights issues with NGO's. Numerous domestic and various international NGO's operated freely. Domestic and international NGO's are required to register with the Government under the terms of the 1996 NGO registration law, and some reported difficulties.

The principal human rights investigative and monitoring body is the Ombudsman for the Defense of Human Rights (PDDH), elected by the Assembly for a 3-year term. The Peace Accords specifically created the PDDH, which was established formally by an amendment to the constitution that defined its role.

Ombudsman Eduardo Penate Polanco resigned in February. The Attorney General had charged him with diverting funds from international donors while he worked in a previous job, and the Legislative Assembly was preparing to remove him from office for negligence. Following his resignation, the office continued its work under an acting Ombudsman while the Legislative Assembly considered other candidates. The office's investigative capacity remained limited due to resource constraints. The institution remained handicapped because the interim official lacked confirmation by the Assembly and therefore did not have the same authority as a permanent ombudsman.

During the year, the PDDH accepted 2,572 complaints of human rights violations. The rights most frequently alleged to have been violated included personal integrity and due process of law; 566 complaints.

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

The Constitution states that all persons are equal before the law and prohibits discrimination based on nationality, race, sex, or religion. In practice, discrimination against women, the disabled, and indigenous people occurs in salaries and hiring. There were some instances of violence against homosexuals.

There were no new developments in the 1999 shooting of a man leaving the office of the domestic homosexual rights organization *Entre Amigos*, or in the telephonic death threats against the director of that organization. There were no new developments in the 1999 murders of transvestite prostitutes "Doris" and Nestor Adonai Marengo (known as "Gloria") nor in the murders of transvestite prostitutes in 1998.

There was no new information in the 1999 case of PNC agents in Chalatenango department charged with hitting, insulting, and threatening six homosexuals.

Women.—Violence against women, including domestic violence, is a widespread and serious problem. The law prohibits domestic violence and provides for sentences ranging from 6 months to 1 year in prison upon conviction. Convicted offenders are prohibited from using alcohol or drugs and from carrying guns. The law also allows the imposition of restraining orders against offenders. Once a taboo social subject, domestic violence increasingly is being recognized publicly and has become a topic for national debate. Government institutions, such as the PDDH, the Attorney General's office, the Supreme Court, and the PNC, coordinated efforts with NGO's and other organizations to combat violence against women through education, government efforts to increase enforcement of the law, and NGO support programs for victims. The National Secretariat for the Family maintains a hot line for victims to report domestic abuse. The Salvadoran Institute for the Development of Women (ISDEMU) received 4,017 cases of domestic violence through August, a number slightly down from the same period in 1999. Incidents of domestic violence and rape continued to be underreported for several reasons: societal and cultural pressures against the victim; a fear of reprisal; poor response to victims by the authorities; fear of publicity; and the belief that cases are unlikely to be resolved. The penalties for sexually aggressive rape are 6 to 10 years in prison. The law does not specifically address spousal rape; however, it could be considered a crime if the actions meet the Criminal Code's definition of rape. The ISDEMU received 277 cases of sexual aggression through August, a slight increase above the same period in 1999.

Prostitution is common. There were credible reports that some women and girls were forced into prostitution (see Section 6.c.).

Women are trafficked to Mexico to work as prostitutes (see Sections 6.c. and 6.f.).

The law prohibits sexual harassment. In May the authorities dismissed a deputy police commissioner for having sexually harassed a female subordinate.

The Constitution grants women and men the same legal rights; however, women suffer discrimination.

Women suffer from cultural and societal discrimination and have significantly reduced economic opportunities. Priority generally is given to male children for schooling, to men for available jobs and promotions, and to sons for inheritances. Women are not accorded equal respect or stature in traditional male-dominated areas such as agriculture and business. On June 15, the Legislature ratified International Labor Organization (ILO) Convention Number 100, on equal remuneration. However, while there is no definitive evidence available, it is widely believed that women often are paid less than men for equal work. The one sector in which there is an exception to this practice is in the export processing zones and in-bond assembly plants, the largest source of new jobs, where women made up 85 to 90 percent of the work force (see Section 6.b.). However, even in this sector, men hold the majority of management positions. Training for women generally was confined to low-wage occupational areas where women already hold most positions, such as teaching, nursing, home industries, and small businesses. The law prohibits pregnant women from working in strenuous occupations after the fourth month of pregnancy (see Section 6.e.).

Several NGO's are engaged in promoting women's rights and have conducted several rights awareness campaigns.

Children.—The Government concentrated more on reducing poverty and promoting family stability through economic growth than in direct expenditure on children's programs. The National Secretariat of the Family solicited public input on a new national policy of comprehensive attention for children and adolescents.

Education is compulsory through the 9th grade (up to age 14). Public education is free through high school, and only a nominal fee is charged to attend the national public university. Rural areas fell short of providing a ninth grade education to all potential students, in part because of a lack of resources and in part because many rural parents withdraw their children from school by the sixth grade to work. UNICEF data from 1998 show that 14 percent of urban children (ages 7–17) and 29 percent of rural children were not attending classes.

The Government worked through state institutions and with UNICEF to promote protection and general awareness of children's rights. However, children continued to be victimized by physical and sexual abuse, abandonment, exploitation, and neglect. The Salvadoran Institute for the Protection of Children (ISPM), an autono-

mous entity, has responsibility for protecting and promoting children's rights. The ISPM estimated that an average of 2,600 children, some abandoned and others victims of mistreatment, stayed in its shelters. For the year, it reported 1,126 cases of physical mistreatment, 267 cases of negligence, and 374 cases of abandonment. All of these statistics were below those for the same period in 1999 when the ISPM reported approximately 1,500 cases of mistreatment, 650 cases of negligence, and 700 cases of abandonment. Using different criteria, the ISDEMU recorded 3,071 cases of abuse during the year, significantly below the 1999 level of 10,070 cases. The difference reflects a change in reporting criteria.

Substance abuse (glue and paint sniffing) was a problem among urban street children. FUNDASALVA, an NGO, provides drug counseling and treatment to minors. In the past, there have been allegations from children's rights advocates that street children suffer from police brutality. The PNC denied these charges and incorporated PDDH human rights training into programs for police units that deal with juveniles.

The ISPM reported 87 cases of sexual abuse, a slight increase from the 1999 figure of 72. A majority of the victims were female. According to the PDDH, over 85 percent of all abuse occurs in schools and at home, and only a small percentage of these cases were reported to the authorities.

The PDDH estimated that 270,000 minors work, most as street vendors (see Section 6.d.). In addition to lost educational opportunities, some of these children fell victim to sexual abuse and were exploited and forced into prostitution (see Sections 6.c. and 6.f.). Between 10 and 25 percent of "visible" prostitutes are minors, and an estimated 40 percent of the "hidden" prostitutes who cater to upper-class clients are believed to be minors, according to a UNICEF study released during the year.

Children, especially those living on the streets, are trafficked to other countries and then forced into prostitution (see Section 6.f.).

Child labor is a problem (see Section 6.d.).

Children from Honduras have been used as beggars to support traffickers in San Salvador (see Section 6.f.).

Infant malnutrition continued to be a problem. A National Family Health Poll, conducted in 1998 and released in December 1999, found that 1.1 percent of children under 5 years of age suffered from grave malnutrition, with an additional 21 percent experiencing less severe malnutrition. The Ministry of Health listed malnutrition as one of the 10 principal causes of infant mortality in the country. The Government has a national plan for infants designed to increase access to potable water, iodized salt, and micronutrients, and to encourage breast feeding, but all of these remain problem areas, especially among the rural poor.

People with Disabilities.—Government efforts to combat discrimination and increase opportunities for the disabled are growing but inadequate, with the exception of the war wounded, who have secured both government and international funding for rehabilitation and retraining programs. In May the Legislative Assembly passed a law mandating that new or renovated public buildings be accessible to the disabled. The law also required businesses to employ 1 person with a disability for every 25 employees, an increase from the preexisting requirement of 1 to 50. Although the Government had not enforced the previous law's employment quota, it brought together dozens of government agencies and nongovernmental organizations to discuss ways to implement the new law effectively. However, the Ministry of Labor has only two persons to handle all issues related to the disabled, and its records are kept on paper files in its regional branches. Therefore, there are no reliable data on the number of disabled persons, nor on how many are employed.

Access by the disabled to basic education was limited due to lack of facilities and appropriate transportation. There was no provision of state services for the physically disabled. Only a few of the Government's community-based health promoters have been trained to treat the disabled, and they rarely provided such service. The Ministry of Health estimated that 10 percent of the population is afflicted by some form of disability. Many disabilities are directly attributable to the civil war. Other contributing factors included lack of prenatal care, misuse of pesticides in food production, malnutrition, auto accidents, and criminal violence.

There were several organizations dedicated to protecting and promoting the rights of the disabled, but funding was insufficient. Foreign funds for badly needed rehabilitation services channeled through the Telethon Foundation ProRehabilitation, a local private voluntary organization, helped address numerous rehabilitation issues and provided alternatives for the education and rehabilitation of the disabled population. A semiautonomous institute, the Salvadoran Rehabilitation Institute for the Disabled, has 10 centers throughout the country and offers medical treatment, counseling, special education programs, and professional training courses to the disabled.

The Government and national and international private and nongovernmental organizations provide its funding.

Indigenous People.—The country is ethnically homogeneous, although a very small segment of the population still claims indigenous status.

The Constitution states that native languages are part of the national heritage and should be preserved and respected. In reality, very few persons speak the indigenous language of Nahuatl. There are no national laws regarding indigenous rights.

Early in the century, facing active repression, most indigenous people adopted local customs and successfully assimilated into the general population, from which they are generally indistinguishable. There are a few very small communities whose members still wear traditional dress and maintain traditional customs to a recognizable degree without repression or interference. There are no special rights for indigenous people; however, they are allowed to make decisions regarding their communal lands just as any other landowners under Article 105 of the Constitution. These small indigenous groups exist in the poorest parts of the rural countryside where employment opportunities are few and domestic violence is a problem.

Indigenous people reportedly earned less than other agricultural laborers. Indigenous women in particular had little access to educational and work opportunities due to cultural practices, lack of resources, and rural underdevelopment. As with the poor rural sector in general, access to land was a growing problem confronting indigenous people. Few possessed titles to land, and bank loans and other forms of credit were extremely limited.

There are some small, active indigenous associations. The largest and best known is the National Association of Indigenous Salvadorans.

Religious Minorities.—There were no new developments in the investigation of the 1999 burglaries at offices of the Lutheran Church.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the rights of workers and employers to form unions or associations, and the Government generally respected these rights; however, there were some problems. There were repeated complaints by workers, in some cases supported by the International Labor Organization's (ILO) Committee on Freedom of Association (CFA), that the Government impeded workers from exercising their right of association.

Union leaders asserted that the Government and judges continued to use excessive formalities to deny applications for legal standing to unions and federations. Among the requirements to obtain legal standing, unions must have a minimum of 35 members in the workplace, hold a convention, and elect officers. In March the Government denied an application from five food industry unions to form a federation, because they allegedly had made procedural errors in their application. In a complaint submitted to the ILO, the unions asserted that the Government had not given them an opportunity, as required by law, to correct the errors in their application. The CFA, in its November report, supported the workers' view, observing that it "deeply regretted" that the Government had not worked to overcome procedural problems that "could easily have been rectified." It criticized the Government, observing that "formalities should not be of such a nature as to impair the free establishment of organizations." In September the unions submitted a complaint to the Supreme Court that remained pending at year's end.

In 1999 the CFA similarly cited the Government for its failure to provide protection or remedy for a number of labor leaders fired in 1998 during the process of privatizing the state-owned telephone company. The finding concluded that the Labor Code imposed excessive formalities for the recognition of a trade union, and found that the application of the law repeatedly was used to refuse legal status to a trade union in the telephone company. The Committee called on the Government to complete the process for recognition of the telecommunications union, amend the Labor Code to remove the excessive formalities that the Committee concluded infringe on the right to form a union, seek to have the two union leaders who had not yet accepted severance pay reinstated, and ensure that future changes of company ownership did not threaten labor leaders or labor organizations.

The Government asserted that the telephone company complied with the labor code by offering a severance payment to the fired workers.

In September the Supreme Court determined that the Government had erred in denying legal standing to the telecommunications union and ordered the Government to grant it legal status. On October 23, the Government complied with the order and granted legal status to the union. However, TELECOM, the privatized successor to the state-owned telecommunications company, dismissed three union leaders in the next 5 weeks. As part of a company restructuring process, it also asked dozens of employees, many of whom were union members, to submit resigna-

tions. Thirteen employees refused, and the company prohibited their entry to the workplace. Telecom petitioned the Ministry of Labor to decertify the union, asserting that the union had failed to follow correct procedures for obtaining legal recognition. In December the Ministry of Labor sought to mediate a mutually agreeable settlement between the parties, but was unsuccessful. The union filed a lawsuit against the company for violating the rights of the union members. At year's end, the suit had not gone to trial, and the Ministry of Labor had not ruled on the company's petition.

There is a small organized labor sector with approximately 150 active unions, public employee associations, and peasant organizations, representing over 300,000 citizens, approximately 20 percent of the total work force. Unions generally are independent of the Government, political parties, and other political forces. The Labor Code prohibits foreigners from holding leadership positions in unions.

By law only private sector workers have the right to form unions and strike; some employees of autonomous public agencies may form unions if they do not provide essential services. Military personnel, police, and government workers may not form unions but are allowed to form professional and employee organizations. Some of the most powerful labor groups are public employee associations. They have the same responsibilities as unions, including calling technically illegal strikes and collective bargaining. The Government negotiated with public employee associations and generally treated their strikes as legitimate, although the Labor Code provides for mandatory arbitration of public sector disputes. The November CFA stated that "denial of the right of association of public service employees to establish unions is an extremely serious violation." The Committee formally recommended that the Government amend national legislation to recognize the right of association of workers employed in the service of the State, with the possible exception of the armed forces and the police. There was one public sector strike during the year (see Section 1.c.).

The law prohibits antiunion actions before a union is registered legally and prohibits the dismissal of workers whose names appear on a union application. The Constitution provides that union officials may not be fired, suspended for disciplinary reasons, removed, or demoted except for legal cause from the time of their election until one year after the completion of their term of office. However, the Labor Code does not require the employers to reinstate them, but requires the employers to provide a severance payment. In practice, some employers dismissed workers who sought to form unions. The Government generally ensured that employers paid severance to these workers. However, the Government did not prevent their dismissal or require their reinstatement.

The Committee on Freedom of Association cited one case in which a private firm blocked the formation of a union by coercing the union founders to resign 1 hour before the union was to be recognized officially (see Section 6.b.).

Unions can only strike after the expiration of a collective bargaining agreement. Unions must first seek to resolve differences through direct negotiation, mediation, and arbitration before striking. To be considered legal, the strike must aim to obtain or modify a collective bargaining agreement and to defend the professional interests of workers. Union members must approve a decision to strike through secret ballot. The union must name a strike committee to serve as a negotiator and send the list of names to the Ministry of Labor, who notifies the employer. The union must wait 4 days from the time the Ministry notifies the employer before beginning the strike.

In June the Supreme Judicial Court determined that the Government's dismissal of striking Social Security Institute workers in 1999 was illegal. In accordance with that ruling, in August the Social Security Institute reinstated 187 of the 219 workers. The remaining workers requested a severance payment in lieu of reinstatement.

The Labor Code prohibits partisan political activity by unions. The unions routinely ignored this prohibition, but the Government took no punitive action against them.

Unions and other labor organizations freely affiliated with international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Labor Code provide for collective bargaining rights for employees in the private sector and for certain categories of workers in autonomous government agencies, such as utilities and the port authority. However, both private sector unions (by law) and public sector employee associations (in practice) used collective bargaining.

The Ministry of Labor oversees implementation of collective bargaining agreements and acts as a conciliator in labor disputes in the private sector and in autonomous government institutions. In practice, ministers and the heads of autonomous government institutions often negotiate with labor organizations directly, relying on the Ministry of Labor only for such functions as officially certifying unions. The Ministry often seeks to conciliate labor disputes through informal channels rather

than attempt to enforce regulations strictly, which has led to charges that the Ministry is biased against labor. Labor leaders assert that the Government had an unfair advantage in arbitration of public sector labor disputes, because the Government holds two of three seats on arbitration panels. (The employer, the workers, and the Labor Ministry each name one representative to a panel.) The arbitration panel for the Social Security labor dispute in March included a representative of the Labor Ministry, although the Labor Minister sits on the governing council of the Social Security Institute. Corruption continued to affect labor inspectors and courts.

The Constitution prohibits discrimination against unions. It provides that union officials at the time of their election, throughout their term, and for 1 year following their term may not be fired, suspended for disciplinary reasons, removed, or demoted except for legal cause. Workers and the ILO reported instances of employers using illegal pressure to discourage organizing, including the dismissal of labor activists and the maintenance of lists of workers who would not be hired because they had belonged to unions.

In reviewing the February firing of 44 union members by the La Salud Dairy, the Ministry of Labor found that the cooperative had the legal right to dismiss the workers. It cited a provision of the Labor Code that allows enterprises to suspend labor contracts when economic conditions require them to reduce their activities; however, the dismissals occurred 1 day before a deadline for completing the renegotiation of a collective bargaining agreement, and in letters to the fired workers, the company cited the union's negotiating position as the reason for the dismissals. Labor representatives stated that, after dismissing the first set of workers, management successfully pressured the 43 remaining members to resign from the union.

There are approximately 220 maquila (in-bond assembly or processing) plants, the majority of which are located in the country's 8 export processing zones (EPZ's). The Labor Code applies in the EPZ's; there are no special EPZ labor regulations.

Most EPZ companies and a large portion of the maquila plants had voluntary codes of conduct promoted by their parent corporations or foreign purchasers. In addition, two EPZ's have their own codes of conducts for all tenants. These codes include worker rights protection clauses. Some companies in the EPZ's provided salaries and on-site benefits (e.g. clinics, cafeterias) competitive with the best private sector enterprises (see Section 6.e.). However, there were credible reports that some factories dismissed union organizers, and there are no collective bargaining agreements with the 19 unions that exist in the maquila sector. The International Confederation of Trade Unions (ICFTU) contended in its annual report that some EPZ workers also suffered low pay, health and safety risks, 12- to 14-hour workdays, and minimal toilet breaks.

In January the clothing assembly factory DOALL reemployed workers that unions alleged it had dismissed illegally when they tried to form a union in 1999. The reinstatements followed pressure from DOALL's major foreign customer and involvement by the Ministry of Labor. In September the Ministry of Labor approved an application for legal standing for a union formed by the rehired workers. The Ministry had denied the union's original application in 1999 based on documentation provided by DOALL showing that the workers had resigned 1 hour before they held the union's constituent assembly. Union officials asserted that company management had falsified the letters of resignation. The Committee on Freedom of Association noted that the Government had not responded to the Committee's queries on this incident which it said included "antiunion acts of discrimination and interference on the part of the company."

In October the Ministry of Labor opened branch offices in EPZ's to make its services more accessible to its users. The Ministry provided the staff, and the EPZ's covered other costs.

In the past, there have been credible accusations that some factories abused their workers, and that some women were not hired because they were pregnant. Workers have reported mistreatment, threats, abuse, and sexual harassment. Although the Ministry of Labor has improved its efforts to increase inspection and follow up on such complaints, it still has insufficient resources to cover all the EPZ's, much less the much larger national private sector.

Although a 1996 law gives the Ministry of Economy the power to withdraw free zone privileges from companies that violate labor regulations, there have been no instances in which this has been used or even threatened publicly. The ICFTU has reported persistent problems facing female employees in EPZ's, including mandatory pregnancy tests and firing of workers who are pregnant (see Section 5).

On October 23, the Government complied with a Supreme Court order to provide legal standing to the telecommunications union (see Section 6.a.).

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, except in the case of calamity and other instances specified by

law, and the Government generally enforces this provision; however, there were reports that women were forced into prostitution (see Section 5).

Although not specifically prohibited by law, forced and bonded labor by children are covered by the general prohibition. There were no reports of their use in the formal sector; however, there was strong evidence that minors have been forced into prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution prohibits the employment of children under the age of 14; however, child labor is a problem. Minors, age 14 or older, may receive special Labor Ministry permission to work, but only where such employment is indispensable to the sustenance of the minor and his or her family. This is most often the case with children of peasant families who traditionally work during planting and harvesting seasons. The law prohibits those under the age of 18 from working in occupations considered hazardous. The law limits the workday to 6 hours for youths between 14 and 18 years of age and sets a maximum normal workweek for youths at 36 hours. The PDDH estimated that 270,000 minors work, most as street vendors.

Orphans and children from poor families frequently work for their own or family survival as street vendors and general laborers in small businesses, mostly in the informal sector (see Section 5.). Children in these circumstances often do not complete schooling through the 9th grade, as the law requires. There were no reports of child labor in the industrial sector. It does not exist in the EPZ's.

The Ministry of Labor is responsible for enforcing child labor laws and made an effort to do so; however, scarce resources and the difficulty of monitoring the large informal sector limited its effectiveness outside the urban formal sector. On June 15, the Legislative Assembly ratified ILO Convention 182 on the elimination of the worst forms of child labor. In September the ILO's International Program for the Elimination of Child Labor (IPEC) opened an office to help develop and support this effort. The Government continued to collaborate with IPEC on projects initiated in 1999. In March IPEC began a project with local NGO's, police, municipal officials, and fireworks producers to take 1,000 children out of the fireworks industry and prevent another 1,000 children from entering. The project includes community awareness programs, increased educational and health care opportunities for children, creation of alternative economic opportunities for families, and increased labor enforcement capacities. Similar programs target children in the coffee and shellfish extraction industries.

The Labor Code does not specifically prohibit forced and bonded labor by children, but they are covered by its general prohibition; however, there were reports that minors were forced into prostitution (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage is set by executive decree based on recommendations from a tripartite (government, labor, and business) committee. The minimum daily wage is \$4.80 (42.00 colones) for commercial, industrial, and service employees; \$3.57 (31.20 colones) plus food allowance for coffee plantation workers; \$2.61 (22.80 colones) plus food allowance for sugar and cotton plantation workers; and \$2.47 (21.60 colones) plus food allowance for all other agroindustrial workers. The minimum wage with benefits does not provide a decent standard of living for a worker and family.

The Ministry of Labor is responsible for enforcing minimum wage laws and generally does so effectively in the formal sector. However, some maquila plants underpaid workers and failed to compensate them in accordance with the law for mandatory overtime.

The law sets a maximum normal workweek of 44 hours. It limits the workweek to no more than 6 days for all workers. It requires bonus pay for overtime. By law a full-time minimum wage employee is paid for an 8-hour day of rest in addition to the 44-hour normal workweek and receives an average of 1 month's wage a year in required bonuses plus 2 weeks of paid vacation. Many workers worked more hours than the legal maximum.

The Constitution and the Labor Code require employers, including the Government, to take steps to ensure that employees are not placed at risk in their workplaces. These laws prohibit the employment of persons under 18 years of age in occupations considered hazardous or morally dangerous, such as bars and billiard halls; the prohibition also applied to hazardous occupations such as agricultural work with poisonous chemicals or factory work with dangerous equipment. The Labor Code prohibits pregnant women from engaging in strenuous physical exertion at the workplace after the fourth month of pregnancy. Health and safety regulations are outdated, and enforcement is inadequate. The Ministry of Labor attempts to enforce the applicable regulations but has restricted powers and limited resources to enforce compliance. Workers in some maquilas expressed concerns about unhealthy drinking water, unsanitary bathrooms, and eating facilities, and inadequate ventila-

tion (problems with dust and heat). Some of the largest plants have dust control, air conditioning, on-site medical facilities, and enforced safety regimes.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, it stipulates that any crime involving “commerce in women or children” automatically carries a 30 percent increase in the prison sentence or fine that otherwise would be imposed for that crime. The Government enforces this provision.

The country is a source of women and children for trafficking in prostitution to Mexico and other countries. There are credible reports that women and children are lured to Mexico by procurers only to be sold to owners of establishments there who then force the trafficked persons to work off the debt as sex workers. According to Guatemalan authorities, street children from El Salvador are lured to border areas with Guatemala where they are then forced into prostitution by organized rings.

According to press reports, Honduran children were brought to San Salvador to beg for their sponsors. The Government investigated and took a number of children into custody. When their parents could not be found, they were turned over to the ISPM.

GRENADA

Grenada is a parliamentary democracy, with a Governor General as titular Head of State. In the January 1999 parliamentary elections, Prime Minister Keith Mitchell's New National Party (NNP) won all 15 seats and formed a new government. Subsequently, one Member of Parliament left the NNP and became the sole opposition member. The elections were conducted openly and fairly and were free of violence. The judiciary is independent.

The 755-member Royal Grenada Police Force is responsible for maintaining law and order. It is controlled by and responsive to civilian authorities. There were occasional allegations of abuse by the police.

Grenada has a free market economy based on agriculture and tourism. The projected annual real economic growth rate was 5.3 percent, compared with about 8 percent in 1999. Per capita gross domestic product was approximately \$3,205.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Violence against women is common. Child abuse is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reported incidents of torture. Flogging, a legal form of punishment, is rare but has been used as punishment for sex crimes and theft cases.

There were no media reports of police brutality during the year. Allegations of police brutality are investigated internally by the police. The Police Commissioner can discipline officers in valid cases of brutality with penalties that may include dismissal from the force. The Police Commissioner has spoken out strongly against police use of unlawful force.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law provides the police with the right to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours. The police adhere to this time limit in practice. If the police do not charge a detainee within 48 hours, they must release the person.

The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There is a functioning system of bail, although persons charged with capital offenses are not eligible. Persons charged with treason may be accorded bail only upon the recommendation of the Governor General.

In January the Government announced establishment of a Truth and Reconciliation Commission with a broad mandate to examine events in the country from 1976 through 1991. The Commission's terms of reference specify the objective of recommending “general amnesty to certain persons who in the opinion of the Commis-

sion have given truthful information during the hearing of evidence." The Commission is expected to review the convictions of former Deputy Prime Minister Bernard Coard and other leaders of the former People's Revolutionary Government for their roles in the 1983 assassination of former Prime Minister Maurice Bishop and his cabinet colleagues. In 1986 a court convicted Coard and 18 other revolutionary leaders of murder and sentenced them to death; subsequently, 2 were pardoned, and the sentences of the remaining 17 commuted to life in prison. Of these, one person was granted parole to undergo medical treatment overseas. At year's end, the Commission was preparing to begin its work.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary, a part of the Eastern Caribbean legal system, is independent. Final appeal may be made to the Privy Council in the United Kingdom. Those arrested on criminal charges are brought before a judge to determine whether there is sufficient evidence to substantiate the charges; if there is, the judge remands the defendant for trial.

The law provides for the right to a fair public trial, and the authorities observe it in practice. There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the advice of legal counsel. A defense lawyer has the right to be present during interrogation and may advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser.

The court appoints attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reach the appellate stage, the court appoints a lawyer to represent the accused if the defendant was not previously represented or reappoint earlier counsel if the appellant no longer can afford that lawyer's services. Due to the backlog of cases caused by a shortage of judges and facilities, up to 6 months can pass before those charged with serious offenses face trial in the High Court. With the exception of persons charged with murder and foreign-born drug suspects, the courts grant most defendants bail while awaiting trial.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the authorities generally respect these prohibitions. The law generally requires judicially issued warrants for searching homes, except in cases of hot pursuit. The Firearms Act of 1968 and the Drug Abuse Prevention Act Number 7 of 1992 contain other exceptions that give the police and security units legal authority to search persons and property without warrants in certain circumstances. In practice police obtain warrants in the majority of cases before conducting any search.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. There are three weekly newspapers, and several other newspapers publish irregularly. One of the weeklies is affiliated with an opposition political party, but the three most widely circulated newspapers are independent and often critical of the Government. The newspapers routinely carry press releases by the opposition parties, including regular weekly columns expressing the opposition parties' views.

There are six radio stations. The main station is part of the Grenadian Broadcasting Network (GBN), a privately owned organization in which the Government holds a minority share. The principal television station is also part of the GBN. A privately owned television station began broadcasting in 1992. A cable television company operates in most areas of the country. All newspapers, radio, and television stations enjoy independence from the State and regularly report opposition views. The television news often carried reports on opposition activities, including coverage of political rallies held by various political parties and candidates, public forums featuring political leaders of each of the major parties, and other public service broadcasts.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assemble for any peaceful purpose, and the Government respects this right in practice. Supporters of political parties meet frequently and hold public rallies; the authorities require permits for the use of a public address system but not for public meetings themselves.

The Constitution provides for the right to association, and the Government respects this right in practice.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country, and all citizens have the right to enter and leave the country, except in special circumstances as outlined in and limited by the 1986 Act to Restrict the Freedom of Movement of Certain Persons. This law allows the Minister for National Security to restrict travel out of the country by any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government; it has not been invoked in the past few years. Anyone so restricted may appeal after 3 months to an independent and impartial tribunal. The Chief Justice appoints an accredited lawyer to preside over such a tribunal.

No formal government policy toward refugee or asylum requests exists. The issue of provision of first asylum did not arise. There were no reports of forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. General elections must be held every 5 years; in January 1999, Prime Minister Keith C. Mitchell's NNP was returned to office, securing all 15 seats in Parliament. Since then one Member of Parliament changed party affiliation to become the single elected opposition member, leaving the NNP with a majority of 14 seats.

There are no restrictions in law or practice on participation by women in government and politics. Four of the 15 elected Members of Parliament are women; there are no women among the 13 appointed Senators. Women account for 7 of the 13 permanent secretaries, the highest civil service position in each ministry; in addition, a woman is the Cabinet Secretary, the highest civil service position in the Government.

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

Local human rights groups operate without government restriction, and the Government cooperates with visits from international human rights organizations. In September Amnesty International established its regional office for the Eastern Caribbean in Grenada.

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

The Constitution prohibits discrimination based on race, place of origin, political opinions, color, creed, or sex, and the Government generally adheres to these provisions.

Women.—Women's rights monitors believe that violence against women remains a serious problem; however, they reported a decrease in such incidents during 1998, and more recent figures were not available. The police state that most cases of abuse are not reported, and others are settled out of court. The law stipulates a sentence of 15 years' imprisonment for a conviction of any nonconsensual form of sex. Sentences for assault against a spouse vary according to the severity of the incident. The Ministry of Women's Affairs was preparing a public relations campaign to increase awareness of the problem of domestic violence. In September 1999, a shelter for battered and abused women and their children opened in the northern part of the island, with medical and psychological counseling personnel on its staff. The home accommodates 20 persons.

Sexual harassment in the workplace is a problem.

There is no evidence of official discrimination in health care, employment, or education. Women frequently earn less than men performing the same work; such wage differences are less marked for the more highly paid jobs.

Prostitution is illegal.

Children.—The Social Welfare Division within the Ministry of Labor provides probationary and rehabilitative services to youths, day care services and social work programs to families, assistance to families wishing to adopt or foster children, and financial assistance to the six children's homes run by private organizations.

Education is compulsory until the age of 16.

Government social service agencies reported a further increase in the number of child abuse cases, including sexual abuse. Abused children are placed either in a government-run home or in private foster homes. The law provides for harsh penalties against those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. Women's organizations and other nongovern-

mental organizations increased their public awareness efforts to recognize and combat sexual abuse of women and children.

People with Disabilities.—The law does not protect job seekers with disabilities from discrimination in employment, nor does it mandate provision of accessibility for public buildings or services. The National Council for the Disabled and the National Children's Home assist the Government in placing disabled students into community schools. The Council also seeks assistance from architects and builders in the construction of ramps at hotels and public buildings, and ramps have been installed at some hotels and government buildings.

Section 6. Worker Rights

a. The Right of Association.—All workers are free to organize independent labor unions. Labor Ministry officials estimate that 35 percent of the work force is unionized. Union leaders play a significant role in the political process, and one labor leader serves in the Senate on behalf of the Grenada Trades Union Council (GTUC).

Workers in the private and public sectors are free to strike, once legal and procedural requirements are met. There were several incidents of industrial action, including brief strikes by teachers, port authority workers, and private sector workers. Workers at the water company and the telephone company briefly employed "work-to-rule" tactics. However, all such actions were short-lived and settled with the intervention of the Labor Commission, the Minister of Labor, or the Industrial Court. All unions are technically free of government control, and none receive government financial support. However, all of the major unions belong to one umbrella labor federation, the GTUC, which is subsidized by the Government. The GTUC holds annual conventions and determines some policies for member unions.

The GTUC and its unions freely affiliate with regional and international trade union groups.

b. The Right to Organize and Bargain Collectively.—Workers are free to organize and to participate in collective bargaining. Legislation requires employers to recognize a union that represents the majority of workers in a particular business. The law prohibits discrimination by employers against union members and organizers. If a complaint of discrimination arises, mechanisms exist to resolve it. After all avenues for resolving a complaint have been exhausted between union representatives and employers, both sides may agree to ask for the assistance of the Labor Commissioner. If the Labor Commissioner is unable to find a resolution to the impasse, the Minister of Labor intervenes and, if unable to reach an agreement, may appoint an arbitration tribunal if both parties agree to abide by its ruling. The law requires employers who are found guilty of antiunion discrimination to rehire dismissed employees, but in most cases the employee accepts the option of compensation. There were no cases of antiunion discrimination reported to the Ministry during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced or bonded labor, including that of children, and it is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is illegal; however, children sometimes work in the agricultural sector. The statutory minimum age for employment of children is 16 years. Inspectors from the Ministry of Labor enforce this provision in the formal sector by periodic checks. Enforcement efforts in the informal sector are lax. The Constitution prohibits forced or bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—There are no minimum wage laws in force. Most workers, including nonunionized workers, receive packages of benefits from employers set by collective bargaining agreements between employers and labor unions. In many cases, overall wages and benefits are not sufficient to provide a decent standard of living for a worker and family. Many agricultural workers earn only about \$5.37 to \$5.55 (EC\$14.50 to EC\$15.00) per day.

The Constitution stipulates that the maximum number of hours per week workers may work is 40. The law does not prescribe a standard workweek, except for the public sector, which is expected to work a 40-hour week Monday through Friday. The normal workweek in the commercial sector includes Saturday morning work but does not exceed 40 hours.

The Government sets health and safety standards, but the authorities enforce them unevenly. Workers can remove themselves from dangerous workplace situations without jeopardy to continued employment.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons. There were no reports that persons were trafficked to, from, within, or through the country.

GUATEMALA

Guatemala is a democratic republic with separation of powers and a centralized national administration. The 1985 Constitution provides for election by universal suffrage of a one-term president and a unicameral congress. On January 14, Guatemalan Republican Front (FRG) candidate Alfonso Portillo replaced President Alvaro Arzu of the National Advancement Party (PAN), following a free and fair December 1999 runoff election. The FRG also holds a majority (63 seats) in the 113-member Congress. Despite significant pledges, the Portillo administration took only limited steps to implement the Peace Accords that the Government concluded with the Guatemalan National Revolutionary Unity (URNG) guerrillas in 1996. The judiciary is independent; however, it suffers from inefficiency, intimidation, and corruption.

The Minister of Interior oversees the National Civilian Police (PNC), created in January 1997 under the terms of the Peace Accords. The PNC has sole responsibility for internal security; however, during the year some members of the predecessor National Police (PN) remained on duty, and awaited mandated training to become PNC officers. There are no active members of the military in the police command structure, but for the past 3 years, the Government has ordered the army to support the police temporarily in response to an ongoing nationwide wave of violent crime. On March 21, Congress enacted a law that enabled the Government to continue this practice. Under the new law, military personnel were not subordinated clearly to police control during joint patrols or operations; however, in practice army units generally were subordinated to police control in situations such as PNC road checkpoints, security deployments around prisons, and deployments in response to reported lynchings. The Constitution requires the Minister of Defense to be either a colonel or a general in the military. On January 14, a bill was submitted that would enable the President to appoint a civilian as Minister of Defense; in June Congress asked the Constitutional Court to determine the constitutionality of the bill. On October 3, the Court ruled that it would be unconstitutional for the President, as Commander in Chief, to name a civilian as the Minister of Defense, with the rank of assimilated general. The President has been slow to carry out his commitment to dissolve the Presidential Military Staff (EMP) and to have its functions taken over by a civilian agency. On October 13, Interior Minister Byron Barrientos announced the creation of a citizen security brigade in Santiago Sacatepequez as a pilot project that may be extended to other parts of the country. Some members of the security forces committed human rights abuses.

The mostly agricultural-based, private sector-dominated economy grew by approximately 3 percent during the year. Coffee, sugar, and bananas are the leading exports, but tourism, textiles, and apparel assembly are key nontraditional export industries. According to a study by the Ministry of Agriculture, 4 percent of producers control 80 percent of the land. About 40 percent of the work force are engaged in some form of agriculture, and subsistence agriculture is common in rural areas. According to the U.N. Development Program (UNDP), between 50 and 60 percent of the population depends on subsistence farming. Officially, inflation was about 5.5 percent during the year, although most observers acknowledge that the official price index does not measure accurately actual price movements. There is a marked disparity in income distribution, and poverty is pervasive, particularly in the large indigenous community. Approximately 83 percent of citizens live in poverty; this figure rises to 90 percent among the indigenous population. According to the UNDP, 59 percent of the population live in extreme poverty. Combined unemployment and underemployment was estimated at 46 percent. Per capita gross domestic product was approximately \$1,600 during the year. Remittances from citizens living abroad continue to grow as a major source of foreign currency.

The Government generally respects the human rights of its citizens in many areas; despite improvements in some areas, serious problems remain in others. Some police officers committed extrajudicial killings. The investigation of the 1998 murder of Catholic bishop and human rights activist Juan Gerardi Conedera neared conclusion, and five defendants, including an army captain, a retired army colonel, and a former EMP specialist, were scheduled to stand trial. In May a nongovernmental organization (NGO) acting as legal representative for 10 communities whose inhabitants were massacred by government forces in the early 1980's filed a criminal suit against the high command of the regime of former President Fernando

Romeo Lucas Garcia, alleging genocide and other crimes. There was one credible report of forced disappearance attributed to the police. There were credible reports that some police tortured, abused, and mistreated suspects and detainees. Despite greater numbers of police officers on duty throughout the country, and less public apprehension about filing complaints against the police, the total number of such complaints remained roughly the same as the previous year. Arrests and administrative sanctions against police officers remained high. In May the Secretariat for Strategic Analysis (SAE), the President's Peace-Accords-mandated civilian think tank, announced that it had discovered a database containing the names and other personal information of over 650,000 persons given to the SAE by Military Intelligence; the database appeared to have been compiled several years earlier. In June an NGO released a two-volume publication about the army and its conduct, personnel, and organization during the internal conflict. Prison conditions remained harsh. Arbitrary arrest and detention and lengthy pretrial detention continued to be problems. Judges and other law enforcement officials are subject to intimidation and corruption, and the inefficient judicial system frequently is unable to ensure fair trials and due process. Efforts to reform the judiciary continued; however, the climate of impunity is a serious problem. The Government achieved convictions in a few important cases involving past human rights violations; however, more often cases remained pending for lengthy periods in the courts as defense attorneys took advantage of the inefficient judicial system and filed numerous, baseless motions and appeals to delay trial. Threats to and intimidation of witnesses, victims, prosecutors, and judges continued to be a serious problem. Although the Government increased the security it provided for judicial personnel and witnesses in key cases, many observers believe that the level of protection still is insufficient. From April to June, the number of threats against judicial personnel, journalists, and human rights workers increased significantly, further contributing to the public's already heightened sense of insecurity. Allegations persisted that the EMP infringed on citizens' privacy rights by monitoring private communications.

The U.N. Verification Mission in Guatemala (MINUGUA) continued to monitor peace implementation and human rights issues. On March 3 and August 9, the Government signed a series of agreements in which it accepted responsibility for a number of human rights cases pending before the Inter-American Commission on Human Rights (IACHR). By December 5, the Government was in negotiation with the IACHR on 79 of 140 pending cases. The Government began to pay reparations in a number of key cases. Violence and discrimination against women persisted, as did societal abuse of children and discrimination against the disabled and the indigenous population. Workers' efforts to form unions and participate in union activities are hindered by an ineffective legal system. Child labor and trafficking in women and children also are problems. Lynchings and mob violence continued, but at a significantly reduced rate, due in part to increased action by the PNC to combat lynchings. The Government conducted anti-lynching campaigns, achieved a very few convictions in past lynching cases, and made numerous arrests; however, fewer than a third of the hundreds of past lynching cases have gone to trial, and at year's end only one person was serving a prison sentence for taking part in a lynching. There was limited progress in the criminal case against a group of armed civilians who held the leaders of the principal banana workers' union at gunpoint in October 1999 and forced them to resign from both their jobs and union positions.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no allegations of politically motivated killings by government agents; however, members of the police committed some extrajudicial killings. The Government demonstrated an increased willingness to arrest and prosecute those responsible and achieved some convictions in high-profile cases; however, in many cases, the scarcity of law enforcement resources and a weak prosecutorial and judicial system prevented the Government from adequately investigating killings and other crimes or arresting and successfully prosecuting perpetrators.

The number of reported extrajudicial killings continued to decline. The office of the Human Rights Ombudsman (PDH), which generally compiles data based on personal interviews with victims and their families, reported 13 complaints of extrajudicial killings during the year, compared with 16 complaints in 1999 and 32 complaints in 1998. Based on 20 complaints alleging 21 extrajudicial killings in the 9-month period between October 1, 1999, and June 30, MINUGUA investigated 15 cases and confirmed 13. It reported 27 such complaints in the first 9 months of the year.

MINUGUA's 11th Human Rights Report, released on August 31, noted a number of extrajudicial killings by members of the PNC. Many of these cases involved accidental discharges of weapons, drunken misbehavior by on- or off-duty officers, questionable crowd control techniques, or poor judgment by officers who lost control of unstable situations involving angry crowds or persons resisting arrest. Other cases presented signs of premeditation and malicious intent. In many of these cases, there was effective investigation by both the PNC's Office of Professional Responsibility (ORP) and the prosecutors of the Public Ministry; however, in some cases, there was credible evidence of a coverup by PNC officers, the ORP, or both.

On February 5, PNC officers without a warrant conducted a sting operation against street vendors of pirated music recordings in an outdoor market in Guatemala City. When a confrontation ensued with angry vendors, a combined patrol of additional police and army units was called to provide backup. As the situation deteriorated, police forces fired their weapons into the air to regain control of the crowd that had gathered. During the confusion, street vendor Francisco Ixcoy Osorio was shot and killed; other persons present were injured. The authorities investigated the killing and arrested several suspects. On June 5, the Public Ministry accused six PNC officers and three army soldiers of homicide. The PNC officers claimed that colleague Alfredo Saso Perez killed Osorio and that two of their superiors—Commissar Virgilio Ramos and Chief of Operations Diones Arriaza Solis—used death threats and false testimony to organize a coverup to impede the Public Ministry's investigation. In June the judge released the accused on bail and provisionally closed the case due to lack of evidence. The Public Ministry appealed this decision, arguing that a case should be pursued against Ramos and Arriaza, and that Saso Perez should be arrested. The Fourth Appellate Court rejected the appeal; however, the Public Ministry continued its investigation, and hoped to reopen the case if new evidence is found.

On March 6, in San Jose Acatempa, Jutiapa, Byron Florian Yanez and Jose Mendez Interiano, two police officers in a PNC patrol car, shot off-duty PNC officer Sergio Barahona Arana from behind and killed him. MINUGUA found that the local PNC falsified its report of the incident, in which it claimed that Barahona had a gun in his hand when he died and that there had been a shootout with the other police officers. There was credible evidence that police later conducted searches and fired weapons into the front of a school building to simulate a gun battle as part of their coverup. MINUGUA also cited evidence that the ORP participated in the coverup by altering its investigative report. Florian Yanez was a fugitive until he was found dead of a gunshot wound on May 31 in Jutiapa. On April 5, the authorities arrested Mendez Interiano; he was in jail awaiting trial at year's end, accused of participating in the coverup. In addition, the Police Commissioner of Jutiapa has not collaborated with the Public Ministry prosecutor in the case; he refused to turn over photographs of the crime scene and the weapons used in the crime.

On April 19, in Coban, Alta Verapaz, Denis Fredy Cucul Tun argued with PNC officers about the fact that his car was parked in a street that was to be cleared for a religious procession. Officer Rolando Salvador Rubio Choc took Cucul to the opposite side of the street, held him against a wall at arm's length, and shot him in the chest at pointblank range, killing him. Hearing the shot, a crowd quickly gathered and sought to lynch Rubio, who fled to the nearby police station. An ORP investigation quickly established Rubio's responsibility for the killing, despite his argument that his weapon accidentally discharged, and he was jailed while the Public Ministry conducted its investigation and prepared to go to trial. MINUGUA confirmed in its 11th report that PNC officers had tried to cover up the facts of the case and impede the Public Ministry's investigation. MINUGUA also noted that Rubio had violated PNC protocols by carrying a weapon that was loaded and contained unauthorized expanding cartridges.

In some cases, detainees or prisoners died while in the custody of PNC officers or Criminal Investigation Service (SIC) detectives, apparently due to torture or abuse (see Section 1.c.).

On March 11, detainee Luis Armando Colindres was found dead in his cell at a PNC substation in Zone 12 of the capital, apparently the victim of strangulation. The PNC claimed that Colindres hanged himself, but the forensic report found injuries consistent with a struggle to resist being strangled. A judge ordered the detention of PNC officers Santos Medardo Recinos Moran, Elman Avigail Garcia Pineda, and Jeremias Santiago Godoy Ramos on charges of homicide. On June 7, the judge granted a defense motion to modify the charges to material document fraud (because PNC reports were altered) and abandonment of duty and released the defendants on bail. A Public Ministry appeal of these decisions was pending at year's end.

Although most cases from past years remained unresolved, there were some convictions during the year for past extrajudicial killings by members of the security

forces. In contrast to 1999, there were fewer judicial setbacks in human rights cases. At year's end, trials continued in several high profile cases. In many other cases of past extrajudicial killings, there was little or no progress, often due to the tactics of defense attorneys who frequently abused the legal system by filing dilatory motions to derail impending trials against their military clients.

The investigation entered its final stages and pretrial preparations began against five defendants in the April 1998 murder of Bishop Juan Gerardi Conedera, the Coordinator of the Archbishop's Office on Human Rights (ODHAG). President Portillo promised in his inaugural address that all state institutions would cooperate fully in the investigation. Bishop Gerardi was killed just 2 days after his public delivery of the final report of the "Recovery of Historical Memory" project, which held the military and its paramilitary allies responsible for more than 90 percent of the human rights violations committed during the 36-year-long internal conflict. After 2 years under Public Ministry witness protection, on January 17, former indigent Ruben Chanax Sontay gave additional testimony before Judge Flor de Maria Garcia Villatoro in which he implicated several individuals in Gerardi's murder. Based largely on Chanax's new testimony, on January 21, Judge Garcia issued arrest warrants for five suspects: Retired army Colonel Byron Disrael Lima Estrada; his son, army Captain Byron Miguel Lima Oliva; former EMP Specialist Jose Obdulio Villanueva Arevalo; Father Mario Leonel Orantes Najera; and former parish house cook Margarita Lopez. (Lopez, who was charged with being an accessory after the fact, had been detained briefly in 1998 and then released.) Lima Estrada, Lima Oliva, and Margarita Lopez were arrested on January 21, followed by Villanueva on January 22. On February 9, Father Orantes, who had been arrested and charged with the murder in October 1998, then released in February 1999, secretly returned to the country and immediately checked into a hospital, claiming that his health was too poor to be sent to jail. On February 15, Judge Garcia granted Orantes permission to remain in the hospital, based on a court-ordered medical examination that confirmed his health problems.

Shortly after Villanueva's arrest, his defense attorney presented evidence indicating that he was actually in prison in Antigua on the night of Gerardi's murder, completing the final days of his prison sentence for the 1996 killing of Pedro Sas Rompich. On February 25, Judge Garcia released Villanueva, based on this new information and a lack of Public Ministry evidence to the contrary. On March 15, lead prosecutor Leopoldo Zeissig released the results of a handwriting analysis that demonstrated that Villanueva had not signed personally for his EMP paychecks in prison for several months, including at the time of the Gerardi murder. (Villanueva had remained on the EMP payroll while serving his prison sentence.) In early April, Zeissig also produced a former cellmate of Villanueva's, Gilberto Gomez Limon, who testified that Villanueva frequently was allowed to leave prison, including on the night of the Gerardi murder. This new evidence convinced Judge Garcia to order Villanueva's rearrest, which occurred on April 7.

On March 16, Judge Garcia ruled that prosecutors had presented sufficient evidence against Margarita Lopez to send her case to trial on charges of participating in a criminal coverup. Also on March 16, Zeissig filed charges against navy Captain Carlos Rene Alvarado Fernandez for falsifying Villanueva's signatures on his paycheck receipts and lying to conceal the fraud. On March 21, another court-ordered medical exam confirmed that Father Orantes should continue to spend his pretrial detention in the hospital. In April Judge Garcia ruled that Father Orantes must face trial on charges of murder, based largely on Chanax's testimony and contradictions in Orantes' own statements. On April 24, Chanax left the country under Public Ministry witness protection due to concerns for his safety.

On April 26, the Catholic Church was granted status as a private plaintiff in the case. ODHAG, as the Church's legal representative, gained the right under the law to present witnesses and other evidence at trial and to prosecute the accused alongside the Public Ministry prosecutors. On May 9, the Fourth Court of Appeals agreed with defense attorneys representing Father Orantes and Margarita Lopez that ODHAG did not have sufficient "juridical standing" to act as private plaintiff in the case against them. However, the ruling did not apply to ODHAG's participation in the case against the three military suspects.

On May 18, Judge Garcia charged the three military suspects, Lima Estrada, Lima Oliva, and Villanueva, with the extrajudicial execution of Bishop Gerardi. The charge of "extrajudicial execution," unlike the charge of murder, generally is reserved for members of security forces on active duty, although Lima Estrada was not on active duty in 1998. The judge's decision was based largely on the testimony of witness Ruben Chanax Sontay, which placed all three military defendants at or near the crime scene on the night of the murder. In late July, witness Juana del Carmen Sanabria, the former administrator of Bishop Gerardi's parish house, left

the country due to death threats. A total of seven judges, prosecutors, and witnesses have left the country due to threats and intimidation in the case. On August 1, Lima Oliva was involved in a disturbance in prison and was injured slightly. He claimed that other inmates were trying to kill him, but the other inmates claimed that he started the fight and was trying to take control of the cellblock. During the scuffle, several items, including a planner/organizer, disappeared from Lima Oliva's cell and later were found in the possession of Public Ministry prosecutors, whom Lima Oliva accused of masterminding the disturbance for the purpose of "stealing" the documents. On August 7, Judge Garcia granted conditional freedom to Margarita Lopez, allowing her to await trial under house arrest rather than in prison. Another court-ordered medical exam in August confirmed that Father Orantes' poor health required that he remain hospitalized.

After one judge recused herself for a supposed friendship with Lima Estrada and another resigned after being challenged for bias by ODHAG, in July a three-judge panel to hear the case at trial was constituted, with Judge Eduardo Cojulum presiding, joined by Judges Jazmin Barrios and Carlos Chin. A number of appeals and motions filed by the defense attorneys in July and August delayed the trial against all five defendants from October until early 2001. Prosecutors acknowledged publicly that they are pursuing a political motive theory for the upcoming trial, arguing that Gerardi was killed by current or former members of the military with the assistance of Father Orantes and Margarita Lopez. MINUGUA confirmed multiple complaints by Judge Garcia and other judicial colleagues, prosecutors, witnesses, and ODHAG staff of numerous threats and acts of intimidation, including telephone threats, electronic surveillance, and observation by unknown individuals following them on foot or in vehicles (see Sections 1.e. and 4).

Negotiations continued regarding indemnification for the family of Pedro Sas Rompich, who was killed in 1996 by Jose Obdulio Villanueva Arevalo, while Villanueva was acting as a bodyguard for then-President Arzu. Villanueva has since served a commuted prison sentence for the killing and spent most of the year in jail as one of five suspects in the murder of Bishop Gerardi. A court-ordered damages award to be paid by Villanueva to the victim's survivors remained pending.

On April 28, the Supreme Court of Justice (CSJ) annulled an appellate court's December 1999 verdict in the Xaman massacre case, in which an army patrol entered a refugee-returnee community at Xaman, Alta Verapaz, in October 1995, killing 11 persons and injuring 30 others. The Appellate Court had found 15 members of the patrol innocent and resentenced the remaining 10 members to 12-year prison sentences. The prosecutor had appealed the Appellate Court's decision, feeling that the sentences were too lenient. The CSJ decision remanded the case back to the trial court for a retrial. At year's end, the case continued to be delayed by appeals that must be resolved before the retrial can begin. The original trial was the longest in the country's history and was marked by numerous death threats and acts of intimidation against judges, prosecutors, witnesses, and family members of the victims.

Two former police officers sentenced to death in 1996 in the so-called Patrol No. 603 case remained on death row pending the outcome of several appeals by their defense attorney. The case stems from a 1995 murder and attempted murder in what appeared to be a "social cleansing" operation, in which persons deemed socially undesirable (e.g., gang members, local delinquents, or convicts released from prison) are found murdered in circumstances suggesting that the killing was planned and carried out by an organized group. Similarly, there was no progress in the related case before the IACHR.

The August 1994 killing by police of four workers at La Exacta farm remained under investigation, and the criminal case remained suspended. The parties continued to seek a resolution through the IACHR's amicable settlement procedures. Negotiations continued regarding a settlement of the pending labor court charges, with intervention from the Labor Ministry and the Presidential Human Rights Commission (COPREDEH) to install a Conciliation Court to resolve the dispute. The Center for Legal Assistance in Human Rights (CALDH) continued to represent the families of the deceased, the injured, and those who lost their jobs and homes during the illegal eviction. On August 9, President Portillo signed an agreement with the IACHR in which the Government acknowledged its responsibility for failure to provide justice in the case and promised both to pay reparations and pursue renewed criminal investigations against those responsible for the violence.

An appellate court ruling remained pending in the case of the 1994 murder of Constitutional Court president Epaminondas Gonzalez Dubon. Both the prosecution and defense appealed aspects of the May 1998 murder conviction of Marlon Salazar and Roberto Antonio Trabanino, who were serving 27-year prison sentences for the crime at year's end. A third suspect, Mario Rene Salazar, remained at large. On August 8, another suspect implicated in the Gonzalez Dubon murder, Elser Omar

Aguilar, was found dead in the trunk of a car in Guatemala City. His body showed signs of torture. In February an appellate court reaffirmed the 14-year jail sentence for narcotics trafficking imposed in July 1999 on former Lieutenant Colonel Carlos Rene Ochoa Ruiz, widely suspected of being the intellectual author of the Gonzalez Dubon murder.

Defense attorneys in the case of the murder of anthropologist Myrna Mack Chang continued to file appeals in order to delay the proceedings, and the courts continued to fail to resolve those appeals in a timely manner. In January 1999, Judge Henry Monroy ordered a trial of the three high-ranking military officers accused of ordering the 1990 murder: Retired General Edgar Augusto Godoy Gaitan, Colonel Juan Valencia Osorio, and Colonel Juan Guillermo Oliva Carrera. A trial originally scheduled for early in the year was delayed by appeals filed by defense attorneys. On March 27, Myrna Mack's sister, Helen Mack Chang, met with CSJ representatives to learn why there had been no decision regarding a defense appeal filed on November 4, 1999, nearly 5 months earlier (the law sets a 30-day time limit for resolving such appeals). CSJ representatives had no answer at that March 27 meeting, but on March 29, they announced that they actually had issued a decision in the appeal on March 23. That decision denied the appeal and fined the defense attorney approximately \$130 (1,000 quetzals) for filing a frivolous appeal. On March 31, the defense attorney filed another appeal, this time of the CSJ's March 23 decision. On May 8, that appeal was recognized by the Constitutional Court, which set a May 11 date for a hearing on the merits. However, the Court still had not resolved the appeal at year's end. EMP member Noel de Jesus Beteta, who confessed to the killing, continued to serve a 30-year sentence. On March 3, the Government signed an agreement with the IACHR in which it accepted responsibility for Myrna Mack's murder as well as the denial of justice and proposed an amicable settlement, which was refused by Helen Mack. A commission composed of a Guatemalan jurist and an international expert was established under IACHR auspices to monitor due process in the case.

In November the Government reached a settlement with the InterAmerican Court of Human Rights to pay reparations to the survivors of the 1990 killing of three street children—Julio Roberto Caal Sandoval, Jovito Josue Juarez Cifuentes, and Anstraun Villagran—and two indigent adults, Federico Clemente Figueroa Tunchez and Henry Giovanni Contreras, by police officers (see Sections 4 and 5). In December 1999, the Court ruled that there was sufficient evidence that police officers Samuel Rocaél Valdes and Nestor Fonseca were responsible for the deaths. The Court also ruled that the Government failed to protect the rights of the victims and provide them with justice.

On August 9, the Government signed an agreement before the IACHR in which it accepted responsibility for its failure to provide justice in the unresolved disappearances in 1989 of 10 university students, 5 of whom were later found dead, and pledged to negotiate an amicable settlement with the victims' survivors, including reparations and criminal prosecution of those responsible.

On August 11 and 12, the Inter-American Court held hearings to set the amount of compensation owed to the families of the victims in the "white van" case; the Court's decision remained pending at year's end. Separately, the Government also offered to enter into settlement negotiations with the victims' survivors. In March 1998, the Court had found the Government liable in the case, in which members of the now-disbanded Treasury Police kidnaped and then either released or killed 11 persons in 1987/88.

In the case of the 1982 military massacre at Dos Erres, Peten, prosecutors secured relocation abroad for two key witnesses and their families in exchange for their testimony against their former army comrades. On March 17, former army Sergeants Favio Pinzon Jerez and Cesar Franco Ibanez testified before a judge about the massacre of more than 200 unarmed civilians on December 6–8, 1982, in the village of Dos Erres. In their testimony, they implicated several former comrades and gave detailed accounts of the massacre, before departing the country under witness protection from the Public Ministry. Based on their testimony, prosecutors obtained arrest warrants against 16 former members of the implicated army patrol. Defense attorneys eventually contested 10 of those arrest warrants, arguing that their clients should be protected from prosecution by the National Reconciliation Law, which grants limited amnesty for certain acts committed during the internal conflict. The Constitutional Court granted temporary injunctions against the arrest warrants so that the petitions could be decided on their merits. On July 7, an appellate court found the petitions to be without merit and denied them. The defense appealed that ruling to the Constitutional Court, where a decision remained pending at year's end. The PNC did not execute six of the arrest warrants, nor did they present the warrants to the military, even though many of the suspects still were on active duty

at the time. On December 4, the prosecutor publicly urged the PNC to act on the warrants of four military suspects, including Vicente Alfonso Bulux, Santos Lopez Alonzo, and Fredy Antonio Samayoa Tobar.

Army Sergeant Major Manuel Pop Sun, who was arrested in April and later released under a temporary injunction, remained the only individual to have been arrested in the Dos Erres case by year's end. On June 14, Pop Sun appeared at the MINUGUA offices claiming that the army had imprisoned him in a military hospital, kept him drugged with antipsychotic medications, and was trying to kill him because of his knowledge of the Dos Erres massacre. Pop Sun offered his testimony to prosecutors in exchange for witness protection, but later jumped from a second-story window and fled from Public Ministry protection. Prosecutors stressed that Pop Sun was free to depart at any time, as his participation in the witness protection program was voluntary. His odd behavior raised speculation about the true intent of his offer to testify, and he remained a suspect in the case at year's end. In its 11th Human Rights Report issued in August, MINUGUA noted the presence of Military Intelligence observers when it tried to interview Pop Sun at the Military Medical Center. MINUGUA also found that Pop Sun had been overmedicated while in the military hospital and concluded that his treatment there amounted to torture and abuse.

On March 3, the Government signed an agreement before the IACHR in which it recognized its institutional responsibility for the Dos Erres massacre. Represented by COPREDEH, the Government pursued settlement negotiations with the victims' survivors, who were represented by two NGO's—Families of the Disappeared in Guatemala (FAMDEGUA) and the Center for Justice and International Law. In those negotiations, the Government agreed in principle to prosecute aggressively the material and intellectual authors of the massacre, pay for reparations and other community assistance for the survivors, create a historical document that recounts what happened at Dos Erres, and erect a memorial in honor of the victims. Those negotiations continued at year's end, with reparations as the central focus. On December 1, in accordance with recommendations of both the IACHR and the Inter-American Court, the Government created a Special Commission to Locate and Identify Families and Victims of the massacre at Dos Erres. On December 7, a monument to the victims of the Dos Erres massacre was erected at the cemetery of the Aldea Las Cruces.

On February 1, an appeals court in Coban substituted 50-year prison sentences for the death penalties handed down by a trial court in October 1999 against three former Civilian Defense Patrol (PAC) members in the March 1982 massacres at Rio Negro and Agua Fria, two villages in Rabinal, Baja Verapaz. The Appeals Court gave the three defendants, Carlos Chen, Francisco Gonzalez Gomez, and Fermin Lajuj, 30 years in prison for each of the two murders proven at trial, for a total of 60 years' imprisonment; however, the law sets the maximum prison sentence at 50 years. In June a survivor of the Rio Negro massacre, who was adopted and raised by a foreign family, returned for the first time. She was reunited with surviving members of her family and called on the Government to provide reparations for the impoverished survivors of the conflict-era massacres.

On May 2, CALDH filed a lawsuit on behalf of 10 communities in Quiche and Chimaltenango whose citizens were massacred by government security forces between October 1981 and March 1982, resulting in over 850 deaths. The suit alleges crimes, including genocide, committed by high command of the regime of former President Fernando Romeo Lucas Garcia. In addition to Fernando Lucas Garcia, the suit also names his brother (and former army Chief of Staff) Benedicto Lucas Garcia and former Defense Minister Luis Rene Mendoza as defendants. By the end of the year, prosecutors had made significant progress in their investigation. The suit is the first genocide case to be brought in a Guatemalan court and is a precursor to a similar suit that CALDH plans to file against the regime of former de facto President and current President of Congress Efraín Ríos Montt.

There was no apparent progress in recapturing 12 former PAC members convicted in 1999 for the 1993 killing of Juan Chanay Pablo in Colotenango, Huehuetenango, and then freed in April 1999 from a police station by a crowd armed with sticks, machetes, homemade explosives, and smoke bombs. Although arrest warrants were issued to recapture the escapees, they remained at large despite credible reports that they had returned to their home region of Colotenango and were being protected by former PAC comrades. There also was no progress in the investigation of Brigadier General Luis Felipe Miranda Trejo, the alleged intellectual author of the crime, who was elected to Congress in the November elections and therefore enjoys legislative immunity from prosecution. According to the Government, amicable settlement negotiations between the Government and the victim's survivors, mandated by the IACHR, neared completion by year's end. The Government continued to pro-

vide security for several human rights activists in Colotenango in accordance with a resolution of the Inter-American Court.

The Supreme Court ordered the Public Ministry to conduct a new investigation into the 1993 murder of newspaper publisher and former presidential candidate Jorge Carpio Nicolle and three associates. Suspect Francisco Ixcoy Lopez, former PAC member, remained at large, despite the fact that the Carpio family had located him at one time and informed the authorities of his whereabouts. The criminal case remained open, but the Public Ministry made no efforts to advance the case and the victim's family withdrew the charges. The case before the IACHR for the Government's failure to provide justice remained pending at year's end, as did a motion to send the case forward to the Inter-American Court. The family of Jorge Carpio requested that the IACHR authorize that the case be taken up by the Court, since they believed that justice was not being served in the Guatemalan courts. The Commission's decision was pending at year's end.

On January 31, a court convicted former PAC member Vicente Cifuentes Lopez of homicide in the 1985 murder of American journalist Nicholas Blake and sentenced him to 28 years' imprisonment. In May police and prosecutors located three other suspects in the case in the remote Cuchumatanes Mountains; however, the Government made no effort to recapture the suspects and they remained at large at year's end. On March 30, the Government paid restitution of \$161,000 (1 million quetzals) to Blake's survivors as mandated by the Inter-American Court.

On February 15, an appeals court upheld the November 1999 trial verdict in which former military commissioner Candido Noriega was found guilty of six murders and two cases of manslaughter and sentenced to 220 years in prison. On August 24, the CSJ rejected a similar appeal and upheld both the guilty verdict and the 220-year sentence. (In 1996 the Penal Code was modified to extend the maximum sentence for murder from 30 to 50 years' imprisonment. Because the case began prior to this change, the commuted death sentence for the two murder convictions is for 30 years.) There was no progress in the court-ordered investigation of Noriega's alleged accomplice, Juan Alesio Samayoa, or in the investigation of military officers who served at the so-called Base 20 in Quiche in 1982, the suspected intellectual authors of some or all of Noriega's actions.

On August 28, a court acquitted Lazaro Obispo Solorzano Lopez and Henry Orlando Hernandez Montepeque of the May 1999 kidnaping and murder of oil refinery businessman Edgar Ordonez Porta. Neither prosecutors nor the private plaintiff, the victim's brother Hugo Ordonez Porta, pursued a serious case against the accused during the trial; instead, Hugo Ordonez presented witnesses and evidence that asserted that members of Military Intelligence may have committed the murder. Ordonez also claimed that Military Intelligence conducted a parallel investigation that significantly interfered with the official investigation and may have led the Public Ministry and the PNC into conspiring in a coverup. Also on August 28, the trial court acknowledged the parallel investigation and interference, ordered a new investigation, and left the case open with respect to additional suspects, including several high-ranking military and police officials, as well as the former prosecutor in the case. The motive for the killing remained unclear. During the year, the Attorney General named Leopoldo Zeissig as prosecutor; he was reviewing testimony at year's end.

There was no progress in the 1997 killing of congressional Deputy Joel Salomon Mendoza Pineda and his nephew. The court case against two former congressional deputies was dismissed, and there was no case pending against the former mayor of Escuintla, a suspected intellectual author. In August 1998, the court of appeals upheld the 50-year prison sentence for the four persons convicted of the murder. In October 1999, the CSJ upheld the immunity of Alfred Reyes and Gueillermo Deominguez and determined that the evidence against the legislators was insufficient to oblige them to go to trial.

On June 1, the National Security Archive, an NGO, publicly released its two-volume publication entitled "The Guatemalan Military: What the United States Files Reveal." Volume One is a database of Guatemalan military officers and the positions they held during the internal conflict. Volume Two is a compilation of over 50 key declassified documents said to be representative of the thousands of documents collected during the group's "Guatemala Documentation Project," which was begun in 1994 to support the Historical Clarification Commission's efforts to catalog the devastation of the 36-year internal conflict. Human rights activists viewed the report largely as a tool to determine the responsibility of individual military officers for specific human rights abuses during the internal conflict.

There was little progress in the investigations into the "military diary," an apparently genuine military intelligence dossier that documented the abduction, torture, or killing of 183 persons by security forces during the 1983-85 period. The National

Security Archive had released that document publicly in May 1999. The Government responded by appointing 35 prosecutors to handle the cases and a supervising prosecutor designated with overall coordination. Public Ministry investigators made slow progress during the year and learned that some of the victims named in the document still were alive and living either in the country or abroad. The unit that compiled the document has not yet been identified.

Exhumations of clandestine cemeteries continued throughout the year. Most of the bodies recovered have been those of victims of military or paramilitary killings in the 1980's. Forensics groups use the information obtained from the exhumations to verify eyewitness reports of massacres, of which 669 were recorded by the Historical Clarification Commission, and to determine, at least in general, who might have been responsible. Forensic research and DNA testing have identified some of the remains. The forensic evidence has been used in some criminal cases. During the year, ODHAG's Forensic Anthropology Unit exhumed bodies from eight sites in Alta Verapaz, Quiche, Santa Rosa, Huehuetenango, and San Marcos. As of September, workers at these sites had found 419 skeletons and identified 28. By the end of August, the forensic team of the Office of Peace and Reconciliation of the Quiche Diocese conducted excavations of 44 sites in Quiche, where they exhumed a total of 95 human remains, of which 19 were infants and none were identified. Twelve of these sites (containing 28 remains) were found within the grounds of the Joyabaj Parochial Convent, which served as a military detachment headquarters during the 1980's. Threats and intimidation against persons working on exhumations continued, but at lower levels than in previous years. ODHAG reported attempts by landowners to prevent exhumations on their property and, in some cases, suspected clandestine cemetery sites had been disturbed just prior to their investigation. At the end of the year, ODHAG's forensic anthropology unit had ceased work while waiting for a change in funding. Through August the Forensic Team of the Office of Peace and Reconciliation of the Quiche Diocese conducted exhumations at 44 different clandestine cemeteries throughout Quiche department.

In October the prosecutor requested that the judge close the case of the clandestine cemetery alleged in 1999 to be on the grounds of a former Mobile Military Police (PMA) facility. An October 1999 excavation failed to produce any human remains. There was little progress in the investigation into metal fragments found at the site that prosecutors believe were once license plates used during clandestine operations. The delays were due in part to the January resignation of prosecutor Fernando Mendizabal, who feared reprisals from the new FRG-led Government for his role in the investigation into the nationwide smuggling ring led by Alfredo Moreno.

In December press reports suggested that the Guatemalan Forensic Anthropology Foundation (FAFG) recently unearthed the remains of 20 persons in a clandestine cemetery located near San Martin Jilotepeque, Chimaltenango, in what was used as a military post from 1982 to 1986. FAFG staff reportedly believe that the cemetery is one of at least seven in the area.

The criminal case filed in Spain in December 1999 by indigenous leader and 1992 Nobel Peace Prize laureate Rigoberta Menchu Tum against eight former military and civilian leaders for human rights abuses committed during the 36-year internal conflict was not heard by the court. The suit alleged that the defendants, including former de facto President and current president of Congress Efraín Ríos Montt, former President and retired General Fernando Lucas García, former de facto President Oscar Humberto Mejía Victores, and five other defendants were responsible for "crimes against humanity," including genocide, torture, and terrorism. The suit cited 3 cases—the 1980 assault on the Spanish Embassy in which more than 30 persons died, the killing of Menchu's mother and 2 siblings, and the killing of 4 Spanish priests over the course of the conflict.

On April 29, Spanish Judge Guillermo Ruiz Polanco denied the third motion in 4 months by Prosecutor Pedro Rubira to dismiss the Menchu suit. This motion was based on the argument that the cases presented by Menchu effectively were adjudicated by the signing of the Peace Accords in 1996, which ended the internal conflict. (The earlier motions had contested Spanish jurisdiction in the case.) During the year, Judge Ruiz Polanco called several witnesses to testify in Spain, including Congresswoman Nineth Montenegro, former Spanish Ambassador to Guatemala Maximo Cajal, former Historical Clarification Commission member Alfredo Belsells Tojo, and Jesuit author Ricardo Falla.

Early in the year, several organizations and individuals attempted to join the Menchu suit, sometimes trying to add numerous additional crimes and defendants. For example, in April Human Rights Ombudsman Julio Arango attempted to join the suit with additional complaints against Lucas García and Mejía Victores. Similarly, in April the human rights NGO the Mutual Support Group (GAM) added 8

additional defendants from the Vinicio Cerezo Arevalo regime to the Menchu suit, accusing former civilian and military leaders of the extrajudicial killings of 53 university student leaders between 1984 and 1990. In May the family of one of the four Spanish priests whose murder constitutes part of the Menchu complaint joined the suit. On December 13, the Spanish court decided not to hear the case. The decision was based in part on the fact that it was not clear that justice in the case could not be achieved in Guatemala, since a genocide case had yet to be tried by the Guatemalan court system.

Attorneys for Mejia Victores made little progress in their counter-charges against Menchu in Guatemalan criminal court, in which they accused her of treason, violating the Constitution, and failing to report a crime by filing charges in a Spanish court rather than a Guatemalan court. In early August, the Spanish court denied a request by prosecutor Candido Bremer for a copy of Menchu's complaint, which Bremer intended to use in his investigation of Mejia Victores' accusations against Menchu. In response, Menchu filed a brief with the Guatemalan court in which she defended her right to file the Spanish lawsuit, based on Guatemala's international treaty obligations that provide for the extraterritorial prosecution of crimes against humanity and genocide. The press reported in November that the counter-suit brought against Menchu in Guatemala by attorneys for Mejia Victores had been closed.

Menchu and various staff members of her human rights NGO, the Rigoberta Menchu Tum Foundation, have been targeted with numerous death threats and other acts of intimidation since the lawsuit was filed in Spain. The number of death threats against Menchu increased sharply in April and May, as it did generally among the human rights community and journalists (see Sections 2.a. and 4.).

Intimidation of witnesses continued to be a problem, although at less than 1999 levels; there were no reports of the killing of witnesses. For example, two witnesses in the Bishop Gerardi murder case, Ruben Chanax Sontay and Juana del Carmen Sanabria, left the country due to threats and intimidation. Several potential witnesses were intimidated in the case of murdered Zacapa Municipal Workers Union leaders Robinson Morales Canales and Angel Pineda. Several witnesses in the Ordonez Porta case also were threatened.

There were some allegations of politically motivated killings by nonstate actors during the year, and the authorities demonstrated a willingness to investigate these murders. In some of these cases, there was insufficient evidence to conclude whether or not the killing was politically motivated.

On June 22, Oswaldo Monzon Lima, Secretary General of the 90member Union of Gasoline Transport Drivers in Escuintla, was killed. His body, shot once in the back, was found on June 23 in a thicket across the highway from his abandoned tanker truck. Since 1998 Monzon Lima had been involved in an ongoing dispute with his employer at the time, president of the Association of Fuel Transporters Mario Ortiz Barranco. In 1998 Monzon Lima had filed a complaint with the police that Ortiz had threatened to have him killed, based on a suit in the labor courts alleging that Ortiz had fired illegally three union leaders within weeks of the union's formation. In addition, Monzon had presented the Ministry of Energy and Mines with a file that outlined irregularities in Ortiz's conduct of his gasoline transportation business, including his use of forged permits and licenses. On June 19, Monzon refused to accept a settlement offer from Ortiz in the suit over the illegal firings. He was murdered 3 days later. By September the Public Ministry's investigation was proceeding normally with Ortiz as the primary suspect.

On February 29, Erwin Haroldo Ochoa Lopez and Julio Armando Vasquez, two environmentalists working for the National Council for Protected Areas (CONAP), a governmental environmental protection agency, were killed outside a restaurant in Puerto Barrios, Izabal. MINUGUA noted serious mishandling of the crime scene, including the fact that police would not allow firemen to administer first aid to the victims, who still were alive when firemen first arrived on the scene, but who died shortly thereafter. The Public Ministry's investigation eventually focused on retired army Colonel Sergio Otoniel Ponciano, who owned a private security firm and a ranch in a protected area. In August the authorities arrested Ponciano and charged him with murder. Separate investigations by SIC detectives and Public Ministry prosecutors underscored the lack of coordination between these two organizations on both the local and national levels.

In October Maura Ofelia Paniagua Corzantes, civil law coordinator for the law clinic at San Carlos, was murdered. She was in charge of receiving criminal complaints, particularly complaints of violence against women, on behalf of the University, which is recognized under domestic violence law. The day before Paniagua was killed, someone came to the door to see her; her maid told the person that she was not available and the person went away. The following day the same person re-

turned and shot her repeatedly. At year's end, the Public Ministry was investigating the case to determine a motive and suspect for the killing.

On March 2, on a road near Coban, Alta Verapaz, four armed men attacked a group of attorneys, judicial personnel, representatives of the Human Rights Ombudsman's office, and farmers, leaving three persons dead and three wounded. The group was travelling to a meeting where it planned to mediate a dispute between ranchers and small farmers over the use of a new road. PNC officers later arrested rancher Hermelindo Caal Rossi and an unidentified minor for the killings. The case was under investigation by the Public Ministry at year's end.

On May 4, Jose Anancio Mendoza Garcia was found dead in a well in Camotan, Chiquimula. His body showed signs of multiple injuries that indicated that he was murdered. Mendoza Garcia was a former New Nation Alliance (ANN) candidate for mayor in Camotan, as well as a local leader of the Council of Ethnic Communities Runujel Junam (CERJ), a prominent indigenous human rights organization. There was no clear motive for his killing, but Mendoza's CERJ and ANN colleagues concluded that his murder was politically motivated. There was little progress in identifying a motive or a suspect by year's end.

There were some trials resulting in convictions for past cases of politically motivated killings, but many cases remained unresolved, including the 1999 murders of Zacapa Municipal Workers Union leaders Robinson Morales Canales and Angel Pineda.

On July 27, a court convicted former Santa Cruz mayor Silverio Perez de Leon and former city council member Justo Lopez and sentenced them each to 50 years' imprisonment for their roles as intellectual authors of the May 1998 murder of acting mayor Luis Yat Zapeta. Former treasurer Cayetano Alvarez Velasquez was found innocent. Prosecutors convinced the court that the crime was committed in revenge for Yat's successful effort to remove Perez de Leon from office on charges of corruption. An appeal of the trial court's verdict was pending at year's end. Bernardino Zapeta Vicenta, Tomas Zapeta Ixcoy, and Manuel Pacajoj Mejia, the suspected material authors of the killing, were in jail for an unrelated robbery.

In the case of murdered Retalhuleu Prosecutor Shilvia Jerez Romero de Herrera, on August 7, the 7th court of appeals upheld the death sentence handed down by a trial court in October 1999 against Agosto Negro gang member Tirso Roman Valenzuela Avila. In that decision, the appeals court modified the trial court's verdict with respect to Jorge Ever Lopez Monroy, to whom it also gave the death penalty, and Waldemar Hidalgo Marroquin and Jaime Raul Quezada Corzo, each of whom received 50-year prison sentences for the May 1998 murder. They previously had been set free by the trial court. The CSJ upheld the death sentence for Valenzuela Avila and upheld the 50-year sentences for the other three defendants.

Prosecutors determined that the January 1999 killing of alleged gang member Olman Alexis Viera Rodriguez, and the May 1999 murder of New Guatemalan Democratic Front (FDNG) leader Roberto Gonzalez Arias were not politically motivated.

Prosecutors continued to investigate the 1999 murders of Zacapa Municipal Workers Union leaders Robinson Morales Canales and Angel Pineda, both of whom had protested labor rights violations and corruption in the Zacapa mayor's office. Prosecutors made no apparent effort to continue to investigate former Zacapa Mayor Carlos Vargas y Vargas, his driver, or his bodyguard, who were believed widely to be the intellectual and material authors of the murders. On February 3, police arrested Carlos Anibal Paz Gordon, a former employee of a company owned by persons close to Mayor Vargas, as the suspected material author of the crime. Paz Gordon's alleged accomplice, Carlos Ramiro Mende Aldana, remained at large at year's end. Paz Gordon's trial originally was scheduled to begin on February 15, but was delayed by a change in the prosecutor and a series of pretrial evidentiary motions and hearings. On October 5, the court convicted Paz Gordon and sentenced him to 20 years' imprisonment. Several other Zacapa Municipal Workers Union members claimed to have received death threats, as did several key potential witnesses. MINUGUA reported in 1999 that the prosecutors in Zacapa seriously mishandled several aspects of the investigation against the material authors.

Six months after the May 1999 abduction and killing of Tomas Tol Salvador, an FDNG leader in Quiche and human rights activist for the CERJ and for the Council of Ethnic Communities, an indigenous organization, the courts finally ordered the January 18 exhumation of an unidentified body. The body was confirmed to belong to Tol Salvador. No suspects were identified and no clear motive had been established by year's end; the case remained under investigation.

In the May 1999 killing of former Judge Herberto Zapata Gudiel, prosecutors requested provisional closure of the case while they gather additional evidence against primary suspect Elmer Ezequiel Hernandez Salazar. In addition prosecutors ruled

out the possibility that Zapata might have been involved in narcotics trafficking. The case still was pending at year's end. Two presumed suspects were identified, but the judge provisionally closed the case against them pending the discovery of further evidence.

The investigation into the July 1999 murder of Mayan priest Raul Coc Choc remained provisionally closed for lack of evidence, although prosecutors continued their investigation. Coc Choc was a leader of the National Association of Mayan Priests; members of the board reported that he had received numerous death threats over the telephone prior to his murder. The Public Ministry has accused Julian Chonay Buc and Josefina Cristal Costop of the crime, but the judge provisionally closed the case for lack of evidence. The Public Ministry has requested a reconstruction of the crime scene in order to reopen the trial.

There were no further developments in the investigation into the August 1999 murder of sociologist Maria Ramirez Sanchez. Because Ramirez was an employee for the same organization as anthropologist Myrna Mack when the latter was killed for political reasons in 1990, media and human rights groups speculated that Ramirez's murder also was politically motivated. However, by the end of the year, prosecutors still had not established a motive or identified the possible killers; the investigation continued.

A heightened sense of public insecurity fueled by a deteriorating violent crime situation and a rash of threats against journalists, human rights workers, and judicial personnel, contributed to some allegations of social cleansing operations. During the first half of the year, a number of corpses were found in and around Guatemala City with signs of torture and violent death, including decapitation. Nearly all of the corpses were young males, many with gang-style tattoos, causing some human rights observers to suspect that the Government was conducting a social cleansing operation against gang members or other criminals. Others argued that the deaths were the product of an inter-gang turf war, possibly related to narcotics trafficking. In its 11th Human Rights Report, MINUGUA noted apparent social cleansing operations in Siquinala, Escuintla, in which armed groups kidnaped, tortured, or killed several individuals.

Prison authorities reported that on May 8, convicts Gumerindo Lopez Salazar and Elvin Arnulfo Sosa Flores escaped from prison and killed a guard in the process. The next day, Lopez's dead body was found in a river with signs of torture and mutilation. A preliminary autopsy by a forensic doctor from the judiciary concluded that the victim had been murdered—a conclusion that was discarded by the Public Ministry in a follow-up autopsy by its own doctor. In addition it was unclear whether Lopez's death might have preceded the time at which he was alleged to have escaped from prison, thereby raising doubts as to whether the escape might have been faked to camouflage an extrajudicial killing. In its 11th Human Rights Report, MINUGUA concluded that the Public Ministry did not thoroughly pursue the investigation in its initial stages.

In 1999 ODHAG and CALDH brought criminal charges against former leaders of the Guerrilla Army of the Poor (EGP) for the alleged killings of five former EGP guerrillas. The charges were initiated after relatives of EGP members who had disappeared in the early 1980's broke off negotiations with former EGP leaders aimed at determining the whereabouts of the remains. CALDH later halted the legal process after negotiations resumed. In August ODHAG reported that the case remained in the investigation phase, with an exhumation planned in Nicaragua to search for the bodies of the EGP members, based on information received from potential witnesses. According to ODHAG and CALDH, at year's end the case was suspended at the request of the victims' families.

The number of attempted lynchings and resultant deaths decreased significantly during the year, and the PNC deterred a number of lynchings. However, popular frustration with the inability of the Government to control crime and of the courts to assure speedy justice, as well as a tradition of extrajudicial repression of crime during years of military rule, led to continued lynchings and mob violence. Since MINUGUA began tracking lynchings in 1996, it has recorded a total of 337 cases. Of these, 75 cases have gone to trial, and 17 sentences have been handed down. Of these sentences, 7 were acquittals and 10 were guilty verdicts. By year's end, only one individual had actually begun to serve a prison sentence. MINUGUA reported 52 lynchings during the year (including 24 lynchings and 28 attempted lynchings), which resulted in 32 deaths and 83 persons injured. These figures are significantly lower than in 1999, when there were 105 lynchings (71 lynchings and 34 attempts), resulting in 48 deaths and 188 persons injured. There were fewer lynchings during the first half of the year; this was attributed by many observers primarily to the elections and the new Administration's early period in office, and in part to increased PNC deployment in rural areas and greater intervention by the PNC and

other authorities. While the police were successful in rescuing some victims of mob attacks, many observers agree that their efforts to deter or prevent lynchings would benefit greatly were the organization to establish more effective ties with indigenous communities (see Section 5). MINUGUA has noted that lynchings increasingly are planned and premeditated events. There continued to be some cases in which municipal officials or other local leaders were involved in lynching attempts. As in past years, mobs generally killed the victims for either property-related crimes or suspected membership in criminal gangs. The large majority of the attacks took place in rural areas in the mostly Mayan communities of the western and central highlands. Generally these were communities where, during the internal conflict, PAC's were accustomed to conducting populist summary hearings in the town square and then publicly executing alleged criminals or guerrillas.

On April 29, approximately 500 residents of Todos Santos Cuchumatán, Huehuetenango, stoned to death a Japanese tourist and burned to death his Guatemalan tour-bus driver. The incident apparently resulted from local fears based on rumors that a satanic group intended to hold a conclave in the area at that time. Authorities reacted quickly, eventually arresting a total of 13 suspects. On August 13, three of the suspects were accused formally of murder and assault; the investigation continued at year's end, with no date set for the trial.

On July 8, a crowd trapped eight men at a roadblock near Xalbaquiej, Chichicastenango, Quiché. The victims were pulled from their vehicles, doused with gasoline, and burned to death because they were suspected of running guns and drugs. Authorities quickly identified and issued arrest warrants for 12 suspected ringleaders of the mob. Representatives of 30 surrounding communities threatened unspecified retaliation against the Government should any arrests be made in the case; at year's end, the PNC had not executed the warrants.

While the justice system has been slow to convict and imprison perpetrators of lynchings, the Government has demonstrated an increased willingness and ability to investigate and prosecute lynching offenders. There were numerous arrests and several convictions against lynch mob leaders during the year. On May 25, a court sentenced four men to 41 years and 8 months in prison each for a 1999 lynching of two victims in Chisec, Alta Verapaz. On May 10, three individuals received 30-year prison sentences and on June 2, one vigilante was sentenced to 50 years in prison and two others were given 33-year sentences for an October 1997 lynching in Comitancillo, San Marcos. On December 19, the Sentencing Tribunal of Solola condemned Diego Tzaj Cuc to 50 years in prison on two 25-year counts of murder for the January 1997 lynching in Nahuala of Cristóbal Tambriz Ixtama and Diego Crisostomo Coti Gómez. The conviction came after the Solola district prosecutor appealed a June 14 decision which found Tzaj Cuc not guilty. The Ninth Appellate Court agreed with the prosecution and ordered a retrial at which Tzaj Cuc was convicted. Three other suspects in the case were awaiting trial at year's end: Francisco Boluz López, Cruz Sojom Coti, Alonzo Tulul Guarchai and Francisco Traj Tay. At year's end, 10 men and 1 woman were scheduled to stand trial for the June 1997 lynching of 9 persons in Barreneche, Solola.

With the assistance of MINUGUA, the Government inaugurated a new anti-lynching campaign targeting those specific areas where lynchings have occurred. During the year, about 50 workshops had been held in rural towns, and these towns had not seen a recurrence of lynchings at year's end. In conjunction with the program's inauguration, CSJ President José Quesada Fernández strongly denounced lynchings in a public statement and pledged support and protection for judicial personnel who are threatened by the local populace when lynching perpetrators are brought before the courts. In addition the National Tourism Institute (INGUAT) promotes a campaign that includes educational workshops to prevent lynchings. The PNC developed an antilynching operational plan that outlines procedures for officers to follow when confronted with lynchings. There were some criticisms that the PNC has yet to meaningfully deploy its operational plan or take advantage of officers who speak indigenous languages to build relationships with the communities that they police. Some observers also have criticized national antilynching campaigns as lacking sufficient focus or coordination with rural communities.

Despite improvements in the Government's response to deter lynchings and punish those responsible, growing public feelings of insecurity in the face of an ongoing wave of violent crime led many communities to form Local Security Councils—as provided for in the Law on the National Civilian Police—to protect themselves from criminal activity. These organizations were created primarily in Quiché department, with others believed to exist in Baja Verapaz, Solola, Huehuetenango, and San Marcos departments. At a November press conference, PNC director Rubio Leccas Merida announced that the Councils would be implemented in 31 municipalities as a measure to extend the effectiveness of the police. In addition there were

unconfirmed reports that armed groups not covered by the Council statute have organized in numerous other communities. There also were unconfirmed reports that these unregulated, uncontrolled groups were responsible for killings, torture, and social cleansing operations. There continued to be concerns that former PAC members sometimes are involved in lynchings.

b. Disappearance.—There was one credible report of forced disappearance attributed to police forces.

On May 7, plainclothes PNC and SIC agents detained Adolfo Carrillo Leiva, Rigoberto Pineda Agustin, and Mynor Pineda Agustin in San Benito, Peten. During interrogation for suspected participation in a kidnapping, the suspects were blindfolded and driven to a remote location, then threatened, beaten, and tortured. They returned to San Benito without Mynor Pineda, and his whereabouts were unknown as of June 30, suggesting a forced disappearance. A MINUGUA investigation indicated that PNC and SIC members tried to frame the three suspects for the kidnapping by falsifying evidence and documents. In addition the police apparently drove the suspects to the scene of the crime in order to claim that they caught the suspects in the act. The Public Ministry made no serious attempt to investigate or solve the crime. A writ of habeas corpus submitted on May 10 was answered by the judge in the San Benito Criminal Court, but did not produce Mynor Pineda or any information regarding his whereabouts.

There was no progress in the February 1998 disappearance of Francisco Gonzalez Vasquez, which was attributed to two Zacapa police officers. Despite an August 1998 arrest warrant for the arrest of Inspector Marvin Rolando Gomez Noguera on charges of “abuse of authority and threats,” he never has been arrested. The PNC transferred him to a position in Tecun Uman, San Marcos (on the other side of the country).

The PDH’s office reported 10 complaints of forced disappearance during the year, compared with 12 in 1999, and 18 in 1998. MINUGUA reported two complaints of forced disappearance during the year, compared with one in 1999 and one in 1998.

There was one credible report of a politically motivated disappearance. On April 7, University of San Carlos (USAC) Professor Mayra Gutierrez Hernandez disappeared. The human rights community and Gutierrez’s family and friends concluded that her disappearance was politically motivated, due to her social activism and political activities, which included social research into international adoptions, women’s rights, and a range of human rights causes. They also accused prosecutors of sabotaging the investigation by pursuing inaccurate theories that Gutierrez was an active member of a guerrilla organization and either left voluntarily or was kidnapped by her guerrilla comrades. These theories were repeated publicly by high-level Government officials, including then-Interior Minister Guillermo Ruiz Wong, thereby adding fuel to suspicions of a rightwing conspiracy. During its own investigation, MINUGUA found evidence that persons associated with military intelligence were spreading rumors and other misinformation to divert the official investigation, while persons close to Gutierrez inexplicably altered or removed valuable evidence and gave false information to Public Ministry prosecutors. Nevertheless, there were strong indications that the Public Ministry’s investigation was neither thorough nor objective. On November 28, the NGO Grupo de Apoyo Mutuo requested a special mandate from the CSJ to conduct an investigation into the case due to the lack of information that has been made available to date by the authorities. On December 7, the Supreme Court granted the PDH the status of special investigator in the case until February 2001.

Disappearances in high-profile cases from recent years remained unresolved at year’s end. For example, there was no progress in the investigation into the April 1999 disappearance of prominent indigenous leader and FDNG party member Carlos Coc Rax. Nor was there progress in the disappearance cases of Arnoldo Xi, an indigenous- and peasant-rights activist who reportedly was shot and abducted in March 1995; Lorenzo Quiej Pu, a human rights activist who disappeared in January 1994; and Juan Jose Cabrera (“Mincho”), the guerrilla commander reportedly captured by the EMP in 1996 while taking part in a kidnapping.

On August 10, ODHAG released its report on children missing since the armed conflict. The report stated that of the documented cases, 86 percent were of “forced disappearances” and the remaining 14 percent were attributable to diverse causes associated with the conflict, such as communities fleeing attack. Of the documented cases of forced disappearances, the military was responsible for 92 percent of the cases; PAC’s were responsible for 3 percent; guerrilla forces were responsible for 2 percent; and the remaining 3 percent could not be attributed to anyone. In 68 percent of the forced disappearances, boys and girls were taken directly to a military post of one kind or another. Approximately 93 percent of the victims were Mayan children, the majority of whom were between 1 and 4 years old.

The fate of guerrilla leader Efraín Bamaca Velásquez, who disappeared following a March 1992 clash between army and URNG forces, remains unknown. On December 5, the Inter-American Court ruled that the Government was guilty of violating Bamaca's personal liberty and integrity, and his rights to life, to juridical personality, and to legal protection. It further found that in the case, the Government violated international human rights conventions, specifically the Convention against Torture. The Court ordered the Government to investigate, publicly identify and try those responsible, and award damages for its violations.

There was no apparent progress in the 1998 criminal case filed by Adriana Portillo Bartow for the 1981 abduction and disappearance of her two children and four other members of her family. The lawsuit named former Interior Minister Donald Álvarez Ruiz, former National Police Director German Chupina Barahona, and Pedro García Arredondo, the former chief of Commando Seis (a plainclothes police urban counterinsurgency force) as defendants. García Arredondo was reelected as mayor of Nueva Santa Rosa in the November 1999 elections and therefore has immunity from prosecution.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the integrity and security of the person and prohibits physical or psychological torture of prisoners; however, there were credible reports of torture, abuse, and other mistreatment by members of the PNC, although at decreased levels from the previous year. These complaints typically involved the use of excessive force during arrests, interrogations, or other police operations. SIC detectives continued to torture and beat detainees during interrogation to obtain forced confessions. The Government and the PNC showed increased willingness and ability to investigate, prosecute, or otherwise punish officers who committed abuses. The PNC transferred cases of alleged torture to the Public Ministry. There was a significant increase in the number of murder victims that demonstrated signs of torture or cruel treatment, in such diverse locations as the Peten, the border with Honduras, Escuintla, and Guatemala City, which led some observers to suspect social cleansing operations (see Section 1.a.).

The PDH's office reported no complaints of torture during the year, compared with four in 1999 and two in 1998. In its 11th Report on Human Rights, MINUGUA investigated 13 complaints of torture, of which 12 were confirmed. The majority of these cases involved abuse or mistreatment of suspects and detainees by PNC officers or SIC detectives. The PNC sometimes punished the use of excessive or illegal force by officers, but more often offenders merely were transferred to a different location. In several cases, there was credible evidence that PNC officers and their superiors altered documentation, falsified evidence, bribed and intimidated victims and witnesses, or otherwise obstructed the investigation and prosecution of police misconduct. Some PNC officers accused of crimes evaded punishment by fleeing justice. On November 25, the PNC director said that the organization has "zero tolerance for illegal acts or for human rights abuses on the part of police officers." Through the end of October, 215 PNC officers had been dismissed from duty, while another 537 officers were under investigation in the courts.

On February 3, PNC officers in Nueva Santa Rosa, Santa Rosa, arrested Juan Carlos Zepeda Herrera for public drunkenness. Several neighbors witnessed the arrest, but when Zepeda's father went to the police station to inquire about his son, a senior officer denied knowledge of the arrest. The next day, Zepeda was found in the bottom of a 15-meter deep ravine with several broken bones and other serious injuries. The ORP and Public Ministry concluded that the arresting officers were responsible, but little progress had been made on the case against them by the end of the year.

On February 9, Augusto Marroquín Carreto was taken from his cell in the Quetzaltenango detention center by SIC detectives and interrogated about his alleged involvement in the death of another prisoner. The detectives beat and tortured him until he confessed. Several high ranking PNC and SIC officers attended the interrogation. On February 5, SIC officers from Quetzaltenango tortured Pablo Albani Edelman Bethancourt and Alex Guillermo Reyes Monterroso into confessing their membership in a gang of car thieves by asphyxiating them with rubber hoods and beating them.

On February 13, in Jocotenango, Sacatepequez, Carlos Samayoa Olayo was arrested inside his home and beaten severely by PNC officers who did not have an arrest warrant. He was taken to jail despite signs that his health was deteriorating quickly. Eventually, he was taken to a hospital, where part of his intestine was removed surgically due to injuries he sustained from blows to the stomach. PNC officers falsified his arrest documentation to justify their use of force and hide the fact that they had arrested him illegally. A judge freed Samayoa and the PNC initiated

disciplinary proceedings against the responsible officers, but the Public Ministry's investigation failed to produce criminal charges by year's end.

Casa Alianza reported that although the number of incidents of abuse of street children roughly was equal to 1999 levels, relatively few incidents were committed by members of the security forces. Most acts of violence against street children were committed by individuals, by private security guards, or in gang- and drug-related violence among street children. Casa Alianza reported only one case of abuse of street children by PNC officers, in which several officers were alleged to have threatened and intimidated five street children. Prosecutions and convictions for crimes against street children continued to be very rare.

There were no reports that police used excessive force in evictions of landless peasants occupying farms in attempts to gain land during the year. Because of violent confrontations in the past, the Government continued its policy of securing an eviction order from a court, informing the occupiers of the coming eviction, and sending in a lightly armed police contingent to end the occupation by using dialog and verbal persuasion. The Ministry of Government carried out numerous evictions without incident during the year using this policy. Despite these improved tactics, on March 7, police and squatters clashed during an eviction near Villa Nueva, when police used tear gas to subdue rock-throwing squatters. In a similar operation, police also clashed with squatters in the Peten on December 11. Some 21 persons were injured as violence broke out during the eviction of about 300 squatter families. Police used tear gas to disperse the crowd. The public continued to experience difficulty in demonstrating or securing legal title to land, and some progress was made toward genuine land reform. On April 27, the parastatal Fontierras signed a \$31 million loan agreement with the World Bank to provide property titles to landowners in the Peten department. Cooperation between the parastatals Fontierras and Contierra brought together the related functions of land purchases with that of resolving land conflicts, which are at the root of a great deal of rural violence and lynchings (see Section 1.a.). The alliance resolved 89 such conflicts during the year. The issuing of land titles by Fontierras has affected approximately 5,400 families; the estimated demand for these services is estimated at 55,000 families.

Corruption continued to be a problem, and there were credible allegations of involvement by individual police officers in criminal activity; contrary to the previous year, there were no credible allegations of police involvement in kidnappings. The authorities arrested some police officers and continued to take action against officers found to have engaged in illegal activities, referring some violations to the criminal justice system rather than simply imposing administrative punishments. However, some observers claimed that rather than discipline its officers the PNC often just transferred them to a different part of the country. Transfers are a common practice and are used to avoid personal problems, corruption, and questions of mistreatment of detainees. Impunity for police who commit abuses remained a serious problem.

All PNC members were required to meet minimum education requirements and pass an entrance examination. Former PN staff who wished to integrate into the PNC must complete successfully a 3-month retraining course. According to MINUGUA, there are 1,200 former PN employees who have yet to receive training. There also were screening procedures to detect suspected human rights violators and officers involved in criminal activities. New recruits had to complete a 6-month training course before entering on duty. The training course, developed with the assistance of MINUGUA, foreign countries, and international organizations, includes extensive human rights components. However, some observers claimed that the retraining course was not sufficiently rigorous and that relatively few members of the PN were screened out during retraining, allowing the incorporation of some poorly qualified PN members into the ranks of the new PNC.

Pursuant to the Peace Accords, former members of the military were eligible to apply for positions in the PNC but were required to apply like other civilians and complete the 6-month training course required of all civilian applicants. However, the Government incorporated some former members of the military and the former PMA into the ranks of the PNC upon the completion of only the shorter course intended for current members of the PN. A total number of 10,144 officers from prior security forces have taken the retraining course since its inception. The former PMA members were not subjected to a competitive selection process but were screened carefully before they were allowed to enter the program. Although government plans called for 20,000 PNC members to be on duty around the country by the end of 1999, resource constraints limited that number to about 16,700 by year's end. According to a June MINUGUA report, PNC officers covered 307 of 331 municipalities. Approximately 39 percent were new recruits, and 61 percent were inducted from existing organizations. Approximately 10 percent of the force is female. In August a class of 999 new recruits graduated from the Police Academy.

The PNC's Office of Professional Responsibility (ORP) handles internal investigations of misconduct by police officers. Despite greater numbers of police officers on duty throughout the country, and less public apprehension about filing complaints against the police, the total number of such complaints remained roughly the same as the previous year. There were signs that the ORP increased its independence, professionalism, and effectiveness, despite limited experience and resources. However, there were isolated cases in which ORP investigators appeared to participate in coverups of police misconduct. The ORP received a total of 1,581 complaints during the year, compared to 1,517 complaints for 1999. There were 222 complaints of abuse of authority, 104 of robbery, 43 of homicide, 141 of corruption, 108 of improper conduct, 107 of threats, and 72 of illegal detention. In cases where sufficient evidence suggested that criminal acts were committed, ORP investigators forwarded them to the Public Ministry for further investigation and prosecution. Between January and the end of October, the PNC fired 215 officers. By year's end, charges were brought against a total of 594 officers. At the end of the year, the ORP had closed 870 cases, compared to 153 cases in 1999. The investigations found 345 officers culpable and exonerated 525 officers. Most observers still considered the PNC to be a significant improvement over the PN.

In 1998 the PNC accepted some 60 police candidates from indigenous communities in the Ixil region—approximately 30 of whom graduated on their first attempt—to ensure that PNC personnel in those communities would be proficient in the local language and able to operate effectively in those communities. According to MINUGUA, approximately 7 percent of PNC officers speak an indigenous language. However, it appears that a very high percentage of officers that do speak indigenous languages work outside of the geographic area of their particular linguistic competency.

No active members of the military serve in the police command structure, but on March 21, Congress enacted a law enabling the Government to employ the army to continue to support the police temporarily in response to an ongoing nationwide wave of violent crime. In 1998 and 1999, President Arzu had ordered the army to support the police temporarily. While these measures were popular politically, given the public's preoccupation with crime and security, they left open the possibility of renewed military involvement in internal security functions, a role prohibited by the Peace Accords. Under the new law, military personnel are not subordinated clearly to police control during joint patrols or operations.

There has been only modest progress in the case of Sister Dianna Ortiz, who was kidnaped, tortured, and sexually abused by a group of armed men in November 1989. The prosecutor on the case, Braulio Guzman, renewed his efforts to finalize the investigative phase of the trial despite logistical constraints. The court is empowered to close the case for lack of evidence should nothing further be submitted.

Prison conditions remained harsh but generally not life threatening. There was at least one death in the prison system that caused observers to suspect social cleansing by government agents (see Section 1.a.). The prison system continued to suffer from a serious lack of resources, particularly in the areas of prison security and medical facilities. In November the Government reported that prison capacity nationwide was 6,170 persons and that there were approximately 6,700 inmates. The majority of the prisoners are not serving prison terms but are being held in pretrial detention. Pretrial detainees often are separated from convicted criminals. Many are released either on good behavior or because they never are sentenced. Some institutions were overcrowded; for example, in August the Preventive Detention Center for Men in Guatemala City was approximately 75 percent over its designed capacity. In February a project to improve prison infrastructure began, involving improvements to fences and walls to prevent further escapes and installation of better water, electricity, sanitation, and emergency systems. In the spring, a new maximum security facility opened. Prisoners continued to complain of inadequate food. Corruption—especially drug-related—was widespread. Prison officials reported frequent escape attempts and other manifestations of prisoner unrest. According to press reports, in December approximately 1,100 prisoners temporarily took control of the interior of the main detention facility in Guatemala City, calling for better living conditions and access to visitors. The frequency of jailbreaks continued to be a matter of serious public concern, although the number of successful escapes appears to have declined. Several escaped convicts eventually were recaptured. The military continued to provide perimeter security for various prisons, as it has done since 1998.

The 433 female prisoners in the penal system generally are held in facilities separate from men. Immigration detention facilities do not always keep female detainees separate from the male population. In August one woman claimed that she had been

raped while in detention; however, she declined to cooperate with authorities willing to investigate. The Government permitted access to prisons by family members.

Minor children are held in separate detention facilities. According to a December MINUGUA report, there are only five juvenile delinquent facilities in the country; approximately 39 percent of the children housed in these facilities have sought protection and have committed no offense.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, there were frequent credible reports of arrests without judicial warrants, illegal detentions, and failure to adhere to prescribed time limits in legal proceedings. In practice, arresting officers frequently fail to satisfy legal requisites. The Constitution requires that a court-issued arrest warrant be presented to a suspect prior to arrest unless he is caught in the act of committing a crime. Police may not detain a suspect for over 6 hours without bringing the case before a judge. Once a suspect has been arraigned, the prosecutor generally has 3 months to complete his investigation and file the case in court. The law also provides for access to lawyers and bail.

There are no comprehensive, reliable data on the number of arbitrary detentions, although most accounts agree that the security forces routinely ignored writs of habeas corpus in cases of illegal detention. The PDH reported 46 complaints of illegal detention during the year, compared with 20 in 1999 and 18 in 1998. From October 1999 through June, MINUGUA investigated some 31 cases of illegal or arbitrary detention, and confirmed 23. According to a December MINUGUA report, approximately 95 percent of arrested children were arrested by authorities without a warrant.

Government figures indicated that approximately 61 percent of those incarcerated are awaiting trial. The law sets a limit of 3 months for pretrial detention; however, longer detentions still occurred routinely. Prisoners often were detained past their legal trial or release dates. Prisoners sometimes were not released in a timely fashion after completing their sentences due to the failure of judges to issue the necessary court order or other bureaucratic problems.

The Constitution prohibits exile, and it is not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial system often fails to provide fair trials due to inefficiency, corruption, insufficient personnel and funds, and intimidation of judges, prosecutors, and witnesses. The courts' response to human rights violations, as well as to general criminal activity, has been inadequate, although during the year the Government achieved convictions in a few important human rights cases from previous years. However, many high-profile human rights cases remained pending in the courts for long periods as defense attorneys abused the system by employing numerous dilatory appeals and motions, for which they rarely were sanctioned. Courts sometimes took months to resolve even patently frivolous appeals. There were numerous credible allegations of corruption, manipulation, and intimidation in the judiciary. There also were credible allegations of parallel investigations by military intelligence in the Bishop Gerardi and Ordonez Porta murder cases—that interfered with the justice system's efforts to investigate or prosecute those responsible (see Section 1.a.).

Judges and prosecutors continued to receive threats aimed at influencing current decisions or as reprisals for past decisions. Death threats and intimidation of the judiciary were extremely common in most cases involving human rights violations, particularly where the defendants were current or former members of the military, military commissioners, or PAC's; witnesses often are too intimidated to testify. For example, the lead prosecutor and his staff in the Bishop Gerardi murder investigation continued to report wiretapping, surveillance, and frequent death threats. In addition at least two judges and a judicial staff member in the Gerardi case reported threats and intimidation, including surveillance (see Section 1.a.). With relatively few exceptions, plaintiffs, witnesses, prosecutors, and jurists involved in high-profile cases against members of the military reported threats, intimidation, and surveillance. A March report at the U.N. Human Rights Commission noted that many judges and prosecutors are denied health insurance because the threats and intimidation that they receive makes their jobs too dangerous. The Government allocated more resources to the judiciary's physical security, including providing protective details for the judge and at least some members of the prosecution team in the Gerardi case and witnesses in the SITRABI and Dos Erres cases (see Sections 1.a. and 6.a.). The Government also devoted more resources to providing for witness protection abroad for key witnesses in the Gerardi and Dos Erres cases (see Section 1.a.). According to a November press article, the Public Ministry spent approxi-

mately \$800,000 (6 million quetzals) on its witness protection program, and was reviewing the criteria according to which witnesses are admitted into the program.

The judiciary is composed of the Supreme Court of Justice (CSJ), appellate courts, trial courts, and courts of first instance (which function like grand juries). There also are courts of special jurisdiction such as labor courts and family courts; these also are under the jurisdiction of the CSJ. The Constitutional Court is independent of the rest of the judiciary. The Constitution requires that Congress elect all CSJ and appellate court magistrates every 5 years from lists prepared by panels composed of active magistrates, representatives of the bar association, law school deans, and university rectors. In October 1999, new CSJ and appellate magistrates were chosen in a selection process that was more participatory and transparent than ever before, despite some accusations that political parties were attempting to fill the courts with their sympathizers prior to the November 1999 general elections. There are several community courts in indigenous rural areas (see Section 5). During the year, 18 judges whose 5-year contracts were not renewed collectively filed a petition before the Constitutional Court, which still was pending at year's end.

The 1994 Criminal Procedures Code provides for the presumption of innocence, the right to be present at trial, the right to counsel, plea bargaining, and the possibility of release on bail. Trials are public, allowing victims, family members, and human rights groups to observe the process. Verdicts are rendered by three-judge panels. The Criminal Procedures Code introduced oral trials; however, only those attorneys who have graduated since that time have had real training in oral trials. The code also provides for language interpretation for those who require it; however, in practice this provision rarely is honored due to budgetary and other constraints (see Section 5). During the year, some new interpreters were hired, and the Public Defender's Office began hiring attorneys who speak indigenous languages and assigning them to areas where they can use their language skills to defend non-Spanish-speaking defendants. The Public Ministry, which is independent of the executive branch, may initiate criminal proceedings on its own or in response to a complaint. Private parties may participate in the prosecution of criminal cases as coplaintiffs. Lengthy investigations and frequent procedural motions by both defense and prosecution often lead to excessively long pretrial detention (see Section 1.d.). Courts showed little willingness to exercise discretion in dismissing frivolous or patently invalid motions. As a consequence, parties continued to use such motions as delaying tactics, frequently holding up trials for several months or even years.

Inefficiency and corruption in the courts, Public Ministry, and police continued to impede the proper functioning of the judicial system and undermine the right to due process. The Supreme Court continued to seek the suspension of judges and to conduct criminal investigations for improprieties or irregularities in cases under its jurisdiction. According to government statistics, through August 1999 (the last period for which figures were available), the Supreme Court imposed 1,215 sanctions against members of the judiciary for offenses ranging from simple impropriety to illegal conduct. Of those sanctions against judges, 1,159 were findings of impropriety, 66 were warnings, 9 judges were fired, and 1 was suspended. Magistrates received 13 findings of impropriety. The Public Ministry has been hampered in its efforts to investigate crimes and prosecute offenders by inadequate training and equipment, excessive caseloads, and insufficient numbers of investigators. Prosecutors remained susceptible to intimidation and corruption. In addition the Government's failure to clearly delineate responsibility for investigating crimes to either the PNC or the Public Ministry led to continued infighting and competition between these organizations, as well as the duplication of investigative resources. It was difficult to attract qualified personnel to the courts because of the low salaries offered, but a raise in the salaries of judges attracted greater numbers of higher caliber candidates.

On December 2, 1999, the new law on legal careers took effect, fulfilling a major objective of the Peace Accords. That law establishes a system to regulate the income, terms of office, promotion, training, disciplinary measures, and other activities of judges and magistrates, as well as support their professionalism and independence. The new law was designed to speed up trials and reduce corruption by recognizing and protecting competent judges while creating mechanisms to remove incompetent or corrupt ones. A Judicial Career Advisory Committee and a Disciplinary Committee were established, as called for by the new law, and a permanent training staff was hired for what is now called the Institutional Training Unit of the Judicial Career Council. It provides a mandatory 6-month training course for all newly appointed judges. The Council is responsible for selecting judges as well as disciplining them in accordance with the law's criteria for sanctions. The 1999 law also provided for a Peer Review Council, which has been in operation since mid-year. The panel reviews accusations brought by the public, litigants, or other sources, investigates the complaints, and takes administrative action where appro-

priate. The panel had reviewed dozens of cases by year's end, resulting in sanctions ranging from letters of reprimand to firing.

In cooperation with foreign donors, the Government continued its efforts to reform the judicial system, and there were some significant improvements throughout the year. For example, on July 18, a new Public Ministry Case Intake Unit was inaugurated in Guatemala City, which reduced the average waiting time for filing a complaint from several hours to approximately 10 minutes. A new Public Ministry Victim's Unit was inaugurated with doctors and nurses on call 24 hours a day to assist rape and other crime victims and to gather evidence for their cases.

One of the most successful reform efforts has been the creation of "justice centers," which bring together judges, public defenders, prosecutors, private law practitioners, police, municipal representatives, military officers, and civil society in a team approach to dispute resolution and problem solving. The centers have installed modernized docket and case filing systems in the courts, thereby increasing efficiency and public service while significantly decreasing corruption in the disappearance of case files. Centers are located in Zacapa, Quetzaltenango, Escuintla, Nebaj (Quiché), the Peten, Santa Eulalia (Huehuetenango), and Santa Cruz del Quiché (which opened in April). Additional centers in Huehuetenango, Coban, Chiquimula, Puerto Barrios, San Marcos, and Solola are scheduled to open by mid-2001. The Supreme Court extended the administrative model of the justice centers to include the criminal courts in the capital by creating a new Clerk of Court office, which has streamlined the processing of cases, increased transparency, and improved customer service. Under the old system, courthouses resembled marketplaces in which individuals could bribe a court official to "lose" their case file—a system that resulted in near-complete impunity for those with sufficient money. Individuals also could bribe the court to lose the file of a person in pretrial detention, thus assuring that that person would remain in jail indefinitely. With the implementation of the centralized, computerized case tracking system, the number of missing cases has dropped from approximately 1,000 per year to 3 cases since the new system was introduced. In all three of the misplaced cases, the individuals named in the complaints have been identified and are under investigation. Prospective judges and assistant judges attended special courses at the School of Judicial Studies, from which applicants were selected to fill vacancies in the judiciary. Since 1994 the Government has expanded the judiciary's presence throughout the country; at year's end, there were judges in more than 300 of the 331 municipalities around the country.

Despite some progress, much remains to be done to reform the judiciary and establish effective rule of law, as mandated by the Peace Accords. Many of the structural and procedural weaknesses of the judiciary would have been addressed by the proposed constitutional reforms that were defeated in a national referendum in May 1999. The National Commission for the Strengthening of Justice, which was created following the Peace Accords, increasingly is active; in July it announced its strategic plan, and subsequently created a number of subcommittees to work on implementation. The Commission met weekly during the year to consider reforms to the penal code in order to assist justices of the peace in resolving local disputes.

Beginning in August, residents of small towns in Quiché began holding customary law trials, allegedly based on Mayan indigenous law, in which community leaders meted out corporal punishment rather than lynch suspected wrongdoers (see Section 1.a.). For example, on August 17, leaders of several small communities near Zacualpa, Quiché, rounded up a crowd of 350 residents and summoned representatives from the PNC, Public Ministry, and the Human Rights Ombudsman's office to serve as witnesses. They then held a customary law trial and sentenced 2 brothers suspected of thievery to 25 lashes with a whip, shaved their heads, and made them promise never again to do anything to harm the community. The two men reportedly accepted responsibility for their crimes and their father was designated to administer the whippings. (One of the worst mass lynchings in 1999, in which five suspected gang members were killed by a mob that also took several PNC officers captive to prevent them from interfering in the lynching, also occurred in Zacualpa.) Government and law enforcement officials quickly criticized the common law trials as illegal and emphasized the need for all suspected criminals to be processed through the judicial system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of home, correspondence, and private documents; however, allegations persist that the authorities sometimes disregard these provisions. Elements of the security forces, specifically the EMP, reportedly continued to monitor private communications. The prosecutor and his staff in the Bishop Gerardi murder investigation continued to report wiretapping and surveillance, and

other human rights organizations reported telephone anomalies that suggested wire-tapping (see Section 1.a.).

On May 7, Edgar Gutierrez, head of the President's Secretariat for Strategic Analysis, announced the existence of a computer database containing names, personal information, and cryptic codes about more than 650,000 persons. The database appeared to have been compiled by military intelligence several years earlier and a copy remained on the SAE computer system. The SAE provided a copy to the Human Rights Ombudsman, who offered access to the database as a public service for those who wished to learn if their names appeared on the list.

The military continued to honor the 1994 presidential order to suspend all conscription, including forced recruitment, as the armed forces found it relatively easy to recruit young male volunteers from impoverished areas using pay and education incentives.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, and the Government generally respected this right in practice. There were numerous credible reports that members of the press were targets of anonymous threats and intimidation; and there were two credible allegations of government-connected censorship. There were no reports of self-censorship.

In addition to regular and open criticism of government policies, the print media publicized communiques from human rights organizations, unions, and groups opposed to the Government or its policies. The press criticized the military and other powerful sectors. The press also regularly published stories on reputed drug traffickers, official corruption, and clandestine intelligence networks.

The Government prepared public information programs, which the radio and television stations were required to broadcast. The Government owns the rights to seven national television channels but used none of them for broadcasts.

All four of the country's national television stations are owned by a Mexican citizen, Angel Gonzalez, who plays a significant role in politics and provides free broadcast time to Guatemalan Republican Front politicians whom he supports. These channels are criticized strongly as being monopolistic, progovernment, and interested in broadcasting only uncontroversial news. In exchange for giving extensive free time to the Guatemalan Republican Front and denying access to then-ruling National Advancement Party, Gonzalez reportedly insisted that his brother-in-law, Luis Rabbe, be the FRG's candidate for mayor of Guatemala City. Despite the FRG's electoral sweep of most major offices, Rabbe was defeated. Portillo then named Rabbe as his Minister of Communications. By year's end, both Rabbe and the Communications Ministry were the subject of numerous corruption charges.

In February journalist Jose Eduardo Zarco, host of the popular television political news show "Evening Issues," claimed that his show had been forced off the air due to political pressure from the newly inaugurated Portillo Government. Specifically Zarco alleged that Communications Minister Rabbe pressured Angel Gonzalez to close the show because it was too critical of the Government. Gonzalez owns the television station that broadcast Zarco's show as well as several other stations, despite a law forbidding non-Guatemalans to own radio or television stations and laws to prevent monopoly control. Human Rights Ombudsman Julio Arango investigated and concluded that the Government wrongfully had forced the show off the air. Arango called for legislation to eliminate the media monopoly held by Gonzalez. The Government denied responsibility for the show's closure and invited Organization for American States (OAS) Special Rapporteur on the Freedom of Expression Santiago Canton to conduct an investigation into the incident.

On April 12, Canton arrived for a 3-day visit, after which he recommended a "serious investigation of the possible existence of a real monopoly on television stations open to public access," in reference to the control by a single individual of all of the private stations in the country. He also recommended that the Government implement clear regulations to prevent conflicts of interest between government officials and the media; suspend the auctions on radio frequencies until the Peace Accord regarding the rights of indigenous people is implemented; change the regulations governing television and radio advertising to ensure equal access; include the recommendations of civil society in legislation on information access that President Portillo promised to propose; and launch a campaign to promote and provide training in freedom of expression, including the passage of a law to protect the freedom of information. Based in part on Canton's recommendations, as well as a similar recommendation from the Historical Clarification Commission, on August 16, the Government introduced legislation in Congress to create a Freedom of Information Law. The bill would establish an ombudsman's office to defend the right to freedom of information, including the ability to petition the Government for personal records

and other information. The bill languished in the FRG-dominated Congress at year's end.

In September popular radio talk show host Marielos Monzon was fired from Radio Sonora, allegedly for returning 3 days late from a trip. Monzon credibly alleged that she was fired because she earlier had rejected a demand from station management not to interview certain "leftwing" members of the Portillo Administration, nor opposition politicians.

Despite its Peace Accords pledge to enact reforms to the Radio Communications Law to make radio frequencies available for indigenous communities, the Government instead passed a law that created a public auction system for radio frequencies. In August when eight local radio operators were unable to purchase the frequencies that they already were using due to the extremely high cost, the Superintendent of Telecommunications fined them \$10,000 (about 78,000 quetzals) for broadcasting without a license. MINUGUA concluded that the high cost of the public auction system was an effective barrier to rural indigenous access to radio frequencies.

On April 27, photojournalist Roberto Martinez of the newspaper *Prensa Libre* was killed while covering street demonstrations provoked by bus fare increases. Martinez allegedly was shot by private security guards, who opened fire on a group of demonstrators who were accompanied by a number of professional journalists carrying their photographic equipment. Two guards were remanded for trial, and remained in police custody at year's end (see Section 2.b.).

In May and thereafter, there were significant increases in the number of threats and other acts of intimidation directed against journalists, which coincided with an increase in threats against judicial personnel and human rights workers. Various reporters, columnists, and editors from several daily newspapers complained of telephone threats and other acts of intimidation. Personnel from one newspaper, *El Periodico*, began receiving numerous threats the day before publishing a series of articles on an alleged clandestine intelligence network within the military. Some reporters claimed that they were followed by vehicles with tinted windows and no license plates. Others alleged that they were the victims of telephone surveillance. The sudden and significant increase in the number of threats in April and May led many observers to believe that there was an organized campaign to intimidate the press by conservative elements affiliated with the military.

On September 30, 1999, the Chiquimula sentencing court found Jose Gabriel Lopez Leon and Neftaly Lopez Leon guilty of the 1997 murder of journalist Jorge Luis Marroquin Martinez; the court sentenced each of them to 30 years in prison. The same court found that the prosecutors in the case had presented inadmissible evidence against the suspected intellectual author of the crime, former Jocoton Mayor Manuel Ohajaca. The Public Ministry did not bring any new evidence against Ohajaca.

The Constitution provides for academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government respects this right in practice. Peaceful demonstrations were common. The police acted with restraint, and the authorities sometimes negotiated the peaceful departure of the demonstrators. On April 24, a demonstration against an increase in public transportation rates turned violent, as rioters looted, burned buses, and destroyed property in downtown Guatemala City. On April 25, the police responded with tear gas and riot control measures, and arrested over 50 alleged participants. However, the violence continued on April 27. Many citizens criticized the police for not responding earlier and with more force to stop the violence. During the riot, private security guards killed three persons, including a journalist, and wounded several others (see Section 2.a.). On October 10, mass protests over land reform occurred, generally without incident. However, 1 demonstrator was killed by an unidentified assailant, and 10 protesters were injured in a clash with police in downtown Guatemala City.

The Constitution provides for freedom of association, and the Government respects this right in practice. The Government did not interfere with political associations. However, organizations must obtain legal status, a formerly cumbersome and expensive procedure that was streamlined considerably in 1998. The URNG and several NGO's had alleged that this law particularly disadvantaged organizations representing marginalized social sectors, including indigenous groups.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respects this right in practice. There is no state religion; however, the Constitution recognizes explicitly the separate legal personality of the Catholic Church. Members of a religion need not register simply in order to worship together. However, the Government requires religious congregations (other than the

Catholic Church), as well as other nonreligious associations and NGO's, to register as legal entities in order to be able to transact business.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The Director General of Immigration acknowledged publicly that extortion and mistreatment of persons attempting to cross illegally into the country are subject to extortion and mistreatment by government officials. Many observers believe that this mistreatment is underreported because illegal immigrants almost never have the capacity to lodge formal complaints, either with the authorities or against them; and there is little legal assistance available to such immigrants.

The Government grants refugee status and asylum in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees from other countries. The issue of the provision of first asylum did not arise. There were no reports of the forced return of persons to countries where they feared persecution.

Voluntary repatriation of Guatemalan refugees who had migrated to Mexico during the internal conflict concluded in 1999, bringing the total to over 40,000 since 1993. Guatemalans who still remain in Mexico do so by choice. Forty former refugee families returned voluntarily to Mexico in August, claiming that the Government was not providing for their fundamental needs. The Government of Mexico reportedly accepted their return. Over 1,500 other individuals indicated their intention to return to Mexico if the Government would not resolve their land issues and improve living conditions.

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

Citizens have the right to change their government by peaceful and democratic means, through secret ballot and universal suffrage for those 18 years of age and older. Members of the armed forces and police may not vote. Since the return to democracy and civilian rule in 1985, there have been nine free elections. International observers concluded that both the November 1999 general elections and the December 1999 runoff presidential election were free and fair. During and after the November round of elections, political parties lodged numerous complaints of fraud and misconduct against each other, the vast majority of which were unaccompanied by evidence and appeared to be partisan attempts to disqualify opponents or annul election results. Due largely to unexpectedly high voter turnout, the Supreme Electoral Tribunal (TSE) was slow to report the November vote count. Public uncertainty over the delayed count contributed to violence and disturbances in a number of municipalities with highly contested local races. Lack of transportation, onerous voter registration requirements, and elections scheduled during the harvest season prevent many poor, indigenous, and rural persons from voting.

Voters elect the 113-member, unicameral Congress every 4 years using a system of proportional representation based on population, with deputies elected both from districts and from a nationwide list. The Congress had 91 deputies from districts and 22 from the national list. The 1999 elections involved 13 political parties, including two 2-party coalitions. Four parties and both coalitions won seats in the legislature, led by the FRG with a 63-seat majority, followed by the PAN with 21 seats, the Bancada Unionista with 16 seats, and the New Nation Alliance coalition, which includes the Guatemalan National Revolutionary Unity (URNG) party, with 9 seats. Other small parties hold a total of 4 seats. Voter participation in the 1999 elections was at a 13-year high. Congress can and does act independently of the executive, but fragmentation along party lines and a weak support and staff structure result in a legislature that is relatively ineffective. Nevertheless, Congress increased its relative power and independence under the leadership of president of Congress Efraín Ríos Montt, a former de facto President and current leader of the ruling party, the FRG.

The former Guatemalan National Revolutionary Unity guerrillas met all legal requirements for qualification as a political party and competed in the 1999 general elections, winning nine seats in Congress as part of a coalition with a much smaller party.

On December 26, 1999, voters elected FRG presidential candidate Alfonso Portillo in a runoff election that international observers characterized as free and fair. He took office on January 14.

The new Government's efforts to implement the Peace Accords were limited as it struggled to organize itself and set policy priorities throughout the year. By year's

end, the Portillo Administration established a new timetable for the implementation of the many elements of the Accords which had yet to be accomplished.

In May 1999, in a national referendum, voters rejected the entire package of 50 constitutional reforms approved by Congress in 1998, dealing a significant blow to the peace process. Only 20 percent of the electorate voted. The defeated amendments included provisions to recognize, respect, and protect indigenous languages and traditional customs, professionalize the judicial service, give civilian courts jurisdiction over military personnel, and define the army as an apolitical organization. While ordinary laws could be enacted to accomplish many of the reforms, the constitutional reforms nonetheless held great symbolic value for the peace process.

There are no legal impediments to women's participation in politics and government, but women are underrepresented in politics. The major parties nominated and elected fewer female candidates for Congress in the 1999 elections; however, women's participation as voters was the highest ever, despite social traditions that inhibit voting by women. Nevertheless, women held some prominent political positions. Voters elected 8 women to Congress in November, and that number was increased to 13 as substitutes took the seats of members of Congress recruited to serve in the Executive Branch. One woman, Zury Rios de Lopez, is the Second Vice President of Congress. Women hold two seats on the Supreme Court and one on the Constitutional Court. There was one female minister in the Portillo Cabinet—the Minister for Culture and Sports.

The Constitution provides for equal rights for indigenous people. Some attained high positions as judges and government officials, including 14 members of the new Congress (15 were elected, but Aura Marina Otzoy Colaj, an indigenous woman, later was appointed Ambassador to Norway). There were 6 indigenous members in the 80-member Congress before the 1999 elections. Indigenous people still are underrepresented significantly in politics due to limited educational opportunity and pervasive discrimination (see Section 5). There are two indigenous members in the Cabinet of the Portillo Government.

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

The Government permits local human rights groups to operate without restriction. Numerous domestic and international groups investigate and report freely on human rights issues. Senior government officials also met with numerous foreign government officials and international human rights monitors. While many international human rights organizations and their workers do not enjoy formal legal status, they continue to operate openly.

During the year, most NGO's credibly reported receiving threats or being intimidated by unidentified persons. From April to June there was a very significant increase in the number of threats against human rights workers, as well as journalists and judicial personnel, in comparison to 1999 levels (see Sections 1.e. and 2.a.). Most of these acts of intimidation involved anonymous telephonic threats, surveillance, and unknown individuals and cars following human rights workers or watching their workplaces or residences. In addition at least two murders and one disappearance allegedly were committed for political reasons, possibly related to the victims' human rights work. These cases included the killing of two government environmental workers in Izabal (see Section 1.a.), and the disappearance of Professor Mayra Gutierrez (see Section 1.b.). ODHAG personnel reported frequent and persistent death threats, surveillance, and other acts of intimidation, as did the prosecutors, two judges, and other judicial personnel working on the Bishop Gerardi murder case (see Section 1.a.). 1992 Nobel Peace Prize laureate Rigoberta Menchu and her staff reported numerous threats in connection with the genocide lawsuit that they filed in 1999 in a Spanish court against former de facto President Efraín Ríos Montt and seven other former military or government officials. There were other incidents during the year of possible political intimidation of human rights workers; however, the reports could not be verified.

In addition to the increased number of threats, there was a series of break-ins or robberies in human rights NGO offices that some observers believed was part of an overall campaign to intimidate civil society. In March unknown persons broke into the offices of former presidential candidate and leftist leader Alvaro Colom, took files and computer information, and wrecked the office. They also defecated and urinated on tables and in hallways and scribbled political graffiti and insults on chalkboards. In May the National Coordinator of Widows of Guatemala, an NGO, reported what appeared to be an ordinary robbery of its daycare center in Santa Cruz del Quiché, which was followed a month later by a break-in at its Guatemala City office. On June 14, robbers stole three computers from a branch office of CALDH after drugging the night watchman. On September 4, four armed men entered the

offices of FAMDEGUA around noon and demanded keys to vehicles and money. They stole a FAMDEGUA vehicle, four computers, two laptops, a television, and other electronic equipment. The computers contained sensitive information about human rights complaints, statistics, and information regarding specific human rights cases, such as the Dos Erres massacre (see Section 1.a.). On October 26, an armed group assaulted the employees and robbed the offices of a group called Women Let's Advance. The assailants raped one employee, and stole several computers and other office equipment as well as the money and jewelry of the employees. On December 22, 2 days after the press reported that ODHAG would be bringing a genocide suit against former de facto president and current president of Congress, Efraín Ríos Montt, ODHAG's legal coordinator Mynor Melgar and his family were threatened, tied up, and robbed at gunpoint in their home. While the event contained elements of common crime, Melgar was threatened, and the perpetrators' actions showed premeditation in directing their actions to him specifically. While each of these incidents, if taken separately, could be explained as a common crime, the frequency of such incidents was a cause for significant concern.

Every 5 years, Congress elects the Human Rights Ombudsman from three candidates chosen by the Congressional Committee on Human Rights; the next election is scheduled to occur in August 2002. The Ombudsman reports to Congress and monitors the rights provided for by the Constitution. The PDH's rulings do not have the force of law. The Ombudsman, Julio Arango Escobar, operates with a large degree of independence from other branches of the Government, often passing judgment on controversial issues not normally considered human rights topics, such as bus fares and electricity rates. During the year, Arango continued to complain that the Congress neither funded his office adequately nor implemented his recommendations on human rights. The PDH's lack of funding limited the possibility of developing adequate investigative capabilities. Relations between the Ombudsman's office and MINUGUA were strained and distant. Upon the expiration of MINUGUA's mandate at the end of the year, the PDH was to take over MINUGUA's human rights verification function, but there was no visible preparation for the transfer of that responsibility by either party. MINUGUA said that its attempts to engage the PDH in meaningful preparations were rejected. On November 22, the Secretary General recommended to the General Assembly that the MINUGUA mission be extended for another year; it is expected to continue working on a reduced staff and budget through 2003 in accordance with the rescheduled Peace Accord implementation timeline.

COPREDEH continued to forge responsive and cooperative relationships with both domestic and international human rights monitors, often acting as a liaison between such groups and other government offices. Unlike in the previous year, COPREDEH took a more active approach in attempting to resolve cases before the IACHR. Due largely to the leadership of new COPREDEH president Victor Hugo Godoy, on March 3, the Government signed a series of precedent-setting agreements before the IACHR in which it accepted responsibility for several key human rights cases, including the Dos Erres massacre (see Section 1.a.); the murder of Myrna Mack Chang (see Section 1.a.); and the killing of street child Marcos Fidel Quisquinyay by a live grenade placed in a bag of food. COPREDEH sought to negotiate amicable settlements with the victims or their survivors in these 3 cases and over 40 others pending before organs of the Inter-American human rights system. On March 29, the Government, represented by COPREDEH, designated 46 cases that had been submitted to the IACHR as priority cases for seeking settlements with victims or their survivors. Similarly, on August 9, President Portillo signed an agreement with the IACHR in which he acknowledged the Government's general responsibility to pay reparations to victims or their survivors of human rights abuses committed during the internal conflict in 10 cases. On November 30, the Government, in compliance with a decision by the Inter-American Court on Human Rights, agreed to compensate the families of the murdered street children (see Sections 1.a. and 5). Also on November 11, President Portillo accepted the Government's responsibility in several other human rights cases, including the La Exata Farm case (see Section 1.a.). During the year, the Government signed agreements covering 52 cases before the IACHR, out of a total of approximately 130, in which it pledged to indemnify victims or their survivors and investigate and prosecute those responsible. By December 5, the Government had entered into negotiations on a total of 79 cases before the IACHR. Human rights observers described this as a sign of a fundamental shift in Government policy regarding human rights.

MINUGUA maintained a human rights verification staff of approximately 70 persons, with 13 regional or subregional offices to monitor implementation of the human rights provisions of the Peace Accords and strengthen democratic institutions. MINUGUA stated that the Government generally cooperated with its inves-

tigations but cited occasional isolated incidents in which government officials or institutions had obstructed its efforts.

In April the Government hosted a visit by OAS Special Rapporteur on the Freedom of Expression Santiago Canton, whose visit focused on allegations of government censorship of a television news show and an alleged media monopoly by a Mexican businessman (see Section 2.a.).

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

The Constitution states that all persons are free and equal in dignity and rights, and that the State must protect the life, liberty, justice, security, peace, and development of all citizens. However, in practice the Government frequently is unable to enforce these provisions, due to inadequate resources, corruption, and a dysfunctional judicial system.

Women.—Violence against women, including domestic violence, remained common among all social classes. The 1996 Law on Domestic Violence provides that the Public Ministry, the national police, family courts, legal clinics, and the PDH can receive complaints of domestic violence. Domestic violence is defined as “whatever action or omission by direct or indirect manner causes damage, or physical, sexual, psychological, or patrimonial suffering” to a person within the family group. The law provides for the issuance of restraining orders against alleged aggressors and obligates the PNC to intervene in situations of domestic violence. Statistics vary significantly. The Procuracy General of the Nation registered 1,664 complaints in the first 10 months of the year, compared with 1,548 complaints in all of 1999. During the first half of the year, the PDH received 1,535 cases of abuse against women. In 1998 the PDH reported approximately 2,600 complaints of domestic violence nationwide. Of the total number of cases of domestic violence of all types (including child abuse), only 33 have gone to trial, resulting in 28 convictions. On July 28, an appeals court upheld a 2-year prison sentence for spousal abuse against Amado Morales. The decision is only the second such conviction in the country’s history—the first reportedly took place 8 years ago.

Complaints of spousal abuse continued to rise due, at least in part, to increased nationwide educational programs, which have encouraged women to seek assistance. Judges may issue an injunction against an abusive spouse or companion, and the police are charged with enforcing such injunctions. The Women’s Rights Department of the PDH and various NGO’s provided medical and legal assistance and information on family planning. The office of the Ombudsman for Indigenous Women, led by Juana Catinac Xom de Coyoy, was established in 1999 and began to provide social services for victims of domestic or social violence, as well as mediation, conflict resolution, and legal services for indigenous women. It formed a coordinating committee and other advisory boards and representative assemblies from each of 24 linguistic groups. It opened its first branch offices and spent much of its first year resolving personnel, equipment, and organizational issues. On November 28, the Government announced the formation of the National Coordinator for the Prevention of Domestic Violence and Violence Against Women (CONAPREVI), which is to be chaired by the Secretary for Women’s Affairs, and include public sector representatives from the Public Ministry, the judiciary, the National Statistics Institute, and three representatives from the private sector Network Against Violence Against Women.

Victims rarely reported criminal sexual violence, although the number of complaints of such offenses continues to increase significantly. PNC statistics showed 323 rapes in 1999, (the latest year for which statistics were available), compared to 220 rapes in 1998. Many observers believed that this increase did not reflect an increase in the number of rapes committed, but rather an increased willingness on the part of victims to come forward, greater public confidence in the PNC, and improved record keeping of crime statistics. Despite these advances, relatively few rape cases went to court, in large part because police have little training or investigative capacity for such crimes and because many rape victims were reluctant to report and prosecute such crimes. Unofficial statistics suggested that there were 80 convictions during the year for rape or related crimes in 1999, compared with 67 convictions in 1998. In July the Public Ministry created a Special Victim’s unit, staffed 24 hours a day with doctors and nurses with rape test kits to assist rape victims in gathering evidence to use against their attackers. The law allows a rapist to be exonerated when the victim is at least 12 years old and agrees to marry him, but the Public Ministry must approve the marriage when the victim is below the age of 18.

Sexual harassment in the workplace is common.

On May 23, the Portillo Administration announced the creation of a Secretariat for Women's Affairs. The Secretariat operates under the direction of the President, advising him on the coordination of policy affecting women and their development.

The Constitution asserts the principle of equality between the sexes. Nonetheless, in practice women face job discrimination, are less likely to win management positions, and on average receive significantly lower pay than men. Some women were subjected to preemployment pregnancy tests. Women are employed primarily in low-wage jobs in the textile industry, agriculture, retail businesses, and the public sector. More working women than men are employed in the informal sector of the economy, where pay and benefits generally are lower. Women may own, manage, and inherit property on an equal basis with men. In 1999 the Congress repealed a rarely enforced Civil Code article that enabled a husband to deny his wife the right to work outside the home and an article that placed the husband in charge of administering the family's property.

The National Women's Forum, inaugurated in November 1997, continued to promote women's issues by participating in local and regional forums organized by political parties during the general election campaign. In May the Forum presented its 2-year plan for development and women's issues to the Government. The plan sets specific targets for development, including literacy, expanded primary school coverage, scholarship programs, and integrated women's health. In each of the 24 linguistic communities, women's groups are responsible for implementing and monitoring the Forum's policies and programs.

Children.—The Constitution charges the Government with protecting the physical and mental health, as well as the moral well-being, of minors. However, despite these provisions, the Government in the past has not devoted sufficient resources to ensure adequate educational and health services for children. Approximately 80 percent of children under the age of 18 live in poverty. The Government budgeted approximately \$345 million (2.69 billion quetzals) for education and \$178 million (1.39 billion quetzals) for health care; however, the percent of the country's GDP that was spent on education decreased from 2.46 percent of GDP in 1999 to 2.3 percent during the year.

A MINUGUA report, issued on December 11, found that 51 percent of the population is under 18 years old; of this group, 83 percent live in poverty; 46 percent of children under the age of 5 suffer chronic malnutrition and another 24 percent suffering periodic malnutrition. There are approximately 200,000 orphans throughout the country, approximately 10,000 children in gangs, and 6,000 children living on the streets. A total of 444 children have disappeared since 1996.

The Constitution provides for compulsory education for all children up to the 6th grade. However, less than half the population actually receives a primary education, and only 3 of 10 students who begin primary school complete it. One-fourth of all children do not attend school. These are concentrated in rural areas, and a disproportionate number are indigenous. Only one of eight girls who begin school graduates from the 6th grade. According to a December MINUGUA report, the average Guatemalan child receives 2.3 years of education; however, when only indigenous children are considered, the average drops to 1.3 years of education. Children in rural and indigenous areas are less likely to complete primary school.

Approximately 2.1 million children between the ages of 5 and 12 were enrolled in schools in 1999, according to the Ministry of Education. The Ministry also reported that 3,461 communities had access to educational services for the first time. The PDH reported in 1999 that 38 percent of elementary school-age children and 79 percent of secondary school-age children do not attend school. There were special initiatives to promote the education of girls, and about 49,000 girls received incentive scholarships from PRONADE, a privately run program under the auspices of the Ministry of Education, during the year, in addition to approximately 12,000 scholarships from other government institutions and international organizations.

Most estimates indicated that reports of child abuse continue to increase, although there are few statistics available to measure the problem. The Procuracy General reported 1,126 cases of child abuse as of December 5, compared to 1,478 cases in 1999 and 1,172 cases in 1998. A total of 70 cases reported during the year concerned physical abuse; the remainder involved sexual or psychological abuse. Out of a total of 4,250 cases of domestic violence, the PDH investigated 126 complaints of child abuse during the year. The largest percentage of these complaints were for physical, emotional, and sexual abuse, as well as neglect. A Permanent Commission for Children and Youth investigates cases of mistreatment of children. The Social Secretariat for the Welfare of Children has oversight for the children's welfare program, treatment and training for children, and special education assistance for children. The Secretariat provides shelter and assistance to children who are victims

of abuse; however, due to lack of resources, these children sometimes are placed with other youths who have committed crimes.

Abuse of street children remained a serious problem in major cities (see Section 1.c.). Most credible estimates put the number of street children at approximately 6,000 nationwide, with about 3,500 of these youths concentrated in Guatemala City. The NGO Casa Alianza increased its estimates of the number of homeless persons to 25,000, of whom 8,000 are children. Approximately 1 in every 1,000 children lives on the street. The majority of street children ran away from home after they were abused. Criminals—reported to include private security guards and corrupt police or military personnel—often recruited these children into thievery or prostitution rings. According to Casa Alianza, drugs, prostitution, and gangs posed the greatest danger to this vulnerable group during the year. Most violence against street children was committed by individuals, private security guards, and other street children, not by police or other government forces. There was only one report of abuse of street children by PNC officers, in which several officers allegedly threatened five street children. The Government and a number of NGO's operate youth centers, but the funds devoted to them are not sufficient to alleviate the problem. The Government maintains one shelter for girls and one shelter for boys in Guatemala City; these shelters provide housing for the homeless and incarceration for juvenile offenders. A new phenomenon developed as street children began giving birth to a second generation of street children, dubbed "street babies." Casa Alianza reported three cases of kidnapping or forced disappearance of street babies by unknown individuals.

On November 30, the Government, in compliance with a decision by the Inter-American Court of Human Rights, agreed to compensate the families of the street children who were killed between 1990 and 1995 (see Section 1.a.). In addition to the modest \$11,500 per victim compensation, the Government also promised to develop programs to prevent the abandonment of and violence against street children.

In August ODHAG issued its report on children missing in the armed conflict (see Section 1.b.). A report by ODHAG issued in September found that children accounted for 20 percent of the victims of arbitrary extrajudicial executions during the armed conflict, and that 27 percent of the victims of sexual abuse committed during the armed conflict were children.

On February 29, Congress indefinitely suspended a proposed new Minors' Code due to strong political opposition from certain powerful sectors, reportedly led by the adoption attorneys who receive large financial gains from nonjudicial adoptions that would have been eliminated under the new code. Other opponents, including religious leaders, argued that the code derogated parental rights and threatened the integrity of the family. The bill was to have become law on March 3. Debate on changes to the code continued during the year.

COPREDEH continued weekly meetings of the Permanent Commission for Children, composed of representatives from Casa Alianza and from the judicial and executive branches, with the aim of addressing the problems of street children. The Government continued its program to train instructors to educate civil society groups and the public about children's rights.

Sexual exploitation of children is a growing problem, including child prostitution and the trafficking of children for purposes of prostitution. The Ministry of Labor noted an increase in child prostitution in the towns along the borders with Mexico and El Salvador. Along the border with El Salvador, many child prostitutes were brought into the country from El Salvador, Nicaragua, and Honduras by organized rings, who force the children into prostitution (see Section 6.f.). The proposed Minor's Code would have mandated stricter punishments for parents who force their children into prostitution, and for adults who solicit child prostitutes.

People with Disabilities.—The Constitution provides that the State should protect disabled persons. Nonetheless, physically disabled persons are discriminated against in education and employment practices, and few resources are devoted to combat this problem or to assist the disabled. The PDH continued to draft proposed regulations to implement the provisions of the 1996 Law on Protection of the Elderly and the Law on Attention to Disabled Persons, which mandates equal access to public facilities, prohibits discrimination based on disability, and provides other legal protections. The law defines a disabled person as one whose physical, mental, or emotional deficiencies limit performance of normal activities. It stipulates equal opportunity for disabled persons in health, education, work, recreation, sports, and cultural activities. It also provides that all disabled persons receive the benefits of labor laws and social security and have the right to work. In addition the law establishes equal education opportunities, the requirement that buildings meet access codes, and the right to equal pay. While implementation of the new law has been slow, a National Council for the Disabled, composed of representatives of concerned

government ministries and agencies, met regularly to formulate regulations needed to implement the legislation.

Indigenous People.—The Constitution states that the country is composed of diverse ethnic groups and obliges the Government to recognize, respect, and promote the lifestyles, customs, traditions, forms of social organization, and manner of dress of indigenous people. In 1999 the Arzu Government created the office of Ombudsman for Indigenous Women and appointed Juana Catinac Xom de Coyoy as its first Director.

Indigenous people constitute over one-half the population but remain largely outside of the country's political, economic, social, and cultural mainstream. An October U.N. report stated that 73 percent of indigenous persons, and 72 percent of those living in rural areas, face an institutional lack of economic possibilities and limited access to basic services. The 1994 census, the most recent, stated that 42.8 percent of the population is indigenous; however, most observers believe that this figure is low and that indigenous people constitute a majority of the population. There is no single indicator of indigenous status, and there are at least 22 separate Mayan ethnic groups, each with its own language. In addition to the indigenous Mayan groups, there is an indigenous Xinca community of some 6,000 persons. The Garifuna, descendants of Africans brought to the Caribbean region as laborers and who later migrated to South and Central America, are a separate minority group.

Indigenous people were the most common victims of extrajudicial killings and other serious human rights abuses during the internal conflict. The commissions established to discuss the implementation of constitutional provisions relating to indigenous rights met during the year to formulate recommendations to the Government regarding protection of indigenous culture, languages, traditions, lands, and sacred sites. Indigenous people continued to organize themselves into interest groups to promote bilingual education, women's rights, and community development. Politically, the indigenous groups remained fragmented, and there was little agreement among the Mayan groups on common goals or strategies to increase their political representation and power. The Government devoted marginally increased resources to bilingual education. Contrary to previous years, there were no reports of schools denying children the right to wear traditional indigenous dress, a common complaint under the previous administration.

Rural indigenous people have limited educational opportunities and thus have fewer employment opportunities. Many indigenous people are illiterate or do not speak Spanish. Linguistic barriers hinder interaction with the Government and limit access to public services, including the judiciary, since few officials speak any of the 24 indigenous languages. In 1998 the Indigenous Languages Officialization Commission issued a report, in which it recommended that a variety of public services be provided in the four most widely spoken indigenous languages (K'iche', Q'eqchi', Mam, and Kaqchikel), with a lesser degree of services provided in less widely spoken indigenous languages.

Indigenous people arrested for crimes often are at a disadvantage due to their limited comprehension of Spanish. The Criminal Procedures Code states that the courts must provide interpretation for anyone requiring such services during criminal proceedings. In 1999 there were 67 interpreters at all levels of the legal system, from the police to the formal courts, to assure non-Spanish speakers the means to bring complaints, resolve conflicts, and provide testimony. Interpreters were concentrated in former conflict areas of the country; more interpreters were in training. The Public Defender's Office began hiring attorneys fluent in indigenous languages and assigning them to areas where they could serve as translators in addition to defending their clients. The Government also made efforts to recruit justices of the peace who are bilingual in Spanish and an indigenous language. In January 1998, several community courts were created in primarily indigenous, rural areas to decentralize justice and incorporate customary Mayan law for minor offenses. In August there were several incidents in which indigenous common law courts were convened to hand down sentences, including whippings and other forms of corporal punishment, against suspected criminals and other delinquents (see Section 1.e.). The University of San Carlos offers a postgraduate degree in indigenous customary law. Judges, prosecutors, public defenders, judicial translators, and others already have received the degree, which emphasizes criminal law and human rights.

Contrary to the previous year, no indigenous leaders disappeared during the year. There was one credible report of an indigenous leader killed for political reasons, Jose Mendoza Garcia (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide workers with freedom of association and the right to form and join trade unions. The

Government does not control unions. Although internal intelligence services allegedly monitor the activities of politically active union leaders, there is no direct state interference in union activities. In June the Labor Ministry proposed a package of major reforms intended to strengthen the Labor Code's protection of worker rights. In December the Labor Ministry proposed a revised Code of Labor Procedure aimed at streamlining labor dispute litigation. The proposed Labor Code reforms would increase the fines for firing workers who organize unions and define the mission of the Labor Ministry as that of "carrying out a national policy of defense and development" of worker rights. The reforms were pending at year's end. The most recent reforms to the Labor Code in 1992 mandated steps to improve worker rights by facilitating freedom of association, strengthening the rights of working women, increasing penalties for violations of labor laws, and enhancing the role of the Labor Ministry and labor courts in enforcing labor law. However, enforcement of the law is weak. Despite continuing credible efforts to enlarge it, the labor inspection system remains ineffective, inadequate, and corrupt. All workers have the right to form or join unions, including public sector employees, with the exception of members of the security forces. However, retaliation by employers—including firing, intimidation, and sometimes violence—against workers who try to exercise internationally recognized labor rights is common and usually goes unsanctioned. In its November report to the International Labor Organization (ILO) Governing Body, the ILO's Committee on Freedom of Association detailed five cases of dismissal of workers for unionizing activity in which courts ordered the workers reinstated but the employers never complied. In some of these cases, appeals and reappeals by employers of court decisions against them have continued the proceedings for years, revealing the inability of the courts to dismiss frivolous appeals and have their decisions enforced.

The law provides for a system of labor and social welfare courts to rule on violations of the Labor Code. Employers often failed to comply with the decisions of the Labor Courts and suffered no effective sanctions for having done so. Throughout the economy, employees were reluctant to exercise their right of association for fear of reprisal by employers. Workers had little confidence that the responsible executive and judicial institutions would defend effectively their rights as employees when employers violated those rights. In addition the weakness of labor inspectors, the failures of the judicial system, poverty and lack of education, the legacy of violent repression of labor activists during the internal conflict, and the deepseated hostility of the business establishment towards independent and self-governing labor associations constrained the exercise of worker rights. In its 4th Report on the Peace Process, MINUGUA noted that "genuine trade union freedom does not exist" due to antiunion violence.

According to the Labor Ministry, less than 2 percent of the work force (about 60,000 persons) belong to labor organizations. The approximately 1,300 registered unions and 400 company-sponsored "solidarity organizations" were independent of government and political party domination. However, the International Confederation of Free Trade Unions (ICFTU) in a September 1999 report described the solidarity organizations as "set up by employers to undermine trade unions." The administrative process for unions to obtain legal status has been simplified progressively over the past decade. In 1996 the Ministry of Labor reduced the number of steps within the Ministry for consideration of union applications and established strict timetables for approval or denial; the time for the procedure was reduced to 20 days from 60. During the year, the Labor Ministry expanded its program to assist unions with their applications. During the year, the Ministry also simplified the process for forming federations and confederations. The Labor Ministry granted legal status to 42 unions during the year. In 1999 there were 1,389 registered unions, including 401 unions in the public sector and 988 unions in the private sector.

On October 13, 1999, a group of men, many of them armed, took control of the union hall of the SITRABI banana workers union in the town of Morales, Izabal. There were credible reports that leaders of the vigilante group repeatedly threatened to kill some of the union leaders. During the incident, which lasted over 8 hours into the morning of October 14, about 20 rank-and-file union members reportedly were held captive for much of that time on the bus in which they had come to the union hall. There were several credible reports that armed men forcibly entered the home of one of the union leaders and made him go with them to the union hall. Various union leaders and rank-and-file members were shoved and struck. Union leaders were forced to sign letters of resignation from their positions in the union and from their jobs. The Ministry of Labor immediately declared the coerced resignations to be invalid. MINUGUA's report on the incident called it "one of the most serious violations of human rights since the signing of the Peace Accords."

Despite the availability of dozens of potential witnesses, and therefore little doubt as to the essential facts, the investigation and indictment process that followed was lengthy and slow to progress. According to MINUGUA, law enforcement failures attendant to this incident included police inaction as the incident took place, lapses in applying the Code of Criminal Procedures during the indictment phase, and a weakening of the charges finally placed against the accused. In June the first instance court rejected charges of abduction, intimidation, aggravated trespass, and aggravated illegal detention, which were sought by the prosecution. The first instance court arraigned 24 defendants on charges of trespass, illegal detention, and coercion. The trial date is scheduled for spring 2001.

The ILO's Governing Body, sitting as the Committee on Freedom of Association, published a detailed account of these events in its report released in November. The report noted that "the BANDEGUA enterprise denies any links with the acts of violence while the trade union accuses it of being responsible for them." (SITRABI is the union of BANDEGUA employees; BANDEGUA is the Guatemalan subsidiary of Del Monte Fresh Produce). In the background to this violence against these union leaders was the firing of 897 workers by BANDEGUA in September 1999, in violation of the contractual agreement "in force between the enterprise and the trade union." In October the Ministry of Labor facilitated the completion of a collective bargaining agreement between the SITRABI union and the lease holding contractors of BANDEGUA who had taken up operating the plantations on which the 918 workers had worked as directhire BANDEGUA employees.

Workers have the right to strike, but labor code procedures for having a strike recognized as legal are cumbersome. Labor organizers have criticized the law, which requires that two-thirds of the work force must approve a vote to strike, prohibits strikes by agricultural workers at harvest time, and allows the Government to prohibit strikes that it considers seriously harmful to the national economy. Employers may suspend workers or fire them for absence without leave if the authorities have not recognized their strike as legal. The strike regulation law calls for binding arbitration if an impasse has been reached after 30 days of negotiation.

In 1996 Congress approved a law that further restricted the right to strike for workers employed in a range of essential public services, including urban and inter-urban transport, mail, and telegraph. Unions had opposed the law strongly, and some members of Congress called the measure unconstitutional and contrary to obligations under ILO conventions. However, the Constitutional Court declared it constitutional in 1997. This essential services strike legislation gives the President the authority to intervene forcefully should strikes threaten the orderly functioning of society. The Labor Code reforms proposed in June would undo the provisions of this law that the ILO regards as incompatible with ILO standards with respect to the right to strike. The proposed reforms would reduce the number of workers required to call a legal strike to a simple majority. The proposed reforms would limit essential services to health, communications (including air traffic control), and public transport, and provide for legal strikes in those sectors so long as minimum services are maintained.

There were no significant strikes during the year.

The law protects workers from retribution for forming unions and for participating in trade union activities, but enforcement of these provisions is inconsistent. Many employers routinely seek to circumvent labor code provisions in order to resist unions, which they view as disruptive and as a challenge to their full control of the workplace. An ineffective legal system and inadequate penalties for violations have hindered enforcement of the right to form unions and participate in trade union activities. Although the Labor Code provides that workers illegally fired for union activity should be reinstated within 24 hours, in practice employers often filed a series of appeals or simply defied judicial orders for reinstatement. Penalties for defying such orders were increased somewhat in the 1992 Labor Code reform and further in a decree that went into effect in June 1998. The Labor Ministry has worked to "promote the restructuring of labor relations in enterprises by encouraging labor-management cooperation" and bring about a "culture of negotiation" as called for by the Peace Accord on Social and Economic Aspects and the Agrarian Situation. However, productive, good-faith negotiations between employer and worker representatives have been the exception rather than the rule. The majority of unions that engaged in collective bargaining during the year reported that employers increasingly rejected the underlying premise of collective bargaining—that power in the workplace can be shared equitably according to a contract between the employees and company management.

Impunity for acts of intimidation and violence against trade union members remains a problem. In its Fourth Report on the Peace Process, MINUGUA noted that "genuine trade union freedom does not exist" due to antiunion violence. In its No-

vember report, the ILO noted that 12 murders, some of which date back to 1995, of union leaders and union members, have not yet been investigated credibly nor effectively prosecuted. In June Mixco city councilman Francisco Rodas left the country, alleging persistent, credible death threats following his campaign to have 400 fired municipal workers reinstated by Labor Court rulings. Mixco Mayor Elmer Morales fired the workers in the months after he assumed office in February and was the suspected source of the threats.

An active "solidarity" movement claims to have approximately 170,000 members in about 400 companies. Unions may operate legally in workplaces that have solidarity associations, and workers have the right to choose between the two or to belong to both. The Government views these associations as civic organizations that need not interfere with the functioning of trade unions. The Labor Code stipulates very clearly that trade unions have an exclusive right to bargain collectively on work conditions on behalf of workers. However, unions charge that management promotes solidarity associations to avoid the formation of trade unions or to compete with existing labor unions. There were credible reports that some of these associations did not always adhere to democratic principles in their formation and management and that workers were unable to participate fully and freely in decision-making. Similar credible charges were made against some trade unions.

The Human Rights Ombudsman's office for economic and social issues receives complaints related to violations of internationally recognized worker rights. Union leaders and workers filed over 100 complaints with the PDH in 1999, and the Ombudsman has made public statements about labor conditions in various sectors of the economy. The PDH can investigate union complaints and issue a statement, but the office has no enforcement powers beyond attempting to resolve the situation through publicity and moral persuasion.

Unions may and do form federations and confederations and affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively; however, the practice of collective bargaining is constrained by legal restrictions, according to a report by the ILO Committee of Experts (COE). The COE called on the Government to remove the legal requirement that a collective bargaining agreement be submitted to the Government and that it have two-thirds support of union members. The COE report also lists seven other reforms necessary to provide for full exercise of the right to organize and bargain collectively. The practice of collective bargaining also is limited by the weakness of the labor movement; the requirement that 25 percent of the workers in a factory or business must be union members in order for collective bargaining to take place; the lack of experience with collective bargaining; and management's aversion to sharing power with worker associations. Both management and labor honored wellwritten collective contracts at some firms; however, in others management, and sometimes labor, chose to ignore the contractually binding collective bargaining agreements. Between 1995 and 1999, 153 collective bargaining agreements were concluded between employers and employees and registered with the Labor Ministry. Nearly all of these agreements remained in force at the end of the year; although some had expired and were under renegotiation. Most workers, even those organized in trade unions, do not have collective contracts to cover their wages and working conditions nor do they have individual contracts as required by law. According to a study released in November by the Association for Research and Social Studies, only 10 percent of workers have a contract duly registered with the Labor Ministry as required by law.

Employers legally cannot dismiss workers for helping to form a trade union; workers file complaints in this regard with the labor inspectors for resolution; however, the Government does not enforce this law effectively. The Labor Code provides for the right of employers to fire union workers for cause, permits workers to appeal their dismissal to the labor courts, and requires the reinstatement within 24 hours of any union worker fired without cause. The Labor Code prohibits employers from firing workers for union organizing and protects them for 60 days following the official publication of approval of the union. The Labor Code also prohibits employers from firing any member of the executive committee of a union and also protects them for 12 months after they are no longer on the executive committee. An employer may fire a member of the union's executive committee for cause only after a trial and issuance of a court resolution. However, the Government does not enforce these laws in practice.

Despite governmental, bilateral, and multilateral efforts to restructure and modernize the labor court system, the system remained ineffective. There are 20 labor courts, including 7 in the capital and 13 elsewhere around the country. An additional nine courts deal with labor issues as part of their jurisdiction. The weakness

of the judicial system as a whole, the severe shortage of competent judges and staff, and a heavy backlog of undecided cases all contribute to the labor courts' lack of credibility and effectiveness. The small number of competent and motivated labor inspectors, and the lack of training and resources devoted to detecting and investigating Labor Code violations, compound the weakness of the labor courts. However, government efforts to improve the labor inspection system continued. At year's end, there were 80 full time, professional labor inspectors on the rolls of the Ministry of Labor. In September the Ministry hired another 70 inspectors under temporary contracts. The Ministry of Labor continued to increase its rate of inspections and fired some incompetent or corrupt inspectors. Ministry figures show that over 2,000 investigations or inspections were conducted between January and August 1999. A portion of these inspections was a successful campaign to improve compliance with labor standards in the inbond processing for export or "maquila" sector. In addition some represented an effort to ensure compliance with minimum wage provisions. As a result of this revitalized labor inspection effort, the Labor Ministry filed 1,136 complaints for uncorrected labor law violations during the year, which was a record number.

The Ministry of Labor has reorganized its labor inspection system to permit some complaints to be heard at the Ministry of Labor rather than requiring that inspectors travel to each work site. The Ministry instituted a set of complaint assistance, small claims mediation, and informational initiatives designed to provide better services to workers. The Ministry continued its educational campaign on worker rights (especially the rights of minors and women), which included a campaign of radio announcements and the provision of some documents in indigenous languages. In an effort to improve enforcement of the Labor Code outside the capital, the Ministry of Labor continued to decentralize its operations. Seven of the Ministry's offices outside the capital have been accorded regional authority. These regional offices, in addition to labor inspectors, also include specialists in women and workplace issues, management/worker relations/conflict resolution, and minor workers/child labor issues. The Labor Ministry plans to give these regional offices supervisory authority over branch offices in the departmental capitals of each region.

Labor laws and regulations apply throughout the country, including in the few export processing zones (EPZ's); however, they are enforced weakly. (Maquilas that make garments for export operate under an EPZ-like regime, although they are not located in distinctly set-apart areas.) The laws governing the EPZ's are not discriminatory on the subject of organizing trade unions or collective bargaining. Union leaders often blamed their inability to organize workers in these zones on employer pressures and unofficial restrictions on their access to the EPZ's. While labor standards in the EPZ's were no different from those found outside the zones, actual working conditions were often better.

c. Prohibition of Forced or Compulsory Labor.—The Constitution bars forced or compulsory labor, and the practice generally does not exist. The ILO COE urged the Government to ensure the rapidity of judicial processes and inquiries concerning compulsory labor and to ensure the imposition of penalties and the strict enforcement of laws. The law does not prohibit specifically forced or bonded labor by children, but they are covered by the general constitutional provision. Forced or bonded labor by children generally did not occur; however, children were trafficked for the purpose of prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bars employment of minors under the age of 14 without written permission from the Ministry of Labor. However, children below this age regularly are employed in the informal and agricultural sectors, usually in small family enterprises. A MINUGUA report, issued on December 11, found that 34 percent of children between the ages of 7 and 14 work. The law prohibits minors from night work and extra hours (the legal workday for minors under the age of 14 is 6 hours; for minors 14 to 17 years of age, it is 7 hours), from working in establishments where alcoholic beverages are served, and from working in unhealthy or dangerous conditions. However, between 3,000 and 5,000 children were employed in the illegal cottagebased fireworks industry. The Labor Ministry estimated that approximately 10 percent of the children in this industry work illegally in factories, while younger children, under the age of 14, typically work at home on piecework taken in by their families. On July 12, an explosion in a family-run home fireworks workshop killed three siblings, including a 13-year-old; all three were working in their father's illegal fireworks factory in San Raymundo Sacatepequez. The accident was due to carelessness and inexperience handling explosives; and was typical of accidents that occur regularly in the informal cottage fireworks industry.

Laws governing the employment of minors are not enforced effectively, due to the shortage of qualified labor inspectors and the weakness of the labor court system.

The Association for Girls and Boys in Central America estimates that approximately 2 million children work. The majority of child laborers work in agriculture (family farms, coffee, and sugar cane harvesting), while others work in domestic service, construction, various family businesses, stone quarrying, rock-breaking, fireworks manufacturing, shining shoes, begging, performing in the streets, or other jobs. According to Labor Ministry statistics, between 1995 and 1999, 507 permits were issued authorizing the employment of minors. The Ministry of Labor's efforts to reduce the number of these permits issued had the unintended effect of increasing the number of minors applying for work with falsified age documents. Many children under the age of 14 work without legal permission and are open to exploitation. They generally receive no social benefits, social insurance, vacations, or severance pay, and earn below-minimum salaries.

The Labor Ministry has a program to educate minors, their parents, and employers on the rights of minors in the labor market. In 1992 the Government formed the Child Worker Protection Unit within the Ministry of Labor. Late in the year, the Ministry of Labor, with the support of a group of NGO's, finalized a National Plan for the Prevention and Eradication of Child Labor and Protection of Adolescent Workers. Implementation of the 1997 Children's and Minor's Code has been suspended indefinitely because of political controversy over its provisions (see Section 5). Economic necessity forces most families to have their children seek some type of employment to supplement family income, especially in rural and indigenous communities. Children who work generally do so in family enterprises. Education is compulsory for all children up to the 6th grade. The law does not prohibit specifically bonded labor by children, but they are covered by a constitutional prohibition on forced or compulsory labor. Bonded labor by children generally did not occur; however, children were trafficked into prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The law sets minimum wages; however, non-compliance with minimum wage provision in the rural and informal sectors is widespread. The Ministry of Labor oversees a tripartite committee, which includes formal sector representatives of labor and management, and makes recommendations for increases in the minimum wage. In the event that agreement is not possible, the Government may decree such increases. The Executive Branch promulgated the most recent minimum wage increase by decree, after the tripartite commission was unable to reach a consensus, and it took effect on December 16. This decree raised the minimum daily wage for agricultural work by \$0.45 (3.46 quetzals) to \$3.24 (25.08 quetzals). It raised the minimum daily wage for service, industrial, and government sector work by \$0.49 (quetzals 3.82) to \$3.57 (27.67 quetzals). In March the National Legislature mandated by decree an incentive bonus that augments the minimum wage. This decree increased the minimum wage by ordering that an incentive bonus be paid for each hour worked—\$0.09 (0.6725 quetzals) per hour for agricultural workers and \$0.08 (0.64375 quetzals) per hour for industrial and other workers. This raises the legal minimum wage for a regular 8-hour day to \$3.93 (30.46 quetzals) for agricultural work and \$4.32 (32.82 quetzals) for service, industrial, and government sector work. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. According to the UNDP, at least 80 percent of the population live below the poverty line, including approximately 60 percent of those employed. In November MINUGUA reported that a minimum wage adequate for feeding a family of six would have to be nearly 80 percent higher than the current minimum wage. MINUGUA also reported that a minimum wage also adequate for clothing, sheltering, and educating a family of six would have to be nearly 225 percent higher than the current minimum wage.

The legal workday is 8 hours and the workweek is 44 hours, but a tradition of longer hours remains in place due to economic conditions. The Labor Code requires a weekly paid rest period of at least 24 hours. Trade union leaders and human rights groups charge that workers sometimes were forced to work overtime, often without premium pay, in order to meet work requirements. Labor inspectors report uncovering numerous instances of such abuses, but the lack of stiff fines or strong regulatory sanctions, as well as inefficiencies in the labor court system, inhibit adequate enforcement of the law.

Occupational health and safety standards are inadequate. Many of the provisions of the applicable law—which dates back to 1957—are archaic, making enforcement problematic. During the year, as part of its effort to address this situation, the Ministry of Labor participated in a number of international initiatives intended to sensitize employers and workers to health and safety risks in the workplace. Enforcement of occupational health and safety standards that do exist and could be applied reasonably is weak. When serious or fatal industrial accidents occur, the authorities often fail to investigate fully and to assign responsibility for negligence, if any. Employers rarely are sanctioned for having failed to provide a safe workplace, although

the authorities did suspend one maquila operation for safety shortcomings, and threatened about a dozen others, in some cases repeatedly, with a suspension of operations if they failed to improve safety conditions. The Labor Ministry provides training courses for labor inspectors in health and safety standards, and has given such training a higher priority despite scarce resources. Legislation requiring companies with more than 50 employees to provide on-site medical facilities for their workers has not been well enforced; however, most large employers provided such facilities for their employees. Workers have the legal right to remove themselves from dangerous workplace situations, and the law provides them with protection for their continued employment. However, few workers are willing to jeopardize their jobs by complaining about unsafe working conditions.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons unless that trafficking involves entry into or departure from the country for the purpose of prostitution. In addition an immigration law that came into effect in January 1999 made alien smuggling a crime punishable by imprisonment. The law mandates sentences of 5 to 8 years in prison for those found guilty of “promoting or facilitating the illegal entry of persons.” Prostitution is not illegal; there are certain health code requirements for persons engaging in prostitution. Pimping and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if minors are involved. Trafficking in women and children, primarily for the purpose of prostitution, is a growing problem.

The country is a significant transit country for alien smuggling, both from neighboring Latin American countries and from China, Taiwan, and south Asia; aliens often are smuggled to the United States. Traffickers use force, coercion, fraud, and deception. In one instance, Chinese male victims apparently agreed to debt bondage to pay off their transportation costs, while female victims, some of whom were under the age of 18, apparently were being taken to the United States to work as prostitutes. The victims were told that their families in China would suffer if they broke the debt bondage agreement.

The Defense of Children’s Rights unit in the PDH and the Minors’ Section of the Public Ministry regularly investigate cases of trafficking. Officials in the Labor Ministry also raise the issue with the police and social welfare agencies as part of their efforts to combat child labor and child exploitation. There are no programs specifically designed to provide shelter or rehabilitation to victims of trafficking. NGO’s that focus on women and children’s rights often help victims of trafficking and work to educate the population about the dangers of trafficking; however, there are no NGO’s that focus solely on trafficking.

The Ministry of Labor, UNICEF, and the U.N. Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography, who visited the country in July 1999, have noted a marked increase in child prostitution over the past 2 years in the towns along the borders with Mexico and El Salvador. Along the border with El Salvador, many child prostitutes were brought into the country from El Salvador, Nicaragua, and Honduras by organized rings, who force the children into prostitution. In its annual report for 1999 on the state of children, ODHAG clearly identified the growing problem of child prostitution as linked inextricably to that of trafficking in persons. The report notes that no child prostitute “got there alone” without inducement and exploitation by adults.

GUYANA

The Co-operative Republic of Guyana is a small nation struggling with the problems of consolidating its democratic institutions. It has a multiparty political system based on proportional representation. Citizens elect an executive president and a 65-member unicameral parliament. The President appoints a prime minister and a cabinet. In December 1997, citizens voted in a free and fair national election to return the People’s Progressive Party (PPP) and its Civic (C) partner to office. Social unrest and occasional violence marred the post-election period, with the main opposition party alleging that the election was fraudulent; charges that international observers considered unfounded. Nonetheless, as part of a Caribbean Community (CARICOM) brokered compromise between the two parties, the PPP/C alliance agreed to shorten its constitutionally mandated 5-year term to 3 years, and a new election is scheduled for 2001. The judiciary, although constitutionally independent, is inefficient and often appears subject to government influence.

The Guyana Defence Force (GDF) and the Guyana Police Force (GPF) are under civilian control. The GPF has the authority to make arrests and maintains law and order throughout the country. The GDF is a professional military responsible for na-

tional defense, internal security, and emergency response. Some members of the police force committed human rights abuses.

Guyana is a very poor country. The economy, which for years was centrally planned and controlled, is based on a mix of private and state enterprises. Rice, sugar, bauxite, and gold are the major exports. There are severe shortages of skilled labor and the economy is constrained by an inadequate and poorly maintained infrastructure for transportation, power distribution, flood control, and communications. Real economic growth unofficially was estimated at 0.5 percent, compared with 3 percent in 1999. Per capita gross domestic product is estimated at \$824, and over half the population lives in poverty.

The Government generally respected the human rights of its citizens; however, serious problems remain in several areas. The police continued to commit extrajudicial killings, and police abuse of suspects continued to be a problem. The authorities took some steps to investigate abuses, but in general, the police continued to commit abuses with impunity. Prison conditions remain poor, and lengthy pretrial detention remains a problem. The inefficient judicial system results in long delays in trials. Police infringed on citizens' privacy rights. Violence against women and children, societal discrimination against women and indigenous Amerindians, and incidents of discrimination stemming from the racial tensions between Indo-Guyanese and Afro-Guyanese are problems, as is child labor in the informal sector.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The police continued to commit extrajudicial killings. The Guyana Human Rights Association (GHRA) reported that the police killed 13 civilians during the year, compared with 9 in 1999, 11 in 1998, and 27 in 1997. In most cases, the police shot the victims while attempting to arrest them or while a crime was being committed.

The GHRA also expressed concern about the death in custody of Shawn "Big Bird" Nedd, who reportedly was shot and killed on February 7 by police after being arrested, while being held in a vehicle of the "Quick Reaction Squad." Eusi Kwayana of the Working People's Alliance political party filed a private criminal charge against a police constable for Nedd's death. In July the Director of Public Prosecutions (DPP) dismissed the case.

On February 9, police shot and killed criminal fugitive Linden "Blackie" London, a former army officer wanted for 4 murders and 14 robberies. Television cameras recorded a police officer shooting London as he appeared to surrender to the GDF. The manner of London's death led to speculation that he was executed to prevent him from revealing details of criminal connections within the Government or the security services. Several thousand persons attended London's funeral on February 16, including former President Desmond Hoyte, who publicly condemned extrajudicial killings by police. Rhonda Forde, a female companion of London's, died when she was shot during the exchange of gunfire. On February 18, a government official announced that an independent board would not be established to investigate police actions during the standoff, but that police and defense forces would conduct a joint services investigation. However, no results of any investigation of London's killing have been made public.

On March 18, a police squad shot and killed Hilton Rodrigues, wanted for murder and robbery; a police constable also was killed in the shootout. On June 23, a police officer shot and killed 26-year-old Ramdeo Rampersaud while attempting to arrest him on rape charges.

On August 18, a policeman shot and killed 14-year-old Trevor Crossman in Ituni, along the Demarara River. The policeman mistook him for his older brother, with whom the policeman had argued. In order to express public sympathy for the family, the Police Commissioner attended Crossman's funeral. The authorities charged the policeman with manslaughter; on September 8, he was released on bail pending trial.

On September 3, Mohammed Shafeek died in the Brickdam police lockup. An autopsy revealed that Shafeek was beaten all over his body; his skull and neck were fractured. The Home Affairs Minister initially announced that police reports indicated that Shafeek might have been beaten by other prisoners. However, the Police Commissioner subsequently announced on September 28 that an investigation revealed that Shafeek was beaten by the Venezuelan crew of a ship that had since left the country, and that the police had arrested him for disorderly conduct. The commissioner added that Shafeek should have been hospitalized instead of being placed in a prison cell, and that procedures would be instituted in the future to ensure that injured prisoners were hospitalized. On October 4, the police submitted

a 20-page report to the DPP. The report noted that disciplinary action would be taken against police officers involved. At year's end, an inquest was scheduled for January 2001.

On November 21, a presidential guard allegedly shot and killed fruit vendor Oscar Daniels in Georgetown. The guard reportedly was aiming at Daniels' cousin, with whom he had argued, and the guard took Daniels to a hospital, but he died on the way. Shortly thereafter, the guard returned to duty until media reports led to his removal. At year's end, an inquest was pending.

Throughout the year, the Rise Organize and Rebuild (ROAR) political party complained about threats and harassment from the ruling PPP. ROAR portrayed the murder on November 12 of a man named Mohan, the father of ROAR's organizer in the Essequibo region, by a PPP supporter as a result of the PPP's campaign against it. However, the ROAR presented no evidence that connected the killing to the PPP.

There were no new developments in most of the extrajudicial killings by police in previous years, including the police shootings of Fazal Narine and Colin McGregor in 1999. In April a jury found that no one could be held criminally responsible for the death of Victor "Junior" Bourne in 1998. Two police superintendants were charged with killing Bourne but defended themselves by asserting that they acted in self-defense. Human rights monitors questioned the jury's verdict by noting that the police version of the shooting was contradicted by eyewitness testimony, which stated that Bourne was in bed asleep when police shot him. Amnesty International issued a statement criticizing the verdict and expressing concern over the climate of police impunity in the country.

On March 30, the U.N. Human Rights Committee made 22 recommendations to the Government, including a call for prompt investigation by an impartial body of extrajudicial killings and excessive use of force. It also called for measures to be taken to ensure the prosecution of offenders and to provide effective remedies to victims. The Committee recommended that all law enforcement officials receive thorough training in international human rights standards.

Many justice authorities and human rights activists say that because of rising crime and pressure from urban businesses, which are often the targets of criminals, the Government has taken a lax attitude toward investigation of alleged police abuses. In general police abuses are committed with impunity.

The Police Complaints Authority (PCA), established in 1989, is composed of five members who investigate complaints against police officers. The statute provided for the independence of the PCA; however, most members are themselves members of the criminal justice system, and the PCA is not truly independent. The PCA received 69 complaints during the year (compared with 45 in 1999), completed investigation of 27 of them, and sent them to the Police Commissioner for action. However, there is no information publicly available on the status of these investigations. The PCA has not submitted an annual report since 1995. Even when police officers do face charges, most of the cases are heard by lower magistrate courts, where other specially trained police officers serve as the prosecutors. As a result, human rights activists question officers' commitment to prosecuting their own colleagues.

In response to the growing number of complaints against the police, the police established the Office of Professional Responsibility (OPR) in 1997. During the year, the OPR received 150 cases; it completed action on 97 of them and was awaiting instructions from the DPP on 27 cases. Since its inception, the OPR has carried out investigations of complaints against police, and at least 99 cases have resulted in some type of disciplinary action being taken against police officers.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police continued to abuse suspects, although to a lesser degree than in the previous year. From 1995 to 1997, the GHRA received an average of 20 complaints per year from victims who had been beaten by police while in custody. The GHRA still considers police mistreatment of prisoners a problem. Moreover, inmates, attorneys, and judicial authorities provided credible evidence that police and correctional officers frequently ignored the actions of other inmates who beat, robbed, or otherwise mistreated "problematic" prisoners.

On September 3, Mohamed Shafeek died in the Brickdam police lockup, after being arrested the previous day (see Section 1.a.).

Prison and jail conditions were poor, especially in police holding cells. Georgetown's Camp Street Prison, the country's largest, is extremely overcrowded. For most of the year, Camp Street held between 900 and 1,100 prisoners in space initially designed to hold 350. Conditions in the country's four smaller prisons generally are adequate. In 1997 when the Director of Prisons reported that a prisoner had died in part due to overcrowding at the Camp Street Prison, the Government

responded by assigning more full-time nurse practitioners and pharmacists to the prison system and by requiring that doctors visit prisons more regularly. Prison directors and inmates reported that, over the course of the year, medical coverage improved. The GHRA continues to advocate improved health care in the prison system. In addition to overcrowding and a lack of medical personnel, poor staff morale is a serious problem within the prison system. Prison staffers are poorly paid, and their salaries and benefits are insufficient to compensate for the on-the-job risks; however, they try to assist prisoners as much as possible. Prison officials lobbied the Government for increased funding to improve prison conditions; they also encouraged efforts by local and international nongovernmental organizations (NGO's) to improve physical and sanitary conditions.

Although sanitary and medical conditions in police station temporary holding facilities vary, in almost all cases these conditions are worse than those in the prisons. Some such jails are bare, overcrowded, and damp. Few have beds, washbasins, furniture, or utensils. Meals are normally unavailable; friends and relatives must bring detainees food and water. Cells rarely have sanitary facilities, and inmates sometimes are escorted by staff members outside the cells to use holes in the floor for toilets. Inmates generally sleep on a thin pallet on the concrete floor. The Brickdam lockup in Georgetown has poor sanitation and dangerous conditions. One cell without plumbing or other facilities typically holds up to 30 detainees and is often the site of violence between inmates. Although precinct jails are intended to serve only as pretrial holding areas, some suspects have been detained there as long as 4 years, waiting for the overburdened judicial system to take action on their cases.

In October the GHRA criticized prison authorities for the death of Michael Ramcharran at the hands of another inmate, which the GHRA said was the direct result of overcrowding at the Camp Street Prison. To reduce overcrowding, the GHRA called on the judiciary to consider alternate sentencing for minor offenses, rejuvenation of the Parole Board, and the release of ill prisoners who have completed almost all of their sentences. However, the Government did not adopt any of these recommendations. Since then, the Parole Board has become more active, but still is reluctant to release prisoners due to insufficient post-release resources, including a lack of probationary staff.

The GHRA noted that protest actions on the roof of the central prison increased significantly during the year; at one point in October six inmates were on the roof to protest lengthy delays in trials (see Sections 1.d and 1.e.).

Conditions were generally adequate in the only women's prison, which is at New Amsterdam, in a facility that holds men and women in separate dormitory-type buildings. There are a number of vocational and educational courses, and regular visits by a psychiatrist who provides counseling were started for female inmates. The GHRA has urged that female inmates' responsibility for children should be recognized in terms of length of sentence and facilities for family contact. The East La Penitence police jail, where female prisoners are held until sentencing, was upgraded during the year; sanitation improved, and there is piped water for the inmates. Construction has not begun yet on the new women's detention center at East La Penitence.

Following widespread criticism caused by the detention in 1999 of two boys (ages 8 and 11) with adult prisoners who mistreated them, police have been careful to place juvenile offenders in a separate facility, in which conditions are adequate. In December 1999, police moved imprisoned juveniles from Brickdam to the Kitty police lockup, but conditions were so poor there that they were moved to the Ruimveldt police station. This station became the only facility holding juveniles, whose ages range between 14 and 17 years.

Prison officials were receptive to local and international NGO requests to enter and inspect prison facilities. The GHRA participates as a member of the prisons' visiting committee, which investigates prisoner complaints, inspects diets, reviews primary medical care services, and provides recommendations to prison authorities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that no person may be deprived of personal liberty except as authorized by law and requires judicial determination of the legality of detention, a mandate that the authorities generally respected in practice.

Arrest does not require a warrant issued by a court official. Police may arrest without a warrant when an officer witnesses a crime or at the officer's discretion in instances where there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 24 hours be brought before a court to be charged. Bail is generally available, except in capital offense cases. In narcotics cases, magistrates have limited discretion in granting bail before trial and must remand persons convicted of such crimes into custody, even if an appeal is pending.

Lengthy pretrial detention remains a problem. The GHRA has asserted that prisoners often are detained for 3 or 4 years while awaiting trial; however, the authorities denied that delays were this long. During the year, prisoners protested lengthy trial delays (see Section 1.c.)

The Constitution prohibits forced exile, and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, law enforcement officials and prominent lawyers questioned the independence of the judiciary and accused the Government of intervening in certain criminal and civil cases. There are no institutional checks on the President or the ruling party when they seek to influence judges. However, the Government generally respects the independence of the judiciary in human rights cases.

The court system is composed of a high court (the Supreme Court of Judicature), an appeals court, and a system of magistrate courts. Magistrates are members of the civil service and are trained lawyers. The magistrate courts deal with both criminal and civil matters. The Ministry of Legal Affairs, headed by the Attorney General, is the principal legal advisor to the State. The Director of Public Prosecution is statutorily independent and can file legal charges against offenders. The Constitution provides that anyone charged with a criminal offense has the right to a hearing by a court of law. This right is respected in practice.

Delays in judicial proceedings are caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional alleged acts of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial. The inefficiency of the judicial system undermines due process. Lengthy pretrial detention remains a problem (see Section 1.d.). In March the U.N. Human Rights Committee called on the Government to recruit competent part-time and temporary judges in order to deal with the backlog of cases. In September four additional judges were sworn in.

Defendants are granted public trials, and appeals may be made to higher courts. Appeals of some murder cases may go on for several years. Trial postponements are granted routinely to both the defense and the prosecution. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts have had only a limited effect, and judicial staff still need further training in all areas. Although the law recognizes the right to legal counsel, in practice, with the exception of capital crimes, it has been limited to those who can afford to pay. There is no public defender system.

The Georgetown Legal Aid Clinic, with public and private support, provides advice to persons who cannot afford a lawyer, with a special interest in cases of violence against women and criminal cases related to civil cases in such matters (for example, assault as part of a divorce case). Defendants in murder cases who need a lawyer are assigned an attorney by the court. The Guyana Association of Women Lawyers provides free legal services for civil cases only.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for these rights; however, the authorities often infringed on citizens' privacy. Law enforcement officials must obtain warrants before searching private homes or properties. Although the authorities generally respected these requirements, there were numerous reports of police officers searching homes without warrants, particularly in neighborhoods where narcotics trafficking is a problem.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. Citizens openly criticize the Government and its policies.

The independent Stabroek News publishes daily, and a wide range of religious groups, political parties, and journalists publish a variety of privately owned weekly newspapers. The Government's daily newspaper, the Guyana Chronicle, covers a broad spectrum of political and nongovernmental groups. However, throughout the year the Chronicle typically displayed a clear antiopposition bias.

While printed media flourished, a growing number of journalists charged the Government with failure to respect freedom of the electronic media. The Government owns and operates the country's sole radio station, which broadcasts on three frequencies. There are no private radio stations, and private interests continued to allege that the Government either denied or failed to respond to more than 20 requests for radio frequency authorizations. The Government maintained that it was unable to grant frequencies to private stations because there was no legislation governing their allocation. However, despite a similar lack of legislation to govern television frequencies, there were 12 independent television stations in addition to the government station.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right. The Public Order Act requires police permits for mass political meetings. The Police Commissioner has the authority to refuse permission for a public meeting if he believes that it may provoke a breach of the peace. In cases of refusal, applicants can appeal to the Minister of Home Affairs, whose decision on the matter is final. After obtaining authorization, which generally is granted, political parties and other groups held public meetings and rallies throughout the country without hindrance.

The Constitution provides for freedom of association, and the Government generally respects this right.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country, and the Government generally respects this right in practice. Travel to Amerindian areas requires government permission, the result of a law dating from colonial times designed to protect indigenous people from exploitation. However, in practice most persons travel throughout these areas without regard to the formality of a permit. Citizens are free to travel abroad, to emigrate, and to return.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government does not have a formal policy on refugees or asylum and has not enacted model legislation prepared by the UNHCR. The issue of provision of first asylum did not arise.

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

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

Citizens enjoy this right and exercised it in free and fair elections held in December 1997. There is a multiparty political system based on proportional representation. Voters indirectly elect the President to a 5-year term of office. Any citizen 18 years or older can register to vote.

The party that wins the most votes for parliament wins the presidency. A party's presidential candidate must be announced in advance of the election. The President appoints a cabinet and a prime minister who, with the President, exercise executive power. Citizens are free to join or support political parties of their choice. Since Parliament always is controlled by the party in power, the legislature typically provides only a limited check on the executive's power.

In December 1997, citizens voted to return the PPP and its Civic partner to office and elected Janet Jagan, widow of former president Cheddi Jagan, as President, defeating the People's National Congress (PNC), which is the main opposition party. As a result of opposition charges of election fraud that international observers considered unfounded, the ruling party entered into an agreement brokered by officials from other CARICOM nations to hold new elections after 3 years instead of 5 years as required by the Constitution. In October 1998, a court began hearing testimony in a civil suit filed by the PNC in support of its allegation that the 1997 election was rigged; however, by year's end, no verdict was reached.

In 1999 Finance Minister Bharrat Jagdeo succeeded to the presidency following the resignation of Janet Jagan due to health reasons. The CARICOM-brokered agreement also called for constitutional reform of the electoral process, and Parliament began to debate changes to the 1980 Constitution, but reaching agreement on proposed revisions is a lengthy process. In December Parliament passed a Constitutional Amendment Act that imposes a 7-year residence requirement on candidates for the presidency and sets a limit of two terms. In addition the act removed a clause that made the President immune from prosecution, and it limits the number of nonelected ministers to four. Additional constitutional amendments are expected following the next general elections, which are scheduled to be held in March 2001.

Guyana is a racially divided society in which the political party structure polarizes the main ethnic groups. Winner-take-all elections exacerbate these tensions. The two major parties (the PPP and the PNC) are formed largely by Indo-Guyanese and Afro-Guyanese, respectively.

There are no legal impediments to the participation of women or minorities in the political process, but women and minorities are underrepresented in decision-making, government, and politics. The 20-person Cabinet includes 2 women, and the

country's second-highest judge is a woman. The 65-member Parliament includes 12 women and 10 Amerindians, representing both major parties.

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

The Guyana Human Rights Association, the most active local human rights group, functioned without government interference. The GHRA is an NGO formed in 1979 with the participation of trade unions, professional organizations, various ethnic groups, and churches. It issues periodic press releases and normally publishes an annual report on human rights. Members of the Government openly discussed human rights issues and made public statements in response to foreign and local human rights reports. The authorities did not interfere with the activities of human rights groups. The new draft constitution provides for the creation of a human rights commission to investigate abuses and to promote respect for human rights. An Amnesty International delegation visited in February and met with senior government officials.

In 1999 the Government presented its first report since 1981 on the country's human rights situation to the U.N. Human Rights Committee, as required by the International Covenant on Civil and Political Rights (ICCPR), of which it is a signatory. However, the Government's report, which was due in 1987, only covered the human rights situation between 1982 and 1987. In March the Government participated in 2 sessions with the committee, which then made 22 recommendations on a wide range of human rights issues (see Sections 1.a. and 1.e.). In 1999 the Government withdrew from the Optional Protocol to the ICCPR, which had permitted death row prisoners to appeal their cases to the U.N. Human Rights Committee. The withdrawal was in response to the Committee's 1996 ruling in favor of two convicted murderers who were to be hanged in 1997.

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

The Constitution provides fundamental rights for all persons regardless of race, sex, religion, or national origin. However, the Government does not always enforce these provisions effectively.

Women.—Violence against women, including domestic violence, is widespread. Rape, particularly of girls and young women, is a serious problem but infrequently reported or prosecuted. Health professionals and NGO's reported a high incidence of incest. Lawyers say that while more victims are reporting these crimes to the authorities, there is still a social stigma applied to the victim for doing so. Despite efforts by NGO's and the Department of Public Prosecutions to sensitize police officers to domestic violence, the police are often hesitant to interfere in cases of domestic disputes. According to press reports, there were 17 deaths as a result of domestic violence between January and October 16; the actual number was likely to be higher.

In 1996 Parliament passed the Domestic Violence Act. In addition to defining domestic violence and establishing it as a crime, the law gives women the right to seek prompt protection. Magistrates can issue interim protection orders when a victim of abuse, a police officer, or a social worker fills out an application for protection. A magistrate then evaluates the case and decides whether to replace interim orders with permanent orders. The Domestic Violence Act allows victims to seek protection, occupation, or tenancy orders. Protection orders prohibit abusers from being anywhere that the applicant lives, works, visits, or attends school. If protective orders are violated, the abuser can be fined up to \$54 (G\$10,000) and imprisoned for up to 12 months. However, this legislation frequently has not been enforced. Occupation orders allow the victim and any children to remain at a home previously shared with an abuser, while the abuser must leave. Similarly, tenancy orders require an abuser to leave a rented dwelling and continue to pay some or all of the rent. Although local NGO's that address the issue of domestic violence are relatively new, they work effectively together under tight budget constraints. While NGO's consider the Domestic Violence Act as a positive step, they claim that it has had little effect on the overall situation of domestic violence in society. NGO's report that domestic violence crosses racial and socioeconomic lines.

In March the U.N. Human Rights Committee criticized the lack of information about the effect of the Domestic Violence Act in reducing the level of violence against women. The Committee called for training of police and other law enforcement personnel in the importance of ensuring that women who are victims of violence are accorded equal protection and that preventive and punitive measures are enforced. By year's end, the Government had not taken any action in response to the U.N. recommendations.

Help and Shelter (H&S), the first local NGO dedicated to fighting domestic violence, focuses on societal reeducation in order to sensitize the public to domestic violence. By mid-1999, H&S had counseled 1,768 persons since it began offering counseling services in November 1995. H&S reported that 68 percent of its cases involved spousal abuse and 7 percent involved child abuse. Another 10 percent of cases reported to H&S were rape cases; the vast majority of these—78 percent—were reported by victims age 16 and under.

The 1997 Antidiscrimination Act builds upon the provisions of the 1990 Equal Rights Act. The two laws provide a strengthened framework under which women and minorities may seek redress for discriminatory acts or practices. However, no case has ever been tried under the Equal Rights Act, and critics of the Antidiscrimination Act claim that it is unlikely to be effective since the act places enforcement responsibilities on the overburdened Chief Labor Officer.

There is no legal protection against sexual harassment in the workplace. The law prohibits dismissal on the grounds of pregnancy, and dismissal on such grounds does not occur in practice. The Women's Affairs Bureau of the Ministry of Labor monitors the legal rights of women. The Women's Leadership Institute was established by law in December 1997 and opened in February 1999. The center seeks, through education and training, to facilitate greater women's participation in government and the private sector. The center plans to train an average of 350 women annually on issues such as women's rights, status of women, violence against women, and leadership development.

A 1990 law protects women's property rights in common-law marriages and entitles a woman who separates or divorces to one-half the couple's property if she had been working and one-third of the property if she had been a housewife. Divorce by consent remains illegal. The courts may overturn a husband's will in the event that it does not provide for his wife, as long as she was dependent on him for financial support.

The new draft constitution provides for a minimum number of women to be on party slates for parliamentary seats and creates a women and gender equality commission to promote the enhancement of the status of women, girls, and gender issues.

Children.—At least half of the population lives in poverty, and children are affected more severely than any other group. One-third of the population is under 18 years of age and, although the Government provides free education through secondary school, the severe deterioration of the public education and health care systems has limited children's future prospects. The public health system is inadequate, and private health care is unaffordable for many children. Children often do not attend school because their families need them to contribute to the household by working or providing child care for siblings or younger relatives.

Concern continues to rise over the effects of domestic violence on children. It is unclear how many deaths from child abuse take place, since law enforcement officials believe that the vast majority of criminal child abuse cases went unreported. The GHRA is concerned that there are no law enforcement investigative procedures in place to determine if abuse or parental incapacity were the true causes of death in some cases of the 400 children under the age of 5 who die each year, deaths that usually are ascribed to malnutrition or disease. Media reports of rape and incest further indicated that violence against children is a significant problem. According to UNICEF, a disturbing aspect is the concept of the "girl child," in which teenage girls trade sexual favors for money, a practice condoned by their parents yet obscured by cultural norms. In a related practice, parents demand monetary compensation following the rape of a teenage daughter.

The Domestic Violence Act allows police officers or social workers to file an application on behalf of an abused child. However, there is a lack of social services or trained experts to deal with children fleeing sexual, physical, or emotional abuse. Many children suffer from neglect or abandonment, particularly when 3 percent of the adult population emigrates each year, often leaving children behind.

The new draft constitution provides for the creation of a commission on the rights of the child to promote the well-being of children. This commission would monitor compliance and make recommendations for compliance with the U.N. Convention on the Rights of the Child and other international instruments acceded to by the Government. It also would review legislation affecting children and investigate complaints relating to children's rights.

People with Disabilities.—There is no law mandating provision of access for disabled persons, and the lack of appropriate infrastructure to provide access to both public and private facilities makes it very difficult to employ the disabled outside their homes. In 1997 Parliament passed a law establishing a council for persons with disabilities; however, the council has yet to begin its activities. There are sev-

eral special schools and training centers for the disabled, but they lack trained staff and are in disrepair.

Indigenous People.—The Amerindian population, which consists of nine tribal groups, constitutes an estimated 8 percent of the population. Most live in reservations and villages in remote parts of the interior. Their standard of living is much lower than that of most citizens and their ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources is limited.

Amerindian life is regulated by the Amerindian Act, legislation dating from colonial times designed to protect indigenous people from exploitation. Under the act, the Government may determine who is an Amerindian and what is an Amerindian community, appoint Amerindian leaders, and annul decisions made by Amerindian councils. It also prohibits the sale of alcohol to Amerindians and requires government permission before any Amerindian can accept formal employment; however, these provisions are not enforced. Both Amerindian individuals and groups remain free to criticize the Government. In 1998 the Ministry of Amerindian Affairs admitted that the Amerindian Act was antiquated and expressed a commitment to update it, although it has taken no action to do so.

The Government has long maintained that it is committed to demarcating lands that traditionally have been the home of Amerindians. However, the Government holds title to almost all the country's land and is free to act as it wishes without consultation. The Government identified a total of 75 villages, and reported that it successfully demarcated the lands of 11 Amerindian communities in 1998. The Ministry of Amerindian Affairs claimed that, in close consultation with Amerindian leaders, it would demarcate a total of 40 additional villages by the end of 1999; however, while a handful of village leaders have accepted these new titles, most leaders rejected the demarcations. Local Amerindian NGO's regarded government consultations as mere public relations exercises and demarcation as a means of confining Amerindian communities so that the rest of what Amerindians considered to be their land could be offered as concessions to miners and loggers. (Most of the titles to demarcated land were granted decades ago under the Amerindian Act and did not allow for the growth of Amerindian communities.) The Amerindian NGO's claimed that Amerindian leaders were not consulted properly and were pressured into uninformed decisions. The Government maintained that it would consider granting additional land rights to those communities that agreed to have their lands demarcated in 1999, but it has not yet taken action to do so.

In March the U.N. Human Rights Committee expressed regret that the Government had not yet amended the Amerindian Act and expressed concern that Amerindians did not enjoy fully the right to equality before the law. The Committee was especially concerned that the right of Amerindians to enjoy their own culture was threatened by logging, mining, and delays in the demarcation of their traditional lands, and that in some cases insufficient land is demarcated to enable them to pursue their traditional economic activities.

The new draft constitution provides for the creation of a commission on indigenous people to promote and protect the rights of the Amerindian community. Among the duties of the commission is to make recommendations for the protection, preservation and promulgation of the cultural heritage and language of indigenous people. In addition the commission is to promote the empowerment of indigenous people through local government institutions including village councils and the Council of Touthaas (community elders).

National/Racial/Ethnic Minorities.—Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, continued to influence society and political life. Racial and ethnic grouping of social and political organizations has polarized society along ethnic lines, and discrimination and exclusion continue to occur. Members of both the largely Indo-Guyanese PPP and the largely Afro-Guyanese PNC engaged in rhetorical and propaganda attacks that fueled racial tensions. In August Parliament passed legislation creating an ethnic relations commission in an effort to reduce tensions, and in December it approved implementing legislation for the commission.

The civil service and defense and police forces are overwhelmingly staffed by Afro-Guyanese. Recruitment efforts targeted at Indo-Guyanese candidates for the uniformed services generally have met with an unenthusiastic response, with most qualified Indo-Guyanese candidates opting for a business or professional career over military, police, or public service. However, in the aftermath of the 1997 election, the Government increased its efforts to recruit Indo-Guyanese for the security forces. The Government sponsored various forums for discussion of racial problems and to promote inclusion. It supported the work of NGO's that deal with these concerns.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions. The Trade Unions Recognition Law, which requires employers to recognize the union chosen by a majority of the workers, was passed in late 1997 and came into effect in 1999, but was not effective in practice. The Trade Unions Recognition Board did not grant recognition to any new unions; it issued recommendations to recertify existing unions that previously had represented workers, but the process was not completed by year's end.

Approximately 34 percent of the work force is unionized. Most union members work in the public sector and in state-owned enterprises. Organized labor freely associates in one major national federation, the Guyana Trades Union Congress (TUC), which is composed of 22 unions. There is a tradition of close ties between the trade union movement and political parties. Historically, the two major political parties have wielded significant influence over the leadership of several unions, and trade union officials often served in dual roles as party officials. This arrangement occasionally led to overt politicization of labor issues. For example, the Public Service Union organized a strike of customs employees in November 1998, with explicit political support from the opposition PNC. In 1999 all opposition parliamentary parties supported the public service workers' strike.

Workers have a generally recognized right to strike. Strikes can be declared illegal if the union leadership did not approve them, or they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeleton staff in place.

In May workers at the Forestry Commission went on strike. They were attempting to obtain recognition of their union, but 10 union branch chiefs were dismissed and had not been paid the severance package due to them.

In 1999 following a civil service strike, an arbitration panel awarded government workers an across-the-board 31 percent pay increase for 1999, an additional 26 percent increase in 2000, and step increases. While the Government has paid the annual increases, it has not yet agreed to implement step increases. There is no law prohibiting retaliation against strikers or antiunion discrimination by employers. However, this principle always is included in the terms of resumption after a strike. The Trade Unions Recognition Law defines and places limits on the retaliatory actions employers may take against strikers. Arbitration rulings, when agreed to by the contending parties, are enforceable legally.

Unions and their federations freely maintain relations with recognized international trade union and professional groups. All three of the major international trade union federations have affiliates in the country.

b. The Right to Organize and Bargain Collectively.—Public and private sector employees possess and utilize the right to organize and to bargain collectively. The Ministry of Labor certifies all collective bargaining agreements and has never refused to do so. However, until enactment of the 1997 recognition law, this right was not codified, and employers legally were not required to recognize unions or to bargain with them. Individual unions directly negotiate collective bargaining status, pursuant to the 1993 repeal of a regulation that required that all collective bargaining be negotiated through the GTUC. Unions are dissatisfied with a provision granting the Ministry of Finance veto power over wage contracts negotiated by other ministries. The Chief Labor Officer and the staff of the Ministry of Labor provide consultation, enforcement, and conciliation services.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and there is no indication that it occurs. The Government prohibits forced or bonded labor by children and enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Factories Act and the Employment of Young Persons and Children Act set out minimum age requirements for employment of children. Legally, no person under age 14 may be employed in any industrial undertaking and no person under age 16 may be employed at night, except under regulated circumstances. The law permits children under age 14 to be employed only in enterprises in which members of the same family are employed. However, it is common to see very young children engaged in street trading in the capital. While cognizant of the situation, the Ministry of Labor does not employ sufficient inspectors to enforce existing laws effectively. According to UNICEF, child labor in the informal sector is a problem, as is the practice of teenage girls trading sexual favors for money (see Section 5). The Government prohibits forced or bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Act and the Wages Councils Act allow the Labor Minister to set minimum wages for various categories of private employers. However, there is no legislated private sector minimum wage. As a result of the civil service arbitration ruling in 1999 (see Section 6.a.), the minimum public sector wage increased to \$104 (G\$19,000) per month. Although enforcement mechanisms exist, it is difficult to put them into practice, and unorganized workers, particularly women and children in the informal private sector, often are paid less than what is required legally. The legal minimum wage for the public sector is insufficient to provide a decent standard of living for a worker and family.

The Shops Act and the Factories Act set hours of employment, which vary by industry and sector. In general work in excess of an 8-hour day or a 44-hour week requires payment of an overtime rate. However, if the initial contract stipulates a 48-hour workweek, then the overtime rate applies only for hours worked in excess of 48 hours. The law does not require at least a 24-hour rest period each week.

The Factories Act also establishes workplace safety and health standards. The Occupational Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and investigating complaints of substandard workplace conditions. As with its other responsibilities, inadequate resources prevented the Ministry from effectively carrying out this function. Workers cannot remove themselves from dangerous work situations without jeopardizing continued employment.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons, and there were occasional reports of trafficking in persons of Chinese and South Asian origin, who would immigrate illegally to the United States under conditions amounting to debt bondage. Persons providing fraudulent documents for the purpose of facilitating illegal immigration can be charged with obtaining money under false pretenses, which carries a small fine and a 6-month prison sentence. Some fraud cases were prosecuted during the year.

HAITI

Haiti is a republic with an elected president and a bicameral legislature; although the 1987 Constitution remained in force, the failure to hold legislative elections left the country without a functioning legislature for over 3 years. The terms of office of the House of Deputies and most of the Senate expired on January 11, 1999; however, elections were not held until May 21, 2000. Parliament was not in session during that period. President Rene Preval, Prime Minister Jacques Edouard Alexis, and a cabinet governed during the year. The Provisional Electoral Council (CEP), formed in March 1999, delayed the local and parliamentary elections five times. After first-round elections were held in May, the CEP adopted a methodology that gave outright victory to candidates from the ruling Fanmi Lavalas (FL) party. Opposition parties and the international community objected to the CEP's method for tabulating votes and refused to recognize the new Parliament, which was sworn in on August 28. After CEP president Leon Manus refused to certify the results, he received death threats and subsequently fled the country. Two other CEP members also resigned in protest over the tabulation method. In a highly controversial move, President Preval replaced the three CEP members with FL loyalists on July 2. This now controversial CEP, whose mandate was expanded in August to include presidential elections, held presidential elections on November 26. Opposition parties refused to participate and the international community refused to support or certify the presidential elections because the controversy over the May 21 elections was not resolved. The opposition demanded the formation of a new CEP, resolution of the May 21 elections disputes, and security guarantees for future elections. On November 30, the CEP announced that Jean-Bertrand Aristide had won 91.5 percent of the vote in the November 26 presidential elections and proclaimed him the winner. However, controversy continued over voter turnout claims. The CEP announced a nationwide voter turnout rate of 60.5 percent. Other observers, including the opposition and local and international media, estimated voter turnout between 5 percent and 20 percent. The judiciary is theoretically independent; however, it is not independent in practice and remained largely weak and corrupt, and there were allegations that the executive branch interfered in politically sensitive cases.

In September 1994, a U.N.-sanctioned multinational force restored the country's democratically elected president. The Armed Forces of Haiti (FAd'H) subsequently were disbanded. At that time, the Government established the Haitian National Police (HNP). Despite substantive international assistance and some notable progress, the HNP remains a fledgling institution with inadequate resources. It still grapples with corruption; the presence of human rights abusers within its ranks and attrition

are serious problems. Allegations of corruption, incompetence, and narcotics trafficking are leveled against members at all levels of the force, which now numbers between 3,000 and 3,500 officers for a population well in excess of 8 million. The HNP has a variety of specialized units, including a crisis response unit (SWAT), a crowd control unit (CIMO) serving Port-au-Prince and the Western department, crowd control units (UDMO's) serving each of the remaining eight departments, a presidential and security unit, a small Coast Guard unit, and a Special Investigative Unit (SIU), formed to investigate high-profile political killings. The SIU is no longer ill-equipped and inexperienced; however, it lacks a mandate from the country's political leaders. It is making progress on some cases. Some members of local government councils (CASEC's) exercise arrest authority without legal sanction. Members of the HNP and other security forces continued to commit serious human rights abuses, although less so than in 1999.

Both the mandates of the U.N. Police Mission in Haiti (MIPONUH) and of the U.N./Organization of American States (OAS) International Civilian Mission in Haiti (MICIVIH) have expired. The International Civilian Mission for Support in Haiti (MICAH) began operations in March with a limited mandate, largely dedicated to technical training. Its mandate is scheduled to expire on February 6, 2001. The departure of MICIVIH removed an objective monitor of the HNP, thereby making the compilation of human rights abuse statistics very difficult.

Haiti is an extremely poor country, with a per capita income of around \$400. This figure probably does not fully include significant remittances from the over 1 million Haitians living abroad, as well as income from informal sector activities that constitute an estimated 70 percent of actual economic activity. The country has a market-based economy with state enterprises controlling utilities. Aside from the sale of two previously closed enterprises, the privatization of state-owned enterprises has come to a halt. A small elite controls much of the country's wealth. Accurate employment statistics are unavailable. About two-thirds of the population work in subsistence agriculture, earn less than the average income, and live in extreme poverty. A small part of the urban labor force (approximately 20,000 persons) works in the industrial and assembly sectors, with an equal number in government or service sector employment. Assembled goods, textiles, leather goods, handicrafts, and electronics are sources of limited export revenue and employment. Other important exports are mangoes and coffee. The country is heavily dependent on international assistance, especially remittances from expatriates. It imports basic foodstuffs, including rice and sugar. The economic situation worsened perceptibly during the year. Political instability, deficit financing, depreciation of the gourde, and the world fuel price increase contributed to the country's severe economic problems. Episodes of sharp gourde depreciation in September–October, combined with a fuel price increase, resulted in high costs for import-dependent business enterprises, prices for food and consumer goods remained high at year's end. The International Monetary Fund estimated the increase in inflation from 1999 in October at 18 percent.

The Government's human rights record was generally poor, and its overall effort to respect the human rights of its citizens was marred by serious abuses and shortcomings in oversight. Contrary to the previous year, there were no credible allegations of extrajudicial killing or disappearance. There were several politically motivated killings during the year. The HNP continued to beat, torture, and otherwise mistreat detainees. Methodical investigations by the HNP are rare, and impunity remains a problem. Very poor prison conditions, arbitrary arrest and detention, and prolonged pretrial detention continue to be problems. Many criminal deportees who already served full sentences overseas are put back in jail for indefinite periods of time. The judiciary remained understaffed and underfunded; judges are corrupt and untrained. Judicial dockets are clogged, and fair and expeditious trials are the exception rather than the rule. The judiciary is not independent in practice; however, the completion of the Carrefour-Feuilles and Raboteau trials were signs of improvement. Security forces carried out illegal warrantless searches. Popular organization militants and members of the HNP increased their harassment of political parties, especially the opposition, during and after the May legislative elections. Opposition candidates were arrested, beaten, shot, and sometimes killed. Some opposition party offices were burned or otherwise destroyed. Most media practice some form of self-censorship, although they are frequently critical of the Government. Violence and societal discrimination against women, and government neglect and abuse of children remain problems. Some government leaders directed their rhetoric against the mulatto segment of society. The practice of rural families sending young children to the larger cities to work as unpaid domestics (*restaveks*) is still a problem. Child labor persists. Vigilante activity, including killings, remained a common alternative to formal judicial processes.

The Government made some progress in fighting police impunity and in addressing the legacy of human rights abuse from the 1991–94 period. On September 29, the trial of former soldiers involved in the 1994 Raboteau massacre began. On November 10, the court found 16 of the 22 defendants guilty and acquitted 6. The judge sentenced 12 to life imprisonment with hard labor and 4 others to between 4 and 9 years' imprisonment. On September 11, a jury found 4 police officers, including former police chief Jean Coles Rameau, guilty for their role in the murder of 11 civilians in the Carrefour-Feuilles section of Port-au-Prince on May 28, 1999. The judge sentenced the defendants to 3 years' imprisonment each.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no credible reports of extrajudicial killings by members of the HNP; however, it is very difficult to obtain reliable statistics in this regard because the mandate of MICIVIH has expired. Its successor, the International Civilian Mission for Support in Haiti (MICAHA), has a much more limited mission that does not include compiling statistics on human rights abuses. However, there were political killings during the year.

On January 11, a crowd chased HNP and U.N. CIVPOL officers into the Fort Liberté Commissariat after police rescued one of two thieves caught by the local populace seeking to lynch them. The second thief was beheaded. One 14-year-old was shot and subsequently died. The source of the bullet is unknown.

There were politically motivated killings during the year. On March 27, unknown persons killed Popular Organization (OP) member Jean Samedi in the La Saline area of Port-au-Prince. Following discovery of his body, the crowd lynched one individual suspected of involvement in the killing; five others were wounded in the confrontation. Samedi's murder led to further street violence later in the week, during which two persons were killed and at least three others, including a police officer, were wounded. On March 28, Legitime Annis, a local opposition party coordinator, and his wife were murdered at their home in Petit-Goave. On March 29, Ferdinand Dorvil, campaign manager for an opposition Senate candidate from Grand Riviere du Nord, was dragged from his home, shot, and killed. On April 10, Merilus Deus, opposition candidate in Savanette, was murdered, and his daughter was injured. The HNP investigated these murders as politically motivated incidents.

On April 3, unknown gunmen shot popular radio host and director general of Radio Inter Jean Leopold Dominique, known for his criticism of the Government and of former coup leaders (see Section 2.a.). For weeks before the attack, Radio Inter employees had received threatening phone calls. On April 8, following Dominique's funeral, a gang of approximately 25 persons burned the office of the KID party to the ground while police watched. The HNP is treating the case as a politically motivated killing. The investigation was still open at year's end. Two arrests were made in this case; one man was released while the other, a former policeman, was still in custody at year's end. In September Jean-Senat Fleury, a respected judge known for his impartiality, was removed by the Minister of Justice from investigating the case. The grounds for his removal were unclear. In November the Minister named a new prosecutor, Claduy Gassant, who began calling witnesses, including high ranking HNP officials and FL politicians.

On May 12, Branor Simon, the campaign coordinator for a local opposition candidate in Grand'Anse department, was shot and killed. His murder credibly is believed to be politically motivated. On May 21, two election-related deaths were reported in Croix de Bouquets, a suburb of Port-au-Prince, where a candidate and policeman exchanged fire in an altercation away from a polling booth. Police were cooperating with the investigation at year's end.

On September 6, men wearing police uniforms abducted, tortured and killed Amos Jeannot, an employee of a local nongovernmental organization (NGO) called Fonkoze (see Section 4).

Two prominent killings in 1999 remain unresolved. No arrests have been made in the October 1999 killing of Jean Lamy, an unofficial advisor to the HNP and longtime political ally of President Jean-Bertrand Aristide or in the March 1999 killing of opposition Senator Yvon Toussaint.

On September 11, a court found 4 of 6 police officers guilty for their role in the summary execution of 11 civilians in the Port-au-Prince suburb of Carrefour-Feuilles on May 28, 1999. The judge sentenced each to 3 years' imprisonment.

On September 29, 22 former members of the military went on trial for taking part in the 1994 Raboteau massacre. On November 11, the jury found 16 of the defendants guilty. The judge sentenced 12 defendants to life imprisonment with hard labor and 4 others to between 4 and 9 years imprisonment.

In 1995 Claudette Gourdet Saint Albin was convicted in absentia of the September 1993 murder of Antoine Izmary. When in April the SIU attempted to arrest her, the judicial police presented a 1998 document acquitting her. There has been no further movement on the Gourdet/Izmary case.

The Government has focused its efforts on investigations into political killings that happened before the 1994 return of Jean-Bertrand Aristide, e.g. Raboteau, Cite Soleil. Little progress has been made in the investigations of political killings after 1994, with the exception of the Carrefour-Feuilles trial. Judges assigned to politically sensitive cases complained about interference by the executive branch of the Government.

There was little movement on the investigation into the 1993 massacre of residents of Cite Soleil, a Port-au-Prince slum, by members of the FAd'H and its allied paramilitary group, Revolutionary Front for the Advancement and Progress of Haiti. In November 1999, 23 arrest warrants were issued; however, soon afterwards, Minister of Justice LeBlanc terminated the employment of the judge on grounds of corruption, leaving the 4-year-old case without a judge with institutional knowledge of the case. By year's end, no arrests had been made; however, a new judge was appointed in the late summer.

Extrajudicial killings often take the form of vigilante actions. In general, such incidents occurred without official complicity, especially in rural areas where there is little or no police presence, the populace routinely resorts to vigilante actions in the absence of reliable means of legal redress. In November the Prime Minister called for the reappearance of vigilante brigades, and several began to operate. Angry mobs often kill suspected thieves, bandits, murderers, rapists, and sorcerers, usually by assault with machetes, stoning, beating, or burning. The HNP tried to prevent instances of vigilante justice in at least two cases in Port-au-Prince.

On March 30, a mob attacked and severely injured a murder suspect in Port-au-Prince who had just been arrested by the HNP. The suspect was in police custody when he was attacked. The HNP did not provide adequate security but instead drove the suspect through downtown Port-au-Prince in the back of a pick-up truck, despite a large crowd which had formed.

In March Amnesty International (AI) released a public statement expressing concern about reports of politically motivated violent street demonstrations by individuals said to be calling for, among other demands, the resignation of the Provisional Electoral Council. On March 27 and 28, demonstrators, some of whom claimed ties to the Fanmi Lavalas party, set fire to tires at barricades around Port-au-Prince. The central market was burned. A police officer in civilian clothes was shot twice at close range. Local television broadcast a report that a 9-year-old child had been shot and killed in the protests. Local police response was sporadic and limited; at least six persons were killed and many wounded. On March 29, Constitution Day, the violence continued in and around Port-au-Prince. FL supporters threatened Espace de Concertation party marchers. An opposition party organizer Legitime Adis and his wife were shot in their Petit Goave home.

Prison administrators and international human rights observers report a high number of deaths in prison (see Section 1.c.).

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

On April 27, Claudy Myrthil, the Espace de Concertation candidate for the post of Delegee de Ville in the Port-au-Prince neighborhood of Martissant was abducted from his home by unknown persons and held captive for 10 days. It is not clear whether his abduction was politically motivated.

In June 1999, recent skeletal human remains were found at Titanyen (near Croix des Missions), an area that often had served as a dumping ground for bodies of victims of political killings during the Duvalier and military eras. The HNP's forensic unit removed the remains with the assistance of foreign experts. Preliminary findings link some of the remains with an April 1999 incident in which HNP officers allegedly arrested eight teenage associates of the gang leader, Hypolite Elysee, whom HNP agents killed in April. Despite the efforts of their families to find them at police stations, prisons, and the morgue the youths were not located. The HNP opened an investigation into the case in June; at year's end the investigation remained open.

c. *Torture or other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The 1987 Constitution prohibits the use of unnecessary force or restraint, psychological pressure, or brutality by the security forces; however, members of the security forces continue to violate these provisions. Police officers used excessive—and sometimes deadly—force in making arrests or controlling demonstrations and rarely were punished for such acts. Police frequently beat suspects. Torture and other forms of abuse are pervasive.

On July 6, members of the HNP questioned, beat, and tortured a journalist and businesswoman at her home for 2 hours (see Section 2.a.).

According to an opposition political party leader, on July 12, a police commando unit led by Mayor-elect Willo Joseph and local HNP Commissioner M. Jose rounded up and beat seven Espace leaders in Maissade. They were taken to neighboring Hinche where police authorities imprisoned them. The authorities stated that they were arrested for "setting houses on fire." One of the detained persons was dragged through the streets of Maissade by a rope attached to his neck.

According to Marc-Antoine Destin, president of the Confederation of Haitian Workers (CTH), on February 22, HNP officers led by Joanna Lunday, a local judge, kicked and beat a group of about 20 CTH officials at their headquarters in Petionville. Four CTH officials were arrested (see Section 6.a.). They were not charged with any crime, and were later released. The officers and judge have not been disciplined.

Police mistreatment of suspects at both the time of arrest and during detention remains pervasive in all parts of the country. Beating with fists, sticks, and belts is by far the most common form of abuse. However, international organizations documented other forms of mistreatment, such as burning with cigarettes, choking, hooding, and kalot marassa (severe boxing of the ears, which can result in eardrum damage). Those who reported such abuse often had visible injuries consistent with the alleged maltreatment. There were also isolated allegations of torture by electric shock. Mistreatment also takes the form of withholding medical treatment from injured jail inmates. Police almost never are prosecuted for the abuse of detainees.

There were isolated credible allegations of excessive force on the part of the CIMO and UDMO crowd control forces.

The Government's record of disciplining police officers implicated in these offenses is mixed. More often the HNP simply fires officers caught in flagrant abuses. The Government prosecuted six HNP officers during the year, and four received a sentence of 3 years in the Carrefour-Feuilles trial (see Section 1.a.). There are some HNP officers in prison for other offenses, although no exact figures were available at year's end. More than 800 officers have been removed since 1996. The lack of an Inspector General's office within the HNP significantly contributes to a problem with discipline.

There were sporadic instances of brutality on the part of local officials exercising unauthorized law enforcement functions. Especially in rural areas, brutality is perpetrated by members and agents of CASEC's (administrative councils of communal sections), who tend to assume illegally a law enforcement role in the absence of a regular police presence.

A Committee to Judge Jean Claude Duvalier lobbied the French Government for his return to the country. Early in the year, they filed a complaint in a French court asking for his return, but the court dismissed their motion. The group was in the process of appealing this decision at year's end.

Prison conditions remained very poor. The Penitentiary Administration Management (DAP), with the support of the International Committee of the Red Cross (ICRC), struggled to improve conditions in the country's prisons. Prisoners and detainees, held in overcrowded and inadequate facilities, continued to suffer from a lack of basic hygiene, poor quality health care, and 24-hour confinement to cells in some facilities. Several prisons experienced water shortages. As of August, the country's 19 prisons held 4,219 prisoners, an increase of about 350 persons compared with 1999.

The prison system continued to experience food shortages. Prison administrators and international human rights observers report a high number of deaths in prison. No official statistics are available; however, prison administrators report that in the month of November alone, at least 10 deaths were reported—5 attributable to malnutrition, 2 or 3 to AIDS, and the remainder to other causes. International human rights observers report that the number of deaths attributable to malnutrition rose significantly at year's end. Many prisons were only able to supply one (as opposed to the required two) meals a day to inmates. Most severely affected were inmates whose diet was not supplemented by food brought by family members. Even in those prisons where two meals were supplied, the food routinely lacked the minimum nutrients established by international standards; many prisoners were malnourished.

The ICRC manages a number of humanitarian programs to improve living conditions within the prison system. It pays for prescriptions not available in the prison pharmacies. On a quarterly basis, the ICRC distributes basic hygiene supplies to the prisons, including soap, bleach, brooms, mops, paper towels, and disinfectants. The ICRC also provides funding on an as needed basis to clear the prison septic tanks and renovate prison bathrooms, showers, and water pumps. The ICRC also donates

reading material, sewing machines, wood and other items to help prisoners pass the time.

The DAP is plagued by budgetary and management problems. The prison system still operates on the same budget as in 1995. Even when the administration manages to purchase enough food for all the prisoners, they experience difficulties in delivering the food to the 19 prisons. The prison administration does not have a delivery system, so it is up to the individual prison inspectors to go to the main warehouse and carry out as much food as they can fit in a taxi or local bus. The central warehouse also lacks a control mechanism to ensure that each prison is getting its fair share.

In the past, when the authorities received Haitian citizens deported from other countries for having committed crimes, they were processed in 1 week and then released. However, since March 24, criminal deportees who already have served sentences outside the country are kept in jail, with no timetable for their eventual release. Prosecutor August Brutus said that "preventive measures" are being taken to prevent the "bandits" from increasing the level of insecurity and crime in the country.

Health care services offered to inmates is improving slowly. However, most of the nurses do not receive adequate training. All receive a minimal 3-month training course before beginning work; however, of the system's 60 nurses, at most 5 have completed the 3-year course of instruction necessary to obtain full certification as registered nurses. In October 1999, a new Chief Physician was appointed. He instituted monthly meetings of all the prison healthcare professionals. Every prison has a dispensary, none have hospitals. Only the National Penitentiary has a nurse on duty 24 hours a day. The common sicknesses after malnutrition are skin problems, tuberculosis, and AIDS. In the capital, doctors are available; however this is not always the case in the provinces. The nurses do not conduct daily checkups on the physical condition of the prisoners; the prisoners must first ask and then receive permission to visit the nurse. The dispensaries have a limited supply of medication. If the needed medication is not available through the dispensary, family members must provide it, or in cases when there are no relatives, the ICRC provides funding for the medication on a routine basis in the capital and on a quarterly basis in the provinces.

Fort National prison in Port-au-Prince is the only prison facility expressly for women and juveniles. In other prison facilities, women are housed in cells separate from the men. However, overcrowding often prevents strict separation of juveniles from adults, convicts from those in pretrial detention, or violent from nonviolent prisoners. Many prisoners were held in police holding cells, particularly in the provinces. The National Penitentiary is the only prison originally constructed for use as a prison; all other prisons are former police holding cells.

International human rights observers and prison officials admit that there are instances of abuse by prison personnel against prisoners; however, no statistics were available at year's end. Prison officials report that prisoners did not file any official complaints against prison personnel during the year. However, they also admitted that they are aware that abuse occurs because they have heard oral reports from prisoners. However, the prisoners are afraid to file an official complaint because they fear that the abuse may worsen as a result.

The authorities freely permitted the ICRC, the Haitian Red Cross, MICAHA, and other human rights groups to enter prisons and police stations, monitor conditions, and assist prisoners with medical care, food, and legal aid. The Director General of the HNP cooperated with MICAHA and the ICRC.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the security forces continued to use arbitrary arrest and detention. The Constitution stipulates that a person may be arrested only if apprehended during the commission of a crime, or if a written order by a legally competent official such as a justice of the peace or magistrate has been issued. These orders cannot be executed between 6:00 p.m. and 6:00 a.m., and the authorities must bring the detainee before a judge within 48 hours of arrest. In practice, the authorities frequently ignored these provisions. There were instances of arrests by security forces and local authorities lacking the authority to do so. In particular, arrests by mayors and members of local CASEC's occurred in underpoliced rural areas. Occasionally parents ask a judge to imprison a delinquent child.

On July 12, police beat and arrested seven leaders of the Espace de Concertation party (see Section 1.c.).

The requirement that a detainee be brought before a judge within 48 hours of his arrest was disregarded routinely in certain police jurisdictions, according to NGO's. Although the 48-hour rule is violated in all parts of the country, it is most often and flagrantly ignored in Jeremie, Cap-Haitien, Petionville, and the Delmas com-

missariat of Port-au-Prince. Moreover, arrests sometimes are made on charges (for example, sorcery or debt) that have no basis in law. The authorities also detained some persons on unspecified charges or “pending investigation.”

In 1999 the international community was increasingly troubled by the authorities’ tendency to detain persons in defiance of valid orders for their release issued by judges. MICIVIH expressed “extreme concern” at these cases, and described the authorities’ actions as “completely arbitrary and illegal.” Prisoners with histories of opposition to the Government or affiliation with the Duvalier or de facto regimes were affected disproportionately by this practice. By August about half of those prisoners identified in 1999 had been released. By October prisoners still held despite valid release orders included Leoncefils Ceance, Esteve Conserve, Calero Vivas Fabien, Jean-Robert Lherisson, Rilande Louis, Leonard Lucas, Georges Metayer, Alexandre Paul, Jean-Michel Richardson, and Jean Enel Samedi.

As in previous years, the dysfunctional judicial system resulted in pervasive prolonged pretrial detentions, with an estimated 80 percent of the country’s prisoners awaiting trial and a third of them for more than one year (see Section 1.e.). The problem is most extreme in Port-au-Prince. A February 1999 compilation of statistics on these cases by MICIVIH showed that of 3,090 prisoners awaiting trial, 1,172 have been held for more than 1 year. Of these, 775 had been held between 1 and 2 years, 287 had been held between 2 and 3 years, and 110 had been held for more than 3 years. Sometimes the charges in these lengthy detentions are minor. Approximately 98 percent of the female and minors in prison are awaiting trial, indicating that the judicial system moves even more slowly for women and children (see Section 5).

In late 1999, Minister of Justice Leblanc announced that resolving the problem of prolonged pretrial detention was a high priority; he reorganized the Port-au-Prince prosecutor’s office and attempted to implement a more rigorous schedule for hearings for correctional and criminal affairs. The Government had made little progress at year’s end, as resolution of the problem required thorough judicial reform at all levels of the penal process: police, justices of the peace, prosecutors, investigating magistrates, trial judges, and prisons (see Section 1.e.).

In Cap-Haitien, the second largest city and largest city in the North, the judicial system has improved somewhat, although serious human rights violations occur on a routine basis. The Constitution prohibits police detention in excess of 48 hours; however, lengthy delays are routine. In some cases, detainees in police holding cells have been held for more than a month. Those accused of crimes and awaiting trial face lengthy delays in reaching trial. In many cases, pretrial detainees spend years awaiting trial. Human rights organizations note that the average wait before trial has increased from 3 to 4 years. Nevertheless, they report that beatings of prisoners have decreased in Cap-Haitien and active efforts are being made to decrease the lengths of pretrial confinement.

Police in some instances attacked journalists (see Section 2.a.).

The Constitution prohibits the involuntary exile of citizens, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it is not independent in practice. Years of rampant corruption and governmental neglect have left the judicial system poorly organized and nearly moribund. The Constitution sets varying periods of tenure for judges above the level of justice of the peace. However, in practice the Ministry of Justice exercises appointment and administrative oversight of the judiciary, prosecutors, and court staff. The Ministry of Justice can remove justices of the peace and occasionally dismisses judges above this level as well.

At the lowest level of the justice system, the justices of the peace issue warrants, adjudicate minor infractions, mediate cases, take depositions, and refer cases to prosecutors or higher judicial officials. Investigating magistrates and public prosecutors cooperate in the development of more serious cases, which are tried by the judges of the first instance courts. Appeals court judges hear cases referred from the first instance courts, and the Supreme Court deals with questions of procedure and constitutionality.

The judicial apparatus follows a civil law system based on the Napoleonic Code; the Criminal Code dates from 1832, although it has been amended in some instances. The Constitution provides for the right to a fair public trial; however, this right was abridged widely in practice. The Constitution also expressly denies police and judicial authorities the right to interrogate persons charged with a crime unless the suspect has legal counsel or a representative of his or her choice present or waives this right; however, this right was abridged in practice. While trials are public, most accused persons cannot afford legal counsel for interrogation or trial, and the law does not require that the Government provide legal representation. Despite

the efforts of local human rights groups and the international community to provide legal aid, many interrogations without counsel occur. During actual trials, however, some defendants had access to counsel. Defendants enjoy a presumption of innocence and the right to be present at trial, to confront witnesses against them, and to present witnesses and evidence in their own behalf, and the Government respects these rights in practice.

A shortage of adequately trained and qualified justices of the peace, judges and prosecutors, as well as underfunding, among other systemic problems, created a huge backlog of criminal cases, with many detainees waiting months or even years in pretrial detention for a court date. Bail is available; however, it is entirely at the discretion of the investigative judge (*juges d'instruction*). Bail hearings are not automatic. The attorney for the defendant can make an application based upon a specific need, and the judge then decides if a conditional release is warranted. This usually is done only in minor cases when there is an overwhelming humanitarian reason, such as a need for medical attention. In some regions, there are not enough judges to hear cases, and judges lack basic resources (such as office space, legal reference texts, and supplies) to perform their duties. Professional competence is sometimes lacking as well; some judges are illiterate. If an accused person ultimately is tried and found innocent, there is no redress against the Government for excessive time served in detention.

The Code of Criminal Procedure does not assign clear responsibility to investigate crimes and divides the authority for cases among police, justices of the peace, prosecutors, and investigative magistrates. Examining magistrates often receive files that are empty or are missing police reports. Autopsies are conducted only rarely, and autopsy reports are even more rare. The code provides for 2 criminal court sessions (*assizes*) per year in each of the 15 first-instance jurisdictions, each session generally lasting 2 weeks, to try all major crimes requiring a jury trial. During the year, the Port-au-Prince jurisdiction—by far the largest in terms of caseload—failed to adhere to this stipulation due to difficulties in assembling juries. The first criminal *assizes* since July 1998 occurred in Port-au-Prince in December 1999. The second was held almost 1 year later in September.

At least 3 classes of approximately 80 students have graduated from the Magistrates School. The school conducted seminars on human rights and judicial reform during the year.

There were no official reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits interference with privacy, family, home, or correspondence; however, police and other security force elements conducted illegal warrantless searches. In the past there were reports that the police arrested family members of wanted persons when the suspects themselves could not be found.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government has in the past generally respected these rights; however, the Government's respect for the press deteriorated during the year. Print and electronic media from opposite ends of the political spectrum often criticize the Government. However, most media practice self-censorship, wary of offending sponsors or the politically influential. After the November 26 presidential elections, death threats proliferated against media figures who questioned the electoral process or outcomes. Although the threats were anonymous, the Government did nothing to counter them. Three radio stations were forced to stop temporarily news programming for brief periods in late November and December as a direct result of threats against the stations for their coverage of the elections.

There are two French-language newspapers in the country, *Le Nouvelliste* and *Le Matin*, with a combined circulation of less than 20,000 readers. Print media in Creole is limited due to regional variations and the lack of a consistent orthography; however, many newspapers include a page of news in Creole. Both daily newspapers are frequently critical of government policies.

The written press is beyond the reach of many citizens, due to language differences, illiteracy, and cost. The literacy rate is only about 20 percent, and broadcast media, especially Creole-language radio, have a preeminent importance. Although most radio stations and other forms of telecommunications are nominally independent, they are subject to a 1997 law that names the State as the sole owner and proprietor of all telecommunications media. Members of the press believe that the Government refuses to sign the Chapultepec Convention (on freedom of expression) because the Convention prohibits government monopolies of the media, which would be in direct violation of the 1977 law. The State leases the right to broadcast

to private enterprises but maintains the right to repossess the airwaves as it sees fit.

Over 200 private radio stations exist, including about 40 in the capital alone. Most stations carry a mix of music, news, and talk show programs, which many citizens regard as their only opportunity to speak out on a variety of political, social, and economic issues. Uncensored foreign satellite television is available; however, its impact is limited, as most persons cannot afford access to television. Broadcast media freely express a wide range of political viewpoints.

Credible reports indicate that the Government's inability or unwillingness to provide adequate security to media outlets and prominent members of the press has contributed to an increased sentiment of vulnerability among those members of the press who criticize the Government or Fanmi Lavalas.

According to employees of Radio Metropole, on February 11, Prime Minister Alexis publicly criticized the station for its coverage of rightwing leader Claude Raymond's death while in prison; however, none of the reported items were inaccurate.

On April 3, unknown persons killed radio commentator Jean Leopold Dominique and a security guard (see Section 1.a.).

On December 15 two youths killed sports broadcaster GERAL Denoze; the motive remained unknown at year's end.

Numerous anonymous death threats have been directed at journalists by name, including the entire news staff of Radio Vision 2000, which is known for its opposition to the Government. On April 5, Radio Vision 2000 journalists sent a signed letter to Justice Minister Camille Leblanc, in which they described "daily threats against their lives." They asked the Minister to ensure security for the radio staff and building. Following Jean Leopold Dominique's funeral on April 8, a group of at least 100 persons massed outside the station, threatening to attack it. The CIMO dispersed the crowd. A few days after Dominique's murder, Daly Valet, a Radio Vision 2000 journalist, went into hiding after receiving frequent and credible death threats. He fled the country. In June heavily armed, hooded men painted slogans on the wall of the station and threatened newsroom employees. In face of threats, Radio Galaxie suspended its news service the day after the November 26 elections. That same day Radio Vision 2000 joined Radio Galaxie in suspending its service following the receipt of threats. Radio Caraibes shut down its news service on December 23, after receiving threats to the station and personnel.

On April 4, hooded, armed men attacked the Radio Unite station in Artibonite province. They stole transmitters and destroyed much of the recording studios and electrical installations.

According to employees of Radio Echo 2000 in Petit Goave, on April 5, a group of armed men entered the station and threatened to burn the station down and kill the employees if they did not cease broadcasting. The police did not respond. In March a group of bandits beat one of the journalists, Elyse Sincere.

On April 17, presidential staff employee and information officer Guy Delva organized a march "to protest attacks against freedom of the press," coercing independent media to take part or else be stigmatized as antigovernment agitators. He also pressured news directors by telephone to cease broadcasting on April 17, lest they be branded as opponents of the event. Radio news sections sent representatives to the march in small numbers to avoid open defiance, but all refused to shut down their programming on April 17.

In May unknown persons destroyed radio and television stations in Petit-Goave.

In June a private radio station, Horizon PM, issued an open nationwide alert, noting that its editor and several of its employees had received anonymous verbal threats.

In August unknown persons hurled a fragmentation grenade at the National Television Building in Port-au-Prince. No one was injured.

On August 22, agents from TeleTimoun, the television station wholly owned by the FL, entered and offered the news staff quadrupled salaries, connected cell phones, and freedom from fear of future harassment to those Telemex employees who accepted the offer. All but one person accepted. The Telemex news service, previously the country's most objective and technically advanced, subsequently was staffed with Lavalas supporters and objective reporting ceased.

Foreign journalists generally circulated without hindrance from the authorities; however, in July police questioned, beat, and tortured a dual national journalist in her home (see Section 1.c.). The journalist identified the officers from a police lineup. The police commissioner who orchestrated the event was fired on other charges not related to this incident. At year's end, the Government had not apprehended, charged, or disciplined the officers, even though the victim had identified them.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the authorities generally respect this right in practice. In general, a variety of organizations were able to exercise this right without hindrance throughout the year. For example, on September 18, about 6,000 members of the Papaye Peasants' Movement marched from the central plateau town of Papaye to Hinche in an anti-Lavalas demonstration. According to observers, the police played a passive role, except at one point intervening to separate the demonstrators from pro-Lavalas supporters, and there was no confrontation.

However, in several instances police inaction allowed organized political militants to violate the right of freedom of assembly in practice, and there were numerous violent political demonstrations (see Section 1.a.).

Olivier Nadal, former president of the Haitian Chamber of Commerce, reported to the press that he and his family had received death threats, and that they had fled the country. He also had been threatened with arrest. Nadal was the organizer of a May 1999 rally of entrepreneurs, which was broken up by a band of unknown persons while the police stood by and did not intervene.

A peaceful, well-publicized demonstration scheduled for August 29 in Cap Haitien by the opposition Convergence Group never took place. According to local press reports, the Convergence Group decided to avoid confrontation with members of the pro-Lavalas OP, who moved into the area of the Cap Haitien Cathedral chanting antiopposition slogans.

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

c. Freedom of Religion.—The Constitution provides for the right to practice all religions and faiths, provided that practice does not disturb law and order, and the Government respects this right in practice.

In many respects, Roman Catholicism retains its traditional primacy among the country's religions although Protestant denominations (primarily Methodist and Baptist) have overtaken the Catholic Church in numbers of members. Voodoo, a traditional religion derived in part from West African beliefs, is practiced alongside Christianity by a large segment of the population. While there are associations of voodoo practitioners and priests, there is no organized hierarchy or established voodoo church. Accusations of sorcery, particularly in rural areas, have been known to lead to mob violence resulting in deaths. Given the prevalence of voodoo in these areas, it appears likely that voodoo practitioners are targeted in some cases.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government respects the right of freedom of movement within the country, foreign travel, emigration, and repatriation.

An unknown number of undocumented migrants put to sea during the year seeking better economic opportunities in other countries. The Government operated, with international support, the National Migration Office (ONM) to assist citizens involuntarily repatriated from other countries, including the Dominican Republic and the Bahamas. That office stopped providing humanitarian services to involuntarily repatriated migrants in June, and in August it stopped meeting and processing the migrants. Although the ONM office still exists, it no longer provides any services to repatriated migrants but conducts training courses. According to the International Organization for Migration, the Dominican Republic deports approximately 500 Haitians each month across the Border. At the end of August, a mass repatriation of approximately 3,000 Haitian nationals took place. There were reliable reports of separation of families and maltreatment of Haitians by Dominican soldiers during this period, as had been the case in 1999.

The Government has no policy regarding foreign nationals seeking refuge or asylum from third countries. The question of provision of first asylum did not arise. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for regular elections for local and parliamentary offices and for the presidency. Rene Preval, who was elected in 1995 in an election regarded by the international community as free and fair, continued in office during the year. On May 21, a first round of long overdue senatorial, legislative, and municipal elections to fill vacant posts took place after repeated postponements. The CEP manipulated the results by its choice of a methodology for calculating the percentages in determining senate seats, by the faulty transmission of results, and by the arbitrary treatment of challenges which had an impact on the results of several races. A continuing standoff through the rest of the year between the Government and opposition parties led to an opposition boycott of a second round of legislative

elections in July and of the November 26 elections for president and remaining Senate seats. Elections to replace President Preval took place as scheduled on November 26.

The country's constitutional crisis continued through the first half of the year. The crisis began with the flawed local and parliamentary elections of April 1997 and Prime Minister Rosny Smarth's subsequent resignation. A stalemate between the President and Parliament continued through January 11, 1999, when the terms of office of the entire 85-seat House of Deputies and of all but 9 of the 27 members of Senate expired. In March 1999, President Preval negotiated an agreement with a coalition of five small opposition parties to form a Provisional Electoral Council to organize the overdue local and parliamentary elections. After many delays, these were fixed for May 21, with a second round on July 9.

There were scattered acts of violence in the months leading up to the election, as well as several politically motivated killings during the year (see Section 1.a.). On March 11, supporters of the ruling Fanmi Lavalas' candidate for deputy in the Delmas region physically attacked Serge Auguste, an opposition candidate. On March 17, Marie Laurence Jocelyn Lassegue, an opposition candidate running for Senate, was shot and injured while campaigning. On March 20, two men shot and injured Marcel Fils, an opposition party coordinator, in downtown Port-au-Prince. On March 27, unknown persons killed progovernment Popular Organization (OP) member Jean Samedi in the La Saline area of Port-au-Prince. Samedi's murder led to further street violence later in the week, during which two persons were killed and at least three others, including a police officer, were wounded (see Section 1.a.). The HNP investigated their murders as politically motivated incidents.

Opposition leaders reported that while they participated in a proconstitution march on March 29, seven hostile FL supporters attacked them, shouting "Aristide or death," and other threats. The attackers brandished pistols and threw stones and one Molotov cocktail.

AI reported that a group of armed men attacked members of an opposition party as they handed out pamphlets in Port-au-Prince on March 29. On April 3, noted journalist Jean Leopold Dominique and one of his guards were shot and killed (see Section 1.a.). On April 4, Merilus Deus, an opposition senatorial candidate in Savanette was murdered (see Section 1.a.); the deputy candidate went into hiding. On April 6, the Grand'Anse BED legal adviser reported that several individuals forced their way into his house, dragged out his personal property and burned it. There was no sign of the HNP during this incident. On April 8, a group of pro-FL militants attacked and burned the headquarters of an opposition party. The FL denied involvement despite several credible reports that its supporters were responsible for the attack. On April 9, two regional opposition offices in Achaie and Aquin were burned and destroyed. On April 19, an opposition candidate for local office in suburban Port-au-Prince allegedly was kidnapped, but reappeared unharmed on May 3.

On May 21, about 60 percent of the country's 4 million registered voters went to the polls to select from some 29,000 candidates for 11,000 local and national posts. International and domestic observers agreed that despite some scattered irregularities (polling booth intimidation, ballot stuffing, and publication of voting results before polling booths were closed), the elections were generally free and fair. Two election-related deaths were reported in a suburb of Port-au-Prince, where a candidate and policeman exchanged fire in an altercation away from a polling booth. On May 22, the HNP arrested and charged Paul Denis, an opposition party leader and former senator, for possession of illegal weapons. He later was released amidst allegations the arrest was motivated politically.

While the initial voting was generally free and fair, serious irregularities in the counting of votes and the computation of winners in certain senate races compromised the election. A December report by the Organization of American States (OAS) concluded that the voting process began to deteriorate after the closing of the polls. For example, armed groups stole and burned ballot boxes in the departments of the Center, North, and Artibonite. The delivery of voting materials (ballots, ballot boxes, pens, ink, and voter registration lists) in Port-au-Prince and Cap Haitien was chaotic and a substantial number of these materials may have been lost. The election controversy became serious with the publication of the results of the Senate races. Under the Constitution and electoral law, a candidate must receive an absolute majority of votes cast in order to be elected in the first round of voting. If no candidate receives a majority, a second-round runoff is required. The Senate results published by the CEP announced that the ruling Fanmi Lavalas party won 16 of the 17 Senate seats in the first round. These results were based on what opposition parties and independent observers termed a flawed interpretation of both the Constitution and the electoral law. Officials only counted votes cast for the top four con-

tenders in each Senate race, yielding what both international and local observers said were false FL victories. Percentages of votes were calculated imprecisely, by using the total of votes received by the top four contenders rather than the total of votes for all candidates. There were 20 to 30 candidates for Senate in each department. CEP President Leon Manus and two other members (all representing opposition parties) refused to certify the irregular results and resigned their posts. A preliminary evaluation conducted by the OAS found that only 9 Senate seats should have been decided in the first round, while 10 should have gone to a second round. President Preval responded to the three CEP resignations by appointing replacement council members loyal to FL, who immediately certified the Senate results without addressing the controversial counting method.

The international community, local civic groups, and opposition parties called on the Government to address the controversy. The CEP ignored these protests and on July 9, held second-round races for deputies. There were no senatorial second-round contests. With an almost unanimous boycott by opposition parties and candidates, voter turnout for this round was significantly lower than in May, at reportedly only 5 percent. All international and most domestic observers refused to participate in monitoring the second round.

Domestic human rights and opposition parties continued to protest the election results. Following his resignation, CEP president Leon Manus fled the country after being threatened repeatedly. He then issued a statement that acknowledged that the methodology used in counting votes for the Senate was flawed. On June 15 and 16, bands of pro-FL militants shut down metropolitan Port-au-Prince with barricades and tire burnings to protest international refusal to certify the results. International missions led by the OAS unsuccessfully attempted to encourage resolution of the May 21 elections dispute.

Despite local and international calls not to seat the Parliament before resolution of the election controversy, on August 28, Parliament was sworn in formally.

Violence escalated, particularly in Port-au-Prince, during the days before the November 26 elections for President and for replacements for the remaining nine Senators whose terms would expire in January 2001. While some of the violence was attributable to the political situation, for which the FL accused the opposition of responsibility and vice-versa, common crime was undoubtedly the source of many episodes; however, the violence contributed to an overall climate of intimidation.

On the evening of November 2, in Hinche heavily armed members of FL attacked a meeting being held by opposition political party leader Chavannes Jean Baptiste and injured seven persons. A few days later, the mayor of Port St. Louis fired shots into a seminar being conducted by a respected opposition politician.

Shootings and robberies became an almost daily occurrence in Port-au-Prince. On November 3, unidentified persons opened fire on an evening rush hour crowd, killed at least five, and wounded several others. That same day three bodies were found in another location. On November 4 and 5, three more bodies were found in yet another site. Also on November 4, at least one person was killed and another gravely wounded during a confrontation between rival gangs at another street intersection. Ongoing confrontation between rival gangs in the Port-au-Prince slum of Cite Soleil during the month of November resulted in numerous injuries and property damage. In general, the HNP did not respond to the confrontations.

On November 14, a group of approximately 500 pro-FL demonstrators rallied peacefully in front of a foreign Embassy to protest international pressure on former-President Aristide to bring about a negotiated solution to the political stalemate that had developed over the May 21 elections. The same day, a drive-by shooting killed one person in front of the *Le Nouvelliste* newspaper offices in downtown Port-au-Prince. That evening, residents panicked as unidentified persons in a pick up truck drove through several neighborhoods shooting at persons (injuring a number of them) and ordering persons off the streets.

On November 15, a clearly marked U.N. vehicle was hit in a drive-by shooting in Gonaives. No one was injured.

On November 22, nine separate explosions occurred in crowded areas of Port-au-Prince; the explosions killed two children and left many other persons injured. On November 25, marching FL members in Petit Goave staged citizen's arrests of several opposition members and detained several others. Also on November 25, an attempt was made during the evening to burn the communal electoral office (BEC) in Ganthiere. Police intervened and were able to save the electoral materials, although the building was partially destroyed.

The international community and most opposition parties refused to help or take part in the November 26 presidential elections because of the unresolved controversy surrounding the May elections. Due to the lack of international observers,

the local press monitored the election process. Several radio stations were forced to close their news operations because of threats (see Section 2.a.).

The November 26 elections took place amidst heavy police security and were characterized by low turnout—accounts vary from the 5 percent to 20 percent. Aside from a pipe bomb that exploded in the Port-au-Prince suburb of Carrefour and the burning of ballots during the morning in the city of Anse d'Hainault, the elections generally passed without disturbance. With the opposition boycott, former President Jean-Bertrand Aristide faced only token opposition and was elected to a 5-year term with a reported 91.5 percent of the votes cast.

In the days following the November elections, pro and anti government violence occurred again in the department of Grand-Anse. In the cities of Anse d'Hainault, Cotetiaux, and Petite Riviere de Nippes, protest and violence led to the deploying of HNP units from Port-au-Prince, and in the case of Nippes, the Coast Guard, to restore order. Throughout the rest of the country, calm generally prevailed.

There are no legal impediments to women's participation in politics or government; however, they are underrepresented, and the low status of women limits their participation. The Election Law provides that the monetary deposit required of female candidates for political office is one-half that required of male candidates, if a recognized party sponsors them. Three of the 82 deputies are women, and there are 6 women among the 27 senators.

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

Domestic and international human rights groups generally operate without government restrictions; however, threats and intimidation from unknown sources continued to increase during the year. Justice Minister Leblanc continued to seek dialog with some groups and solicited their recommendations on human rights issues such as police impunity and prosecution of police and former military suspected of committing human rights abuses. The number of groups that monitor human rights has grown, as has the scope of those groups; however, most monitoring groups are hampered by a lack of resources. Human rights organizations increasingly turn to issues that they have not addressed before, including prison conditions, the widespread lack of health facilities, and impunity for criminals.

Following the April 3 killing of Jean Leopold Dominique, members of the local human rights community, including the National Coalition for Haitian Rights (NCHR) and the Platform of Haitian Human Rights Organizations rallied in front of the Haiti Inter radio station. Self-described members of Fanmi Lavalas beat and shot at several participants. Riot police were on hand but did not protect the rally participants (see Sections 1.a. and 2.b.).

On September 6, men wearing police uniforms abducted, tortured, and killed Amos Jeannot, an employee of Fonkoze, a local NGO (see Section 1.a.). AI and local human rights organizations appealed to the HNP for a swift and thorough investigation. The investigation continued, but no arrests had been made by year's end.

There were no arrests or progress made in the investigation of the 1999 attempted murder of Pierre Esperance, NCHR country director. The HNP's investigation remains open but apparently inactive.

The difficult security climate remained unchanged. Organizations such as the NCHR, the Platform of Haitian Human Rights Organizations, the Human Rights Fund, and the Ecumenical Center for Human Rights reported receiving repeated threats, most of them anonymous.

The Office of the Protector of Citizens (OPC), an autonomous, ombudsman-like office provided for by the 1987 Constitution, was hampered by a cut in funds due to the Government's budget crisis. The OPC is one of the Government's four independent, autonomous institutions. Despite budgetary problems, the OPC conducted a number of seminars throughout the year, including over 20 seminars in schools, some in the Magistrates School, and others at the local and county levels of government. In February Dr. Louis Roy, the Director of the OPC, appointed Florence Elie to a 4-year term as Deputy Director. Dr. Roy was chosen as the Director by a commission of parliamentarians in conjunction with the President in 1995. However, his seven-year appointment only was ratified by Parliament in 1997.

The recently seated Parliament created a Justice and Human Rights Committee. The chairman of the committee said that his primary goal would be the improvement and reform of the judicial system. It is not clear whether the committee would also conduct human rights monitoring.

The mandate of MICIVIH expired on March 15. MICIVIH played a vital and successful role in monitoring the human rights situation and in promoting adherence to human rights norms by the authorities. The U. N. created a new entity, the International Civilian Mission for Support in Haiti (MICAHI), after MICIVIH's mandate

expired. MICAH's mandate began in March and is scheduled to expire on February 6, 2001. This new entity is much smaller in size and scope than MICIVIH. MICAH's mandate is limited to training in human rights and to conducting civic education courses. It does not conduct human rights monitoring.

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

The 1987 Constitution does not specifically prohibit discrimination on the grounds of race, sex, religion, disability, language, or social status. It does provide for equal working conditions regardless of sex, beliefs, or marital status. However, there is no effective governmental mechanism to administer or enforce these provisions.

Women.—The law provides penalties for rape and domestic violence; however, the authorities do not enforce these provisions adequately. According to women's rights groups, rape and other abuse of women is common, both within and outside marriage. A 1998 study by the Haitian Center for Research and Action for the Promotion of Women documented widespread rape and violence against women. The report also found that many women do not report these forms of abuse out of fear, shame, or lack of confidence in judicial remedies. A 1999 survey by UNICEF of violence against women found that 37 percent of women reported being victims of sexual violence or reported knowing a woman who had been; another 33 percent reported being victims of other types of physical abuse. The law excuses a husband if he murders his wife or her lover upon catching them in the act of adultery in his home. A wife who kills her husband upon discovering him in the act of adultery is not excused. The National Commission of Truth and Justice, formed after the 1991–1994 period of military rule, recommended several improvements to existing laws concerning rape and abuse of women, but Parliament enacted none of the proposed changes. In January U.N. Special Rapporteur for Violence against Women Radhika Coomaraswamy released a report based on her June 1999 visit to the country. She noted, among other problems, that most women prisoners share living quarters with male prisoners, exposing them to violence and sexual abuse (see Section 1.c.). In 1998 a national coalition of women's organizations met with the Ministries of Health, Population, Social Affairs and Women's Issues. Three proposed changes to the law were submitted to Parliament; by year's end, Parliament had not voted on the proposals. There are no government-sponsored programs for victims of violence.

Sexual harassment of female workers is a problem, especially in the assembly sector (see Section 6.b.).

The Ministry of Women's Affairs is charged with promoting and defending the rights of women and ensuring that they attain an equal status in society, but it has few resources at its disposal and was able to accomplish little in this regard.

The Constitution states that all citizens are equal before the law; however, women do not enjoy the same social and economic status as men. In some social strata, tradition limits women's roles. Peasant women, often the breadwinners for their families, remain largely in the traditional occupations of farming, marketing, and domestic labor. Very poor urban women, who head their families and serve as their economic support, also often find their employment opportunities limited to traditional roles in domestic labor and marketing. Laws governing child support recognize the widespread practice of multiple-father families but are rarely enforced. Female employees in private industry or service jobs, including government jobs, are seldom promoted to supervisory positions. However, welleducated women have occupied prominent positions in both the private and public sector in recent years. Women's rights groups are small, localized, and receive little publicity.

Children.—The Government's programs do not promote or defend children's rights. Government health care and education programs for children are inadequate. Malnutrition is a problem. The Government has a school nutrition program administered through the Office of National Development, with food provided by foreign donors. The Constitution and the law provide that primary education be free and compulsory; however, in practice access to public schools is the primary obstacle to most rural families. Even in public schools there are nominal mandatory fees associated with sending a child to school (uniform, books, etc.), and these costs are beyond the means of many rural families. One study reported that schools are dilapidated and understaffed. An estimated 90 percent of schools are private, and the costs of school fees, books, materials, and uniforms are prohibitive for most families. According to the Government, 40 percent of children never attend school, and less than 15 percent of those who do graduate from secondary school. Poorer families sometimes ration education money to pay school fees for male children only. Several international and local NGOs work on children's issues.

Rural families continued to send young children to more affluent city dwellers to serve as unpaid domestic labor in a practice called “restavek” (which means “lives with” in Creole); families of these children frequently received financial compensation (see Sections 6.a., 6.d., and 6.f.). Most local human rights groups do not report on the plight of restavek children as an abuse nor seek to improve their situation. The Ministry of Social Affairs believes that it can do little to stop this practice, regarding it as economically motivated; the Ministry assigned five monitors to oversee the welfare of restavek children. Society holds such children in little regard, and the poor state of the economy worsened their situation.

Port-au-Prince's large population of street children includes many restaveks who have been sent out of employers' homes or who are runaways. There is some anecdotal information indicating that children are involved in prostitution or being trafficked.

The Ministry of Social Affairs is aware of the problem, provides some assistance to street children. In 1998–1999 (last available data), they assisted 887 children. The Haitian Coalition for the Defense of the Rights of the Child (COHADDE) promotes children's rights by conducting awareness raising activities. According to COHADDE, children work primarily in domesticity (restavek), but some are found working on the street, and some are involved in prostitution.

People with Disabilities.—The Constitution provides that disabled persons shall have the means to ensure their autonomy, education, and independence. However, there is no legislation to implement these constitutional provisions or to mandate provision of access to buildings for the disabled. Although they do not face overt mistreatment, given the severe poverty in which most citizens live, those with disabilities face a particularly harsh existence. Disabled beggars are a familiar sight on the streets of Port-au-Prince and other towns.

National/Racial/Ethnic Minorities.—Some 99 percent of Haitians are descendants, in whole or in part, of African slaves who won their war of independence from France in 1804. The remaining population is of European, Middle Eastern, North American, or Latin American origin. The law makes no distinction based on race. Longstanding social and political animosities often are tied to cultural identification, skin color, and overlapping issues of class in this starkly inegalitarian society. Some of these animosities date back to before the country's revolutionary period.

Racial distinctions tend to parallel social and economic strata. Mulattos, generally belong to the wealthiest classes of society. During the year, various political figures, including the President, used rhetoric indirectly targeting the mulatto segment of society. Mulattos historically have been targets of sporadic attack in many cases because they are perceived to be wealthy.

The Government recognizes two official languages: Creole, which is spoken by virtually all Haitians; and French, which is spoken by about 20 percent of the population, including the economic elite. The inability to communicate in French long has limited the political and economic opportunities available to the majority of the population. The Government prepares most documents only in French, and judges conduct most legal proceedings exclusively in French. However, Creole is used in parliamentary debate in the Lower House of Parliament.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide for the right of association. An article of the 1987 Constitution, which supersedes the labor code, gives legal recognition to public sector employees. The law protects union activities and prohibits a closed shop. The law also requires a union, which must have a minimum of 10 members, to register with the Social Affairs Ministry within 60 days of its formation in order to obtain legal recognition. The labor code does not require prior approval before any association is established. The Labor Code stipulates that “no labor union can be formed with less than 10 individuals.” Article 232 gives unions 60 days after formation to register with the Office of Personnel Management of the Ministry of Labor and Social Affairs.

Unions are independent of the Government and political parties. Nine principal labor federations represent about 5 percent of the total labor force of approximately 2,800,000 persons, including about 2 to 3 percent of labor in the industrial sector.

Teachers went on strike for several months in 1999 because they had been promised a 32 percent pay increase, later renounced by the Government. The Government denied that public school employees had a right to strike, suspended some teachers, and garnished the salaries of public school employees who participated in the strike. At year's end, 19 teachers remained suspended. In October seven teachers, members of the CNEH, were reinstated. A total of 77 teachers were given financial penalties that amounted to the number of days they were on strike multiplied by 1/30 of their gross pay.

The labor code forbids strikes by public utility service workers. Article 209 of the Labor Code defines public utility service employees as essential workers who "cannot suspend their activities without causing serious harm to public health and security." Managers, administrators, and other heads of establishments are not allowed to join labor unions and strike.

In August the Government issued rules governing the public school calendar for the 2000-01 academic year. The Ministry of National Education moved the opening date back about 3 weeks and reduced the number of holidays by 1 day, which added 1 month to the school year; teachers unions were not notified prior to the change nor given adequate opportunity to bargain prior to implementation. The unions criticized this unilateral change as an unfair labor practice and a violation of the contract they signed on June 28, 1999. In the wake of these confrontations, communication between the unions and the Government has been limited. Some unions hope to resurrect negotiations through mediators, while others expanded their lawsuit filed in 1999. While the school year started on schedule, less than 10 percent of students attended classes during the week of September 4. Approximately 15 percent of students did not return at all.

On May 15, about 300 technicians of the Government-owned telephone company (TELECO) went on a 1-day work stoppage to protest management's slow response in addressing employees' concerns regarding reductions of employee health insurance and pension benefits. TELECO management paid its arrears to the insurance fund, and promised to resume its contributions to the pension fund. However, it later dismissed four technicians in apparent retaliation.

On August 7, armed temporary employees walked into the TELECO headquarters and demanded the so-called 14th month salary, which is a bonus normally paid to full-time employees to pay for school fees. Temporary employees are normally not eligible. TELECO's offices in the greater Port-au-Prince area remained closed for 2 days, and telephone service was reduced. The police took control of the TELECO building and its environs to restore order. The bonus was not paid. The protestors resumed normal activity after some were fired, and others threatened. Using this incident as a pretext, management suspended payment of the traditional 1-month bonus to full-time employees paid 1 month before the school opening date.

In August workers at several factories in the Shodecosa Industrial Zone protested the minimum wage that they received. More than 40 workers were fired, and the protest gradually ended.

On September 11, public transport unions went on strike to protest the Government's decision to raise fuel prices. They ended their strike the following day. On October 3, public transport unions called for a general strike to protest the Government's failure to open a dialog on new fuel prices. The strike was not successful; drivers and owners of public transportation vehicles did not participate.

On October 2, the union of the electric company workers conducted a one-day sit-in inside the Ministry of justice compound. The Ministry promised workers police protection from angry residents while they are on the job. The workers were satisfied and returned to work.

Each of the principal labor federations maintained some fraternal relations with various international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code protects trade union organizing activities and stipulates fines for those who interfere with this right. No fines were issued during the year. Unions generally were free to pursue their goals, although the Government made little effort to enforce the law. Union leaders assert that some employers in the private industrial sector dismiss individuals who participate in union organizing activities. The International Confederation of Free Trade Unions brought a complaint to the International Labor Organization (ILO) in September 1999, alleging that a utility company (Electricite d'Haiti) violated freedom of association in 1996 when it dismissed 30 leaders and more than 400 members of the Federation of Electricity Workers of Haiti, closed trade union offices by armed persons, and banned any meetings by trade union members in the company. Additional allegations in this case include the attempted murder of two trade union officials, and the arrests and assaults of other trade union leaders. The ILO had not received a response from the Government on these allegations by year's end, and the case remained unresolved. According to the current union (FESTRED'H) leaders, the 1996 union leaders and workers were dismissed permanently. The Government orchestrated a reorganization of the union and allowed it to function under new leadership. The workers are not fighting actively for reinstatement. Some retired, some left the country, and the rest attempted to find employment in other sectors.

Labor unions reported at least one killing, and several arrests during the year. On September 4, Elison Merzilus, a member of the Autonomous Central of Haitian

Workers (CATH), was taken from his home by a group of 10 armed men. He lived in the 7th Section of the Gros-Morne Commune, in the Artibonite Department. His body was found 2 weeks later, in a ravine located in the 8th Section of the Gros-Morne Commune. Merzilus was instrumental in forming a women's organization affiliated with CATH several days before his disappearance. Around the same time, 10 other union members were informed that their names were blacklisted and spent several months in hiding.

On December 19, the authorities arrested Wilson Duverson and Rigaud St.-Juste in the commune of Anse-a-Fleur, Northwest Department. They were subjected to severe beatings and other harsh treatment. The authorities released Duverson on January 8 and released St. Juste on January 18. Both are members of the Anse-a-Fleur Workers Organization for Recovery (OTRA).

Several leaders of major Labor Confederation leaders were subjected to persistent telephone threats and were given ultimatums to rally behind the FL.

Organized labor activity was concentrated in the Port-au-Prince area, in state enterprises, the civil service, and the assembly sector. The high unemployment rate and antiunion sentiment among some factory workers and most employers limited the success of union organizing efforts. The ILO has criticized the law for its failure to include a specific provision envisaging protection against antiunion discrimination at the time of hiring.

Collective bargaining continued to be nonexistent, and employers set wages unilaterally. The Labor Code does not distinguish between industries producing for the local market and those producing for export. Employees in the export-oriented assembly sector enjoyed better-than-average wages and benefits. However, frequent verbal abuse and intimidation of workers and organizers is a problem in the assembly (maquiladora) sector. Female workers in the assembly sector report that some employers sexually harass female workers with impunity. Women also report that while the vast majority of assembly sector workers are female, virtually all the supervisors are men.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor for adults and minors; however, while such labor is not known to occur among adults, the Government failed to enforce this law for children, who continued to be subjected to forced domestic labor as *restaveks* in urban households under conditions that amount to slavery (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum employment age in all sectors is 15 years, with the exception of domestic service, where the minimum age is 12 years of age. The Labor Code prohibits minors from working under dangerous conditions, and it prohibits minors under the age of 18 from working at night in industrial enterprises. There is also a legal provision for employment of children between the ages of 12 and 16 as “apprentices.” Fierce adult competition for jobs ensures that child labor is not a factor in the industrial sector; however, children under the age of 15 commonly worked at informal sector jobs to supplement family income. Children also commonly worked on small family farms alongside their parents, even though the high unemployment rate among adults keeps children from being employed on commercial farms in significant numbers. In these as in many other areas, government agencies lack the resources to enforce the relevant laws and regulations effectively. The Labor Code prohibits forced or compulsory labor, which applies equally to minors; however, some children are forced to work as domestic servants (see Sections 5, 6.c. and 6.f.).

Rural families continued to send young children to more affluent city dwellers to serve as unpaid domestic labor in a practice called *restavek*; families of these children frequently received financial compensation (see Sections 5 and 6.d.). A 1991 U.N. study cited this practice as an example of slavery in the 20th century. UNICEF estimated that 250,000 to 300,000 children, 85 percent of them girls, may be victims of this practice. According to a 1998 UNICEF study, the average *restavek* is between 11 and 14 years of age; however, more than 20 percent are between the ages 4 and 10, and more than 75 percent are girls. About 23 percent of these girls are raped by a host family member, and 15 percent of them become pregnant. About 77 percent of *restaveks* have never been to school. Among those who have, only 2 percent reach secondary school. The Ministry of Social Affairs believes that many employers compel the children to work long hours, provide them with little nourishment, and frequently beat and abuse them. The law requires that *restaveks* 15 years of age and older be paid “not less than one half the amount payable to hired servant” to perform similar work, in addition to room and board. To avoid this obligation, employers send many if not most *restaveks* away from the home before the children reach the age of 15.

e. Acceptable Conditions of Work.—The legal minimum daily wage, established in June 1995 by the Tripartite Commission of Salaried Workers, whose six members are appointed by the President of the Republic, (two representatives each of labor, employers, and Government), is about \$1.52 (36 gourdes). Annually, a minimum wage worker would earn about \$473, an income above the national average but not sufficient to provide a decent standard of living for a worker and family. Some workers are paid on a piece-rate basis, and may earn more than the minimum wage. The majority of citizens work in subsistence agriculture, a sector where minimum wage legislation does not apply. Many women work as domestic employees, where minimum wage legislation also does not apply.

The Labor Code governs individual employment contracts. It sets the standard workday at 8 hours and the workweek at 48 hours, with 24 hours of rest on Sunday. However, the officers of the HNP work 12-hour shifts 6 days per week, in apparent violation of the Labor Code. The code also establishes minimum health and safety regulations. The industrial and assembly sectors largely observed these guidelines. The assembly sector published a voluntary code of conduct in April 1999, committing signatories to a number of measures designed to raise industry standards, including payment of the minimum wage and the prohibition of child labor. Employers in the assembly sector generally pay the minimum wage or higher amount. However, the real value of the gourde has diminished, and workers are no longer satisfied with the minimum wage. Working conditions are also generally better in this sector. There are no reports of child labor in this sector. However, the Ministry of Social Affairs does not enforce work hours or health and safety regulations. There is no formal data, but unions allege that job-related injuries are prevalent in the construction industry and public works sectors. With more than 50 percent of the population unemployed, workers were not able to exercise the right to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and internal trafficking of children is a problem. Rural families send young children to affluent city dwellers to serve as unpaid domestic labor; the families of such *restaveks* frequently receive monetary compensation (see Sections 5 and 6.d.). An estimated 300,000 children, 75 percent of them girls, may be victims of this practice.

There were no other reports of trafficking to, from, within, or through the country. However, there are anecdotal reports on the practice of families taking *restaveks* to Europe and the United States to continue using them as domestic servants.

HONDURAS

Honduras is a constitutional democracy, with a president and a unicameral congress elected for 4-year terms. President Carlos Roberto Flores Facusse of the Liberal party took office in January 1998. Since the country's return to democracy in 1982, the two major political parties, the Liberals and the Nationalists, both have held power after free elections. The judiciary is generally independent, but often ineffective and subject to outside influence.

The Honduran Armed Forces (HOAF) include the army, the air force, and the navy. The national Preventive Police (formerly a paramilitary force known as the FUSEP) were placed under civilian control in 1997. The police handle public security, counternarcotics, and border patrol duties. The Government created a Ministry of Security in 1998 to oversee police operations and counter a national crime wave. In November the Government authorized the use of joint armed forces and police patrols throughout the country to combat rising levels of crime. The Government has used the military to patrol the streets seven times in the last 6 years. In January 1999, the National Congress ratified a constitutional amendment that established direct civilian control over the armed forces—through a civilian Minister of Defense—for the first time since 1957. The amendment also replaced the position of the armed forces commander in chief with that of Chief of the Joint Staff. In July 1999, the President replaced the Chief of the Joint Staff, the Vice Chief of Staff, and other senior HOAF officers after they sought, without prior authorization from the civilian leadership at the Defense Ministry, to have the Congress amend a draft organic law to govern the HOAF; that action further cemented civilian control of the military. A number of versions of the draft law regulating responsibilities between the Defense Ministry and the HOAF were debated during the year; at year's end, Congress had not passed legislation. Members of the police continued to commit human rights abuses.

The market-based economy is based primarily on agriculture and, increasingly, on the important maquiladora (in-bond processing for export) industry, which accounts

for approximately 130,000 jobs, most of which are filled by young women. The HOAF play an indirect, diminishing role in the national economy through their pension fund, which controls some enterprises usually associated with the private sector, including a bank and several insurance companies. About 39 percent of workers labor in agriculture, with most of the rest in industry and manufacturing, commerce, and services. The principal export crops are coffee and bananas; these, along with "value added" income from the maquiladora industry, are the leading sources of foreign exchange. Nontraditional products, such as melons, pineapples, and shrimp, play a growing role in the economy. In 1998 Hurricane Mitch caused widespread flooding and landslides and over \$3 billion in damage, and led to an economic recession during 1999. Most affected export sectors have recovered, and the economy experienced positive growth during the year. The Central Bank estimated growth for the year at between 5.3 and 5.5 percent. Annual per capita income is approximately \$800; about two-thirds of the country's households live in poverty.

The Government generally respected the human rights of its citizens; however, serious problems remained. Members of the security forces committed some extrajudicial killings. Human rights groups accused the security forces and the business community of colluding to organize "death squads" to commit extrajudicial killings. Security force personnel committed acts of torture, and beat and otherwise abused detainees and other persons, including street children. Prison conditions remain harsh, lengthy pretrial detention is common, and detainees do not always receive due process. Considerable impunity for members of the economic and official elite, exacerbated by a weak, underfunded, and often corrupt judicial system, contributed to human rights problems. Although the civilian courts increasingly considered allegations of human rights violations or common crimes against armed forces personnel, and some cases went to trial, there were relatively few convictions. While no senior Government official, politician, or bureaucrat, or member of the business elite, was convicted of crimes, the Government removed more than 100 military officials, police officers, police agents and investigators, and judges from office on corruption and other charges. The judicial system continued to deny swift and impartial justice to prisoners awaiting trial. On occasion the authorities conducted illegal searches. Individual members of the news media suffered various forms of harassment, including attempted murder and physical assaults. Other human rights problems included violence and societal discrimination against women, child prostitution, abuse of street children, and discrimination against indigenous people. The Government does not enforce effectively all labor laws. Some workers are forced to work overtime. Child labor is a problem, particularly in rural areas and in the informal economy, but not in the exportprocessing sector.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government agents; however, the security forces were suspected of an estimated 200 extrajudicial killings, many involving persons under 18 years of age, during the year. Human rights groups alleged that individual members of the security forces worked with civilian (including vigilante) groups and used unwarranted lethal force against supposed habitual criminals or suspected gang members. Several groups pushed for investigations into specific incidents, while others claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders with regard to these murders. The Government publicly denied accusations relating to the security forces as institutions but investigated allegations against members of neighborhood vigilante groups. During the year, the authorities sought or detained 11 police officials for their involvement in the killings of various individuals.

In the spring, a suspected gang member who was arrested by police died while in the hospital, after the police reportedly "worked with him" at the crime scene to identify suspects who had fled. Another suspect was executed after the police left him alone in the back of a pickup truck while they chased his companions.

Prison guards shot and killed one escaping prisoner (see Section 1.c.).

In July the nongovernmental organization (NGO) Covenant House reported that 302 homeless children and street youths were killed in "social cleansing" killings between January 1998 and May. The majority of the killings occurred in Tegucigalpa and San Pedro Sula. Covenant House attributed 36 percent of the killings to the police and members of the military; and private security officers committed other killings. In August the Public Ministry and the General Directorate of Criminal Investigation (DGIC) named a joint special commission to investigate the extrajudicial killing of minors. In October the DGIC reported that 312 minors were victims of

extrajudicial killings between 1998 and 2000. In October Covenant House filed a complaint with the Inter-American Commission on Human Rights (IACHR) stating that 360 street children were killed from 1998 through October 2000. In 1997 Covenant House brought charges before the Public Ministry against unnamed members of the armed forces and the police for the alleged torture of 63 juveniles or minors, 35 of whom reportedly were murdered, since 1990. The Government took no action in this instance.

The case of a prison guard who shot and killed a minor who refused to surrender after escaping from the central penitentiary in Tegucigalpa in May 1999 went to trial during the year; however, no further information was available.

Human rights organizations continued to allege that individual members and former members of the security forces, acting in collusion with business leaders, committed extrajudicial killings of street criminals. They also charged neighborhood watch ("vigilante") groups with the responsibility for many extrajudicial executions. On various occasions during the year, the Public (Justice) Ministry and the National Human Rights Commission (NHRC), an autonomous government entity, publicly admitted that individual government employees might be taking part in such executions; however, the Government asserted that the individuals were acting without official authorization.

There was no progress in the investigation of the March 1999 murder of Juan Ramon Alvarado, the late mayor of Cabanas in Copan department. Two suspects previously detained were released in 1999 due to lack of evidence.

In September the Third Court of Appeals issued an arrest warrant for Jaime Raudales, a former member of the now-disbanded Army Intelligence Battalion 3-16, for the 1988 murders of social activists Miguel Angel Pavon and Moises Landaverde.

Also in September, a government team exhumed the remains of four persons from a cemetery in Olancho department; these were the first official exhumations by the Government (see Section 1.b.).

There were several developments in the investigation of the 1982 murder of Nelson MacKay Echevarria. During the year, a court charged Colonel Wilfredo Leva Cabrera with the killing. Leva Cabrera, who is in prison on a drug trafficking conviction, requested protection under the Amnesty Law; however, during the year the Supreme Court overruled a lower court decision and rescinded amnesty protection for Leva Cabrera in this case. At year's end, the murder charge was being initiated in a criminal court. At year's end, former military official Alexander Hernandez Santos was being tried for the murder of MacKay, as well as other crimes related to human rights abuses.

In March Major Manuel de Jesus Trejo Rosa, who for 5 years had been a fugitive from justice, surrendered voluntarily to the authorities, who remanded Trejo Rosa to a prison hospital. In May the court indicted him for the murder of MacKay; he also was indicted for the kidnaping and torture of Miguel Francisco Carias, as well as the 1982 kidnaping and torture of six university students (see Section 1.c.). In June the court released Trejo Rosa from the prison hospital but ordered him placed under house arrest due to his age and infirmity.

In February the First Court of Appeals acquitted Captain Billy Joya Amendola of the 1982 murder of university student Hans Madisson. The Public Ministry appealed this decision to the Supreme Court in March. In October a court issued an arrest warrant for Joya Amendola in connection with the 1982 kidnaping and torture of six university students (see Section 1.c.).

There was no information available regarding the Public Ministry's appeal of an October 1999 ruling by a lower court that found former army chief of staff Oscar Hernandez Chavez not guilty of the 1982 murder of university student Hans Madisson.

In July the Third Court of Appeals acquitted retired General Daniel Bali Castillo, retired Colonel Manuel Enrique Suarez Benavides, and retired police Major Marco Antonio Matute Lagos of the 1982 deaths of Adan Avilez Funez and Nicaraguan citizen Amado Espinoza Paz. The Public Ministry filed appeals of these decisions with the Supreme Court, which had yet to rule on the appeals at year's end. The Supreme Court is required to confirm the ruling of the Third Court of Appeals for a full acquittal; it had not done so by year's end. Other former military officials, including Alexander Hernandez Santos (who was in prison and being questioned about this incident at year's end), still face charges in this case.

In September a court sentenced police officer Jose Raul Bonilla Velasquez to 15 years' imprisonment for the murder of Jose Alejandro Molina. The court acquitted police officer Jose Alfredo Leiva in the same case.

In November a court sentenced Oscar Esmelin Rivera to 20 years in prison for the October 1998 killing of Pedro Garcia Villanueva, the director of Public Ministry attorneys in Santa Barbara department. Garcia had been investigating alleged

human rights violations and other criminal activities in the region at the time of his death.

In February the Public Ministry named a special prosecutor to continue its investigation of the 1998 murder of Carlos Antonio Luna Lopez, a town councilman in Catacamas, Olancho department. A suspect in the murder of Luna Lopez, Oscar Aurelio "Machetillo" Rodriguez Molina, subsequently was brought before a court, which in March conducted a "reenactment" of Luna Lopez's murder. Several other suspects remained at large at year's end.

Homicides, armed robberies, and other violent assaults remained commonplace. Violent crime continued to fuel the growth of private—often unlicensed—guard services, and of volunteer groups that patrolled their neighborhoods or municipalities to deter crime. In February the Security Ministry authorized the creation of approximately 500 neighborhood watch groups, known as Citizen Security Councils (CSC's), around the country to assist the police in combating rising crime. Human rights groups during the year criticized the CSC's, which they viewed as active participants in the increasing number of extrajudicial killings. However, in June National Human Rights Commissioner Leo Valladares stated publicly his belief that the CSC's were not acting as vigilantes or "death squads." The continued proliferation of private security forces and CSC's nonetheless made it more difficult to differentiate among homicides that may have been perpetrated by government security personnel, private vigilantes, or common criminals. In October the Government ordered all private security firms to turn in assault rifles, even if acquired legally, in an effort to decrease the availability of weapons to criminals.

Vigilante justice allegedly led to the killing of known and suspected criminals, as well as of street children (see Section 5). The Preventive Police claimed to have investigated 382 of 410 known killings since 1997, concluding that all police personnel accused of involvement in such incidents had been placed at the disposition of the courts, except for 1 fugitive.

Several "murders for hire" occurred during the year, usually related to land disputes or criminal activities. In February the police arrested Johnny Orlando Funez Funez and Jose Antonio Galdamez for the murder of social activist Jairo Amilcar Ayala Nunez in Lanza, Colon department over a land expropriation case. Also in February, four unidentified gunmen killed community leader Ruben Elvir in El Camalote, Santa Barbara department. Also in February, unknown assailants killed Marciano Martinez Ramirez and Victor Manuel Almendares, the president and the treasurer, respectively, of a forestry cooperative in Lepaterique.

In March four members of the Chorti indigenous group, Vicente Arias, Enecon Arias, Antonio Garcia, and Balbino Hernandez died during a gun battle in Copan. Ines Mejia and Wilfredo Bueso were arrested for the murders; a third assailant died during the gun battle. Indigenous activists claimed that the group was killed in a dispute over tribal lands; however, the police asserted that the killers and their victims were members of rival criminal gangs involved in the contraband trade (see Section 5).

In April two gunmen killed Concepcion "Chonillo" Alvarez and three members of his family in Choluteca over a local land dispute; no one has been arrested in this case. Also in April, the authorities arrested Julio Cesar Espinoza Mejia for the murder of Copan mayor Hugo Alvarado over another land dispute.

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

Various witnesses, survivors, and former HOAF personnel have charged that members of the now-disbanded army Intelligence Battalion 3-16 kidnaped, tortured, and killed many of the 184 persons who disappeared during the 1980's. The Public Ministry and the National Human Rights Commission kept open their investigations of those disappearances.

In February the Public Ministry filed an appeal of a December 1999 decision by a lower court that freed former police intelligence director Carlos Roberto Velasquez Ilovaes in the 1988 disappearance of leftist activist Roger Samuel Gonzalez Zelaya. The appeals court had not ruled on this petition at year's end.

On June 26, the Supreme Court ruled that illegal detention and execution committed by military officials were not covered by the 1987 Amnesty law (see Section 1.e.). This ruling allows for the criminal prosecution of the military officers accused of the 1982 kidnapping and torture of six leftist university students (see Section 1.c.).

In September a government team of forensic experts from the Public Ministry and local officials exhumed the remains of four persons from a cemetery at Dulce Nombre de Culmi in Olancho department. The four persons were believed to have been guerrillas who died during a firefight with HOAF personnel in 1983. Government forensic experts planned to conduct DNA testing on the remains of the four persons in an effort to verify their suspected identities; those efforts continued at

year's end. Human rights activists noted that these were the first official exhumations by the Government.

Following charges brought by human rights groups to the IACHR beginning in 1986, in November the Government made compensatory payments totaling approximately \$1,580,000 (23,800,000 lempiras) to the families of 17 persons who disappeared between 1981 and 1989. The human rights groups then dropped their charges before the IACHR. The suspected perpetrators of those disappearances remain subject to criminal prosecution in the future, but these payments freed the Government of further civil liability in these 17 specific cases. Some human rights activists publicly criticized as inappropriate the presence among the group of 17 families receiving payments of the NGO Committee of Families of the Detained-Disappeared of Honduras (COFADEH) general coordinator Bertha Oliva de Nativi, and of Andres Pavon, president of the Committee for the Defense of Human Rights in Honduras (CODEH), since the relatives of the other 167 persons who disappeared during this time period have not received justice nor any financial recompense.

The courts adjudicated several pending cases involving disappearances (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, there were isolated instances in which officials employed such practices. In addition, police beatings and other alleged abuses of detainees remained a problem. The police also engaged in violence, which included beatings, against street children (see Section 5). During the year, a court in San Pedro Sula ordered the imprisonment of four police officers accused of wounding a woman in a vehicle that they allegedly attempted to stop in late December 1999. On March 30, the authorities detained the officers.

In February Special Prosecutor for Human Rights Wilfredo Flores charged publicly that police officers routinely protected torturers and other human rights abusers in their ranks. In March DGIC Director Wilfredo Alvarado denied that DGIC agents tortured or abused prisoners. In May Preventive Police Director Alvaro Flores Ponce made a similar declaration regarding the Preventive Police. In October the Preventive Police were singled out in Amnesty International's annual report for their use of "torture and excessive force."

During the year, the Ministry of Security revised the procedures for internal review of police abuse and misconduct, partly as a result of public pressure from human rights groups and the Public Ministry, which in the past had reported that the Preventive Police's reviewing office was unresponsive to their requests for impartial investigations of police officers accused of abuse. The police force, which includes the Preventive Police and the DGIC, is subject to investigation by the Internal Affairs office regarding public complaints of police behavior; the Internal Affairs office reports to the Minister of Security. The Preventive Police and the DGIC each have an Office of Professional Responsibility (OPR), which conduct internal reviews of police misconduct such as offduty criminal conduct and ethics violations. An OPR ruling is reported to the Minister of Security, who can take disciplinary action or direct a supervisor to decide upon disciplinary action for minor infractions. Some human rights groups indicate that the new system has increased impartial judgments of police behavior.

Both the DGIC and the Preventive Police suspended or dismissed numerous agents and officers for corruption and abuse of authority during the year. The Public Ministry reported that it received 697 complaints of police abuse through August, compared with 421 complaints during 1999. The authorities dismissed more than 100 police officers and DGIC agents during the year, compared with nearly 400 officers and agents in 1999. The authorities accused 16 police and DGIC agents of torture and other abuses, and charged 4 persons with corruption and abuse of authority during the year. For example, in October the DGIC fired chief administrative officer Armando Espinal for alleged corruption, and a lower court issued an arrest warrant for former FUSEP Director Julio Cesar Chavez Aguilar for profiting from noncompetitive FUSEP purchases during his tenure as director.

In February the HOAF announced that three army officers would be tried in courts-martial for having beaten and threatened eight recruits in January in an effort to recover a missing weapon. The Defense Minister, the HOAF chief of the joint staff, and other senior officers met with the president of CODEH, the country's leading human rights NGO, to review this incident, which also led the HOAF to create a Directorate of Humanitarian Law to investigate future human rights abuses within the HOAF. Also in February, the Defense Ministry appointed a civilian as its chief financial officer in an effort to counter a history of corruption among former HOAF paymasters and announced that it would cooperate with investigations by private human rights groups of alleged abuses of authority by HOAF personnel. In March the HOAF inaugurated mandatory human rights training for its majors and

captains. In September the Defense Ministry signed an agreement with the Inter-American Institute for Human Rights to provide human rights training for the HOAF.

In May Manuel de Jesus Trejo Rosa was indicted in the 1982 kidnaping and torture of six leftist university students, as well as for the kidnaping of Miguel Francisco Carias and the murder of Nelson MacKay Echevarria (see Section 1.a.). Trejo Rosa surrendered to the authorities in March; he remained under house arrest at year's end.

On June 26, the Supreme Court ruled that illegal detention and execution committed by military officials were not covered by the 1987 Amnesty Law (see Section 1.e.). This ruling allows for the criminal prosecution of the military officers accused of the 1982 kidnaping and torture of the university students. Seventeen current and former military and police officials continued to face simultaneous criminal and civil charges in various courts. As a result of the Supreme Court's decision, amnesty laws are no longer applicable for: Alexander Hernandez, Juan Blas Salazar Meza, Manuel de Jesus Trejo Rosa, Juan Evangelista Lopez Grijalba, Captain Billy Hernando Joya Amendola, retired General Amilcar Zelaya Rodriguez, Juan Ramon Pena Paz, Roberto Arnaldo Erazo Paz, Jorge Antonio Padilla Torres, and Julio Cesar Funez Alvarez (the current deputy director of the Preventive Police).

In September the First Court of Appeals once again issued arrest warrants for Raymundo Alexander Hernandez Santos and for Julio Cesar Funez Alvarez. In September the Supreme Court ruled against a petition by the Public Ministry for the preventive detention of Joya Amendola for the 1982 kidnaping and attempted murder of the six university students. In October the First Court of Appeals issued additional arrest warrants in this case for Billy Joya Amendola, Amilcar Zelaya Rodriguez, and Manuel de Jesus Trejo Rosa. At year's end, Hernandez Santos, who turned himself in voluntarily, was detained for questioning regarding his involvement in the case.

In 1998 the Supreme Court had ruled that the country's amnesty laws protected Juan Blas Salazar Meza from prosecution for the 1982 kidnapings. The June Supreme Court decision overturned that decision. Salazar Meza is serving a 5-year prison sentence for narcotics trafficking. In September the First Court of Appeals reinstated an arrest warrant for Salazar Meza, sought by the Public Ministry in connection with the 1982 cases as a first step to bringing him to trial.

In September a judge issued a warrant for the arrest of retired General Amilcar Zelaya Rodriguez, the owner of the property in the Amarateca Valley of Francisco Morazan department where the 1982 incidents occurred. An appellate court upheld the arrest warrant for Zelaya in October.

In August a separate court ruling absolved Captain Billy Joya Amendola of all charges in the 1982 torture of newsman Oscar Reyes Baca and his wife, Gloria de Reyes (see Section 2.a.).

The police forces are underfunded and understaffed, and corruption is a problem. Widespread frustration at the inability of the security forces to prevent and control crime, and the well-founded perception that corrupt security personnel were complicit in the high crime rate, led to continued support among a segment of the general public for vigilante justice (see Section 1.a.).

In August Security Minister Gautama Fonseca dismissed Preventive Police Deputy Director Wilfredo Urtecho Jeamborde and DGIC Deputy Director Saul Bueso Mazariegos from their posts. Human rights and civic groups noted the dismissals, since both Urtecho Jeamborde and Bueso Mazariegos have been suspected in the past of profiting from a variety of illegal enterprises. The Public Ministry reportedly was investigating both individuals at year's end for possible prosecution.

Prison conditions remained harsh. Prisoners suffered from severe overcrowding, malnutrition, and a lack of adequate sanitation, and allegedly were subjected to various other abuses, including rape. The 27 penal centers held over 11,500 prisoners, more than twice their maximum capacity; more than 90 percent of all prisoners were awaiting trial for an average of 22 months, with some waiting over 5 years (see Section 1.d.). Prison facilities are overcrowded, and pretrial detainees generally are not separated from convicted prisoners. Prison security was poor. Contrary to the previous year, the Government did not send the army in to any prisons to maintain order during the year. Retired military officers do work as guards in some areas, and some Preventive Police are used as guards. Prison disturbances, caused primarily by harsh conditions, occurred throughout the year, although at a lesser rate than in 1999, due to increased manpower and training of prison personnel. On March 27, a fight at the San Pedro Sula prison left one prisoner dead and five prisoners and guards wounded. Following the fight, the authorities transferred 181 prisoners to HOAF facilities. Prison escapes, through bribery or otherwise, remained a

frequent occurrence. Prison guards shot and killed one escaping prisoner during the year; there were no other serious injuries to escaping prisoners.

More often than not, for lack of alternative facilities, wardens housed the mentally ill and those with tuberculosis and other infectious diseases among the general prison population. Prisoners with money routinely bought private cells, decent food, and permission for conjugal visits, while prisoners without money often lacked basic necessities, as well as legal assistance. The prison system budgets about \$0.40 (6 lempiras) per day for food and medicine for each prisoner. Prisoners were allowed visits and in many cases relied on outside help to survive, as the prison system could not provide adequate or sufficient food.

In June 1999, the Public Ministry signed an agreement with the Center for the Prevention, Treatment, and Rehabilitation of Victims of Torture and their Relatives to establish programs to protect the human rights of prisoners; to train police and prison personnel to avoid committing acts of torture; and to arrange for periodic inspections of prisons. These programs continued during the year. In February a Tegucigalpa court ordered the central prison in the capital to suspend disciplining prisoners because of widespread reports of abuse, and instructed prison authorities to develop a plan to stop the alleged abuses. In September the Security Ministry and CODEH agreed to collaborate on a national plan to provide human rights training to prison guards and to rehabilitate the prison population through formal education and vocational training.

In July the Government announced that it would build a model prison farm in the Sula Valley at a cost of \$15 million (225 million lempiras). The 1,500-bed penitentiary, scheduled to open in 2002, would be one of several to be built to relieve overcrowding and promote rehabilitation within the country's antiquated penal system.

Women generally were incarcerated in separate facilities under conditions similar to those of male prisoners; however, female prisoners do not have conjugal visit privileges.

The Government operates juvenile detention centers in Tamara, El Carmen, and El Hatillo; all are located in or near Tegucigalpa or San Pedro Sula. This lack of juvenile detention facilities contributed to the detention of minors in adult prisons and to vigilante violence against, and police abuse of, street children (see Sections 1.a. and 5). In February Covenant House alleged that 800 juvenile criminals have been housed in adult prisons since 1995. Street children in detention sometimes were housed in adult prisons, where they were abused routinely. However, in May Covenant House made public its judgment that the Government no longer routinely houses juvenile offenders in adult prisons. In October the IACHR ordered the Government to make compensatory payments to 300 juvenile offenders who served time in adult prisons from 1995 to 1999. In April the Government announced plans to permit juvenile criminals to pursue an education while in prison.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for protection against arbitrary arrest and detention; however, the authorities occasionally fail to observe these legal requirements. The law states that the police may arrest a person only with a court order, unless the arrest is made during the commission of a crime, and that they must clearly inform the person of the grounds for the arrest. By law the Preventive Police cannot investigate crimes; that force only detains suspects. The police must bring a detainee before a judge within 24 hours; the judge then must issue an initial, temporary holding order within 24 hours, make an initial decision within 6 days, and conduct a preliminary investigation to decide whether there is sufficient evidence to warrant further investigation.

While bail is legally available, it is granted primarily for ostensibly medical reasons; however, procedures in such cases are confused and unclear. Poor defendants, even when represented by a public defender, seldom are able to take advantage of bail (see Section 1.e.). Lengthy pretrial detention is a serious problem; in March an independent study estimated that 92 percent of prisoners were awaiting trial, some for over 5 years. The average length of detention was approximately 22 months, and over 90 percent of all prisoners had been neither tried nor sentenced (see Section 1.c.).

The 1996 Unsented Prisoner Law mandates the release from prison of any detainee whose case has not come to trial and whose time under detention exceeds the maximum prison sentence for the crime of which he is accused. This law also authorizes the parole until trial of persons over the age of 60 accused of nonfelony crimes, women who are pregnant or lactating, and the mortally ill. In April the Government estimated that as many as 3,017 prisoners qualified for release under the Unsented Prisoner Law, that 3 officers were required to monitor each person,

and that the annual cost of enforcing this law was approximately \$6.7 million (100 million lempiras).

However, despite this law, many prisoners remain in jail after being acquitted or completing their sentences, due to the failure of responsible officials to process their releases. A significant number of defendants served the maximum possible sentence for the crime of which they were accused before their trials were concluded, or even begun. For example, a man arrested in August 1997 was released without a trial in October 1999, while his two alleged accomplices, who also were arrested in August 1997, were released without trials in October 2000. In September the authorities released a man who had been exonerated of all charges 6 days after his arrest in July 1998. Also in September, the authorities released another man who had been detained without a trial since April 1996. In October the authorities released one prisoner who was arrested in June 1991, and then ordered freed in March 1995.

Neither the Constitution nor the Legal Code explicitly prohibits exile, but it is not used as a means of political control.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary is poorly staffed and equipped, often ineffective, and subject to outside influence. While the Government respects constitutional provisions in principle, implementation has been weak and uneven in practice. A number of factors limit the effectiveness of the system. Both the judiciary and the Public Ministry suffer from inadequate funding; low wages and lack of internal controls make law enforcement officials susceptible to bribery; the civil law inquisitorial system is both inefficient and opaque; and powerful special interests still exercise influence and often prevail in the courts. Approximately 35 percent of the complaints received by the National Human Rights Commission concern the judicial system. Many leading politicians enjoy constitutional immunity.

The court system is composed of a 9-member Supreme Court, 10 appeals courts, 67 courts of first instance with general jurisdiction, and 325 justice of the peace courts with limited jurisdiction. Congress elects the nine Supreme Court justices and names the president of the court; the Supreme Court, in turn, names all lower court judges. The 4-year term for justices of the Supreme Court coincides with those of the Congress and the President.

The Constitution provides for the right to a fair trial; however, the written, inquisitorial trial system is labor-intensive, slow, opaque, and does not protect the rights of defendants adequately. In December 1999, the Congress passed a law to modernize the Criminal Procedures Code; this new law, which is scheduled to take full effect in February 2002, substitutes an adversarial system for the inquisitorial system and mandates a speedier disposition of cases. The new law is designed to change the code into one based upon the presumption of innocence, the right to a public trial, and respect for the dignity and liberty of the accused. It also expressly prohibits incarceration without first receiving a clear sentence from a judge or tribunal.

Judges legally are in charge of investigations, as well as of trials and sentencing. Under the 1984 Code of Criminal Procedures, judges, the police, public officials, and individual citizens can initiate criminal proceedings. As many as 80 percent of the cases reported to the police are never referred to the criminal justice system, but instead are settled administratively by the police or by municipal courts. A judge may jail an accused person for 6 days before a determination is made of probable cause to accept charges. If a judge sustains the criminal accusation, the accused remains in jail, or may be released on bail while awaiting trial (see Section 1.d.).

An accused person has the right to an initial hearing by a judge, to bail, to an attorney provided by the State, if necessary, and to appeal. Although the Constitution recognizes the presumption of innocence, the criminal code in practice often is administered by poorly trained judges operating on a presumption that the accused is guilty; consequently, the rights of defendants often are not observed. All stages of the trial process are conducted in writing and, at the judge's discretion, may be declared secret and, thus, even less "public" than normal.

Defendants and their attorneys are not always genuine participants in the process, despite rights accorded under law. Defendants may confront witnesses against them and present evidence on their own behalf, but only through the judge. By law defendants and their attorneys are entitled to review government-held evidence relevant to their cases, but this right is not always respected in practice.

A public defender program provides assistance to those unable to afford an adequate defense. There are 137 public defenders providing free legal services nationally to 37 percent of the prison population; however, public defenders are hard pressed to meet the heavy demands of an unautomated, inadequately funded, and labor-intensive criminal justice system. The Supreme Court issued an instruction in 1998 that holds judges personally accountable for reducing the number of back-

logged cases, and separates judges into pretrial investigative judges and trial and sentencing judges. The Court also created a program to monitor and enforce compliance with these measures. The Court's instruction was intended to ensure more effective protection for the rights of the accused to a timely and effective defense, but it has had little effect.

Modest progress was made in previous years towards implementing a judicial career system to enhance the qualifications of sitting judges; depoliticize the appointment process; and break the subcultures of corruption, clientism, patronage, and influencepeddling within the judiciary. Nonetheless, many courts remain staffed by politically selected judges and by unqualified clerks who are inefficient and subject to influence from special interests. The reforms have not been implemented fully.

On April 7, the National Human Rights Commissioner released a report that alleged political interference and corruption within the judiciary. The Supreme Court filed a lawsuit against Valladares, and charged him with engaging in "corruption, extortion, and blackmail," however, the Supreme Court later dropped its charges (see Section 4).

On May 2, President Flores issued a decree that created a special commission to draft recommendations for improving the judicial system. On September 19, the commission presented recommendations to the President. The Government incorporated many of these recommendations into a constitutional amendment that was presented to Congress on October 3. Congress passed the amendment on December 20; it must approve it a second time in the 2001 session.

On November 7, the Supreme Court announced that it is investigating 500 civil, criminal, administrative, and labor judges in an anticorruption effort. According to press reports, at least 100 judges have been charged with corruption or fired for judicial indiscretions in the past 3 years.

Elements of the armed forces withheld their cooperation from official efforts to track down military officers wanted in connection with alleged human rights abuses dating back to the 1980's. The Supreme Court considered throughout the past decade whether legal amnesties adopted in 1987, 1990, and 1991 for crimes committed during the 1980's covered the military, as political deliberations in the Congress had suggested. In 1998 the Court determined that while the amnesty laws were constitutional, amnesty appeals would have to be decided on their individual merits. On June 26, the Court ruled that laws providing amnesty protection to present and former military officials were inapplicable to common crimes, such as illegal detention and homicide, which some officials were alleged to have committed. At the request of the Public Ministry, on August 1, the Court clarified that its June ruling applied only to the specific case (the 1982 kidnaping and torture of six university students) under consideration (see Section 1.c.), and that the amnesty laws would continue to apply to all military defendants until the prosecutor in a specific case established the grounds for the exclusion of amnesty for the accused in that case. Thus, military officials still may benefit from the amnesty laws, but the Public Ministry now has the right to challenge the applicability of those laws to specific investigations of past human rights abuses.

Many leading politicians enjoy constitutional immunity from prosecution because of their membership in either the National Congress or the Central American Parliament. That immunity extends to acts committed before taking office. Only the National Congress can deprive a protected person of his immunity: such a person lacks the legal capacity voluntarily to surrender his immunity. In April the Congress passed a General Law of Immunities that reduced the number of government positions with immunity from an estimated 1,250 to less than 200 positions. The new law continues to require a vote of Congress to deprive an individual protected under the law of his immunity, but it permits certain civil suits to be brought against such an individual without regard to his position in the Government. In March Attorney General Roy Medina declared that military amnesties and the political immunity of political leaders combined to make impossible the prosecution of such individuals for alleged past and present crimes.

Over the past 6 years, the Public Ministry has taken steps to investigate and charge not only military officers for human rights violations, but also ranking officials of the two previous governments, for abuses of power, fraud, and diversion of public funds and resources. However, at year's end, very few of those accused had been tried or convicted.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution specifies that a person's home is inviolable, that persons in the employ of the State may enter only with the owner's consent or with the prior authorization of a competent legal authority, and that entry may take place only between 6 a.m. and 6 p.m., or at any time in the event of an emergency or to prevent the commis-

sion of a crime. However, as in previous years, there were credible charges that police personnel failed at times to obtain the needed authorization before entering a private home. Coordination among the police, the courts, and the Public Ministry remained weak. The Government respects the privacy of correspondence.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the authorities largely respected these rights in practice. However, journalists admitted to self-censorship when their reporting threatened the political or economic interests of media owners. A small number of powerful business magnates whose business interests, political loyalties, and family ties often intersect own many news media. Systemic national problems, such as corruption and conflicts of interest, also have limited the development of the news media. For example, three of the four national newspapers are run by presidential candidates or their close family members. Reporting of events, particularly those related to elections, is subject to editorializing.

The Government has various means to influence news reporting of its activities, such as the granting or denial of access to government officials, which is crucial for news reporters, editors, and media owners alike. Other methods are more subtle, such as the coveted right to accompany the President on his official travels. Journalists who accompany the President on such occasions do so at the expense of the Government, which grants or withholds invitations for such travel at will.

The comparatively little investigative journalism that took place focused on uncontroversial issues, such as illegal immigration. When the news media attempted to report in depth on national politicians or official corruption, they continued to run into obstacles, such as external pressures to desist from their investigations, artificially tight reporting deadlines, and a lack of access to Government information and independent sources.

The news media also continued to suffer from internal corruption, politicization, and outside influences. Payments to journalists to investigate or suppress certain stories continued, although no individual journalist was accused publicly of engaging in the practice. News directors and editors acknowledged their inability to halt the practice, given their own workloads and the difficulty of discovering why a given reporter opted to emphasize one aspect of a story over another, or why a particular name was omitted from a list of suspects to be made public.

The executive branch continued to make frequent use of the “Cadena Nacional,” a complete preemption of all television and radio broadcasting, including international channels seen only on cable television. Originally designed to transmit critical information during an emergency or crisis, such as Hurricane Mitch, the Cadena Nacional is used primarily to promote the supposed accomplishments of the Government, from the inauguration of infrastructure projects to the transmission of President Flores’s audience with the Pope. The Government also has considerable influence on the print media through its ability to grant or withhold official advertisements funded with public monies.

The leading newspaper in the capital of Tegucigalpa, *La Tribuna*, was founded by the late father of President Flores. *La Tribuna* is still run by his family, and it competes directly with rival publications for scarce revenues from advertising, much of which comes from the Government itself.

In March *El Nuevo Dia*, the smallest of the five daily newspapers, ceased publication due to rising production costs and a protracted labor dispute with its production staff.

One potentially abusive practice continued to be the granting of awards to individual reporters on “Journalists’ Day.” In May all three branches of the Government and several private organizations, including chambers of commerce, bestowed numerous awards, some accompanied by substantial sums of cash, on the “best” journalists. Rather than being tied to a specific accomplishment—a particular article or series, or even a lifetime’s body of work—most awards were granted without any published criteria to beat reporters assigned to the granting institution. Some of these awards appeared to be deserved; however, many observers viewed the awards as little more than acknowledgments by the granting institutions of perceived services rendered. One newspaper editor who regularly rotates news assignments precisely to avoid any conflict of interest acknowledged that employees objected to the rotations because the practice effectively eliminated them from award consideration each year.

Individual members of the news media suffered various forms of harassment. In February Vica television reporter Allan Montenegro lost an eye during an altercation with police following an automobile accident. Montenegro, who is suing the Security Ministry over the incident, said that a police officer struck him in the face

with the butt of a rifle after Montenegro identified himself as a reporter. In May Canal El Progreso television reporter Hernan Cubas Padilla filed a complaint with the National Human Rights Commission alleging that Deputy Johny Handal had threatened at various times to close Canal El Progreso and kill Cubas Padilla due to his reporting of alleged corrupt activities in Yoro department by Handal, deputies Jamil Hawit and Rene Ramon Robleda, and El Progreso town councilwoman Nelly Soliman. Also in May, deputy and former president of Congress Rodolfo Irias Navas struck La Prensa newspaper reporter Ramon Alberto Tejedo while Tejedo conducted a press interview with a third party.

In April Radio Progreso news director Julio Cesar Pineda Alvarado survived a drive-by shooting but was injured when a bullet struck his head; Pineda Alvarado subsequently reported having received death threats and being followed prior to the attack.

In April El Heraldo newspaper reporter Leonarda Andino filed a complaint with the National Human Rights Commission because she received a summons for publishing excerpts from a report on the judiciary by the National Human Rights Commissioner (see Section 1.e.). In July a court in San Pedro Sula ordered El Heraldo reporter Sogelia Alvarado to testify in a defamation suit filed by Supreme Court President Oscar Armando Avila Banegas against mayoral candidate Oscar Kilgore. In September a court acquitted La Prensa reporter Arnulfo Aguilar of credit card fraud, abetting the escape of a prisoner, and contempt of court; Aguilar had maintained during his trial that unnamed persons whom he was investigating for alleged corruption had generated false charges against him. In October Deputy Francisco Herrera Dominelli filed a lawsuit on behalf of his wife against La Prensa reporter Serapio Umanzor Diaz, whom Herrera Dominelli accused of defaming his wife in the course of reporting on her business activities; Umanzor Diaz avoided a prison sentence by paying a fine of \$192 (2,880 lempiras).

According to the Inter-American Press Association (IAPA), during the year television journalist Rosanna Guevara lost her position as a manager in Vica Television's news department, allegedly because she criticized President Flores. In March she reported receiving death threats over her station's political coverage.

Such attempts by government officials and unidentified assailants to intimidate journalists increasingly led both local and foreign observers to call into question the ability of the news media to report freely on sensitive topics. In May the annual report of the IAPA noted that 13 reporters had been subjected to various forms of harassment during the past decade. In October the NGO Freedom House expressed concern regarding local treatment of the news media. At its annual conference in October, the IAPA adopted a resolution that called attention to several of the harassment cases and called upon the Government to respect the freedom of the press.

In August a court absolved former army captain Billy Joya Amendola of all charges in the 1982 torture of newsman Oscar Reyes Baca and his wife, Gloria de Reyes (see Section 1.c.).

The Government respects academic freedom, and has not attempted to curtail political expression on university campuses.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respects it in practice.

In August the Public Ministry fired Special Prosecutor for Ethnic Rights Gilberto Antonio Sanchez Chandias (see Sections 4 and 5). Dozens of persons conducted a hunger strike in support of Sanchez for 9 days during August and September, and some 1,200 protesters seized the Mayan ruins at Copan, the country's leading tourist attraction, in September. On September 7, the police forcibly restored order to the site after 3 days of protests, causing 15 injuries (including 5 police) in the process.

Also in September, some 300 indigenous persons sought to march from Copan to Tegucigalpa in support of Sanchez; however, the Security Ministry arrested all of the marchers in order to prevent them from entering Tegucigalpa. The Supreme Court subsequently issued a writ of habeas corpus to compel the Security Ministry to release the marchers. The protests and the hunger strike ended in mid-September when the Public Ministry agreed to reinstate Sanchez on the condition that he immediately would resign his post, receiving the various severance payments provided for by the Labor Code. In November lawyers for the demonstrators filed a lawsuit against Security Minister Gautama Fonseca, which accused him of abusing his authority and violating their civil rights when he ordered their detention in September. If the courts accept the protesters' lawsuit, the Minister in theory could face criminal charges as well; the courts had not made a decision at year's end.

On December 5–6, protesters clashed with police during a demonstration in support of opposition presidential candidate Ricardo Maduro (see Section 3). Protesters attacked police with sticks and rocks; at least 12 persons were injured, including

3 journalists. Police used tear gas to break up the demonstration and arrested 20 persons.

In March the Public Ministry announced that it had declined to prosecute several dozen alleged instigators of a riot in front of the presidential offices in October 1999. The Ministry also announced that it was considering pressing charges against senior police officials who directed the police response against the alleged rioters, 44 of whom sustained a variety of injuries at the time. In October the Government made compensatory payments averaging \$1,500 (22,500 lempiras) each to the 44 persons injured during the 1999 protest, including a payment to the family of 1 individual who died of natural causes in May, and to the indigenous organization that organized the 1999 demonstration (see Section 5). The total amount of payment each victim received depended upon the type of injury suffered.

The Constitution provides for freedom of association, and the Government generally respects it in practice.

c. Freedom of Religion.—The Constitution provides for all forms of religious expression, and the Government generally respects this right in practice.

In September the Congress adopted a controversial measure requiring that, beginning in 2001, all school classes begin with 10 minutes of readings from the Bible. Parents who do not want their children to listen to the readings may notify school authorities in writing. The Education Ministry, in consultation with Christian churches, is to establish procedures to select readings, plan their implementation, and promote their distribution. However, the law does not stipulate which segments of the Bible would be used. After the vote, many legislators also questioned whether the wording of the legislation in fact made such readings mandatory. Evangelical Christians supported the law; however, lay constitutional scholars, the Roman Catholic Church, and other religious leaders opposed the measure as a violation of the constitutional separation of church and state. A legal challenge to the constitutionality of this law appeared likely at year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens enter and exit the country without arbitrary impediment, and the Government does not restrict travel within the country's borders.

The Government cooperates with the U.N. High Commissioner for Refugees, the International Office of Migrations (IOM), and other humanitarian organizations in assisting refugees. The Government provides first asylum and grants asylum or refugee status in accordance with the terms of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

There were no reports of the forced return of persons to a country where they feared persecution. On several occasions during the year, small boats piloted by persons fleeing Cuba were discovered in Honduran waters or washed ashore. In each instance, the Government provided temporary refuge to those Cubans and collaborated with the IOM and local human rights groups to interview each person to determine whether the individual had a well-founded fear of persecution. In every instance, the Government assisted those persons who expressed a desire to return to Cuba to do so, facilitated voluntary transit by others to third countries, or granted temporary residence and work permits to those who wished to remain in the country.

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

Citizens last exercised the right to change their government through democratic and peaceful elections in November 1997. International observers found the elections to be free and fair.

Citizens choose a president, three vice presidents, and members of the National Congress by free, secret, direct, and obligatory balloting every 4 years. In 1997 voters for the first time were able to cast separate ballots for the president, deputies in the National Congress, and municipal leaders, making individual elected officials more representative and accountable. Voting was made easier for citizens by a change that allowed them to vote closer to their homes.

Suffrage is universal; however, neither the clergy nor members of the military or civilian security forces are permitted to vote. Any citizen born in Honduras or abroad of Honduran parentage may hold office, except for members of the clergy, the armed forces, and the police. A new political party may gain legal status by obtaining 20,000 signatures and establishing party organizations in at least half of the country's 18 departments.

In June the Congress amended the Law on Elections and on Political Organizations to permit citizens residing abroad to vote in future presidential elections. The opposition National Party charged that the ruling Liberal Party had brought the bill to a vote without prior notice and when few Nationalists were present, and asserted

that the amendment was illegal because it failed to include Congressional elections or to provide a role in overseas elections for the National Electoral Tribunal (TNE), as required by the existing law. When the Nationalists threatened to challenge the constitutionality of the amendment, the Liberals agreed to negotiate with the Nationalists over how overseas voting would be conducted; the status of this legislation and its implementation continued to be debated at year's end.

The next national elections are scheduled for November 2001; presidential primaries for the Liberal and National parties took place in December. President of Congress Rafael Pineda Ponce won the Liberal primary; Luis Cosenza, a stand-in for the original candidate Ricardo Maduro, won the National Party's primary. A major political conflict began in October after the ruling Liberals petitioned the National Electoral Tribunal (TNE) not to allow National Party presidential contender Maduro to compete in his party's primary because the Liberals questioned whether he was "Honduran by birth," a legal requirement for assuming the presidency. (Maduro was born in Panama of a Panamanian father and a Guatemalan mother, but Maduro and his mother both received official documentation of Honduran citizenship in the 1980's, through Maduro's Honduran maternal grandmother. Since that time, Maduro has served in several government positions that required "Honduran by birth" nationality.) Despite numerous accusations, an arbitration of international jurists, and presidential intervention, the TNE refused to register Maduro for the primary. At year's end, the National Party continued to express interest in reinstating Maduro as the presidential candidate, even though the question of Maduro's citizenship was not resolved.

There are no legal impediments to the participation of women or minorities in government and politics; however, they are underrepresented. One of the country's three vice presidents is a woman, as are four cabinet ministers; approximately a dozen women also serve as vice ministers or head various government agencies. Women hold 12 of 128 seats in the National Congress, and 2 of 20 Honduran seats in the Central American Parliament. The Government's Office of Women's Affairs has cabinet-level status, although the executive president of that office is not a member of the cabinet. There is one female justice on the Supreme Court.

In April the Congress enacted a Law of Gender Equality that mandates that 30 percent of all candidates nominated for public office by recognized political parties be women. Female legislators and women's groups criticized this law for not requiring full gender parity in political party slates. They also complained that, in practice, electoral slates for general elections would not meet the 30 percent threshold established by the law because the country's few female politicians might be defeated during the internal nominating processes of the political parties. The law is expected to apply to the 2001 elections.

There are few indigenous people in leadership positions in government or politics. There are no members of Congress who state that they are indigenous, but there is one indigenous alternate deputy.

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

A wide variety of human rights groups operates without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperate with these groups and are responsive to their views.

Anonymous telephone callers continued to threaten human rights workers. The National Human Rights Commissioner and the leaders of the CODEH and of the COFADEH all reported receiving numerous death threats by telephone.

In 1996 the Congress ratified a presidential decree expanding the functions of the NHRC and unanimously reelected Leo Valladares to a 6-year term that is scheduled to expire on March 5, 2002. Under this decree, and in fulfillment of his expanded functions, the NHRC has free access to all civilian and military institutions and detention centers, and is supposed to perform his functions with complete immunity and autonomy. However, in April the Supreme Court filed a lawsuit against Valladares, and charged him with engaging in "corruption, extortion, and blackmail" over a report issued by the NHRC in April that exposed corruption within the judicial branch (see Section 1.e.). However, the Supreme Court later dropped its charges.

In June the NHRC announced that the Commission would close 7 of its 12 regional offices for budgetary reasons. Human rights activists charged that the Government deliberately underfinanced the NHRC to hinder its operations. Valladares observed publicly that, while the NHRC required an annual budget of \$1.8 million (27 million lempiras) to operate on a national scale, the actual NHRC budget for the year 2000 was only \$1,067,000 (16 million lempiras). Various aid grants from foreign governments to the NHRC expired earlier in the year. In December the Con-

gress passed a budget that provides the NHRC with a budget of \$1.6 million (24 million lempiras).

In August the Public Ministry fired Special Prosecutor for Ethnic Rights Gilberto Antonio Sanchez Chandias, ostensibly as part of a reorganization of the Ministry. However, indigenous groups claimed that Sanchez had been fired for investigating reports of violations of indigenous rights too diligently (see Section 5).

In March the CODEH publicly accused the INTERPOL unit in Honduras of conducting research into the CODEH's foreign information and funding networks, but did not make public any evidence to support those accusations. In July the CODEH announced that it would close four of its regional offices due to a shortfall in funding.

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

The Constitution bans discrimination based on race or sex. The Constitution also bans discrimination on the basis of class; however, in practice, the political, military, and social elites generally enjoyed impunity before the legal system. Members of these groups rarely were arrested or jailed; the President, cabinet ministers, and legislators all enjoy legal immunity (see Section 1.e.).

Women.—Violence against women remained widespread. The Penal Code was amended in 1997 to classify domestic violence and sexual harassment as crimes, with penalties of 2 to 4 years' and 1 to 3 years' imprisonment, respectively. In February the Pan-American Health Organization reported that 60 percent of women have been victims of domestic violence. Most such violence took place within the family. The penalties for rape are relatively light, ranging from 3 to 9 years' imprisonment. All rapes are considered public crimes, so a rapist can be prosecuted even if he marries his victim.

Under pressure from women's advocacy and reform groups, the Congress in 1997 enacted the Law Against Domestic Violence to strengthen the rights of women and increase the penalties for crimes of domestic violence. This law allows the Government to protect battered women through emergency measures, such as detaining an aggressor or separating him temporarily from the victim's home. It also imposes such penalties as a fine of \$333 (5,000 lempiras) and 4 years' imprisonment per incident.

In March the Public Ministry reported that it receives an average of 200 allegations of domestic violence each month, but that many cases remain pending because the Government has not yet created the special courts authorized by the Law Against Domestic Violence. In August the Public Ministry reported investigating 10,535 cases of spousal abuse during 1999; male spouses filed 1,267 of those cases. In September the U.N. Population Fund estimated that 8 of every 10 women suffer from domestic violence. In October the Public Ministry reported that it had received 3,000 complaints of domestic violence, averaging 35 per day, during the year.

The Government attempted to remedy this situation by working with women's groups to provide specialized training to police officials on enforcing the Law Against Domestic Violence. There are few shelters specifically maintained for battered women. The Government operates 1 shelter that can accommodate 10 women and their families. Six private centers for battered women offer legal, medical, and psychological assistance, but not physical shelter.

Sexual harassment in the workplace also continued to be a problem.

Women, who make up 51 percent of the work force, were represented in at least small numbers in most professions, but cultural attitudes limited their career opportunities. In theory, women have equal access to educational opportunities; however, family pressures often impede the ambitions of women intent on obtaining a higher education. The law requires employers to pay women equal wages for equivalent work, but employers often classify women's jobs as less demanding than those of men to justify paying them lower salaries. In July the Government created the Inter-Institutional Technical Committee on Gender to coordinate government assistance programs for women.

Some organizations have begun to offer assistance to women, principally targeting those who live in rural areas and in marginal neighborhoods of cities. For example, the Honduran Federation of Women's Associations provided home construction and improvement loans, offered free legal assistance, and lobbied the Government on women's causes. The Center for the Investigation and Promotion of Human Rights continued to operate a program to make women aware of their legal rights. Programs that provide small loans to microentrepreneurs target female clients.

Women have advanced significantly in some professions during the past several years. The HOAF and national police academies have accepted female recruits since 1998, and the first class of women to receive aeronautical training at the air force

academy graduated in 1999. In 1998 Reyna Dinora Aceituno was elected Secretary General of the Confederation of Honduran Workers (CTH), the country's second largest labor confederation. In May the capital city of Tegucigalpa hired its first female firefighter. In June and July, the Episcopal Church ordained its first three female religious ministers.

In October tens of thousands of women commemorated World Food Day by conducting demonstrations against poverty and violence in the country's major cities. Also in October, the Government announced a new program to provide "agricultural equality" for women through such measures as recognizing female land ownership separately from male spouses or family members, increasing the number of government land titles granted to women, and facilitating access to financial assistance for female agricultural workers.

Children.—Although the Government allocated 32 percent of its budget for the year to public education and health care, this was insufficient to address the needs of the country's youth. The Government provides free, universal, and compulsory education through the age of 10; however, the Government estimated that as many as 175,000 children each year fail to receive schooling of any kind, either due to insufficient financial resources, or because parents rely on their children to assist in supporting the family by working. Girls attend primary school in the same proportion as boys. In October the Government announced its intention to increase its national school capacity by 5,000 children during 2001.

Media reports indicated that up to 40 percent of children under the age of 5 years suffer from chronic malnutrition. The Government estimated that 7,000 children (40 of every 1,000) under the age of 5 die each year because of inadequate health care; to combat these deaths, in March the Health Ministry announced a 2-year program to reduce infant mortality by 25 percent.

The Government was unable to prevent the abuse of street children (see Sections 1.a. and 1.c.) or child laborers (see Section 6.d.). During the year, the Government and children's rights organizations raised their estimates of the number of street children to 10,000, only half of whom have shelter on any given day. The number of street children has increased substantially since 1998, due to Hurricane Mitch. Many street children have been molested sexually, and about 40 percent regularly engaged in prostitution.

Approximately 30 percent of the street children in Tegucigalpa and San Pedro Sula, the two largest population centers, were reported to be HIV-positive. Over 75 percent of street children found their way to the streets because of severe family problems; 30 percent simply were abandoned. Abuse of street children is a serious problem. Both the police and members of the general population engaged in violence against street children (see Sections 1.a. and 1.c.). In September police arrested the adult son of the Human Rights Commissioner for burning a child's eyelid with a cigarette. He was charged with a minor infraction. The Human Rights Commissioner publicly separated himself from his son's actions and emphasized that his son should be subject to appropriate legal action.

In May the Public Ministry reported receiving an average of 20 complaints of child abuse every week; in May UNICEF estimated that 17 percent of children have suffered some form of child abuse. In March the Tegucigalpa city administration opened 12 temporary shelters for children, with a total capacity of 240 children. In November the Government announced that it plans to open a 24-hour Street Child Attention Center in Tegucigalpa, which had not opened at year's end. The Center, working with the municipal authorities and with children's rights organizations, would initiate contact on the streets with abandoned children, meet their basic needs, then offer counseling and formal or vocational training to help reincorporate them into society.

Human rights groups implicated out-of-uniform security force personnel, vigilantes, and business leaders in many juvenile deaths (see Section 1.a.). In February Covenant House alleged that 21 children were killed and 879 children suffered various forms of mistreatment from 1994 to 1999.

The 1996 Code of Childhood and Adolescence covers the rights, liberties, and protection of children, including in the area of child labor (see Section 6.d.). It established prison sentences of up to 3 years for persons convicted of child abuse.

In September the Government sponsored its eighth annual Children's Congress in Tegucigalpa, at which children from across the country discussed issues of national interest. For the first time, several departmental capitals hosted similar meetings of local children simultaneously.

People with Disabilities.—There are no formal barriers to participation by an estimated 300,000 disabled adults in employment, education, or health care; however, there is no specific statutory or constitutional protection for them. There is no legislation that requires access by disabled persons to government buildings or commer-

cial establishments. In April the Government reactivated the National Council for the Treatment of the Disabled Minor to coordinate assistance to an estimated 800,000 disabled youths and appropriated about \$1.3 million (20 million lempiras) to fund its activities.

Indigenous People.—Some 450,000 persons, constituting 11 percent of the general population, are members of various indigenous groups. These small communities of indigenous people have little or no ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous land rights are communal. While the law permits persons to claim individual freeholding titles, this is difficult to accomplish in practice. Tribal lands often are defined poorly in documents dating back to the mid-19th century and, in most cases, lack any legal title based on modern cadastral measurements. The Government makes all decisions regarding exploitation of timber resources on indigenous lands, often over strenuous tribal objections.

The lack of clear title by indigenous groups to public lands that they occupy often leads to conflicts between such groups and various government entities. However, such disputes are equally common between the Government and nonindigenous groups, and the Government is working with various indigenous groups on management plans for public and tribal lands that they occupy. In the absence of clear land titles and unequal access to legal recourse, indigenous groups also are vulnerable to frequent usurpation of their property rights by nonindigenous farmers and cattle ranchers. Expanded coverage of the national cadastral registry, property titling, and government land registries is reducing this vulnerability.

The courts commonly deny legal recourse to indigenous groups and often show bias in favor of nonindigenous parties of means and influence. Failure to obtain legal redress frequently causes indigenous groups to attempt to regain land through invasions of private property, which usually provokes the authorities into retaliating forcefully. The Government generally is responsive to indigenous land claims; however, numerous cases remained unresolved because of conflicting claims by influential nonindigenous groups.

In 1997 after a month of nationwide protests by indigenous organizations that included a hunger strike, the Government signed a 22-point agreement with representatives of various groups that made available 9 initial land grants of about 22,000 acres each to different tribes, granted some contested land titles outright to indigenous petitioners, and set aside about \$13,000 (200,000 lempiras) in government funds for indigenous housing. The Congress also created a commission to study indigenous land claims, which often conflict with the claims of small farmers, but the commission was largely inactive. Since 1997 the Government has distributed tens of thousands of legal titles encompassing hundreds of thousands of acres of land to indigenous persons. In September the Congress appropriated about \$1.7 million (25 million lempiras) to purchase land for distribution to the indigenous Chorti community, plus an additional \$1,267,000 (19 million lempiras) in October for its general land redistribution programs. Indigenous groups nonetheless charged that the Government had failed to fulfill its commitments under the 1997 agreement.

Members of the Black Carib and Garifuna indigenous groups, backed by international supporters, objected strenuously to a proposed constitutional amendment that would permit foreigners to own and develop land for tourism within 25 miles of the country's coasts and land frontiers. The amendment was approved on its first reading in 1998 but failed to obtain a constitutionally required second approval in 1999, following an indigenous demonstration in October 1999, that led to a violent clash near the presidential offices (see Section 2.b.). The amendment appears unlikely to be considered again in the near future.

In August the Public Ministry fired Special Prosecutor for Ethnic Rights Gilberto Antonio Sanchez Chandias, ostensibly as part of a reorganization of the Ministry; however, indigenous groups claimed that Sanchez had been fired for investigating reports of violations of indigenous rights too diligently (see Sections 2.b. and 4).

Indigenous groups petitioned actively during the year for the Government to carry out more effective investigations into dozens of murders of indigenous leaders that date back to the 1970's, including the deaths in March of four Chorti men in Copan (see Section 1.a.).

In August various indigenous groups convened a First Conference of National Solidarity in Tegucigalpa in preparation for the World Conference Against Racism, to be held in South Africa under U.N. auspices in 2001.

Section 6. Worker Rights

a. The Right of Association.—Workers have the legal right to form and join labor unions; unions are independent of the Government and of political parties. Most

peasant organizations are affiliated directly with the labor movement. Unions frequently hold public demonstrations against government policies and make extensive use of the news media to advance their views. However, only about 14 percent of the work force is unionized, and the economic and political influence of organized labor has diminished in recent years.

The International Labor Organization (ILO) notes that various provisions in the law restrict freedom of association, including the prohibition of more than one trade union in a single enterprise, the requirement of more than 30 workers to constitute a trade union, and the requirement that trade union organizations must include more than 90 percent Honduran membership.

The labor movement is composed of three national labor organizations: the General Council of Workers (CGT), the Confederation of Honduran Workers (CTH), and the Unitary Confederation of Honduran Workers (CUTH).

The Constitution provides for the right to strike, along with a wide range of other basic labor rights, which the authorities respect in practice. However, the civil service code denies the right to strike to all government workers, other than employees of state-owned enterprises. The ILO has reported that federations and confederations are prohibited from calling strikes and that a two-thirds majority of the votes of the total membership of the trade union organization is required to call a strike; the ILO asserts that these requirements restrict freedom of association. Public sector health care employees conducted illegal work stoppages during the year.

A number of private firms have instituted "solidarity" associations, essentially aimed at providing credit and other services to workers and managers who are members of the associations. Representatives of most organized labor groups criticize these associations, asserting that they do not permit strikes, have inadequate grievance procedures, and neutralize genuine, representative trade unions.

In May dissident members of some 40 labor, peasant, and social organizations formed a Popular Bloc ("Bloque Popular") whose immediate goals were to pressure the Government to implement social reforms and cease its efforts to privatize inefficient state-owned enterprises. During the second half of the year, the Bloc conducted a series of nationwide, 1-day work and traffic stoppages that brought the Government, the private sector, and organized labor to the bargaining table to negotiate a national wage increase outside the formal framework of the annual minimum wage talks, which normally are held each December (see Section 6.e.).

The three national labor confederations maintain close ties with various international trade union organizations.

b. The Right to Organize and Bargain Collectively.—The law protects the rights to organize and to bargain collectively; collective bargaining agreements are the norm for companies in which workers are organized. The Labor Code prohibits retribution by employers for trade union activity; however, it is a common occurrence. Some employers have threatened to close down unionized companies and have harassed workers seeking to unionize, in some cases dismissing them outright. The labor courts routinely consider hundreds of appeals from workers seeking reinstatement and back wages from companies that fired them for engaging in union organizing activities. However, once a union is recognized, employers actually dismiss relatively few workers for union activity. Nonetheless, such cases serve to discourage workers elsewhere from attempting to organize.

Workers in both unionized and nonunionized companies are protected by the Labor Code, which gives them the right to seek redress from the Ministry of Labor. The Ministry of Labor took action in several cases, pressuring employers to observe the code. Labor or civil courts can require employers to rehire employees fired for union activity, but such rulings are uncommon. Agreements between management and unions generally contain a clause prohibiting retaliation against any worker who participates in a strike or other union activity.

The Labor Code explicitly prohibits blacklisting; however, there was credible evidence that informal blacklisting occurred in the privately owned industrial parks, known as *maquiladoras*. When a union is formed, its organizers must submit a list of initial members to the Ministry of Labor as part of the process of obtaining official recognition. However, before official recognition is granted, the Ministry of Labor must inform the company of the impending union organization. The Ministry of Labor has not always been able to provide effective protection to labor organizers. There were credible reports, particularly in the export processing zone (EPZ) sector, that some inspectors had sold the names of employees involved in forming a union to companies that then dismissed union organizers before the Ministry of Labor could recognize the unions.

The same labor regulations apply in the EPZ's as in the rest of private industry. Unions are active in the Government-owned Puerto Cortes free trade zone (7 of 11 *maquiladoras* there are unionized), but factory owners have resisted efforts to orga-

nize the privately owned industrial parks. The Honduran Association of Maquiladores (AHM) routinely sponsors seminars and other meetings between its members and major labor groups in order to reduce potential tensions within the industry. At year's end, 54 of the country's 434 maquiladoras were unionized, and 26 of those plants operated under collective bargaining agreements.

In 1997 the AHM adopted a voluntary code of conduct governing salaries and working conditions in the industry and recognizing workers' right to organize. Although local unions were not consulted during the drafting process and have no formal role in its implementation, this code nonetheless represented a public commitment by apparel manufacturers to abide by local laws and regulations governing their industries. It provided a starting point for a dialog among the AHM, organized labor, and the Government, which formed a Tripartite Commission that meets on a monthly basis to discuss and facilitate solutions for labor problems. The AHM often serves as an informal arbiter of labor disputes between its member companies and their workforces. The attitude of the Government towards organized labor in the EPZ's is the same as in other industries.

In a number of maquiladora plants, workers have shown little enthusiasm for unionizing, since they consider their treatment, salary, and working conditions to be as good as, or better than, those in unionized plants. In the absence of unions and collective bargaining, several EPZ plants have instituted solidarity associations that, to some extent, function as "company unions" for the purposes of setting wages and negotiating working conditions. Other EPZ plants use the minimum wage to set starting salaries, and adjust wage scales by negotiating with common groups of plant workers and other employees, based on seniority, skills, categories of work, and other criteria. In November Worldwide Responsible Apparel Production (WRAP), a private sector initiative to improve working conditions in maquiladoras around the world, granted its first overseas certifications of compliance with WRAP principles to two local companies, Cross Creek de Honduras and Kellwood de Honduras.

Labor leaders accuse the Government of allowing private companies to act contrary to the Labor Code and expect the problem to continue until the Ministry of Labor is reorganized to make it more efficient. They criticize the Ministry of Labor for not enforcing the Labor Code, for taking too long to make decisions, and for being timid and indifferent to workers' needs. Industry leaders, in turn, contend that the obsolete and cumbersome Labor Code discourages foreign investment and requires significant amendment. The Ministry of Labor has sought to address these deficiencies by requesting increased funding from the Flores administration, by dismissing or transferring Ministry of Labor employees whose performance was unsatisfactory, by opening more regional offices to facilitate worker access to Ministry of Labor services, and by conducting a painstaking, ongoing review of the Labor Code within the Tripartite Commission.

A 1995 Memorandum of Understanding (MOU) between the Ministry of Labor and the Office of the United States Trade Representative calling for greater enforcement of the Labor Code has resulted in some progress. However, labor unions charge that the Ministry of Labor has not made sufficient progress towards enforcing the Code, especially in training its labor inspectors and in conducting inspections of the maquiladora industry. The Government has acknowledged that it does not yet adhere completely to international labor standards. In 1997 the country, in conjunction with other Central American nations, agreed to fund a regional program to modernize the inspection and labor management functions of all regional labor ministries. In August and September, the Government reaffirmed its commitment to abide by the terms of the 1995 MOU and to take additional steps to strengthen enforcement of the Labor Code.

Kimi de Honduras, a South Korean-owned maquiladora with a history of labor troubles, closed its doors in May and laid off over 600 employees, most of whom were women. Former Kimi employees complained that severance payments made by the company did not meet requirements stipulated by the Labor Code, but a Ministry of Labor examination of the company's calculations found Kimi's severance payments to its former workforce in order.

In July 1999, workers at Yoo Yang, another South Korean-owned maquiladora, sought to establish a union for all maquiladora workers. Both the Yoo Yang employees and the Ministry of Labor missed various deadlines stipulated in the Labor Code for the processing of the workers' petition, which the Ministry of Labor invalidated in April because the Labor Code precludes the creation of industrial unions once individual companies in a given industry become unionized. In July Yoo Yang employees submitted a new petition for recognition as a company union to the Ministry of Labor, which declined to rule definitively on the petition because of alleged irregularities contained in the workers' application for juridical recognition; in the proc-

ess, the Ministry of Labor again missed several processing deadlines for labor petitions established by the Labor Code. The irregularities were addressed, and in December the Ministry of Labor granted union status to Yoo Yang employees.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the law prohibit forced or compulsory labor, and this applies equally to children; however, there were credible allegations of compulsory overtime at EPZ plants, particularly for women, who make up an estimated 80 percent of the work force in the maquiladora sector. The legal prohibitions apply equally to children, and there were no official reports of such practices in the area of child labor (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and the Labor Code prohibit the employment of minors under the age of 16, except that a child who is 15 years of age is permitted to work with parental and Ministry of Labor permission. The Children's Code prohibits a child of 14 years of age or younger from working, even with parental permission, and establishes prison sentences of 3 to 5 years for individuals who allow children to work illegally. An employer who legally hires a 15-year-old must certify that the child has finished, or is finishing, his compulsory schooling. The Ministry of Labor grants a limited number of work permits to 15-year-old children each year.

The Ministry of Labor cannot enforce effectively child labor laws outside the maquiladora sector, and violations of the Labor Code occur frequently in rural areas and in small companies. According to the Ministry of Labor, human rights groups, and children's rights organizations, an estimated 350,000 children work illegally. Significant child labor problems exist in family farming, agricultural export (including the melon and coffee industries), and small scale services and commerce. Many children also work in the construction industry, on small family farms, as street vendors, or in small workshops to supplement the family income. Boys between the ages of 13 and 18 work in the lobster and shrimp industries, where they provide support to divers from boats while they learn the trade. Hurricane Mitch exacerbated existing child labor problems in every sector of the economy.

The employment of children under the legal working age in the maquiladora sector may occur, but not on a large scale. (Younger children sometimes obtain legitimate work permits by fraud or purchase forged permits.) The maquiladoras in recent years have raised their minimum employment age, and some hire only at age 18 or above, reducing the number of legal job opportunities available to persons under 18 years of age.

In September 1998, the Government created the National Commission for the Gradual and Progressive Eradication of Child Labor, which includes government ministries, official family welfare agencies, and local NGO's. In August the National Commission sponsored a public seminar on child labor in the country to assist the Commission in developing a national plan to combat this problem.

Forced or compulsory labor is prohibited, including that performed by children, and there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work.—In the aftermath of Hurricane Mitch in December 1998, labor leaders agreed to forgo the customary January increase in the minimum wage in return for a pledge by business leaders to control price increases for basic goods and services. In June 1999, the Roman Catholic Church arbitrated a 25 percent increase in the minimum wage that the Government implemented in July 1999; an additional 8 percent increase took effect in January. The minimum wage in effect prior to July 1999 served as the basis for both increases. Daily pay rates vary by geographic zone and the sector of the economy affected; urban workers earn slightly more than workers in the countryside. The lowest minimum wage occurs in the nonexport agricultural sector, where it ranges from \$2.33 to \$2.96 (35.00 to 44.50 lempiras) per day, depending on whether the employer has more than 15 employees. The highest minimum wage is \$3.89 (58.30 lempiras) per day in the export sector. All workers are entitled to an additional month's salary in June and December of each year. The Constitution and the Labor Code stipulate that all labor must be paid fairly; however, the Ministry of Labor lacks the personnel and other resources for effective enforcement. The minimum wage is insufficient to provide a decent standard of living (above the poverty line) for a worker and family.

Under the threat of a nationwide work stoppage by the country's three labor confederations (see Section 6.a.), in October the private sector agreed to a monthly wage increase of \$23.33 (350 lempiras) for workers earning up to \$116.60 (1,749 lempiras) per month. A monthly increase of \$10 (150 lempiras) would be retroactive to October 1, and an additional monthly increase of \$13.33 (200 lempiras) is scheduled to take effect on February 1, 2001. This agreement excluded workers in the nonexport agricultural sector, who instead would receive a monthly wage increase of \$10 (150 lempiras) as of February 1, 2001.

Under this agreement, workers earning between \$140 (2,100 lempiras) and \$400 (6,000 lempiras) per month would receive an additional wage increase of \$23.33 (350 lempiras) as of April 1, 2001. This wage increase excluded: Workers receiving a salary increase equivalent to, or greater than, \$23.33 (350 lempiras) through either an individual contract or a collective bargaining agreement taking effect 3 months prior to April 1, 2001; those paid by piecework or based on productivity; microenterprises, agricultural firms, or ranches employing 15 or fewer workers; and workers in medicine or petroleum product sales whose utility margins are regulated by the Government.

This agreement also incorporated various social commitments by the Government, including the establishment of an Economic and Social Council within which the Government, the private sector, and labor and social groups would debate wages and other labor issues, as well as national social policy. The Congress enacted legislation implementing this agreement in December, which obviated any need to hold the formal talks on increasing the minimum wage that had been planned for December. The CTH, which initially opposed the terms of this agreement, conducted a protest strike during the first week of October that only resulted in some success along the country's North Coast.

The law prescribes a maximum 8-hour workday and a 44-hour workweek. There is a requirement of at least one 24-hour rest period every 8 days. The Labor Code provides for a paid vacation of 10 workdays after 1 year, and of 20 workdays after 4 years. However, employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the Ministry of Labor. Foreign workers enjoy equal protection under the law, although the process for a foreigner to obtain a work permit from the Ministry of Labor is cumbersome.

The Ministry of Labor is responsible for enforcing national health and safety laws, but does not do so consistently or effectively. There are 19 labor inspectors throughout the country. The informal sector is regulated and monitored poorly. For example, divers for shrimp and lobster work in hazardous conditions; the lack of medical facilities in the Mosquito Coast region adds to the problem. Worker safety standards are also difficult to enforce in the construction industry. Some complaints alleged that foreign factory managers failed to comply with the occupational health and safety aspects of Labor Code regulations in factories located in the EPZ's and in private industrial parks. There is no provision allowing a worker to leave a dangerous work situation without jeopardy to continued employment.

In March workers at Chung Sing Textiles, a Taiwanese-owned maquiladora, alleged publicly that the company maintained a clandestine "punishment cell" for employees who violated factory regulations. Separate investigations by the Ministry of Labor and the AHM of those charges failed to develop any evidence of the existence of a punishment cell at Chung Sing. In July a seamstress at Sunny Industries, a Korean-owned maquiladora, lost the effective use of her left hand when it accidentally became entangled in a machine. In a lawsuit filed against Sunny Industries in August, the seamstress alleged that company management for several hours refused to free her hand from the machine for fear of damaging the equipment, then delayed referring her to a public hospital for medical treatment for 8 days because it did not wish to pay her medical expenses.

In August the Government announced its participation in a regional program to improve occupational safety and health conditions throughout Central America. This program aims to strengthen regional labor codes and the enforcement capabilities of the Central American labor ministries in these fields.

f. Trafficking in Persons.—The Legal Code includes provisions that prohibit trafficking in persons; however, it is a problem. The Government and Justice Ministry, through its General Directorate for Population and Migration, is responsible for enforcing the country's immigration laws. However, weak police and court systems hinder law enforcement efforts.

Unlike the previous year, there were no reports of aliens smuggled to the United States involving the use of force or sequestration (holding persons incommunicado against their will). The most common practice involves the sequestration of persons until a smuggling fee is paid. If the fee is not paid, the smugglers normally seek retribution by turning such persons in for deportation proceedings. Many times, fees are paid by relatives who fear that smugglers may employ violence against the smuggled persons. The most common practice involving debt bondage is the smuggling of indentured persons, through the country from China or South America, whose smuggling fee is paid by an employer in the United States in return for free or lowpaid labor. There were two such cases, involving a total of seven persons.

In January Covenant House of Honduras asserted that some 250 Honduran children in Canada had been coerced into prostitution or the transportation of illicit

narcotics. An investigation of those charges was ongoing at year's end. In January Canadian authorities arrested dozens of small-time Central American drugdealers including many Honduran minors. In February the press reported that Honduran authorities were working to repatriate those minors.

In February a judge in San Pedro Sula, Alexa Cubero, was arrested for allegedly kidnaping six minors with intent to sell them to persons unknown; this case had not come to trial at year's end. In July the Government announced that it was working with the Government of Mexico to repatriate over 200 Honduran minors working as prostitutes in southern Mexico. In September a local children's rights group charged that 498 children had been reported missing since 1986, including 22 children during the year. The group asserted that local kidnapers receive an average of \$133 (2,000 lempiras) per child, each of whom subsequently is sold abroad for \$10,000 to \$15,000.

The Government does not provide economic aid to victims or potential victims of such crimes. However, in March the Government inaugurated two centers in Tegucigalpa and San Pedro Sula to assist citizens deported from other countries to relocate in Honduras. With the assistance of several international organizations, the Government hoped to be able to reinsert up to 4,000 persons into society each year.

JAMAICA

Jamaica is a constitutional parliamentary democracy and a member of the Commonwealth of Nations. Two political parties have alternated in power since the first elections under universal adult suffrage in 1944; a third major party was established in late 1995. Prime Minister P.J. Patterson's People's National Party (PNP) won 50 of the 60 seats in Parliament in national elections in December 1997 that were significantly less violent than previous general election campaigns. Intimidation of voters and party agents and restrictions on the free movement of voters was reported. The judiciary is independent but lacks adequate resources.

The Jamaica Constabulary Force (JCF) has primary responsibility for internal security, assisted by the Island Special Constabulary Force. The Jamaica Defense Force (JDF—army, air wing, and coast guard) is charged with national defense, marine narcotics interdiction, and supporting the JCF. The JDF has no mandate to maintain law and order and no powers of arrest. The Ministry of National Security and Justice oversees the JCF and the JDF. Civilian authorities generally maintain effective control of the security forces; however, some members of the security forces committed human rights abuses.

The economy is based on primary products (bauxite and alumina, sugar, bananas), services (tourism, finance), and light manufacturing (garment assembly). The Government promoted private investment to stimulate economic growth and modernization, pursuing in the process a sometimes painful program of structural adjustment. The trade-dependent economy contracted (by 0.5 percent) for the fourth consecutive year in 1999. In 1999 annual per capita income was \$2,531, but there is a large gap between the wealthy and the impoverished.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Members of the security forces committed extrajudicial killings and beatings and carried out arbitrary arrests and detentions.

Although the Government moved to punish many of those police involved, continued impunity for police who commit abuses remains a problem. Police investigations often were hampered by lack of witnesses, and bottlenecks in the judicial systems cause long delays in resolution of criminal cases. Prison and jail conditions remained poor; overcrowding, brutality against detainees, and poor sanitary conditions were problems. The judicial system was overburdened, and lengthy delays in trials were common. There were allegations that citizens' privacy rights were infringed upon. Violence and economic discrimination against women remained problems. There were cases of societal discrimination against disabled persons and members of the Rastafarian religion. Violence against suspected homosexuals occurred. Child labor is a problem. Mob violence against those suspected of breaking the law remains a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings during the year.

However, there were two killings involving politically connected victims that produced allegations of possible political motivation. On December 6, unknown assailants shot and killed an organizer for Sharon Hay-Webster, a PNP Member of Parliament, in front of Hay-Webster's constituency office in South Clarendon, after a party event. On December 12, a PNP area leader was found strangled in St. Andrew parish. One Member of Parliament said that the victim had been threatened and that he was "sure she had been eliminated for political reasons," but another Member of Parliament contended that constituents had killed her in a dispute over jobs in a public works project. Although the last two national elections were relatively calm, there is a history of political violence and killings in the period leading up to elections (see Section 3).

The police frequently employed lethal force in apprehending criminal suspects. During the year, there were 140 deaths, including those of 11 police officers, during police encounters with criminals. While allegations of "police murder" were frequent, the validity of many of the allegations was suspect. The country faces a crime situation with a homicide rate exceeding 30 per 100,000 persons. Well-armed gangs trafficking in narcotics and guns control many inner-city communities. The gangs are often better equipped than the police force and have conducted coordinated ambushes of joint security patrols. There have been targeted assaults against police officers and their families.

In February police killed a 20-year-old man in Farm district, Clarendon parish. The police claimed that they encountered a group of men, were fired upon, and returned fire. At that point, the man was hit. However, residents said that the police came upon the group, began firing indiscriminately and hit the victim. The incident led to 2 days of violent protests in May Pen, Clarendon's capital, which subsided when the area's parliamentarian visited and appealed for calm. In May the police concluded their investigation and forwarded it to the Public Prosecutor's office for action. In September the authorities brought murder charges against a policewoman involved in the incident; at year's end she awaited trial.

On April 25, television stations broadcast news footage taken by an independent cable operator that showed a group of armed police officers surrounding a house in pursuit of an alleged gang leader, who was shot and killed by a police superintendent a few moments later. The videotape did not show the shooting; however, the footage of a woman crying for help and a violent scuffle in a doorway stirred much controversy and led to a confrontation on April 27 between heavily armed gunmen and the police in a volatile area of Kingston. Two policemen were killed and several injured in a prolonged gun battle; one gunman was also killed. In a press conference immediately after the outbreak of violence, security force leaders criticized Jamaicans for Justice, a nongovernmental organization (NGO) advocating human rights, for politically motivated involvement in the controversy (see Section 4). During the press conference, the Police Commissioner also criticized a journalist for questioning possible political motivation behind the violent events (see Section 2.a.).

The JCF has undertaken an initiative of "community policing" in certain areas to address the problem of longstanding antipathy between the security forces and many poor inner-city neighborhoods. For example, designated policemen walk beats and interact with members of the community on a daily basis. The JCF conducted both administrative and criminal investigations into all incidents involving fatal shootings by the police. In July the Government established a special police body, the Bureau of Special Investigations, specifically to address police shootings. This group supplements the JCF Office of Professional Responsibility, which investigates police corruption and other misconduct, and the civilian Public Complaints Authority that oversees investigations of the other two bodies and can initiate its own investigations. In April a prominent human rights activist assumed the newly created position of human rights advisor to the Minister of National Security and Justice. She has been engaged in educating JCF trainees as well as junior officers to respect citizens' rights. The JCF policy statement on the use of force incorporates U.N.-approved language on basic principles on the use of force and firearms by law enforcement officials.

Following a police investigation, in September 1999 the Public Prosecutor's office charged a police sergeant with murder for the April 1999 killing of an off-duty JDF soldier during island-wide protests. A preliminary hearing found that there was sufficient evidence to proceed to trial; at year's end, the case was still before the courts.

The authorities also brought murder charges against a police officer for the death of a taxi driver killed when police fired on a taxi carrying passengers in Kitson town in June 1999. The case was still in preliminary hearings at year's end.

On August 21, 1999, nine soldiers and four policemen severely beat Michael Gayle, described as a paranoid schizophrenic, after he tried to pass through a road-

block near his home after curfew. Gayle died as the result of a ruptured abdomen; at the coroner's inquest, the jury returned a majority verdict that all police and military personnel on duty at the roadblock at that time should be charged with manslaughter. However, in March the Director of Public Prosecutions ruled that there was not sufficient evidence to bring charges against specific individuals for Gayle's death. The police opened a new investigation of this incident, completed it in April, and resubmitted the results to the Public Prosecutor's office. The police investigation did not uncover any new information and recommended that the case be closed.

Vigilantism, involving spontaneous mob executions in response to crime, continued to be a problem. There were 8 known vigilante killings during the year, compared with 9 in 1999 and 16 in 1998. Official investigations into such killings generally do not uncover information, since the persons and the community involved usually band together to intimidate potential witnesses.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other abuse of prisoners and detainees; however, reports of physical abuse of prisoners by guards continued, despite efforts by the Government to remove abusive guards and improve procedures.

In June police fired on a minibus carrying 16 passengers when the driver failed to stop at a roadblock. The police reported that they had received reports of gunmen on the bus. After the bus sped away, the police pursued and fired on it. One passenger took off his white shirt and waved it out a window, shouting that passengers were on the bus, but had to duck back inside when the police continued shooting. Six persons were injured, including two students. Two policemen involved in the incident were removed from front-line duty and more training was mandated for police in the proper use of firearms. The police concluded an investigation into the incident and sent it to the Public Prosecutor's office for action.

In December 1998, the court of appeal announced that flogging could not be imposed as a punishment because the legislative authority for it had expired. This sentence was used rarely; prior to 1994, no sentence of flogging had been imposed for 25 years.

There were reports that police sexually harassed women (see Section 5).

A Human Rights Watch (HRW) report published in July 1999 detailed frequent and credible allegations of police abuse, specifically in lockups, including severe beatings, mock executions, and rape. The conditions in these lockups are harsh, with severe overcrowding, intermittent meals, and poor lighting, ventilation, and sanitation. HRW noted that the Government must undertake a systematic effort to curb police abuse effectively and bring sanctions against officers who commit abuses. The police have acknowledged the problem and have stated they are trying to address it by establishing a police code of conduct and by increasing human rights training. The police must call a legal aid attorney when they detain a person.

Prison conditions remained poor; overcrowding, inadequate diet, poor sanitary conditions, and insufficient medical care are typical. During the year, the Government secured the services of a dentist for the prisons. The Government also outlaced food services for the prisons.

In May a riot at the St. Catherine's district prison led to reports of beatings by guards and JDF soldiers of 300 inmates. The JDF soldiers had been in charge of prison security at St. Catherine's following a work stoppage by guards in January (see Section 6.a.). Guards and soldiers fired into cells, but caused no injuries. Prisoners alleged that they were upset with being given spoiled food, and that the guards and soldiers retaliated against them when they refused to eat it. Prison officials contended that the disturbance developed during a search of cells for weapons and contraband (including cellular telephones brought in with the acquiescence of certain guards). There were also reports that the prisoners were staging a riot in conjunction with another prison, coordinated by telephone, in order to facilitate a jailbreak. Many prisoners had to wait days for medical attention following these events.

In June the Government convened a one-person Commission of Inquiry into the incident; the JDF initiated its own internal inquiry. A prison doctor testified that he saw 15 guards and soldiers repeatedly club and kick a handcuffed inmate, and that only his presence prevented the inmate from being killed. The doctor has since been reassigned. A sentry from a private security company also testified to witnessing beatings. There were also reports that inmates took a JDF soldier hostage, and the soldiers acted to recover him. In July the Commissioner concluded his work but had not reported his findings by year's end. The authorities did not bring criminal charges against any of the guards or soldiers.

A separate prison for women—the Ft. Augusta Women's Prison—is housed in a 19th century fort. Poor sanitary conditions are the norm, although far less so than

in the men's prisons because there is less overcrowding. Ft. Augusta is also safer and does not have the violence found in the men's prisons.

The Constitution prohibits the incarceration of children in adult prisons; however, in practice some juveniles are held with adults. The July 1999 HRW report criticized the conditions in which juveniles are held. HRW noted that the Government responded quickly to remove some children from lockups. The report detailed many cases in which juveniles were detained improperly, not given access to legal representation, and held in adult lockups where they were victimized by adult prisoners.

In July the court of appeals ruled that it was unconstitutional for juveniles to be held "at the Governor General's pleasure." This referred to a section of the 1951 Juveniles Act that provides that persons under the age of 18 who commit a capital crime must have their death sentence commuted; however, they could be held for an indeterminate time at the Governor General's discretion and were subject to incarceration in an adult prison.

In general the Government allowed private groups, voluntary organizations, international human rights organizations, and the media to visit prisons and monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Jamaica Constabulary Force Act permits the arrest of persons "reasonably suspected" of having committed a crime, and the police continued to arrest and detain citizens arbitrarily. In 1997 the Jamaican Bar Association (JBA) protested that the police unlawfully were detaining and fingerprinting groups of citizens in poor, inner-city areas. At the time, the Police Commissioner disavowed the practice and ordered it discontinued; however, both the JBA and the Independent Jamaica Council for Human Rights state that the practice continues. In July 1999, police rounded up 52 men from the Grant's Pen area of Kingston after civil unrest erupted there. The men reportedly were fingerprinted, photographed, and then released without being charged. A class action civil suit was brought and was pending at year's end.

In March a three-person Commission of Inquiry was convened to investigate the detention and forced transport in July 1999 of at least 25 persons (many of whom were reportedly mentally ill), who were living on the streets in a Montego Bay business district. In October 1999, the authorities had charged three persons (including a police inspector and two public sector employees) with false imprisonment and assault, but later dropped the charges against the police inspector when he turned State's witness in the inquiry. In September the commission presented its recommendations, among them that the victims be granted \$500 (J\$20,000) per month for life. The Government indicated that it intended to set up a trust for that purpose but had not yet done so by year's end. The police inspector said that he was under orders from his superiors, a claim the commission rejected as perjured. Although it was believed widely that the police were involved and acted at the behest of Montego Bay merchants and with the acquiescence of the local government, the commission exonerated the Montego Bay mayor and parish council. The commission named the police inspector and civil service truck driver as key conspirators and criticized the local head of public works for instituting a coverup. The two public sector employees were awaiting trial at year's end.

The law requires police to present a detainee in court within 48 hours of arrest, but the authorities continued to detain suspects, especially those from poor neighborhoods, without bringing them before a judge within the prescribed period. The Government attributed this circumstance to an overburdened court system that cannot accommodate large numbers of such presentations in a timely manner. Magistrates inquire at least once a week into the welfare of each person listed by the JCF as detained. There is a functioning bail system.

Foreign prisoners must pay for their own deportation when they have completed their sentences. If they cannot afford to pay, they are jailed until relatives or consulates can arrange for transportation. In effect this constitutes an additional prison term for indigent foreigners.

The Constitution prohibits forced exile, and no instances of exile occurred.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, which exists in practice. However, the judicial system is overburdened and operates with inadequate resources.

Three courts handle criminal matters at the trial level. Resident magistrates try lesser offenses (misdemeanors). A Supreme Court judge tries felonies, except for felonies involving firearms, which are tried before a judge of the Gun Court. Defendants have the right to appeal a conviction in any of the three trial courts to the Court of Appeal, which is the highest court. This appeal process results in frequent delays. The Constitution allows the Court of Appeal and the Parliament to refer

cases to the Judicial Committee of the Privy Council in the United Kingdom as a final court of appeal.

The lack of sufficient staff and resources hinders due process. Trials in many cases are delayed for years, and other cases are dismissed because files cannot be located. The Government initiated a night court in 1995, which has had some success in reducing the backlog of cases. Donations of computers are also expected to assist the courts in this regard.

The defendant's right to counsel is well established. In February the Government increased salaries for attorneys appointed by the State, and in April it created the position of Public Defender, to bring cases for individuals who have had their constitutional rights violated. The defender's office would contract private attorneys to represent clients. However, as of year's end, no cases had been brought as the defender's office was still securing funds.

In May legal aid was expanded to include prisoners charged with any offenses, except those covered by certain provisions of the Money Laundering Act or possession or trafficking of narcotics under the Dangerous Drugs Act. Although the authorities assert that those who commit such offenses can afford counsel, the Jamaican Bar Association has criticized this as presuming guilt.

During the Commission of Inquiry into the beatings of prisoners at St. Catherine's district prison in June (see Section 1.c.), the judge ruled that a human rights group could not take notes during the proceedings. A Supreme Court judge later overturned this ruling.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary intrusion by the State into the private life of an individual; however, there were allegations of unauthorized wiretapping by the police. The revised Jamaica Constabulary Force Act gives security personnel broad powers of search and seizure similar to those granted by the former Suppression of Crimes Act. The act allows search of a person on board or disembarking a ship or boat without a warrant if a police officer has good reason to be suspicious. In practice the police conducted searches without warrants.

In October the media reported allegations that the police wiretapped the telephones of the Prime Minister, two Cabinet members, and other senior officials. Only the Prime Minister has the authority to order wiretaps, and on October 24, the Prime Minister stated that his last authorization for wiretapping had been in April, for 14 lines associated with 12 different individuals suspected of trafficking in firearms and narcotics. The head of the Special Intelligence Unit, which the press alleged had carried out the wiretaps, denied that his unit placed wiretaps on any telephones. At year's end, it was still unclear whether any wiretaps had been put in place. In December the Government introduced a draft Interception of Communications Act, which would place authorization for wiretapping in the hands of the judiciary.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice.

The four largest newspapers, all privately owned, regularly report on human rights abuses, particularly those involving the JCF. Foreign publications are available widely. The Government privatized the Jamaica Broadcasting Company in 1997, and the television station and two radio stations it operated became privately owned. The Government's broadcasting commission has the right to regulate programming during emergencies. Foreign television transmissions are unregulated and available through satellite antennas.

In an April 27 press conference, the Police Commissioner criticized a journalist who raised a question about political motivation behind a violent confrontation that occurred the previous day (see Section 1.a.). On the following day, the same journalist was confronted by a police officer who pointed his gun inside the journalist's vehicle and asked him what he was doing.

Near year's end, Parliament approved the Corruption Prevention Act, which the Government had reintroduced without clauses that journalists had charged would restrict their ability to report about corruption. The original draft had provided that journalists could be fined up to \$25,000 (J\$1 million) and receive 10 years' imprisonment for publishing information about an ongoing corruption investigation. The new act does not restrict the media from publication.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice.

There were numerous community protests against police actions during the year, such as the 2 days of protests in May Pen over a killing by police (see Section 1.a.). A local human rights group organized various rallies, including reenactments of the August 1999 beating of a man by security forces (see Section 1.a.) and the July 1999 abduction of homeless persons (see Section 1.c.). Security personnel generally acted with restraint during public demonstrations.

The Constitution provides for freedom of association, and the Government respects this right in practice.

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

Members of the Rastafarian community have complained that law enforcement officials unfairly target them. It is alleged that the police force Rastafarian detainees to cut their hair and surreptitiously give them food that they are forbidden to eat. Rastafarians have no right to prison visits by Rastafarian clergy.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The Government provides asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum; it approved one application during the year. The Government established a committee and formal procedures to review claims to refugee status. This committee has denied all claims to refugee status by Cubans and Haitians who have arrived in the country since 1994.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in periodic elections held on the basis of universal suffrage. All citizens age 18 and over have the right to vote by secret ballot. However, voters living in “garrison communities”, in inner-city areas dominated by one of the two major political parties, face substantial influence and pressure from politically connected gangs and young men hired by political parties, which impede the free exercise of their right to vote.

During the 1997 general election campaign, both international and local observer groups concluded that, although the process was significantly less violent than recent election campaigns, problems persisted in the garrison communities. These problems included intimidation of party agents and voters of nondominant parties and restrictions on the movement of voters and election workers. Some areas are so dominated by one party that the polls simply closed early and vote counts were taken that resulted in 100 percent (or nearly 100 percent) of the votes being awarded to the dominant party. These problems persisted in the December 1997 election, despite the best efforts of the security forces, which were credited with controlling violence, such as the beating of voters, and reducing election malpractice, such as the theft of ballot boxes from polling places.

There were two killings of politically connected persons late in the year that produced allegations of possible political motivation (see Section 1.a.), as well as other acts of alleged intimidation.

There are no legal restrictions on the participation of women in politics; however, they are underrepresented in government and politics. Women hold about 13 percent of all political offices and 30 percent of the senior civil service positions. Two of the 16 cabinet members are women, as is the PNP General Secretary.

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

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. The Independent Jamaica Council for Human Rights is the country's only formal organization concerned with all aspects of human rights. Jamaicans for Justice is a human rights group created in August 1999 in response to concerns about police impunity; the NGO focuses on the issues of extrajudicial killing and excessive use of force by the police. Government officials generally are cooperative and responsive to the views of human rights organizations.

However, in an April press conference, senior police officials criticized Jamaicans for Justice on the occasion of an outbreak of severe violence (see Section 1.a.). The organization also reported that it received threatening telephone calls at its office following the killing of two policemen that month. The group noted that the police were cooperative in tracing and stopping threatening calls. In a newspaper article, the Minister of National Security and a member of the clergy questioned the sincerity of those defending human rights, claiming that they cared little for police officers killed in the line of duty. The Police Federation labeled the human rights NGO "suspicious," and stated that it would monitor the group's actions closely. Jamaicans for Justice reported that undercover police regularly attend their meetings.

In August Amnesty International (AI) issued a statement to the Government expressing concern for a human rights attorney's safety. The attorney figured prominently in the inquiry into the abduction of homeless persons from Montego Bay (see Section 1.d.) and represented prisoners at the inquiry into beatings at St. Catherine's district prison (see Section 1.c.). AI contended that the attorney fled the country fearing for her life and that she reported death threats, surveillance, and illegal wiretapping from agents of prison authorities. The Police Commissioner stated that the attorney had not notified police of any such threats. The attorney also is wanted by police in connection with charges of fraud brought by a former client.

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

The Constitution prohibits discrimination on grounds of race, place of origin, political opinions, color, creed, or sex. The Government largely enforces these prohibitions in practice, except for widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, especially in the garrison communities (see Section 3). Individuals have committed acts of violence against suspected homosexuals; in April a mob cornered a 25-year-old man in a Kingston church and killed him because they suspected that he was a homosexual.

Women.—Social and cultural traditions perpetuate violence against women, including spousal abuse. Violence against women is widespread, but many women are reluctant to acknowledge or report abusive behavior, leading to wide variations in estimates of its extent. Reported incidents of rape and incest have been on the rise, with a 10 percent increase in rapes during the year. The JCF rape investigative and juvenile unit, which is headed by a female deputy superintendent, handles sex crimes.

The Domestic Violence Act of 1995 provides remedies for domestic violence, including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to \$250 (J\$10,000) and/or 6 months' imprisonment.

There have been some reports of sexual harassment of women by the police.

The Constitution and the 1975 Employment Act accord women full legal equality; however, in practice women suffer from sexual harassment and economic discrimination in the workplace. The Bureau of Women's Affairs in the Ministry of Labor oversees programs to ensure the legal rights of women. These programs have had limited effect but have raised the awareness of problems affecting women. In 1996 the Government established a steering committee, charged with creating a Commission on Gender and Social Equity. The committee forwarded its recommendations to Parliament in 1997, which accepted them; Parliament continued to discuss methods of implementation at year's end.

A number of active women's rights groups exist. They are concerned with a wide range of issues, including violence against women, political representation, employment, and the image of women presented in the media. Their effectiveness is mixed, but the groups were successful in advocating enactment of the 1995 Domestic Violence Act.

Children.—The Government is committed to improving children's welfare. The Ministry of Education, Youth, and Culture is responsible for implementation of the Government's programs for children.

There is no societal pattern of abuse of children. However, a number of reported cases of sexual abuse and incest may point to a growing trend. There were reports of child prostitution in some resort areas. Inducing prostitution on one's premises of a girl under 12 is a felony punishable by life imprisonment; of a girl between the ages of 12 and 16 is a misdemeanor punishable by 5 years in prison. The encouraging of prostitution of a girl under age 16 by a legal guardian is a misdemeanor punishable by 3 years' imprisonment; procuring a girl under age 18 is also a misdemeanor punishable by 3 years' imprisonment. Child pornography is not prohibited

by statute, but it is a common law offense that can be prosecuted as a form of indecency.

The Juvenile Act of 1951 deals with several areas related to the protection of children, including the prevention of cruelty, a prohibition on causing or allowing juvenile begging, the power to bring juveniles in need of care or protection before a juvenile court, the treatment of juvenile offenders, the regulation and supervision of children's homes, and restrictions on employment of juveniles. However, resource constraints have resulted in juveniles "in need of care or protection" being incarcerated in police lockups with adults (see Section 1.c.).

People with Disabilities.—No laws mandate accessibility for the disabled, and disabled citizens have encountered discrimination in employment and denial of access to schools. Several government agencies and NGO's provide services and employment to various groups of disabled citizens. In 1998 the Prime Minister appointed the first blind member of the Senate, an action that despite expectations has not brought tangible benefits to disabled persons, although it helped to increase public awareness related to these issues. In July 1999, an incident in which police rounded up a number of persons (many of whom reportedly were mentally ill) triggered a national debate over police action (see Section 1.c.).

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form or join a trade union, and unions function freely and independently of the Government. The Labor Relations and Industrial Disputes Act (LRIDA) defines worker rights. There is a spectrum of national unions, some of which are affiliated with political parties. Approximately 15 percent of the work force is unionized.

The LRIDA neither authorizes nor prohibits the right to strike, but strikes do occur. Striking workers can interrupt work without criminal liability but cannot be assured of keeping their jobs. Other than in the case of prison guards, there is no evidence of any workers losing their job over a strike action. Workers in 10 broad categories of "essential services" are prohibited from striking, a provision the International Labor Organization (ILO) repeatedly condemned as overly inclusive.

Beginning December 29, 1999, prison guards conducted an islandwide sick-out to protest the proposed reappointment of the Commissioner of Corrections. When 800 guards failed to comply with an order to return to work, the authorities put them on forced leave at one-fourth pay beginning in January. In March the Government brought disciplinary charges against the guards and declared the work stoppage illegal. In May court hearings began to examine the charges against the guards on a case-by-case basis; they still were under way at year's end.

On March 30, members of the Junior Doctor Association (JDA) staged an industrial action in which they curtailed their hours in retaliation for nonsettlement of salary negotiations. The Government declared the action illegal and the Supreme Court ordered the doctors back to work. They did not comply but subsequently ended their protest on April 4. The Government brought charges against the doctors who then apologized for their actions. In April the court sentenced the JDA's executive members to 200 hours of community service. The JDA appealed the ruling; in June a higher court overturned the ruling on the grounds that the JDA is not a legal organization and could not be taken to court. In July in response to the ruling, the Government declared that it would no longer conduct negotiations with "nonlegal entities." Unions that represent teachers and government workers feared that this could include them, since they are not officially registered with the Government as trade unions. In protest the three largest registered trade unions boycotted an unrelated meeting with employers and the Government in August. However, there have been no consequences for the unregistered unions following the Government's announcement, reflecting the fact that various other laws and regulations provide for their right to bargain.

Unions maintain a wide variety of regional and international affiliations.

b. The Right to Organize and Bargain Collectively.—There were no reports of government interference with union organizing efforts during the year. Judicial and police authorities effectively enforce the LRIDA and other labor regulations. All parties are committed firmly to collective bargaining in contract negotiations, even in some nonunion settings. An independent Industrial Disputes Tribunal (IDT) hears cases where management and labor fail to reach agreement. Any cases not resolved by the IDT pass to the civil courts. The IDT generally handles 35 to 40 cases each year. Most are decided within 90 days, but some take longer to resolve due to the complexity of the dispute or delays requested by the parties. The LRIDA prohibits antiunion discrimination, and employees may not be fired solely for union membership. The authorities enforced this law effectively.

Collective bargaining is denied in a bargaining unit if no single union represents at least 40 percent of the workers in the unit in question or when the union seeking recognition for collective bargaining purposes does not obtain 50 percent of the votes of the total number of workers (whether or not they are affiliated to the union). The ILO's Committee of Experts (COE) considers that where there is no collective agreement and where a trade union does not obtain 50 percent of the votes of the total number of workers, that union should be able to negotiate at least on behalf of its own members. The COE requested the Government to take necessary measures to amend this legislation.

Domestic labor laws apply equally to the "free zones" (export processing zones). However, there are no unionized companies in any of the 3 zones, which employ 7,703 workers. Organizers attribute this circumstance to resistance by foreign owners in the zones to organizing efforts, but attempts to organize plants within the zones continue. Company-controlled "workers' councils" handle grievance resolution at most free zone companies, but they do not negotiate wages and conditions with management. Management determines wages and benefits within the free zones; these are generally as good as or better than those in similar industries outside the zones. The Ministry of Labor is required to perform comprehensive factory inspections in the free zones once each year, and in practice it performs them at 6- to 9-month intervals. There were no reports of substandard or unsafe conditions in the free zone factories.

c. Prohibition of Forced or Compulsory Labor.—The Constitution does not specifically address the matter of forced or compulsory labor for either adults or children, but there were no reports that this practice exists.

The ILO COE noted that the Jamaica Shipping Act of 1998 did not remove the provision that disciplinary offences of seafarers such as desertion and absence without leave are punishable by imprisonment (involving an obligation to work). The ILO points out that this is incompatible with ILO Convention 105 on the Abolition of Forced Labor and requested that the Government amend the legislation. However, amendments to the law that were enacted in November did not address this criticism.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Juvenile Act provides that children under the age of 12 shall not be employed except by parents or guardians, and that such employment may be only in domestic, agricultural, or horticultural work. However, enforcement is uneven. Children under the age of 12 are seen peddling goods and services on city streets. There are also reports that underage children are employed illegally in fishing communities and in prostitution. The Educational Act stipulates that all children between 6 and 11 years of age must attend elementary school. However, due to economic circumstances, thousands of children are kept home to help with housework and avoid school fees. A 1994 UNICEF report stated that 4.6 percent of children below the age of 16 worked to help support their households. In December 1999, the Minister of Labor, Welfare, and Sport gave a speech in which she stated that 23,000 children were engaged in child labor. The Government and UNICEF cooperated on a strategy designed to eliminate child labor, to increase school awareness through poverty alleviation, and on a public awareness campaign intended to combat public complacency. However, these efforts are hampered by economic conditions, lack of resources, and incomplete information on the full extent of the problem.

In September the Government signed a memorandum of understanding with the ILO in preparation to ratify ILO Convention 182 on the prohibition and elimination of the "worst forms" of child labor. The memorandum provides funding and technical assistance to assess the country's child labor situation. While the Constitution does not prohibit forced or bonded labor by children, such practices were not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage, raised from \$20 (J\$800) to \$30 (J\$1,200) per week in August 1999, is considered widely to be inadequate to provide a decent standard of living for a worker and family. Most workers are paid more than the legal minimum, except in the tourism industry. Work over 40 hours per week or 8 hours per day must be compensated at overtime rates, a provision that is observed widely.

The Labor Ministry's Industrial Safety Division sets and enforces industrial health and safety standards, which are considered adequate. Public service staff reductions in the Ministries of Labor, Finance, National Security, and the Public Service have contributed to the difficulties in enforcing workplace regulations.

The law provides workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment if they are trade union members or covered by the Factories Act. The law does not specifically protect

other categories of workers in those circumstances. Industrial accident rates, particularly in the bauxite and alumina industry, remained low.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, there are laws against assault and fraud, and other laws establish various immigration and customs regulations. There were no reports that persons were trafficked to, from, within, or through the country.

MEXICO

Mexico is a federal republic composed of 31 states and a federal district, with an elected president and a bicameral legislature. On July 2, voters elected Vicente Fox Quesada of the opposition Alliance for Change Coalition president in elections that domestic and international observers judged to be generally free and fair, and which ended the Institutional Revolutionary Party's (PRI) 71-year hold on the presidency. Observers described the election as a historic turning point of the most profound significance and made recommendations for further electoral reform. Fox began his 6-year term on December 1, replacing Ernesto Zedillo. Sporadic outbursts of politically motivated violence continued to occur in the southern states of Chiapas, Guerrero, and Oaxaca. The peace process in Chiapas between the Government and the Zapatista National Liberation Army (EZLN) remained stalled throughout most of the year; however, some progress was made in December after President Fox ordered the dismantling of military checkpoints, submitted to Congress a bill to implement the peace accords, and closed two contentious military posts in Chiapas. In addition, during December the state government released 16 EZLN prisoners and the EZLN, through its spokesman, set 3 conditions for the resumption of dialog. The judiciary is generally independent; however, it occasionally has been influenced by the executive branch. In addition, judicial effectiveness is hampered by inefficiency, a high caseload, and limited resources at almost all levels.

The police forces, which include federal and state judicial police, the Federal Preventive Police (PFP), municipal police, and the various police auxiliary forces, have primary responsibility for internal security. However, the military plays a large role in some law enforcement functions, primarily counternarcotics, and also exercises internal security responsibilities. Elected civilian officials control the police and the military; however, corruption is widespread within police ranks and also is a problem for the military. The military maintains a strong presence in the state of Chiapas and a lesser, but still significant, deployment in Guerrero. Military personnel and police officers continued to commit serious human rights abuses.

The Government continued to deregulate and open the market-based, mixed economy. The gross domestic product (GDP) in 1999 was \$484 billion and the inflation rate was 12.3 percent. Per capita GDP in 1999 was about \$4,974. The economy still is recovering from the 1994 economic crisis, and real wages are less than before the crisis. Leading exports include petroleum, automobiles, and manufactured and assembled products, including electronics and consumer goods. One-fourth of the population resides in rural areas where subsistence agriculture is common. Income distribution remained skewed; the top 30 percent of the population received about 67 percent of total income, while the bottom 30 percent earned less than 7.4 percent.

The Government generally respected many of the human rights of its citizens; however, serious problems remain in several areas and in some states where a poor climate of respect for human rights presents special concern. Federal and state law enforcement officials were accused of committing political and extrajudicial killings. There continued to be credible reports of disappearances. The police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture. The military also has been accused of using torture. Widespread police corruption and alleged police involvement in narcotics-related crime continued. Prison conditions are poor. The police continued to arrest and detain citizens arbitrarily. Lengthy pretrial detention, lack of due process, and judicial inefficiency and corruption persisted. Threats and attacks on journalists—some reportedly by federal, state, or local authorities—hindered press freedom, and there were reports of some self-censorship. Drug-related killings and violence, particularly in the northern states, continued. Violence and discrimination against women, indigenous people, religious minorities, and homosexuals persisted. Child prostitution and abuse continued. There were credible reports of limits on freedom of association and worker rights. Extensive child labor in agriculture and the informal economy and trafficking in persons are problems. There were increased reports of vigilante killings.

The Government's efforts to improve the human rights situation continued to meet with limited success. Although the Government has sanctioned some public officials, police officers, and members of the military, widespread impunity continues to be a serious problem among the security forces. The Zedillo Government continued to support the National Human Rights Commission (CNDH), and in April 1999, Congress amended the Constitution to grant it greater autonomy from the executive branch. However, the CNDH primarily investigates complaints against federal authorities and has no enforcement powers.

Armed civilian groups operating in the state of Chiapas committed human rights abuses. There continued to be a high incidence of narcotics-related violence, particularly in the northern states, and human rights abuses, allegedly with the assistance of members of the security forces. Guerrilla attacks against government property and personnel continued, but at a lesser rate and intensity relative to previous years.

On December 2, the day after his inauguration, President Fox and U.N. High Commissioner for Human Rights (UNCHR) Mary Robinson signed an agreement on technical assistance in human rights matters. Commissioner Robinson also announced the establishment of a human rights U.N. liaison office to work with human rights organizations to help implement the technical assistance program. Robinson stated that the accord was especially significant because the President himself had signed it on his second day in office in the state of Oaxaca, where there are notable human rights problems.

Shortly before assuming office, President Fox announced the appointment of Mariclaire Acosta, former president of the Mexican Commission for the Defense and Promotion of Human Rights, to the new position of Special Ambassador for Human Rights. Her mission is to ensure that the Government complies with its human rights commitments, and that it distributes its human rights resources effectively.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Federal and state law enforcement officials were accused of committing political and extrajudicial killings. In past years, the military also was accused of such killings; however, there were no reports implicating the military during the year.

There were some apparently politically motivated killings by security force officials. On June 15, Artemio Arturo Perez, a Democratic Revolutionary Party (PRD) supporter arrested for causing a public disturbance during a PRI political rally in Mixistlan de La Reforma, Oaxaca, died in his jail cell. Perez and his family claimed that PRI party members forced persons to attend the rally, and that Perez was arrested for voicing his disapproval. The prison authorities declared suicide to be the official cause of death, but Perez's family and various human rights organizations claim that he died as a result of torture (see Section 1.c.). On June 21, two family members began a hunger strike to demand action against prison employees Alfredo Reyes, Wilfrido Hernandez Solano, and Luis Faustino Gonzalez for abuse of authority, illegal detention, and torture. The case is under investigation by the Oaxaca state attorney general's office and the state's Human Rights Commission.

In March the president of the Jalisco Human Rights Commission cited several cases of possible police involvement in the deaths of prisoners (see Section 1.c.).

The Durango state Human Rights Commission is investigating the presumed suicide of Jose Manuel Urbina, who was found drowned in a state security facility in June. National Action Party (PAN) deputy Victor Hugo Castaneda Soto questioned the manner in which Urbina was arrested and noted that his body was found in a crouched position, a difficult position to maintain by someone attempting to drown himself.

On July 19, five men with known drug connections were found hanged near El Quelite, Sinaloa. On July 16, according to witnesses, armed men in Federal Judicial Police uniforms kidnaped the five—Fausto Andres Arellano Vidales, Anacleto Valle Garcia, Gaston Horacio Lopez Amarillas, Guillermo Gurrola Gutierrez, and Carlos Lopez Torres—from a store in Mazatlan, Sinaloa. State authorities were investigating the case, including a drug trafficking connection, at year's end.

There were numerous reports of executions carried out by rival drug gangs, whose members have included both active and former federal, state, and municipal security personnel. Throughout the country, but particularly in the northern border states, violence related to narcotics trafficking continued. For example, 27 murders with presumed or proven drug connections occurred in the Ciudad Juarez, Chihuahua area from January 1 to August 31. The modus operandi of the killings has shifted from the kidnappings and disappearances of the mid-1990's to armed attacks

in public areas throughout the city, in which intended targets and innocent bystanders are victims. The police and military were accused of committing serious human rights violations as they carried out the Government's efforts to combat drug cartels.

Although narcotics-trafficking organizations committed many killings, human rights groups allege that security forces are responsible for some killings generally attributed to narcotics traffickers or other criminals, including some of those whose bodies were discovered in Chihuahua in December 1999 (see Section 1.b.). The Association of Families of Disappeared Persons has alleged that the security forces were behind many of the disappearances and has argued that the cases were not investigated properly for that reason.

In October 1999, a group of men armed with assault weapons attacked Acapulco City councilor-elect Marco Antonio Lopez Garcia and his family while they were en route to a PRD election victory celebration. The councilor's son was killed, and the councilor seriously wounded. State authorities charged a PRD activist with the crime and alleged that he was affiliated with the Popular Revolutionary Insurgency Army (ERPI). The suspect later repudiated a confession that he alleged was coerced by torture and was released in November 1999. PRD officials rejected the results of the state investigation as false and called for federal intervention. Human rights observers charged that state and federal authorities used the investigation into electoral violence to repress opposition parties and peasant organizations by linking the political opposition to insurgent groups. The case is unresolved and still open.

There were no new developments during the year in the Federal Attorney General's office's (PGR) investigation into the March 1999 killing in Guerrero of Aurelio Penalzoa Garcia, a former state attorney general and advisor to the PRD's unsuccessful gubernatorial candidate, by men dressed in Federal Judicial Police uniforms and armed with automatic weapons. In April 1999, the authorities had charged Bernardino Alvear Villa and Juan Valdovinos Rodriguez in connection with this murder. They have been arrested and were in jail awaiting trial at year's end. An arrest warrant has been issued for Eulogis Palacios.

On April 29, the Morelos state supreme court upheld the state congress's decision to bar former governor Jorge Carillo Olea from holding state office for the next 12 years because of his administration's connection to a kidnaping ring in the state. In March 1999, a court convicted the former Morelos state attorney general, Carlos Peredo Merlo, of allowing the cover-up of the kidnaping, torture, and murder of Jorge Nava Aviles in 1998. He eventually received a sentence of less than 2 years. The court also convicted Cuernavaca's former deputy prosecutor and the former director of the state judicial police on related charges in the same case and sentenced each of them to 3 years and 3 months. The remaining persons accused in this case still are awaiting trial.

There were no new developments regarding the October 1999 death of Cosme Demian Sanchez Sastre, a member of the Zapatista National Liberation Front (FZLN), the political branch of the EZLN, who was found dead in his cell in a Tijuana detention facility. There also were no new developments regarding either the August 1999 case of the arrest of Tamaulipas PGR officials charged with the murder of fellow PGR official Jaime Rajid Gutierrez Arreola or the May 1999 killing of 1 immigrant when federal fiscal police opened fire on a van containing 23 persons.

There were no new developments in the June 1999 case of Mauricio Martinez Hernandez, a municipal worker killed by a police officer in Naucalpan, in the state of Mexico. There were no new developments in the May 1999 attack on indigenous rights leader Heriberto Pazos Ortiz.

There were no new developments in the case of Gerardo Villarreal Rodriguez, who died in Nuevo Leon in 1998, after being tortured by four state police officers; or in the investigation of the 1998 killing of an alleged migrant smuggler, in which seven members of the Grupo Beta police unit were detained.

On May 18, a Chiapas state court convicted the then-director of the auxiliary police, former General Julio Cesar Santiago Diaz, and his two chief lieutenants, Roberto Garcia Rivas and Roberto Martin Mendez, of "homicide by omission" and sentenced them to 8 years in jail in connection with the 1997 Acteal massacre. The men were close enough to hear the shootings, but took no action and reported that all was quiet in their area when questioned by state officials. Of the 102 persons detained, 58 now have been convicted and sentenced, although 24 have had their sentences suspended. There are outstanding warrants for 27 others.

On May 10, 14 former police officers involved in the 1997 killing of 6 youths during a police operation in the Mexico City neighborhood of Buenos Aires were convicted in connection with 3 of those killings. The court sentenced 11 officers to the maximum penalty of 50 years in jail and 2 others to 18-1/2 years. However, in September a judge denied an arrest warrant for Moctezuma Ilhuicamina Zaepeda Rodriguez and Jose Lamberto Ponce Lara, the two former leaders of the police

groups implicated in the murders. The same judge also either acquitted or denied arrest warrants for 15 other police officers in September. Investigations were still underway into the killings of the remaining three youths.

The courts have arrested 44 public officials in connection with the 1995 Aguas Blancas massacre of 17 indigenous farmers. Of the 44, 13 former police officers have been convicted and sentenced to 18 years in prison, 9 other former government officials have been convicted and sentenced, and 3 of the accused are fugitives. Fifteen former police officers have been absolved and freed on appeal, as have 7 other former officials. Despite recommendations by the Inter-American Commission on Human Rights (IACHR), the U.N. Rapporteur on Extrajudicial Executions, and the Supreme Court, then-Governor Ruben Figueroa Alcocer has not been investigated or prosecuted for his alleged involvement in the massacre. The Guerrero state government has indemnified the debts of the victims' families, and both the federal and state governments consider the case resolved.

On June 12, seven Chiapas state policemen were killed and one other policeman and a civilian were wounded in an ambush in Las Limas village, El Bosque municipality, Chiapas. On July 26, the Federal Attorney General's office announced the arrests of PRI supporter Alberto Patishtan Gomez and EZLN supporter Salvador Lopez Gonzalez in connection with the ambush on charges of murder, robbery, and possession of illegal weapons. The Federal Attorney General's office charged that Patishtan and Lopez were part of an armed 10-person group that carried out the attack. However, the Fray Bartolome de Las Casas Human Rights Center maintains Lopez's innocence, claiming there is insufficient proof against him.

On July 30, Juan Lopez and Gabriel Luis Hernandez Gomez were arrested in connection with the June 1999 murder of Jose Hidalgo Perez, a member of a politically active family in San Cristobal de Las Casas, Chiapas. They are awaiting trial.

There were no new developments in the January 1999 killing of villagers in Tzacabel, Chiapas.

On February 27, the authorities arrested two suspects for the January 1999 murder of Jorge Aguirre Meza, cofounder of the Sinaloa Human Rights Defense Commission and a mayoral candidate in the municipality of Navolato. The suspects, who reportedly have ties to narcotrafficking, are currently in jail and on trial in Culiacan, the state capital. Arrest warrants for two other suspects were also issued; however, these suspects are in a Mexicali jail on unrelated crimes.

The number of reports of vigilante killings and violence increased during the year, as compared to 1999. For example, on July 30, approximately 2,000 residents of the community Nueva Palestina, Chiapas, put an indigenous man on trial for a robbery and murder and killed him. The state attorney general's office dispatched a team to investigate and to help resolve tensions in the community.

b. Disappearance.—There continued to be credible reports of disappearances. The CNDH is working to establish a nationwide database to assist in the identification of unknown remains, some of which may be those of persons who disappeared. According to press reports, the CNDH during the year received 37 cases of presumed disappearances; 19 of those reported missing later were found alive and well. In December 1999, nine bodies were recovered from graves outside Ciudad Juarez, Chihuahua. Six of the nine bodies were identified positively and the remains released to their families in May. Three of the bodies were identified as persons not previously listed among the 224 persons reported missing in the state since 1994. All of the victims are believed to have had ties to drug trafficking in some way. Federal authorities confiscated the ranch where the bodies were found but the courts subsequently ordered it returned to its owner in July. The Chihuahua-based Committee for the Defense of Human Rights alleges that military and police forces are responsible for some of the disappearances. The Association of Families of the Disappeared Persons also has alleged that the security forces were behind many of the disappearances and has argued that the cases were not investigated properly for that reason.

According to the national public security system, there were 607 kidnappings in 1999, 734 in 1998, and 1,047 in 1997. However, kidnapping is an underreported crime. In Michoacan police have broken 89 kidnapping rings since 1996, resulting in 500 arrests, including 49 during the year. On August 18, Mexico City's Legislative Assembly passed a law to impose mandatory minimum sentences of 15 to 20 years for Mexico City public servants convicted of kidnapping. Although 6 kidnappings were reported in Chihuahua State from January to August, all have been resolved and 11 suspects were arrested and remain in custody. None of the suspects detained are public officials.

According to the Miguel Agustin Pro Juarez Center for Human Rights (PRODH), on March 13, gunmen allegedly under the order of local bosses in Ajuchitlan del Progreso, Guerrero, kidnaped Maximino Marcial Jaimes. He has not been seen since. Marcial was a member of an environmentalist organization. According to

PRODH, the press had reported that Marcial was in Almoloya prison, but the prison officially denied his presence there. His whereabouts were unknown at year's end.

According to the January 1999 Human Rights Watch report, many disappearance cases were in fact cases of prolonged detention by security forces. The report detailed incidents that occurred in previous years, and numerous human rights groups credibly asserted that disappearances continued to occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, it continues to be a serious problem. The Constitution excludes as evidence confessions obtained in the absence of the accused person's defense attorney, and the law excludes coerced confessions, including those extracted under torture. However, the police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture. The military has also been accused of using torture. According to Amnesty International (AI), many victims do not report, or do not follow through on complaints against the police due to fear of reprisals, thereby hampering prosecution of the perpetrators. To combat torture, the Congress passed laws to prevent and sanction torture in 1991 (amended in 1994), adopted the Law of the Defense Office of Mexico City in 1998 and the Federal Public Defense Law in 1998.

In her 1999 annual address, the then-president of the CNDH acknowledged that torture continued to be a serious human rights problem. She cited the PGR and the Defense Secretariat as the main organizations associated with the use of torture. In a report published in July 1999, the U.N. Human Rights Committee expressed concern that laws aimed to prevent torture were inadequate because of the absence of an independent body to investigate allegations of mistreatment. There are persistent reports by nongovernmental organizations (NGO's) of the widespread use of torture by the police and the security forces. In a June 22 report, AI Mexico claimed to have received numerous complaints that indicate that torture is a habitual practice in many areas of the country especially to extract confessions and information in place of police investigations. In October the same organization reported that the legal system permits torture, that torture is practiced in the country, and that urgent action is needed to eliminate it. AI called for legislative and administrative reforms to enforce the laws against torture and eliminate the judicial prerogative that permits the introduction of confessions extracted under torture. Nigel Rodley, the U.N. Special Rapporteur on Torture, reported in January 1998 that torture continued to occur despite the fact that the country had in place an array of legal safeguards. In March Guadalupe Morfin Otero, president of the Jalisco Human Rights Commission (CEDHJ), attacked the state attorney general's office for continuing the use of torture when interrogating prisoners. She cited several cases of possible police involvement in the death of prisoners (see Section 1.a.).

The authorities punish few officials for torture, which continues to occur in large part because confessions are the primary evidence in many criminal convictions. Poorly trained and inadequately equipped to investigate crimes, police officers often attempt to solve crimes by rounding up likely suspects and then extracting confessions from them by force.

In August the police in Nueva Italia, Michoacan, arrested Ivan Ramirez and Israel Moline and allegedly tortured them into confessing to the murder of their friend. One of the youths charged that he confessed only after at least six state police officers had beaten him, semi-asphyxiated him using plastic bags, and damaged his testicles. The youths told the judge that they had been tortured; however, he admitted their confessions as evidence anyway and consigned them to jail. When the friend returned from an unannounced trip 3 months later, the youths were released. The Michoacan State Human Rights Commission charged state legal authorities with fabricating evidence in the case.

On August 4, CNDH report 8/2000 charged that the military falsified evidence against two environmental activists, Rodolfo Montiel Flores and Teodoro Cabrera Garcia, tortured them, violated their rights to due process, and harassed residents in their home village, Pizotla, Guerrero. The military did not respond publicly to the CNDH report. Montiel and Cabrera had been arrested in May 1999 on charges of illegal drug cultivation and illegal possession of arms, and their colleague Salome Sanchez Ortiz was killed by the military. Montiel and Cabrera stated that military personnel tortured them to extract their confessions. The Government stated that on three separate occasions, Montiel and Cabrera confessed to illegal activities, and that tests had indicated that both men had fired a gun. However, the defense team stated that on each of those occasions Montiel and Cabrera were intimidated by the presence of military personnel. Initial medical examinations performed in 1999 by government and CNDH doctors did not find evidence of torture, but a medical examination by independent doctors on July 29 did find physical evidence consistent with

torture. The CNDH recommended that the army conduct numerous internal investigations of its handling of the arrests and detentions. On August 28, a judge sentenced Cabrera to 10 years' imprisonment for illegal possession of arms reserved for the exclusive use of the military. Montiel was sentenced to 6 years and 8 months on the same charge, as well as for possession of arms without a license, and illegal drug cultivation. Defense lawyers cited many irregularities in the judicial process and are appealing the verdict. On October 19, the press reported that the PGR requested that the sentences of Montiel and Cabrera be increased to the maximum of 20 years; however, on October 27, the appeals judge upheld their original sentences.

On April 1, the former president of the Guerrero state PRD, David Molina Francisco, alleged that he was freed after being held hostage for 40 hours by military personnel. Molina claims that he was tortured physically and psychologically, including being beaten and subjected to electric shocks, and interrogated on activities of insurgent groups. The PRD lodged a formal complaint with the Guerrero state human rights commission.

On August 1, the Mexico City human rights commission recommended that the city's attorney general's office investigate the torture of Jose Luis Mendez Briano and Fernando Martinez Beltran, who were arrested by city police on June 24 while making their getaway from a robbery. One of the men was transferred to the hospital for treatment of various injuries.

On July 30, in Ecatepec, Mexico state, auxiliary police discovered four Central American migrants hiding in a rail car. The police allegedly beat them, stripped them of their clothing, and kept them in a cell for several hours, before finally letting them go. The federal prosecutor's office in Ecatepec opened an inquiry into the alleged violations; the inquiry continued at year's end.

State human rights commissions also received reports of torture allegedly committed by police. The CEDHJ charged in September 1999, that the Jalisco state attorney general, Felix Ledesma Martinez, and the mayor of Guadalajara, Francisco Ramirez Acuna, had impeded an investigation into an alleged case of torture to protect high-ranking members of the Guadalajara municipal police force. On January 13, Jalisco state police arrested former armored car guard Jesus Galvan Ortiz in Guadalajara, Jalisco. Galvan claimed that police took him to a house, tortured him, and demanded that he confess to robbing an armored car. Police released him several hours later and never charged him. The house where Galvan allegedly was taken and tortured was later found to belong to the wife of attorney general Ledesma. On February 8, Ledesma admitted to owning the property but denied any knowledge of the alleged torture. Nonetheless, on February 14, citing personal reasons, he resigned from office. The Jalisco CEDH was investigating Galvan's allegations at year's end.

In September 1999, the president of the Mexico City Human Rights Commission (CDHDF), Luis de la Barra, announced that during the CDHDF's 6 years of existence, the Mexico City attorney general's office (PDJDF) was the subject of the majority of its recommendations regarding torture. The commission made 14 recommendations involving 18 alleged perpetrators; 7 against the PDJDF, 6 against the Director General of Prisons, 3 against the Secretary of Public Security, and 2 against the Director General of Public Health. In its report, the CDHDF noted that it had investigated 44 security personnel for the use of torture. It had 17 of these cases still under investigation, dismissed 5, and had found 22 public officials culpable. However, the authorities did not arrest 11 of those found culpable.

During the year, the Zacatecas state Human Rights Commission issued several recommendations for punitive action against the state police for their habitual use of torture. On August 8, the Zacatecas state legislature requested that Governor Ricardo Monreal Avila order the state attorney general to designate a special prosecutor to investigate the local police for the alleged torture of four persons accused of stealing farm equipment in 1999. On September 20, state prosecutors issued arrest warrants for two state policemen on charges of torture, illegal arrest, and abuse of authority. The prosecutors also announced that they were investigating five other members of the state police, including the state police chief, for their presumed involvement in torture. However, despite the public urging of Governor Ricardo Monreal, neither arrest order had been executed by year's end.

Members of the security forces were charged with committing rape. For example, on June 10, municipal police in Matias Romero, Oaxaca, arrested Rolando Jesus Vazquez Vargas, a sergeant in the 6th artillery regiment, for the rape and beating of Maria de Carmen Dominguez. Two other men are being sought in connection with the same assault. On July 18, Chihuahua state judicial police arrested three soldiers, Ruben Villanueva Sanchez, Eleazar Jimenez Flores, and Rosendo Juarez Zenil, for raping and beating a tourist. A 1998 report by the IACHR described a

definite pattern of rape and sexual assault against women committed by such officials. The Commission stated that some women had been assaulted sexually by law enforcement officials, particularly those in detention, or had been assaulted by others with the officials' consent.

Official corruption and complicity in crime continues to be a source of human rights violations. For example, on May 25 and 26, the authorities arrested two Mexico City judicial police agents, Ahui Omar Castro Hernandez and Gerardo Bustamante Dominguez, and Rene Rodriguez Monroy, a former employee of the city's public security secretariat, on extortion charges. They allegedly demanded \$16,000 (150,000 pesos) from narcotics trafficker Jose Rigoberto Caballero, in exchange for his freedom from city custody. Many citizens distrust the justice system, including law enforcement officials, and are reluctant to register official complaints.

On July 23, workers at a hospital construction site in Ciudad Juarez rioted in protest over mistreatment by police and poor working conditions (see Section 6.e.). According to the workers, one of the underlying causes of the incident was persistent petty extortion by the police.

On August 8, Juan Ramos Lopez, judicial director of the city's Secretariat for Public Security (SSP), lodged a complaint against the PGJDF with the Mexico City human rights commission. Ramos alleged that the PGJDF had been persecuting him since November 1999 when the SSP approached the PGJDF for information on the diversion of funds in the city's auxiliary police force. A PGJDF investigation into the diversion of funds continues, and 26 auxiliary police commanders have been suspended from duty for their involvement in the scandal.

Police abuse and inefficiency hamper investigations. For example, in April a court overturned on appeal the 30-year sentence of Abdel Latif Sharif, convicted in connection with the string of murders of over 200 women since 1993 in Ciudad Juarez, based on lack of consistency in the autopsy reports. Sharif remains in custody and is to receive a new trial. Since his arrest, eight more young women have been kidnapped, raped, strangled, and their bodies dumped in the same areas of the desert where previous victims were found. Four bus drivers are still in detention for allegedly committing the murders while Sharif was incarcerated. The bus drivers claim that they were tortured into confessing, and their case remained under investigation at year's end (see Section 1.c.).

Several human rights organizations and the U.N. Special Rapporteur on Extrajudicial Executions, Asma Jahangir, who visited the country in 1999, believe that the Government has made only limited progress in solving these murders because most of the victims were poor, young women, few of whom had anyone to press the authorities for intensive investigation. However, police incompetence, prosecutorial ineptitude, and lack of investigative resources also hampered the investigation.

To enhance the investigation into the murders in Ciudad Juarez, the Chihuahua attorney general's office appointed a special prosecutor for crimes against women in 1998. The special prosecutor's office has 65 cases in process, related to 67 of the victims; the remains of 23 of the victims required extensive scientific examination to identify them. In August the court system in Ciudad Juarez had a total of 145 cases in process against 103 persons for murdering women, including for motives of domestic violence, crimes of passion, drug connections, and revenge.

Some law enforcement personnel have been known to have drug trafficking connections. For example, in November 1999, 4 former Tamaulipas state police officers were among a group of 10 men, including narcotics trafficker Osiel Cardenas-Quillen, who confronted 2 international law enforcement officers with automatic rifles on a busy street in Matamoros, Tamaulipas. Carlos-Guillen and his associates went into hiding and are being sought by the authorities.

On June 21, the PGR arrested Jose Ricardo Rodriguez Torres, Ruben Cortes Flores, Miguel Angel Crespo Zoloeta, and Carlos Pineda Bernal, four Tijuana-based agents of the PGR's counternarcotics agency. They were charged with drug trafficking.

On August 8, the newspaper La Jornada reported that the internal affairs department of the PGR sanctioned 3,060 public servants between December 1996 and March 2000 for involvement in illegal activities, especially drug trafficking.

Narcotics-trafficking organizations also included corrupt public officials. The former governor of Quintana Roo, Mario Villanueva Madrid, is suspected of having aided narcoticstrafticking organizations. He fled shortly before his term of office expired in 1999 and still was being sought by federal authorities at year's end. Villanueva Madrid claims that he is innocent and the victim of a political frame-up.

Government officials have conceded the country's serious human rights shortcomings. UNHCHR Robinson, who visited the country in November 1999, said that

President Zedillo's admission that serious human rights violations occur in Mexico was a positive sign. In an effort to fight corruption and provide better public security, the Government created the PFP in 1999. The 12,000-person force includes approximately 5,000 transferred military personnel and another 6,000 from the former federal highway police. The inclusion of military personnel, who take a leave of absence from the armed forces while serving in the PFP, led to criticism from some human rights NGO's.

Police extorted money from street children, at times abused homosexuals (see Section 5), and violated the rights of illegal immigrants (see Section 2.d.).

Francisco Hernan Cortes, one of the presumed attackers in the May 1999 attempt on the life of PRD Senator Hector Sanchez Lopez and two companions, remains in jail awaiting trial in Oaxaca.

Prison conditions are poor. Many prisons are staffed by undertrained and corrupt guards, and some lack adequate facilities. Prisoners complain that they must purchase food, medicine, and other necessities from guards or bribe guards to allow the goods to be brought in from outside. The penal system comprises 444 facilities: 5 federal penitentiaries, 8 federal district prisons, 329 state prisons, and 102 municipal and regional jails. Prison overcrowding continued to be a common problem, despite an early release program endorsed by the CNDH, legal reforms that reduced the number of crimes that carry mandatory prison sentences, and the construction of new prisons. Antonio Sanchez Galindo, technical director of the Council for Minors of the Secretariat of Government, estimated that the prison population is 50 percent over capacity. The prisons with the largest overpopulation are: Reclusorio Norte in Mexico City-Capacity 4,506, actual population 7,419; Reclusorio Oriente in Mexico City-Capacity 4,295, actual population 7,441; Reclusorio Sur in Mexico City-Capacity 2,914, actual population 4,485; La Mesa in Tijuana-Capacity 1,716, actual population 5,982; Ciudad Juarez-Capacity 1,310, actual population 2,740. In Ciudad Juarez, Chihuahua, the state prison increased its capacity by 400 beds to 1,240, but the facility still has 2,720 inmates. The authorities in Chihuahua State have approved the construction of a second penitentiary in Ciudad Juarez to ease overcrowding and begun construction on a new juvenile detention facility, which is scheduled to be completed in 2001.

In 1998 Federal District prison director Carlos Tornero Diaz admitted that guards supply 40 percent of the illegal drugs smuggled into the prisons, and that inmates lacked sufficient drinking water. While the authorities investigate some prison officials for abusing prisoners, they more commonly dismiss those who commit abuses or charge them with only minor offenses. Drug and alcohol abuse is a problem in prisons. A Baja California State official estimated that 80 percent of the state's prison population are addicted to drugs. Conflicts between rival prison groups involved in drug trafficking continue to occur. On September 5, Federal Judicial police stormed the Torreon prison to end what they claimed were 20 years of self-government by the prisoners. In the process, the police seized munitions, drugs including cocaine and marijuana, and alcohol. In May doctors at a prison in Nuevo Laredo resigned, citing unhealthy conditions such as inadequate food and water as the reason for their resignations. They stated that conditions such as mange, AIDS, and tuberculosis are known to the authorities, who fail to take any action to treat and segregate sick inmates.

The Oaxaca Human Rights Networks reported that Eugenio Almaraz Garcia, a Zapotec man, died on February 29 from presumed neglect by the director of the Pochutla, Oaxaca prison. According to his family and the Mexican League for the Defense of Human Rights, Almaraz died of septic shock, multiple organ failure, and tuberculosis after being denied medical attention 6 days before his death. The Oaxaca state Human Rights Commission is investigating the case.

In many prisons inmates exercise authority, displacing prison officials. Influence peddling, drug, and arms trafficking, coercion, violence, sexual abuse, and protection payoffs are the chief methods of control used by prisoners against their fellow inmates. Corruption and poor conditions led to riots and escapes. On September 30, about 60 detainees at the Juarez Juvenile Detention Center were involved in a clash with authorities. The troubles began when repeat offenders being held in isolation allegedly exposed themselves to guards and refused to return to their cells. Ten ringleaders then incited others to join in the disturbance. Rioters broke lights and tore down power cables before being subdued by police reinforcements using tear gas.

On May 17, the PFP intervened in the Penitentiary Number 1 in Nuevo Laredo, Tamaulipas to regain control of the prison, which had been exercised by a narcotics-trafficker prisoner, Guillermo Martines.

On September 5, close to 1,000 PFP personnel intervened in the state penitentiary in Torreon, Coahuila, to break the control established by prisoner Martin Gallardo.

In August the CNDH issued a recommendation to the governor of Tabasco and requested an immediate investigation into the administrators of the state penitentiary. Prison riots at the state penitentiary on October 22 and November 3, 1999, left 11 prisoners dead. The CNDH report criticized Tabasco prison administrators for their negligence in not caring for the prisoners during severe flooding and for failing to maintain order, impartiality, and the physical integrity of prisoners.

Women are held separately from men and juveniles are held separately from adults.

Although the Constitution calls for separation of convicted criminals from detainees held in custody, in practice these requirements were violated routinely as a result of overcrowding.

There is no specific law or regulation to allow human rights organizations or other NGO's to visit prisons; however, in practice such visits are permitted in certain situations, especially by the CNDH. For example, the International Committee of the Red Cross (ICRC) is able to visit prisoners in Chiapas due to a July 1998 agreement with the Government. For permission to visit prisoners in Oaxaca and Guerrero, the ICRC must apply to the Ministry of Foreign Relations.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the police continued to arrest and detain citizens arbitrarily. Arbitrary arrest and detention were among the most common human rights abuses. Legally, a prosecutor may hold a detainee no more than 48 hours before he must present the accused to a judge, except when the accused is caught in the act or within 72 hours of committing a crime. In 1999 Human Rights Watch reported that a great number of disappearances eventually are found to be cases of arbitrary detention (see Section 1.b.).

Reports of arbitrary detention occur with greatest frequency in Tabasco, Guerrero, Chiapas, the Federal District, and Oaxaca. States' attorney general personnel, state police, and the army are the most frequent abusers of detention laws.

The Constitution provides that the authorities must sentence an accused person within 4 months of detention if the alleged crime carries a sentence of less than 2 years, or within 1 year if the crime carries a longer sentence. These periods can be extended if the parties agree. In practice, judicial and police authorities frequently ignored these time limits. Criminal defendants often were held with convicted prisoners. Furthermore, many detainees reported that judicial officials often solicited bribes in exchange for not pressing charges. Those able to pay were released from custody. Corruption is rampant throughout the system. For example, in May two judicial police agents along with a former city government employee were arrested on extortion charges (see Section 1.c.).

Judges often failed to sentence indigenous detainees within legally mandated periods. In 1996 the CNDH reviewed 8,661 files of indigenous persons who were detained and recommended the immediate release of 1,727 persons. Of those states with the largest numbers of indigenous prisoners, the CNDH reviewed 2,222 cases in Oaxaca, and recommended 407 releases, of which 296 had been accomplished by the end of 1998; 1,219 cases in Veracruz, with 331 recommendations for release and 245 releases; and 639 cases in Puebla, with 157 releases recommended, and 61 releases. In November 1999 the CNDH signed an accord with Secretariat of Government, the PGR, the Federal Institute of the Public Defense office, and the National Indigenous Institute (INI), to develop a program for the anticipated liberty of indigenous prisoners in federal prisons. Since that time, the CNDH has developed a database of 2,314 registered cases, and 381 persons were released during the year.

Federal prosecutors continued to adhere to the recommendation by the INI that they drop charges against first-time offenders accused of drug cultivation, as drug traffickers often forced indigenous defendants, who were not made aware of the legal significance of their actions, to grow the crops. The INI also supports programs to provide translators for indigenous defendants and to assist them in obtaining bail bonds.

Some human rights groups have claimed that activists arrested in connection with civil disobedience activities are in fact political detainees. The Government asserts that the system fairly prosecutes those charged in sometimes violent land invasions for common crimes, such as homicide and damage to property.

The law does not permit forced exile, and it is not practiced.

e. Denial of Fair Public Trial.—The judiciary is generally independent; however, on occasion it has been influenced by the executive branch, particularly at the state level. Corruption, inefficiency, and disregard of the law are major problems. Corruption and impunity are serious problems and tend to benefit the wealthy and powerful. Lack of training also is a problem. Judicial reforms have begun to address some of these problems, but full resolution of these problems awaits more extensive and systemic judicial reform. In February and March 1999, the Congress and the states

passed constitutional reforms designed to streamline the administration of justice and repeal archaic laws. Human rights groups criticized these reforms, claiming that they effectively allow prosecutors to disregard defendants' allegations of violation of due process during criminal proceedings. On August 11, the International Jurists Commission reported that judicial authority has been diminished severely by the procedural immunity enjoyed by officials of the State, particularly the military.

The federal court system consists of a Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and 185 district courts.

Efforts to implement the 1995 judicial reforms continued. During the year, the Federal Judicial Council strengthened administrative control over the judiciary, investigated cases of corruption, and removed some corrupt judges. In addition, in September the Institute for Professional Formation of the Mexico City Attorney General's office initiated new workshops and courses directed at officials who deal with prosecutions, including the prosecutor's office, official secretaries, judicial police, and police group leaders. The course material encompassed case management, scientific investigation techniques, legal framework, and evidence collection. However, in a report released in December, Human Rights Watch asserted that deficiencies in the administration of justice were still a major concern, and repeated its 1999 statement that judicial reforms have done little to improve the problems that plague the justice system. The December report stated that prosecutors not only ignored abuses by police but also fabricated evidence. Judicial oversight was seriously inadequate as the courts accepted evidence obtained through human rights violations, and judges cited legal precedents that weakened human rights protections.

Based on the Napoleonic Code, the trial system consists of a series of fact-gathering hearings at which the court receives documentary evidence or testimony. Court officials may add notarized documents (that are not authenticated) into the case file. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties have access to the official file, although by special motion the victim may have access to it.

The Constitution provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the Government respects these rights in practice. In general, court hearings are open to the public and it is common to find not only the accused, but also relatives of the accused and journalists in the courtroom.

While there is a constitutional right to an attorney at all stages of criminal proceedings, in practice the authorities often do not assure adequate representation for many poor defendants. Moreover, the public defender system is not adequate to meet the demand, although improvements in salaries and benefits have ameliorated this situation. Attorneys are not always available during the questioning of defendants; in some instances a defense attorney may attempt to represent several clients simultaneously by entering different rooms to certify formally that he was present, although he did not actually attend the full proceedings. Prosecutor salaries and benefits vary by region and agency. Federal prosecutors are usually better paid than state ones.

In the case of indigenous defendants, many of whom do not speak Spanish, the situation is often worse. The law calls for translation services to be available at all stages of the criminal process; however, the courts do not routinely furnish translators for indigenous defendants at all stages of criminal proceedings, and thus defendants may be unaware of the status of their cases. Provision of translators to non-Spanish speaking defendants, including indigenous ones, is provided for but poorly implemented, resulting in prisoners being convicted without fully understanding the documents they have been required to sign. The CNDH, through the Fourth Inspector General's office, has a program to assist incarcerated indigenous defendants. The INI also has judicial assistance programs for indigenous defendants and provides counsel on their behalf. The INI also distributes legal, educational, and informational material in indigenous languages.

A particularly egregious abuse of due process is the prosecution's ability to use evidence gathered by means of torture. While torture itself is a criminal act, judges routinely allow statements coerced during torture to be used as evidence against the accused (see Section 1.c.). For example, in August a court convicted two environmental activists in Guerrero although they allege that they had been tortured into signing confessions (see Section 1.c.).

The law does not require civil trial of soldiers involved in civil crimes, and the military continues to handle such cases. The Constitution provides for military jurisdiction for crimes or offenses involving any violation of military discipline. In cases in which a member of the military commits a crime and is arrested by civil authorities, the military has the right to request transfer immediately of the case to mili-

tary jurisdiction. Although the military retains jurisdiction over its personnel, it has begun cooperating with the PGR on investigations of counternarcotics cases involving soldiers and sailors. For example, in late August, Generals Quiroz and Acosta were arrested by military police on charges of narcotics trafficking and assisting the Ciudad Juarez-based Amado Carrillo drug cartel. General Acosta also was accused of complicity in the disappearance and torture of several persons in Guerrero during the 1960's and 1970's.

In 1999 the Military Judicial Police had arrested five members of a military dissident group, the Patriotic Command for Raising People's Awareness (CPCP), a group composed of military personnel protesting what they had called an unjust military justice system. The authorities charged the five CPCP members with the crime of sedition and later arrested the leader of the group, Hildegardo Bacilio Gomez. According to the Foreign Ministry (SRE), on April 17, the CNDH concluded that allegations that the military had tortured or violated the human rights of Hildegardo Bacilio Gomez and the other incarcerated members of the CPCP were unfounded. At year's end, the authorities held Bacilio Gomez in jail but had not yet brought him to trial. In December, the 12th circuit court in Mazatlan, Sinaloa, granted injunctions that in essence dismissed the charges of insubordination, sedition, and conspiracy against Juan Francisco Bernal Vasquez, Gerardo Torres Benitez, and Ignacio Manzano Benitez. Although they still face charges of violating "common military duties," they are eligible for release on bail. The appeal filed by Hildegardo Bacilio, leader of the December 1998 protest, is still under consideration.

At times lawyers in human rights cases faced harassment. For example, on January 27, two men physically harassed Juan de Dios Hernandez Monge and issued threats against Pilar Noriega Garcia. Both are attorneys for students at the Autonomous National University in Mexico City (UNAM) detained by the authorities. On March 29, unknown persons broke into the home of Leonel Guadalupe Rivero Rodriguez, another attorney for UNAM students. No valuables were taken but his computer files having to do with the UNAM cases were searched (see Section 2.a.).

The only political prisoner is General Jose Francisco Gallardo who maintains that he was sentenced to 28 years' imprisonment for speaking his mind on the advisability of having a military ombudsman (see Section 4). During the year, he received visits from Amnesty International.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, family, home, and correspondence, and the law requires search warrants; however, in the past there have been credible reports that unlawful searches without warrants were common.

The law allows for electronic surveillance with a judicial order. The law prohibits electronic surveillance for electoral, civil, commercial, labor, or administrative purposes.

On September 20, the Mexico City daily newspaper *El Universal* reported that President-elect Fox, his transition team, and the National Executive Committee of Fox's party, PAN, were victims of eavesdropping on their telephone conversations. To substantiate its charge, the newspaper printed the transcript of a phone conversation between Fox and his spokesperson. Fox later verified the authenticity of the transcript. The persons or person responsible for the taping are unknown, but the press speculated that it only could have been the Government's civilian intelligence organization, the Center for Investigation and National Security (CISEN). However, no evidence was provided to support that charge, and CISEN denied responsibility. In December President Fox formed a committee, led by Secretary of Government Santiago Creel, Secretary of Public Security Alejandro Gertz Manero, Attorney General Rafael Macedo de la Concha, and security advisor Aguilar Zinser, to revise the practices and role of CISEN. The President gave the committee 100 days to evaluate CISEN and propose a plan for its reorganization and the enhancement of its transparency.

On July 19, Jose Murat Casab, governor of Oaxaca, announced that a routine check of his office had turned up three listening devices. Murat blamed three officials of the Federal Secretariat of Government—Francisco Eduardo de la Vega y Avila, Jose Trinidad Rodriguez Ballesteros, and Olaf Ivan Corro Labrafor this act. The three officials then lodged a federal complaint against Murat for character defamation. Zacatecas governor Ricardo Monreal Avila instructed state attorney general Gonzalez Navarro to open an investigation into alleged electronic monitoring of state government officials by federal security agents. In addition, state police chief Miguel Angel Hernandez advised state representatives that they all were being monitored electronically, although the factual basis for this advice was unclear.

On November 29, the PGR announced that it would not initiate legal action against Jorge Salomon Azar, former governor of Campeche, nor Antonio Gonzalez Kuir, current governor of Campeche, for their presumed involvement in the 1998

wiretapping of Layda Sansores, a former member of Congress. They later were released. However, on December 18, Sansores petitioned a court to order the PGR to reactivate the investigation against both men and to investigate Valente Quintana, coordinator of the state security and police system; Antonio Ayala; Dante Omana; and Manual Alfaro Isaac, former coordinator of advisors for then-Governor Salomon Azar.

The Constitution states that all persons have the right to make free, responsible, and informed decisions on the number of children they choose to have. The 1984 General Health Law provides for criminal action against those who pressure a woman to undergo sterilization procedures or perform such procedures without a woman's consent. There were no reports of forced sterilization during the year. In 1995 the CNDH found that the largest number of complaints against health care institutions involved negligence or abuse during childbirth by medical personnel and charges of coerced sterilization. It said that the number of such complaints had grown, in large part due to women's increased awareness of their rights.

Independent agencies believed that forced sterilization procedures exceeded by several times the number of known cases, but the overall scope of the problem was difficult to quantify. Women may not realize that procedures have been performed until after the fact, and many victims are reluctant to file complaints, although there are mechanisms for filing formal complaints with the National Medical Arbitration Commission and with the national and state human rights commissions. However, the CNDH office in Chiapas reported that in some indigenous communities women choose sterilization, but then due to fear of reprisal from their husbands report that it was forced upon them or that they simply did not understand the nature of the procedure. In 1999 there were reports of possible violations of informed consent standards with contraceptive drug use in the state of Guerrero; however, these charges were not substantiated.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—There were numerous allegations of the use of excessive force and the violation of international humanitarian law. Incidents of conflict in Chiapas between the security forces and EZLN sympathizers and in Guerrero between the army, the Popular Revolutionary Army (EPR), and the Revolutionary Army of the People's Insurgency (ERPI) led to many of these accusations. However, the confused circumstances of these clashes made those allegations difficult to substantiate. UNHCHR Robinson suggested in November 1999 that the Government consider creating a military human rights ombudsman to combat impunity in the armed forces. In an interview with the newspaper *La Jornada* published on July 27, CNDH president Jose Luis Soberanes responded that his agency was capable of dealing with complaints of violations by the military, and he also called for a restructuring of the military. The Secretariat of National Defense (SEDENA) has offices in Chiapas and Guerrero, to deal with citizen complaints of human rights violations. SEDENA, in coordination with the CNDH and state human rights commissions, provides its officers with human rights training; however, enlisted troops do not always receive instruction on human rights (see Section 4).

During much of the year, the Government maintained around 20,000 troops in selected areas of Chiapas to contain the EZLN-backed uprising that began in 1994, and about half that number in Guerrero to handle 2 much smaller rebel groups there. The EPR and the EPRI maintain a presence in Guerrero; however, they were less active compared with the previous year.

On December 1, his first day in office, President Fox ordered the dismantling of 53 military checkpoints in Chiapas and military camps in the conflict zone. In less than 10 days, the army withdrew from two contentious military positions. In addition, the Government lifted restrictions on previously expelled foreigners and eased visa requirements for members of human rights organizations. In a December 2 press conference in La Realidad, Chiapas, the EZLN's Subcommander Marcos stated that President Fox's initial steps were encouraging and praised his choice of Luis H. Alvarez as his Chiapas Peace Coordinator. The rebel leader also laid down five conditions for a return to dialogue with the government: passage of the Congressional Chiapas Peace and Reconciliation Commission (COCOPA) bill, liberation of all EZLN prisoners, withdrawal of the army from EZLN territory and repositioning of the army to pre-1994 positions, closure of seven specific military posts in Chiapas, and no substitution of state police for army troops in the newly demilitarized areas. On December 5, Fox sent to Congress the COCOPA bill to implement the 1996 San Andres Accords between the EZLN and the Government. Governor Pablo Salazar Mendiguchia took office on December 8, and declared that he plans to review the cases of all state prisoners charged with links to the EZLN. On December 30, he had 16 Zapatista prisoners released from state custody with a promise that more would follow.

At year's end, an amnesty by the Oaxaca state government led to the release of 32 persons accused of ties to the guerrillas from state detention. Of the 55 persons still in custody, 27 are subject to additional federal charges; and 20 were charged before 1996, the commencement date stipulated in the amnesty law.

NGO's and others have alleged that in the process of dealing with rebels in Chiapas, Guerrero, and Oaxaca, the Government used excessive force. For example, on May 25, state police forces and the army entered San Isidro Miramar in San Agustín Loxicha, Oaxaca, to detain alleged EPR members. Community residents claimed police and military officers harassed, threatened, and beat them during the arrest of Octaviano Hernández Pacheco and Andrés Enrique Hernández. Since 1996 more than 70 residents of Loxicha have been arrested for alleged involvement with the EPR. As of July, 24 of these were still in prison. In July AI claimed that the prisoners had been subjected to torture and death threats and criticized the absence of due process in the handling of the cases. The NGO the Christian Action for the Abolition of Torture has criticized the use of torture against residents of Loxicha since 1996. However, on December 2, President Fox announced his support for an amnesty for the EPR, the demilitarization of the Los Loxichas area of Oaxaca State, and a review of the arrests of alleged EPR members. On December 8, the Oaxaca State legislature passed an amnesty law for local indigenous persons (Loxichas) accused of having links to the EPR. As of December 16, eight persons had been released from detention as a result of the amnesty; 79 Loxichas were still in custody. Of these, another six persons were acquitted of homicide charges but not released because of other charges pending against them. Although 27 of these remaining prisoners are subject to federal charges, the Oaxaca State government has already petitioned the federal government for an amnesty on their behalf. Ultimately, up to 50 more prisoners could be released and 200 other persons still at liberty could have their arrest warrants cancelled, according to press reports.

In December 1998, the Fray Bartolomé de Las Casas center and the PGR published conflicting reports on the Acteal massacre. The Fray Bartolomé report blamed the Government for sponsoring armed civilian groups in Chiapas and for failing to protect the victims. The NGO accused the Government of waging "lowintensity warfare" in Chiapas and stated that the Government was responsible for the massacre. The PGR attributed the massacre to a history of local confrontation, the presence of the EZLN, an absence of the rule of law, and the neglect of local enforcement officials. In May a court convicted former General Julio César Santiago Díaz and his two chief lieutenants of "homicide by omission" and sentenced each to 8 years in prison (see Section 1.a.). On October 15, the CNDH issued a report on the June 1998 battle in El Charco, Guerrero between the military and alleged elements of the ERPI that resulted in the killing of 12 persons. The Commission found that the army had violated the human rights of the inhabitants and that various articles of the Constitution, the Federal Criminal Procedure Code, and the Code of Military Justice had been violated. The CNDH recommended that the SEDENA investigate the actions of the military participants in the El Charco events, that the Judge Advocate's office investigate the official in the military prosecutor's office who first received evidence in the case, that the Judge Advocate's office determine if charges should be brought against military personnel, that SEDENA advise all military personnel regarding their role and responsibilities in upholding human rights and due process, and that Sedena issue general instructions limiting the role of military prosecutors in criminal investigations. SEDENA acknowledged receipt of the report, accepted its recommendations, and pledged to study how to implement them. At year's end, there was no information released regarding the results of any military investigations.

The military continues to deny any responsibility for abuses committed during the early stages of the Chiapas rebellion in 1994. The military authorities who have jurisdiction failed to punish any military personnel or government officials for committing abuses, although the CNDH issued an interim report in May 1994 finding that there was reason to believe that the military had injured or killed civilians in aerial attacks and that there were summary executions, illegal detentions, and instances of torture.

There were credible reports of violent incidents and murders committed by armed civilian groups and local political factions in Chiapas. The National Democratic Federation alleges that the group "Peace and Justice", which it described as a paramilitary group, was responsible for the murders of 53 Zapatista sympathizers since 1995. Another group that allegedly has committed human rights abuses in Chiapas is the Revolutionary Indigenous Movement against the Zapatistas. From January 1998 through August 1999, the army confiscated 431 weapons from civilians in the Chiapas zone of conflict. The Chiapas state attorney general's office claimed to have disbanded 39 gangs and confiscated 132 firearms within the same time period. On

August 3, between 30 and 300 members of the Peace and Justice armed civilian group fired their weapons in the air, set off fragmentation grenades, and burned at least 6 houses to evict 90 EZLN sympathizers from Paraiso, Yajalon Municipality, Chiapas. The eviction reportedly was the result of a 1997 land dispute. The 15 displaced families remain in the nearby village of Hidalgo Joshil, and 40 military personnel patrol the area to maintain peace.

Armed civilian groups, controlled or sponsored by local political bosses loosely affiliated with the PRI, were alleged to have committed many human rights violations in Chiapas, including the 1997 Acteal massacre. NGO's such as the PRODH, The Fray Bartolome de las Casas Human Rights Center in Chiapas, and the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH) have identified at least 15 such groups; they identified 9 such groups in 1999. Some NGO's and press accounts contended that these groups were not only the private armies of local bosses, but also army surrogates armed by the military and used to attack the EZLN. The Government denied these allegations and likewise rejected the existence of paramilitary groups. On April 18, the Federal Attorney General's office opened a new special unit to investigate possible armed civilian groups in Chiapas. On October 27, the unit arrested 11 alleged members of Peace and Justice on charges of illegal weapons possession, organized crime, and terrorism. Among those arrested were three alleged leaders of the group: Samuel Sanchez, a former PRI state legislator; Marcos Albino Torres Lopez, a former army corporal; and Mario Cruz Perez, who reportedly was the link between the political and military wings of Peace and Justice.

On May 7, four masked men killed three indigenous persons and wounded one more during their return home by truck to Tzanembolom, Chenalho Municipality, Chiapas. The survivor was a reported EZLN sympathizer, while the dead were all members of the same progovernment family. It is unknown whether the attack was politically motivated, the result of a family feud, or a random criminal act. The CNDH opened two investigations that were still in progress at year's end. To maintain public order, the Chiapas state government adopted preventive measures, including police patrols and 24-hour police presence to protect local residents.

In June the municipal authorities of Chenalho, Chiapas, promised to facilitate the return to the area of almost 3,000 displaced members of "the Bees," a pacifist organization that sympathizes with some of the goals of the EZLN. The Bees had been displaced from Chenalho since 1997.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. The mass media are not subject to formal censorship by the Government; however, there were reports of some self-censorship. In addition, threats and attacks on journalists—some reportedly by federal, state, or local authorities—hindered press freedom. Nonetheless, the freedom and independence of the media continued to expand. Many observers believe that drug trafficking organizations or corrupt security personnel in their pay carried out most of the attacks on the media.

The traditional cozy relationship between the Government and the media that tilted coverage and editorial opinion in the Government's favor has diminished but not disappeared entirely. The Government no longer controls the import of newsprint but does retain control over broadcast licensing, which critics claim led some broadcast media to practice self-censorship. Accordingly old habits of accommodation lingered, and the editorial line of some key news organizations maintained a bias in favor of the Government. The persistence of official influence—and its greatest concentration—was most apparent in television. Instead of paying a 12.5 percent tax on advertising revenues, television broadcasters provided free broadcast time to the Government, which gave it convenient access to this powerful medium. Official advertising in the media continues, but disguising it as news coverage is more common at the state than at the national level. Cash and noncash payments to journalists persisted but were not as common as they once were; legislation to end this practice was enacted in 1998.

The many attacks on journalists constituted the most serious problem for press freedom. The Committee for the Protection of Journalists and Media Communications reported that in 1999 there was a decline in the number of acts of intimidation, including physical attacks, threats, and detentions, against journalists; from 202 in 1998 to 135 in 1999. A report issued by 4 NGO's in 1999 recorded 240 attacks of various types against journalists during 1998, compared with 187 during 1997. These numbers include all aggressive acts against the media as reported in the media. According to the report, government institutions (including federal, state, or local police) or officials were responsible for 41 percent of the incidents. The

Manuel Buendia Foundation, one of the NGO's, concluded that the vast majority of acts were intended to intimidate. During the first 7 months of 1999, the CNDH program on aggression against journalists investigated 22 complaints of attacks on journalists; most were for assault or intimidation. One, from July in the state of Morelos, was for murder. The CNDH began an investigation of that case.

There were no new developments in the 1999 harassment cases of Sergio Haro Cordero or Jesus Barraza Zavala. There was no information available about the Mexico City attorney general's office's (PGJDF) investigation of the February 1998 killing of Luis Mario Garcia Rodriguez, a reporter for the Mexico City daily newspaper *La Tarde*.

On August 14, the CNDH recommended that the CISEN investigate and sanction agent Abraham Ponce Calvo for violating the privacy rights of Miguel Badillo Cruz, a columnist for the newspaper *El Universal*, and his wife. Badillo complained that on June 13 and 14, Ponce tracked his wife's movements from his car. Ponce denied the allegations, stating that from June 12 to 15 he was in a different location investigating organized crime.

According to PRODH and the newspaper *La Jornada*, on May 14, members of the military harassed journalists at the Las Limas checkpoint in the state of Chiapas. The journalists were prevented from taking photographs and were filmed by the soldiers.

On June 15, men dressed in police uniforms kidnaped Freddy Secundino Sanchez, a writer from the magazine *Epoca*, outside his home in Mexico City. The men drove him around in a taxi while they beat and threatened him at gunpoint before releasing him. On June 7, he received a death threat via telephone. On June 20, Secundino submitted a complaint to the Mexico City Human Rights Commission. The Commission in turn asked the Mexico City Attorney General's office to ensure that no agent under its command threatened or harmed Secundino, and that it provide Secundino and his family with protection and investigate Secundino's complaint. As a result, the Mexico City Attorney General's office assigned agents to protect Secundino and his family. The case was under investigation.

On June 22, unknown men opened fire on Lily Tellez, a highprofile news anchor and reporter for the national network TV *Azteca*, while she was driving in Mexico City. Tellez was uninjured, but her chauffeur and two bodyguards were wounded. The motive for the attack is unknown, but speculation has focused on Tellez's investigative reporting on narcotics and the Francisco Stanley murder case. Francisco "Paco" Stanley was a television talk show host who was murdered while exiting a Mexico City restaurant. In its 2001 report, Human Rights Watch (HRW) reported that in February that the Human Rights Commission of Mexico City alleged that the principal suspect had been framed by prosecutors.

On April 28, the body of Jose Ramirez Puente, the host of a popular radio news program in Ciudad Juarez, was found in his car. He was stabbed to death. State judicial police claimed that they found 17.6 pounds of marijuana in his car hours after the discovery of the body, although local media organizations disputed any connection to drug trafficking. Ramirez covered state and local politics and the police beat; it was not clear whether the killing was related to his work.

On April 9, the body of Pablo Pineda, a reporter and photographer with the newspaper *La Opinion* in Matamoros was discovered in the United States. According to news reports, he had been shot in the back of the head. In December 1999, Pineda survived an attempt on his life near his home.

In May Meliton Garcia, a reporter with the Monterrey-based newspaper *El Norte* was charged with fraudulently obtaining a voter's registration card. The charges against Garcia stem from a two-part series in which he reported on his efforts to obtain voting registration documents using a false birth certificate. In the article, he described how unofficial document expeditors who congregate outside government offices sell false birth certificates.

In September the former police commissioner in Ciudad Juarez filed a criminal defamation suit against Jesus Antonio Pinedo Cornejo and Luis Villagram, editor and reporter for the weekly *Seminario*. An article dated February 28 and entitled "History of Police Officer and Drug Traffickers" linked the police commissioner with the drug trade. On October 2, the commissioner announced that he would drop the suit.

Television news independence has been enhanced by greater political pluralism, generational change in media leadership, and growing competition for advertisers and viewers, which continued to separate government and media interests. Moreover, as much of the national media has developed higher journalistic standards and independence in recent years, government influence has declined. The media showed a high degree of editorial independence, particularly in the capital and other major

urban centers. Direct criticism of the Government, especially in radio and the print media, was common.

During the course of the year, prior to the July presidential elections, the Federal Electoral Institute (IFE) and the newspaper *Reforma* monitored media access for each of the candidates, especially broadcast media. The resulting published analysis demonstrated that the leading candidates enjoyed equal access to the media. National electronic media covered the candidates far more equitably than in past elections; however, there continued to be large discrepancies in coverage in local and state level electronic media. The overall effect was to give the PRI candidate Francisco Labastida more positive coverage. After the July 2 election, both the national and local media provided more balanced coverage overall.

In the middle of the campaign, the Government attempted to change the procedures for the distribution of government publicity placed in the media, placing control of all government advertising in the hands of the Secretariat of Government, which would then funnel the advertising through the government-owned Notimex news service. Media outlets protested, voicing concern that spending decisions would be based on political considerations. The Government retracted its plan and reverted to the system in which each government entity was responsible for its own paid advertising.

The Constitution recognizes academic freedom in higher education, and the Government respected this provision in practice.

In April 1999, a student strike at the UNAM to protest a proposed tuition increase shut down the university. The strike began when the authorities announced an increase in tuition but quickly evolved from a protest by some students into a more generalized attack on the national political system. The university administration made the tuition hike voluntary but did not meet other striking students' demands. The students at time used violence and intimidation to keep the university closed, and attempts to negotiate an end to the campus occupation failed. On February 6, several thousand PFP, accompanied by CNDH monitors, stormed the main campus, breached barricades, and detained about 600 strikers. Strikers did not resist the police operation, and the CNDH reported no human rights violations. Most of those detained were released within 24 hours, and only 251 were actually arrested and charged with rioting, terrorism, and dispossession. On February 14, classes resumed; however, on March 6, classes were disrupted once again when strikers reoccupied the university administration building and demanded the release from prison of fellow strikers. On April 14, at the request of UNAM rector Juan Ramon De la Fuente, 3,000 PFP personnel armed with batons and riot shields positioned themselves in and around the UNAM campus to forestall a strikers' reoccupation of the university. The PFP later withdrew from the campus. On June 7, the PGR released on bail the last six jailed strike leaders.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly, and the Government respects this right in practice. The only requirement for holding demonstrations is that groups that wish to meet in public areas must inform local police authorities in advance. Organized, peaceful demonstrations occur frequently throughout the country.

The police showed restraint and avoided confrontation with UNAM student strikers, who conducted periodic marches through the streets of Mexico City (see Section 2.a.).

According to the NGO General Office of Citizenship Participation and Social Conduct, in the first half of the year, on the national level there were 83 marches with 291,560 participants and 58 blockages with 54,552 participants. In Mexico City there were 43 marches with 13,255 participants and 60 blockages with 10,990 participants.

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties, opposition, and independent associations functioned freely without government interference or restriction. The Federal Electoral Code recognizes national political parties as well as political associations. Political associations can participate in elections through an agreement with a political party but are not allowed to use their names or symbols during the election campaigns. Political parties do not have legal status until they receive their official designation from the IFE. The IFE currently recognizes 8 political parties and 31 political groups. Three parties lost their registration as a result of the July election because they obtained less than 2 percent of the vote.

Citizens are free to associate and may form private or charitable associations. However, in 1998 the Mexico City legislature passed a law that gave the city government more influence over private charities. According to the Foreign Ministry (SRE), there are as many as 7,500 NGO's active in the country, which are an important and vocal part of civil society.

The Government was accused of harassing NGO's, especially in the state of Chiapas (see Section 4).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions. In November 1998, the Government and representatives of many religious denominations signed a religious code of conduct that reaffirms freedom of religion. The law bars the clergy from holding public office, advocating partisan political views, supporting political candidates, or opposing the laws or institutions of the State.

Religious groups cannot operate legally without registering as religious associations with the Under Secretariat of Religious Affairs of the Federal Secretariat of Government. Although the Government does reject a few applications, usually due to incomplete documentation, the registration process is routine.

The authorities in the past have used immigration law to restrict the activities of religious workers, particularly in the state of Chiapas. To visit the country for religious purposes, foreign religious workers must secure government permission. The Government limits the number of visas each religious group is allowed. Some religious groups claim that it is government policy to keep foreign religious practitioners out of Chiapas and Oaxaca, thus making it more difficult for religious workers going to those states to obtain visas. The Government maintains that it does not deny visas based on religion, and does not expel religious workers based on their religious activities. The Government argues that foreign religious workers have been expelled for inappropriate political behavior. There also have been incidents of violence between religious groups in Chiapas (see Section 5).

The Government lifted almost all restrictions on religious groups in 1992. The Catholic Church and other religions maintain their own schools; however, the Catholic Church complains of government restrictions on the running of those schools and the raising and spending of school funds. Although religious associations cannot own or administer broadcast radio or television stations, the Catholic Church owns and operates a national cable television channel. Government permission is required to transmit religious programming on broadcast radio or television, and permission is granted routinely.

Relations were difficult between the Catholic Diocese of San Cristobal de las Casas, Chiapas, and the Government during the tenure of Bishop Samuel Ruiz, which ended in April. The situation in Chiapas is a result of a complex mix of economic, ethnic, political, and religious tensions. The San Cristobal Diocese has complained that its foreign clergy are unable to get their visa status extended or rectified (many enter on tourist visas).

The non-Catholic Christian population continued to grow in Campeche, Chiapas, Yucatan, and along the northern border. There is a long history of religious intolerance in, and expulsions from, certain indigenous communities whose residents follow syncretistic (Catholic/Mayan) religious practices and view other religious practices as a threat to indigenous culture (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of free movement, and the Government does not restrict the movement of its citizens into, out of, or within the country, except in Chiapas where the Government attempts to keep persons away from EZLN areas.

The army and federal immigration authorities maintain strict checkpoints in parts of Chiapas. The focus of the checkpoints is the verification of tourist activities by persons with tourist visas. They also serve to stem illegal immigration. Church and human rights activists claim that the Government is fostering an antiforeigner climate. In addition, church groups complain about legal requirements that foreign religious workers must secure government permission to visit the country for religious purposes, and that the Government limits the number of visas granted to each religious group.

Corrupt police sometimes violated the rights of illegal immigrants. Illegal immigrants rarely file charges in cases of crimes committed against them, because the authorities generally deport immediately such persons who come to their attention; any pending case brought by an illegal immigrant is subject to dismissal because the person is no longer present. In May the CNDH criticized the mistreatment of Central American migrants by the authorities and society. Studies conducted by the College of Mexico indicate that human rights violations against Central American migrants were increasing. On May 2, the newspaper *La Jornada* reported that approximately 2,899 complaints of human rights violations had been filed by Central American migrants in 1999.

There were incidents in which illegal immigrants either were harassed or injured. On April 11, members of the state auxiliary police and federal judicial police ar-

rested seven indigenous residents of Oaxaca State in a bus terminal, mistaking them for illegal Guatemalan migrants. After being interrogated by federal and state authorities, they were released. On April 13, the CNDH opened an inquiry into the victims' claim of cultural discrimination.

On July 30, in Ecatepec, Mexico state, auxiliary police allegedly beat four Central American migrants hiding in a rail car (see Section 1.c.).

There was no new information available about the alleged beating in March 1999 of four intending immigrants near Mexicali, Baja California, by federal fiscal police.

There were also credible reports that police, immigration, and customs officials were involved in the trafficking of illegal migrants (see Section 6.f.).

The law provides for the protection of foreigners who might face political persecution if they were to return to their countries of origin. The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government accepts the principle of first asylum and reviews each claim on a case-by-case basis with the assistance of the office of the U.N. High Commissioner for Refugees (UNHCR). In June 1999, UNHCR Sadako Ogata visited the country and signed agreements with the Government to strengthen protection for refugees.

On October 3, immigration authorities arrested Pedro Anibal Riera Escalante, a Cuban national and deported him to Cuba the following day. The Foreign Relations Secretariat subsequently noted that Riera, a former Cuban consul general in Mexico City, had applied for asylum on September 8. There were no other reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully through periodic elections. As a result of electoral reforms approved and implemented in recent years, the political process and especially the electoral process have become more transparent. While elections are open and generally fair, some abuses continue to occur. Prior to the July 2 presidential election, the PRI had dominated politics, controlled the Federal Government, and won every presidential election since its founding in 1929. However, on July 2, voters elected Vicente Fox, a member of the National Action Party and presidential candidate of the Alliance for Change Coalition, president, with 43.3 percent of the vote. Observers, both international and domestic, judged the elections, which ended the PRI's 71-year hold on the presidency, to be generally free and fair. The observers described the election as a historic turning point of the most profound significance and made recommendations for further electoral reform.

The legislature amended the Constitution to allow the eligible 9 million citizens resident overseas to vote in national elections; however, the Senate failed to act on the necessary implementing legislation that would have made voting possible in the 2000 election, due to differences over the costs and requirements for voting.

Presidents are elected every 6 years and cannot be reelected. President Ernesto Zedillo supported legislation making the IFE an independent agency and declined to handpick his party's candidate for the presidential election. Instead, the PRI held a multicandidate primary in 1999 and chose Francisco Labastida as its presidential candidate.

The Federal Electoral Institute (IFE), operating with full autonomy, arranged the July 2 federal elections, which international observers judged to be generally free and fair. They described the elections and the resultant overturning of 71 years of dominance by the PRI as a historic turning point of the most profound significance and made recommendations for further electoral reform. The IFE had implemented the extensive 1996 constitutional and legislative reforms to help prevent electoral fraud and to create more uniform conditions for political party participation by regulating campaign finance, advertising, and other areas. It standardized the voter registration list and recruited and trained thousands of civil society volunteers to serve as independent electoral workers at the voting booths. The IFE also has provided support to state electoral institutes in running state and local elections and was instrumental in overhauling electoral district boundaries to reflect demographic shifts.

After the July election, in the Chamber of Deputies, the PRI held 211 seats; the PAN 207; the PRD 50; the Green Ecologist Party (PVEM) 17; the Labor Party (PT) 7; Democracy Convergence (CD) 3; the Nationalist Society Party (PSN) 3; and the Social Alliance Party (PAS) 2. The PRI holds 59 seats in the Senate; the PAN 45; the PRD 17; the PT 1; the PVEM 1; and the CD 1. Legislators can and do change their party affiliation frequently.

On the state level, the PRI governs 19 states, the PAN 8, the PRD 1, PRD-PT coalitions 3, and PAN-PRD-led coalitions 2. On the municipal level, opposition

strength is well established. The PRD governs the Federal District, and the PAN governs 13 of the 20 largest metropolitan areas.

On August 20, Chiapas voters elected the opposition Alliance for Chiapas candidate Pablo Salazar Mendiguchia to serve as governor, in a decisive victory over the PRI's Sami David David. As during the federal elections, the army was confined to its barracks, and the police presence was restrained. Although there were reports of minor, isolated irregularities, voting generally went smoothly. In his victory speech, Salazar supported the demilitarization of Chiapas and the introduction in Congress of the COCOPA legislation based on the 1996 San Andres accords between the EZLN and the federal Government.

On August 25, post-election violence in Chimalhuacan, Mexico state, between local PRI factions left at least 10 persons dead and many more injured. State police later arrested 62 persons, including the supposed ringleader, Guadalupe Buendia Torres.

Despite the IFE's efforts, there were still controversies at the state level over elections. On December 29, in Tabasco, the ultimate court of appeal on election matters (TEPJF) annulled the results of the state's disputed October 15 gubernatorial election and directed the Tabasco state legislature to name an interim governor and prepare for a new election. In its decision, the TEPJF cited inequitable local media coverage, diversion of funds for the election for the PRI candidate, and the blocking or miscounting of opposition votes. The TEPJF was created in 1987 and had never before invalidated an election.

Yucatan state opposition parties accused PRI Governor Victor Cervera Pacheco and the PRI-dominated state legislature of stacking the State Electoral Council to favor the PRI's candidates in the 2001 elections. On December 29, the TEPJF rejected the Council nominated by the state legislature and named a new Council. PRI state legislators questioned the legitimacy of this TEPJF-appointed Council and vowed to fight the "imposition" in the courts.

Although there are no legal impediments to their full participation, women are underrepresented in government and politics. Women hold approximately 16 percent of the seats in the Congress. No women serve as governors or justices on the Supreme Court. A woman, Rosario Robles, served as head of government of the Federal District from September 1999 to December. Under President Zedillo, 2 Cabinet Secretaries out of 20 were women. President Fox appointed 9 women to his 51-member Cabinet. A total of 9 of the 15 members of Mexico City Mayor Manuel Lopez Obrador's cabinet are women, and 13 of the city's 23 key city officials are women.

The Electoral Code provides that no more than 70 percent of candidates can be of the same gender. All political parties are attempting to increase the number of women who run for elected office through formal and informal means. They have utilized quotas requiring that a certain percentage of candidates on a party list be female. However, in practice women more often are put forward as substitute candidates who have little chance of serving unless the titular candidate leaves office. The PRD leadership is 22 percent female, 24 percent of its representatives and 13 percent of its senators are female, and it has a female party president. The PAN has utilized more informal methods to increase female registration. Nonetheless, 23 percent of its leadership is female, and 11 percent of its senators and representatives are female. PRI party rules mandate that a certain number of its candidates be women. Twelve percent of the party leadership, including its president, is female. Fifteen percent of both its representatives and senators are female.

Constitutional changes in 1996 expanded the rights of indigenous people to elect representatives to local office according to "usages and customs," rather than standard electoral law. Only the states of Oaxaca and Quintana Roo have enacted the implementing legislation. These traditional customs vary from village to village. In some villages, women do not have the right to vote or to hold office. In others, they can vote but not hold office. Women were excluded systematically from the political process by "usages and customs" in Oaxaca state and expected to face the same phenomenon in the state of Quintana Roo.

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

A wide variety of human rights groups operate largely without government restriction, investigating allegations of human rights abuses and publishing their findings on human rights cases. Government officials generally have become more cooperative and responsive to NGO views; however, the Government used vigorous enforcement of its constitutional prohibition on foreigners engaging in political activities to hinder the work of foreign human rights monitors, and it restricted the activities of many human rights observers and religious workers in the state of Chiapas.

After the December 1997 Acteal massacre, foreign concern over Chiapas increased significantly, and many foreigners and members of human rights groups traveled to that area, often on tourist visas, to learn firsthand about conditions there, to observe the human rights situation, and donate supplies. However, when individual foreign activists in Chiapas acted in ways that the Government considered political and inconsistent with tourist status, the Government issued them a letter of departure that required them to leave the country upon expiration of their visas.

On July 4, Deputy Secretary of Government Jose Angel Pescador Osuna annulled the 2-year expulsion of Tom Hansen, director of Mexico Solidarity Network, and agreed to reconsider the expulsions of 400 other human rights activists, priests, and foreign development volunteers. On June 30, Hansen was granted a 15-day election observer visa.

In 1998 the National Migration Institute (INM) began to require persons who wished to enter the country to monitor the human rights situation to go through a new application process, which required, among other things, that they apply 30 days in advance. The INM also placed a 10-day limit on visits, set a limit of 10 visitors per NGO, and required that visitors submit a detailed itinerary and agenda. Domestic and foreign NGO's objected to these new visa requirements, and asserted that they actually restrict human rights monitoring and give the Government the right to decide which human rights organizations are legitimate. While government officials promised that the process would improve access for human rights observers, the effect has been the opposite. Immigration officials have used this visa requirement in the past to remove from the country religious workers whom they judge to be engaging in human rights activities. They also used this procedure to restrict the activities of human rights monitors. Human rights observers reported that the process is difficult, complex, rarely results in visa issuance, and interferes significantly with their ability to monitor human rights violations. As of September 15, 155 applications for human rights observer visas were made and 74 visas were issued. Of the 100 applications made in 1999, 95 were issued.

NGO's reported that human rights workers in several states received death threats while working on cases that implicated government officials. On June 13, Arturo Solis, president of the Center of Border Studies and the Promotion of Human Rights, publicly accused federal immigration agents in Tamaulipas of involvement in illegal immigrant trafficking. He has since received numerous death threats. The case is under investigation by the Secretariat of Government, the National Human Rights Commission, the Tamaulipas State Human Rights commission, and a congressional commission.

On August 3, in Oaxaca, Oaxaca, the home of Angelica Ayala Ortiz, vice president of the Mexican League for the Defense of Human Rights (LIMEDDH), was robbed. Missing were Ayala's computer, recording equipment, and the new television and videocassette recorder that replaced similar ones stolen from her home last year. Asserting that the robbery was an act of intimidation, Ayala, who works on indigenous rights issues, lodged a complaint with the state attorney general's office, which is investigating. On February 15, an arrest warrant was issued for Jesus Reynaldo Hernandez Bautista, a bank security guard, for the July 1999 robbery of the LIMEDDH office in Oaxaca. There had been no apparent progress in the investigation into the August 3 robbery of Ayala's home by year's end.

In August elements of the army allegedly began to harass Hilda Navarrete Gorjan, director of the human rights NGO the Voice of Those Without a Voice in Coyuca de Benitez, Guerrero. On August 18, military personnel were parked in vehicles outside Navarrete's office with weapons pointed in the direction of her building. On August 23, unknown persons broke into the office and stole computer and video equipment; however, there was no evidence to suggest that the military was responsible for the break in.

There were no new developments in the investigation into the 1999 threats, harassment, and attacks against the PRODH and human rights lawyer Digna Ochoa. The investigation was still open at year's end. Mexico City judicial police provide protection for Ochoa while she is within the city limits. On May 10, the Inter-American Court of Human Rights stated that the Government was providing the protection for Ochoa ordered by the court, and that it had received no information about new threats or evidence of violence against PRODH. However, Ochoa did receive telephone death threats in June.

The PRODH has criticized the Government's actions to provide safety to human rights workers as inadequate. The PRODH advocates the adoption of measures to promote awareness of the importance of human rights work and to investigate cases of threats, intimidation, and attacks against human rights workers.

The National Human Rights Commission (CNDH), established by the Government in 1990, has improved its credibility steadily. The Senate, instead of the President,

now appoints the commission's president, although some NGO's feared that this would make the CNDH more susceptible to political pressure. In November 1999, the Senate named legal scholar Jose Luis Soberanes to a 5-year term as CNDH president, replacing the sitting president prior to the expiration of her term. Although most NGO's have a favorable opinion of the CNDH, many are critical of its method of presenting information, especially the reporting of compliance with recommendations. NGO's also have criticized the CNDH's reliance on former government security or judicial personnel as investigators of human rights abuse allegations.

General Jose Francisco Gallardo Rodriguez, who was arrested in 1993 on a range of charges, including embezzlement and dishonoring the military, was moved in 1999 from a military to a civilian jail. Gallardo maintained that military authorities were persecuting him because he wrote an academic dissertation calling for the establishment of a human rights ombudsman's office in the military. Since 1996 the IACHR and AI had called for his release. On August 4, Gallardo's lawyer lodged a complaint with the Federal Attorney General's office to demand action against the military tribunal for negligence of administration of justice because it allegedly had issued its resolution against Gallardo 63 days after the legal time limit.

In 1999 U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Asma Jahangir visited the country at the Government's invitation. Her report stated that the ineffectiveness of the justice system had led to violations of human rights. In addition, civilian courts' lack of jurisdiction over members of the armed forces for violations of human rights committed against civilians erodes the independence of the courts. The IFE implemented Jahangir's suggestion to invite international observers for the presidential elections and accredited 860 persons.

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

The Constitution provides that men and women are equal before the law, and that education should avoid "privileges of race, religion, groups, sexes, or individual;" however, these provisions are not enforced effectively, although the Government continues to make progress in efforts to do so.

Amnesty International has reported that homosexual men and women are likely to be victims of abuse and violence. In its 1999 annual report, the Citizen's Commission Against Homophobic Crimes reported that on average three murders are committed because of sexual orientation per month, and that there have been 190 such killings in the last 5 years, mostly in Mexico City, Mexico State, and Veracruz. The consensus among gay rights groups is that the police fail to investigate these crimes seriously.

Women.—The most pervasive violations of women's rights involve domestic and sexual violence, which is both widespread and vastly underreported. A 1997 law on intrafamily violence criminalized intrafamily violence, established protective measures for victims, and provided public education on the domestic violence problem. The law provides for fines equal to 30 to 180 days worth of pay and the detention of violators for up to 36 hours. The law also expanded the definition of rape to include spousal rape, involving married or common-law couples. According to a 1999 survey by the National Institute of Statistics, Geography, and Computation, some form of domestic abuse occurs in one of every three homes. The victim seeks help in only one of every six homes suffering from domestic abuse. More than 65 percent of all women suffer some form of abuse, verbal or otherwise, but only 30 percent lodge formal complaints, according to the Mexican Association Against Violence Toward Women. In 86 percent of abuse cases, it is the father or husband who commits the abuse. The Center for Attention to Intrafamily Violence reports that it receives between 50 to 60 complaints nationwide every day. Women are reluctant to report abuse or file charges, and the police are reluctant to intervene in what society considers a private matter. Many police also are inexperienced in these areas and unfamiliar with appropriate investigative technologies, although some have received training on these issues.

According to the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), over 1 million women each year seek emergency medical treatment for injuries sustained due to domestic violence, which is the fourth highest cause of death for women. Groups such as the NGO Center for Research and Care of Women, are attempting to counter the widespread view of domestic violence as private, normal behavior and to deter future violence. On June 1, Mexico City Mayor Rosario Robles publicized a handbook written by a coalition of feminist NGO's to reduce domestic violence and to help victims of gender discrimination.

Under certain circumstances limited to the statutory rape of a minor between the ages of 12 and 18, the Criminal Code allows a judge to dismiss charges if the persons involved voluntarily marry. In practice this provision is invoked rarely.

In the case of the approximately 200 women raped, murdered, and mutilated in the Ciudad Juarez area since 1993 (see Section 1.b.), the CNDH determined in 1998 that the Chihuahua state attorney general's office's inadequate response had violated the human rights of the victims and their families. The CNDH therefore recommended that the state attorney general and the mayor of Ciudad Juarez be investigated for negligence. In the same year, the authorities appointed a special prosecutor and hired foreign experts in serial killings to advise investigators. The murders and rapes continued during the year.

Trafficking in women for the purpose of forced prostitution occurs (see Section 6.f.).

The Federal Criminal Code includes penalties for sexual harassment, but victims must press charges. Many female victims were reluctant to come forward, and cases were difficult to prove. Sexual harassment in the workplace is widespread.

The CNDH's First Inspector General's office is devoted entirely to protecting the rights of women.

Although the Constitution provides for equality between the sexes, neither the authorities nor society in general respect this in practice. The legal treatment of women's rights is uneven. Women have the right to own property in their own names and to file for separation and divorce. However, in some states a woman may not bring suit to establish paternity and thereby obtain child support, unless the child was a product of rape or cohabitation, the child resides with the father, or there is written proof of paternity.

The Constitution and labor laws provide that women shall have the same rights and obligations as men, and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." However, women in the work force generally are paid less than their male counterparts and are concentrated in lower-paying occupations. According to a 1998 academic study, even though girls and boys attend school at similar rates, a woman on average needs to have 4 more years of education to earn the same salary as a man in a comparable position.

Labor law includes extensive maternity protection, including 6 weeks' leave before and after childbirth and time off for breast feeding in adequate and hygienic surroundings provided by the employer. Employers are required to provide a pregnant woman with her full pay, are prohibited from dismissing her, and must remove her from heavy or dangerous work or exposure to toxic substances. To avoid these expensive requirements, some employers, including some in the maquila industry, reportedly deliberately violate these provisions by requiring pregnancy tests in pre-employment physicals, by regular examinations and inquiries into women's reproductive status (including additional pregnancy tests), by exposing pregnant women to difficult or hazardous conditions to make them quit, or by dismissing them. In its 2000 and 2001 annual reports, Human Rights Watch indicated that the Government not only was aware of such practices and failed to prevent them or to punish the perpetrators, but also made public excuses for companies that violated the law. The U.S. National Administrative Office (NAO), under terms of the North American Agreement on Labor Cooperation (NAALC), the labor side agreements to the North American Free Trade Agreement, accepted a challenge to these practices in the maquila industry and in January 1998 recommended ministerial consultations. As a result, the U.S. and Mexican Secretaries of Labor participated in a conference in Merida, Yucatan, in March 1999, on gender discrimination in employment. In addition, the U.S., and Mexican NAO's organized cross-border outreach sessions in August 1999 on the rights of women in the workplace in McAllen, Texas and Reynosa, Tamaulipas. The conference and the outreach sessions concluded that discrimination exists, that it is not sanctioned by law, and that the authorities have taken steps to inform female workers of their right to file complaints about such practices, by distributing brochures and opening government offices that work together with NGO's to publicize the problem and available remedies.

To protect the labor rights of women, the Secretariat of Labor made 9,593 safety and hygiene inspections in private factories and public institutions through August and estimated that it would complete 13,790 by the end of the year. The Secretariat made 23,138 inspections in 1996. However, while the Government increased the number of federal inspectors in 1997 and concluded agreements with more states to expand and better coordinate labor inspections, the number of maquila plants (approximately 3,500 operating) far exceeds what the less than 700 (approximately 350 state and 341 federal) inspectors can monitor.

In 1995 the CNDH found that the largest number of complaints against health care institutions involved negligence or abuse during childbirth by medical personnel and charges of forced sterilization (see Section 1.f.).

The National Women's Program (PRONAM) monitored the situation of women, made recommendations to the Government regarding women's issues, and worked with government agencies, international organizations, and NGO's to support women's causes. PRONAM and the National Statistics Institute compiled gender-specific statistics to ascertain more accurately the status of women. The International Labor Organization (ILO), the Secretariats of Labor and Foreign Relations, and PRONAM also promoted the status of women in the workplace. In addition, PRONAM and UNICEF initiated in 1999 an ongoing advertising campaign attacking social stereotypes and discrimination against women.

Children.—Children under the age of 15 make up 35 percent of the population, and the median age of the population is 21. The Government maintains several programs to promote child welfare that support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers; however, problems in children's health and education remain. The CNDH receives numerous complaints about the services provided by the Secretary of Health, the Secretary of Education (SEP), and the Institute of Social Security. Nine years of education are compulsory, and the legal minimum age for employment is 14; however, according to SEP and the Sierra Neighborhood Foundation, only 31 percent of youths between 15 and 20 years of age attend school.

The problem of child labor is particularly pronounced among migrant farming families (see Section 6.d.). The Government has attempted to make schooling easier for the children of such families by making their educational credentials portable. The National Public Health Institute's 2000 National Nutrition Survey reported that 3 million children under the age of 5 suffer some form of malnutrition. UNICEF also reported that approximately 5 million children, 2 million of which are under 12 years of age, are working. In 1998 the director of the National Education Council reported that 1.7 million school-age children were not in school because their poverty obligates them to work. About 900,000 children work in agriculture, particularly in the northern states. UNICEF and the National Institute for Integral Development of the Family, in a 1999 study of working children in the 100 largest cities, estimated that 150,000 children work in those cities. (NGO's maintain that the total is higher.) According to a 1999 national nutrition survey, 30 percent of children under 5 years of age, or about 3 million, suffer anemia, while another 2 million children are chronically malnourished.

On January 4, the Congress passed a constitutional amendment to protect the rights of children and teenagers and ensure respect for their dignity. The new law also increased penalties for the sexual abuse or exploitation of children. Child prostitution and pornography are felonies under the law. On May 31, the Congress passed the Protection of the Rights of Children and Adolescents Law. The law provides for the right to life, non-discrimination, healthy living conditions, protection against threats to liberty and physical abuse, a healthy family life, health services, equal treatment for the disabled, education, pursuit of happiness, and freedom of thought and expression. Penalties under the law include fines of 500 to 1,000 times Mexico City's minimum wage and possible administrative jail time.

The CNDH attempted to protect children by educating them on their rights and reviewing legislation to ensure compliance with relevant international conventions. On August 30, the Public Education Secretariat (SEP) announced the publication of four new books geared to teach children about discrimination, violence in the home, and toleration of differing beliefs.

The Mexican Association of Childhood and Youth reported that there is a large population, estimated at 42,000, of vulnerable street children in Mexico City. Street children often become involved with alcohol, drugs, prostitution, petty thievery, and increasingly, violent crimes. Corrupt police officials sometimes exploit these children by pressuring them to commit petty crimes and extorting money from them.

A 1998 report by the NGO Center for Research and Advanced Study in Social Anthropology counted 5,000 minors, 90 percent of them female, working as prostitutes or subjects of pornography. In April the Mexico City attorney general's office and the Mexico City Human Rights Commission reported that nearly 12,000 children in Mexico City are victims of sexual commercialism, including prostitution. The National System for the Integral Development of the Family (DIF) receives an average of about 35,000 complaints per year of physical and mental abuse against children, the majority in Mexico City, Mexico State, and Nuevo Leon.

Trafficking in children for the purpose of sexual exploitation is a problem (see Section 6.f.). On November 22, the Federal Attorney General's office established the Special Prosecutor's Office for Attention to Crimes of Trafficking in Children.

The Government and various NGO's have programs directed at children that address human rights issues. Generally, the purpose of these programs is not only to protect the rights of children but also to instill a generational respect for human rights through educational programs. An example of this educational approach is the Tree House (La Casa del Arbol), an interactive learning project sponsored by the human rights commission of Mexico City.

People with Disabilities.—Estimates of the number of disabled persons range from 2 to 10 million. In Mexico City alone, 124 NGO's dealt with issues affecting the physically disabled.

Twenty-seven of the 31 states have laws protecting the disabled. Local law requires access for the disabled to public facilities in Mexico City, but not elsewhere in the country. However, in practice most public buildings and facilities in Mexico City do not comply with the law. The Federal District also mandated access for physically disabled children to all public and private schools. The Mexico City secretary of education, health, and social development has maintained that 78 percent of these children received some schooling. On August 2, the President's Office announced that 90,000 disabled children were integrated into a regular education system under the Zedillo Administration.

In December President Fox established the Citizen's Commission Against Discrimination to be headed by former Social Democracy presidential candidate Rincon Gallardo. The Commission's objectives include ensuring equal opportunities and access for the disabled and codifying these rights in a legal framework.

Mental Disability Rights International (MDRI), an NGO, discovered mistreatment and violations of the rights of the mentally disabled persons in government mental health facilities. Abuses uncovered from 1996-99 included inhuman and degrading treatment, misuse of physical restraints, and criminal neglect that in some cases led to deaths of patients. The MDRI further alleged that because the process through which persons are admitted legally to state institutions is conducted without oversight by a judicial or independent body, which can lead to a total loss of independent decision making or consent to treatment by patients. As a result of its 1999 report and an expose in the January 30 issue of the newsmagazine *Proceso*, in February the Secretariat of Health made over \$800,000 (8 million pesos) available to improve conditions in Mexico City's institutions and to provide over \$5,000 (50,000 pesos) for each of the 400 persons living in these institutions to participate in community-based workshops. The Secretariat of Health also made \$1.7 million (17 million pesos) available to improve the Ocaranza, Hildalgo institution as a pilot project.

Indigenous People.—The indigenous population, long subject to discrimination, repression, and marginalization, is estimated at 29 million persons of Indian descent, of whom 11 million live in Indian communities and 5 million are native speakers of Indian dialects. An estimated 9 million indigenous persons live in extreme poverty. According to the National Indigenous Plural Assembly for Autonomy (ANIPA), there are 56 distinct indigenous groups, each with its own unique culture and language. Indigenous people are located principally in the central and southern regions and represent a majority in the states of Oaxaca (53 percent) and Yucatan (52 percent). However, these groups have remained largely outside the political and economic mainstream, as a result of longstanding patterns of economic and social development. In many cases their ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources is negligible.

The 1994 Chiapas uprising focused unprecedented attention on the demands of that state's indigenous population for increased economic and social rights. Among its basic demands, the EZLN called on the Government to enact measures to protect indigenous cultures, provide more opportunity for employment, and invest in schools, clinics, and infrastructure projects. In the 1996 San Andres accords, the Government agreed with the EZLN on the need to expand indigenous rights. However, Congress has not yet approved these accords, and the conflict remains unresolved. The Government maintains a heavy military presence in parts of Chiapas, a presence that NGO's have called threatening and intimidating to the indigenous population (see Section 1.g.).

In its report "The War in Chiapas", issued in April the Fray Bartolome de las Casas Human Rights Center (CDHFCB) reported that the military was the principal aggressor in its 1999 cases. The CDHFCB also concluded that the presence of the military put at risk the human rights of life, physical integrity, liberty, and security of the local inhabitants. In addition other groups expressed concern during the year over growing instability and tension within the Indian communities provoked by the presence of military, police, and paramilitary troops.

In April an ICRC representative stated that thousands of Indians who fled their homes in Chiapas were suffering from food shortages and malnutrition. At year's end, the ICRC was feeding over 9,000 persons at year's end on a continual basis.

There still were cases of malnutrition, and the ICRC addressed those cases with 100 percent complete food supplements.

At year's end, the federal and state government strove to create a positive atmosphere for negotiation in Chiapas through troop withdrawals and the release of Zapatista prisoners (see Section 1.g.).

The Government, through the National Indigenous Institute, the CNDH, and various NGO's, operates programs to educate indigenous groups about their political and human rights. The Government generally professes respect for their desire to retain elements of their traditional culture. The CNDH's office of the Fourth Inspector General reviews and investigates violations of indigenous rights. More than 130 NGO's are dedicated to the promotion and protection of indigenous rights.

Indigenous people do not live on autonomous reservations, although some indigenous communities exercise considerable local control over economic, political, and social issues. In the state of Oaxaca, for example, 70 percent of the 570 municipalities are governed according to the indigenous regime of usages and customs, which may not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation (see Section 3). These communities apply traditional practices to resolve disputes, including allegations of crimes, and to elect local officials. In 1998 Quintana Roo's state Legislature passed a similar usages and customs law. While the laws allow communities in these states to elect officials according to their traditions, these usages and customs tend to exclude women from the political process (see Section 3).

The law provides some protection for indigenous people, and the Government provides support for indigenous communities through social and economic assistance programs, legal provisions, and social welfare programs. However, these were not sufficient to meet the needs of all indigenous people. Although the national population growth rate has slowed to less than 2 percent annually, the birth rate among marginalized indigenous groups such as those in Chiapas is around 5 percent. The General Education Act provides that teaching shall be promoted in the national language (i.e. Spanish) without prejudice to the protection and promotion of indigenous languages. However, many indigenous persons speak only their native languages. As a result, 1999 ANIPA statistics suggest that indigenous people suffer from a high rate of illiteracy and a low rate of school attendance. Non-Spanish speakers frequently are taken advantage of in commercial transactions involving bilingual middlemen and have difficulty finding employment in Spanish-speaking areas.

Religious Minorities.—There is a long history of religious intolerance in, and expulsions from, certain indigenous communities whose residents follow syncretistic (Catholic/Mayan) religious practices and view other religious practices as a threat to indigenous culture. In parts of Chiapas, local bosses of indigenous communities sometimes regard evangelical groups and Catholic lay catechists as unwelcome outside influences and potential economic and political threats. As a result, these bosses sometimes acquiesced in, or actually ordered, the harassment or expulsion of individuals belonging primarily, but not exclusively, to Protestant evangelical groups. In many cases, these expulsions involved the burning of homes and crops, beatings, and, occasionally, killings. These problems more frequently arise in "autonomous indigenous areas" under the influence of the EZLN, according to evangelical leaders. The abuse related to these and other incidents, apparently did not occur solely and exclusively on the basis of religion. While religious differences were often a prominent feature of such incidents, ethnic differences, land disputes, and struggles over local political and economic power were very often the basic cause of the problems.

There were reports of conflict between Catholic/Mayan syncretists and Protestant Evangelicals in Chiapas. For example, on March 5, Catholic/Mayan syncretists evicted at least 70 evangelical families from Plan de Ayala, Chiapas. Later that month, 250 state police escorted the Evangelicals back to Plan de Ayala, where they remained for 2 weeks. However, in early April the Catholic/Mayan syncretists again evicted 20 of the evangelical families from that community. On April 16, the Catholic/Mayan syncretists drove out the 70 police officers stationed there to keep the peace and set up roadblocks around the town. The following day the expelled Evangelicals attempted to return to the community, but were prevented from doing so by the roadblock. Expelled evangelical families reported that the Catholic/Mayan syncretists demanded that they sign a statement renouncing their faith as a prerequisite for their return to the community. Attempting to mediate, Governor Roberto Albores offered social programs to the Catholic/Mayan syncretists if they allowed the Evangelicals access to the town. The Catholics accepted the offer, but denied blocking access to community members, claiming that they only wanted to "prevent strangers from infiltrating the community and causing problems." They removed the roadblock, but tensions remain.

Tension between Catholic/Mayan syncretists and evangelical groups continues to be a problem in the municipality of San Juan Chamula. The Evangelical Commission for the Defense of Human Rights claims that municipal authorities have expelled 30,000 persons in the last 30 years. The children of Evangelicals have been denied access to the local public schools in six communities since 1994.

Adventists in Oaxaca report that families who were members of their denomination were expelled from the community of Santo Tomas Kirri. In Santo Domingo, Mexico state, Adventists reported that they were forced temporarily to close their church. In Chiapas the Adventists viewed the local government as reluctant to intervene in towns governed by traditional "practices and customs."

On May 17, the body of an alleged witch doctor was found in Comitán, Chiapas. The motive for his death is suspected to be the victim's practice of witchcraft, which is common in rural areas of southern Mexico; no suspects were arrested or charged.

Progovernment supporters had in the past accused the Catholic Church in the San Cristobal diocese in Chiapas of supporting the EZLN.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Federal Labor Law (LFT) provide workers with the right to form and join trade unions of their choice. About 25 percent of the total work force is unionized, mostly in the formal sector, where about one-half the labor force is employed.

No prior approval is needed to form unions, but they must register with the Federal Labor Secretariat (STPS) or state labor boards (JLCA) in order to function legally. Registration requirements are not onerous. However, the STPS or the JLCA occasionally have withheld or delayed registration of unions hostile to government policies, influential employers, or established unions. The STPS and the JLCA also have registered unions that turned out to be run by extortionists or labor racketeers falsely claiming to represent workers. To remedy this, STPS officials required evidence that unions were genuine and representative before registering them. Genuine unions are those that can demonstrate that they actually have members and represent the workers at the workplace. Some labor organizations have complained that they have found it difficult to obtain registration, especially from some local conciliation and arbitration boards.

Human Rights Watch criticized the Government's system of labor tribunals in a December 1999 report that claimed that the right to freedom of association often was violated even when courts ruled in favor of organizing workers. The report states that in the case of the Democratic Union of Workers of the Ministry of the Environment, Natural Resources, and Fishing the courts allowed workers to organize formally, but Government officials continued to interfere in such a way that the union could not function effectively.

Like the Federal Labor Board (JFCA), the JLCA are tripartite. Although trade union presence on the boards is usually a positive feature, it sometimes led to unfair partiality in representation disputes. For example, the board member from an established union may work to dissuade a JLCA from recognizing a rival organization. Trade union registration was the subject of follow-up activities pursuant to a 1995 agreement reached in ministerial consultations under the NAALC.

Unions form federations and confederations freely without government approval. Most unions belong to such bodies. They also must register to have legal status. The largest trade union central is the Confederation of Mexican Workers (CTM), traditionally a part of the labor sector of the PRI, but affiliation is by individual unions.

The Federal Employee Union Federation (FSTSE), the Revolutionary Worker and Peasant Confederation, and most of the separate national unions, smaller confederations, and federations in the Labor Congress (CT) also are allied with the PRI. However, several unions do not ally themselves with the PRI, including the large teachers' union, which severed its PRI ties a decade ago, and freed its minority factions to cooperate openly with other parties, particularly the PRD. Rivalries within and between PRI-allied centrals are strong. There also are a few small labor federations and independent unions outside the CT not allied with the PRI. One is the small, left-of-center Authentic Labor Front (FAT). Most FAT members sympathize with the PRD, but the FAT is independent and not formally tied to the PRD. In November 1997, 160 labor organizations representing workers in the private and public sectors, led by the telephone workers and social security workers unions, formed the National Union of Workers (UNT)—a labor central in competition with the officially recognized CT. In April 1999, the Mexican Electricians Union (SME) announced that it would withdraw from the CT over its failure to give full support to the SME's opposition to the Government's plan to privatize partially the electric power sector. The SME had not withdrawn officially from the CT at year's end; however, it currently maintains no contact with the CT.

PRI-affiliated union officers traditionally helped select, ran as, and campaigned for, PRI candidates in federal and state elections and supported PRI government policies at crucial moments. This gave unions considerable influence on government policies but limited their freedom of action to defend member interests in other ways, particularly when this might harm the government or the PRI. The CT, especially the CTM, was well represented in the PRI senatorial and congressional delegations, although its numbers diminished significantly after the 1997 and the July elections.

The ILO Committee of Experts (COE) has found that certain restrictions in federal employee labor law, adopted at FSTSE request, violate ILO Convention 87 on freedom of association. These restrictions allow only one union per jurisdiction, forbid union members from quitting the union, and prohibit reelection of union officials. In 1998 the COE and the ILO Committee on Application of Standards reiterated their criticism and asked the Government to amend the law. The Government had not amended the law by year's end; however, a May 1999 Federal Supreme Court decision now permits the formation and recognition of more than one union per federal entity. A 1996 Supreme Court decision invalidated similar restrictions in the laws of two states, but the decision applied only in the specific instances challenged. In May 1999, the Supreme Court extended this interpretation to unions in federal government entities.

The Constitution and the LFT provide for the right to strike. The law requires 6 to 10 days' advance strike notice, followed by brief government mediation. If federal or state authorities rule a strike "nonexistent" or "illicit," employees must remain at work, return to work within 24 hours, or face dismissal. If they rule a strike legal, the company or unit must shut down completely, management officials may not enter the premises until the strike is over, and the company may not hire replacements for striking workers. Provisions for maintaining essential services are not onerous. The law also makes filing a strike notice an effective, commonly used threat that protects a failing company's assets from creditors and courts until an agreement is reached on severance pay. Although few strikes actually occur, informal stoppages are fairly common, but uncounted in statistics, and seldom last long enough to be recognized or ruled out of order. The law permits public sector strikes, but formal public sector strikes are rare. Informal ones are more frequent.

During the year, the JFCA reported that 8,282 strike notices were filed and 26 legal strikes occurred in federal jurisdiction. Federal labor authorities did not stretch legal requirements to rule strikes nonexistent or illicit, nor did they use delays to prevent damaging strikes and force settlements. However, in 1998 strikers at the Han Young maquiladora plant in Tijuana filed an "amparo" (a type of injunction) action in a Federal District court challenging the ruling of the JLCA in Tijuana that declared the strike begun on May 22 of that year to be illegal. On May 3, 1999, the court recognized the striking union's right to the collective bargaining contract and declared the 1998 strike to have been legal. Acting quickly on that decision, the union put strike flags at the plant, but the JLCA declared the new strike illegal because the board had not yet been informed officially of the court's ruling nor given time to act on that ruling. Efforts to resolve the conflict through the courts continued throughout the year. The union's leader and lawyer were the subjects of arrest warrants for allegedly detaining the plant manager against his will; however, these individuals had not been taken into custody at year's end.

The dissident leaders of the teachers' union who were charged with forcing entry into the Senate and holding several senators hostage in 1998 were released within 3 months from pretrial detention when charges were reduced substantially. There is no record that they were ever tried on the reduced charges.

During the first major strike in 10 years that occurred at a Ciudad Juarez plant in July, some protesting workers reported that they were harassed by police and representatives of the union holding the contract at the plant. Earlier in the summer, the leader of a group of workers challenging the existing union at a plant in Tamaulipas asserted that he had been kidnaped and held for more than 24 hours by representatives of that union. However, state labor authorities eventually recognized the new union, which allowed it to negotiate with plant management.

The Constitution and the LFT protect labor organizations from government interference in their internal affairs, including strike decisions. However, this also can protect undemocratic or corrupt union leaders. The law permits closed shop and exclusion clauses, allowing union leaders to vet and veto new hires and to force dismissal of anyone the union expels. Such clauses are common in collective bargaining agreements.

Employer organizations slowed efforts to push for labor law reform early in 1999 and entered into ongoing discussions with the Government and labor unions about reforming the LFT's rules of procedure. Government, employers, and unions had ne-

gotiated reforms through tripartite national agreements and collective bargaining at the enterprise level. Reforms were effected also through cooperation in programs to increase, and compensate for, productivity. Government, national labor unions, and employer organizations met periodically throughout the year to discuss ways and means of cooperation to boost productivity, wages, and competitiveness. The need to reform the LFT was an issue in the presidential campaign and in the fall session of Congress.

Unions are free to affiliate with, and increasingly are interested in actively participating in, trade union internationals. Reflecting that change in attitude and relationship, the International Federation of Metalworkers Unions opened an office in Mexico, and U.S., Canadian, and Mexican autoworker union representatives held meetings in the country during the year.

A complaint alleging a refusal on the part of the Government to register the Academic Workers Union of the National College of Technical Occupational Education (SINTACONALEP) as a union is pending before the ILO's Committee on Freedom of Association (CFA). SINTACONALEP's employer, the National College of Technical Occupational Education (CONALEP), requires its teaching staff to sign documents denying the existence of an employment relationship thereby feigning a type of relationship that is covered under the civil code and not the LFT even though the form, terms, and conditions all correspond to an employment relationship. Hence according to STPS, SINTACONALEP members do not meet the definition of workers under the LFT to be registered as a union. In 1999 the CFA issued an interim report requesting that the Government provide a copy of the applicable law that denies trade union status to SINTACONALEP and that the Government investigate the allegations of interference and antiunion discrimination on the part of CONALEP. The ILO had not received a response from the Government by year's end.

b. The Right to Organize and Bargain Collectively.—The Constitution and the LFT provide for the right to organize and bargain collectively. Interest by a few employees, or a union strike notice, compels an employer either to recognize a union and negotiate with it or to ask the federal or state labor board to hold a union recognition election. LFT prounion provisions led some employers to seek out or create independent "white" or company unions as an alternative to mainstream national or local unions. Representation elections are traditionally open, not secret. Traditionally, management and union officials are present with the presiding labor board official when workers openly declare their votes, one by one. Such open recounts are prevailing practice but are not required by law or regulation. Secret ballots are held when all parties agree.

Wage restraints no longer exist, except for those caused by recession or an employer's difficult situation. Wages in most union contracts appeared to keep pace with or ahead of inflation, but most workers had not yet regained buying power lost over the past decade.

The country's record in internal union democracy and transparency was mixed. Some unions were democratic, but corruption and strong-arm tactics were common in others.

A disputed 1997 election for the right to the collective bargaining contract for workers at a Korean-owned maquiladora in Tijuana, Baja California continued to provoke controversy. Although the parties reached a settlement in January 1998, allegations that plant management violated health and safety regulations were considered in a public hearing by the U.S. NAO that year. The dispute over union representation at the plant continued, and in May the U.S. and Mexican Secretaries of Labor signed an agreement on steps to resolve this dispute; pursuant to that agreement the Mexican Labor Secretariat held a public NAFTA conference in Tijuana in June to address the issues raised in the complaint.

In another case involving freedom of association linked to the right to organize unions, in December 1997, 9 unions and 24 human rights NGO's jointly filed a submission with the U.S. NAO alleging that a CTM-affiliated union used strong-arm tactics to intimidate workers so that they would not vote in favor of a rival union to represent workers at a plant in Mexico state. This submission also alleged violations of health and safety regulations. The Canadian NAO also received a submission on this case in the spring of 1998. The U.S. NAO issued a report in July 1998 that recommended ministerial consultations. At year's end, U.S., Mexican, and Canadian labor authorities continued to discuss the issues raised in both submissions. The May agreement between the U.S. and Mexican Labor Secretaries and adhered to by the Canadian Labor Minister provided that the Mexican Labor Secretariat hold a public NAFTA conference in Mexico City in late fall to address the issues raised in the complaints. However, the conference had not taken place by year's end.

In November 1999, the U.S. Association of Flight Attendants filed a submission with the U.S. NAO alleging violations of worker rights to freedom of association and to bargain collectively; protection of the right to organize; minimum employment standards; and prevention of occupational injuries and illnesses at Executive Air Transport, Inc. (TAESA). The complaint focused on the voting process employed when the Mexican flight attendants union sought the right to represent flight attendants employed by TAESA. The U.S. NAO held a public hearing in Washington in March and issued a report in July recommending ministerial consultations.

The public sector is almost totally organized. Industrial areas are heavily organized. Even states with little industry have transport and public employee unions, and rural peasant organizations are omnipresent. The law protects workers from antiunion discrimination, but enforcement is uneven in the few states with low unionization.

Unionization and wage levels in the in-bond export sector vary by area and sophistication of the manufacturing process. Wages have been lower and job creation has been greater in this sector than in more traditional manufacturing. Wages in the maquiladora sector are still lower than in the traditional manufacturing sector, although they are approaching manufacturing sector level. Some observers allege poor working conditions, inadequate wages, and employer and government efforts to discourage unionization in this sector. There is no evidence that the Federal Government opposes unionization of the plants (the maquiladora sector tends to be under state jurisdiction), but some state and local governments in the west are said to help employers discourage unions, especially independent ones, through the use of protection contracts. Protection contracts, to which the workforce is not privy, are used in the maquila sector and elsewhere to discourage the development of authentic unions. These contracts are collective bargaining agreements negotiated and signed by management and a representative of a so-called labor organization, sometimes even prior to the hiring of a single worker.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, which includes forced and bonded labor by children; however, there were some cases of trafficking in persons for purposes of forced prostitution and forced labor (see Section 6.f.). There also were cases of abuses of refugees and illegal immigrants in Chiapas (see section 2.d.). There were no reports of forced child labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution prohibits children under 12 years of age from working. The law sets the minimum legal work age at 14 years. Those between the ages of 14 and 15 may work only limited hours, with no night or hazardous work, which generally makes hiring them uneconomical. Enforcement was reasonably good at large and medium-sized companies, especially in export industries and those under federal jurisdiction. Enforcement was inadequate at many small companies and in agriculture and construction. It was nearly absent in the informal sector, despite continued government efforts.

In 1996 the ILO reported that 18 percent of children 12 to 14 years of age work, often for parents or relatives. Most child labor is in the informal sector (including myriad underage street vendors), family-owned workshops, or in agriculture and rural areas. Mexico City's central market employs approximately 11,000 minors between the ages of 7 and 18, who work as cartpushers, kitchen help, and vendors. The children do not receive a fixed wage, and most work long shifts, starting in the early morning hours. The CTM agricultural union's success years earlier in obtaining free transport for migrant seasonal workers from southern states to fields in the north inadvertently led to a significant increase in child labor. The union and employers were unable to convince indigenous farm workers to leave their families at home, and many have settled near work sites in the north. The union has had some limited success in negotiating with employers to finance education in Spanish and indigenous languages near work sites and in obtaining social security child care centers, but it has had difficulty in persuading member families not to bring their children into the fields. Many urban child workers are migrants from rural areas, are illiterate, and have parents who are unemployed.

The Federal Government increased the number of obligatory school years from 6 to 9 in 1992 and made parents legally liable for their children's attendance, as part of a reform to upgrade labor force skills and long-term efforts to continue increasing educational opportunities for and participation by youth. Scholarships offered to families of the abject poor under the Government's "Progresas" antipoverty program kept an additional 100,000 children in school in 1999. According to "Progresas," that number increased by 18 percent during the year.

In March the Government ratified ILO Convention 182 on the worst forms of child labor. The government of the Federal District implemented a law adopted in July

1999 that increased limitations on working hours and conditions for children employed as supermarket baggers and automotive attendants.

The law bans child labor, including forced or bonded labor, and there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work.—The Constitution and the LFT provide for a daily minimum wage. The tripartite National Minimum Wage Commission (government, labor, and employers) usually sets minimum wage rates each December, effective January 1, but any of the three parties can ask that the Commission reconvene during the year to consider a changed situation. In December 1999, the wage commission adopted a 10 percent increase effective January 1, based in part on the Government's projection of a 10 percent annual inflation rate for. For the first time, all labor representatives on the Commission abstained from the vote in protest, and also for the first time, the Government stood firm on its original offer. During the course of the year, wage and benefit adjustments to collective bargaining contracts averaged about 13 to 15 percent, which was several points above the final inflation rate of 8.9 percent for the year.

In Acapulco, Mexico City and nearby industrial areas, southeast Veracruz State's refining and petrochemical zone, and most border areas, the minimum daily wage was set at \$3.99 (37.90 pesos). However, employers actually paid \$4.55 because of a supplemental 14 percent subsidy. These income supplements to the minimum wage, agreed to in annual tripartite pacts, are for all incomes less than four times the minimum wage, decreasing as wages and benefits rise. In Guadalajara, Monterrey, and other advanced industrialized areas, the minimum daily wage (before the subsidy) was \$3.70 (35.10 pesos). In other areas, it was \$3.44 (32.70 pesos). There are higher minimums for some occupations, such as building trades.

The minimum wage does not provide a decent standard of living for a worker and family. Few workers (about 16 percent) earn only the minimum wage. Industrial workers average three to four times the minimum wage, earning more at larger, more advanced, and prosperous enterprises.

The law and contract arrangements provide workers with extensive additional benefits. Legally required benefits include free social security medical treatment and pensions, individual worker housing and retirement accounts, substantial Christmas bonuses, paid vacations, and profit sharing. Employer costs for these benefits add from about 27 percent of payroll at marginal enterprises to over 100 percent at major firms with good union contracts. In addition, employers frequently subsidize the cost of meals, transportation, and day care for children, and pay bonuses for punctuality and productivity.

The LFT sets six 8-hour days as the legal workweek, but with pay for 56 hours. For most industrial workers, especially under union contract, the true workweek is 42 hours, although they are paid for 7 full 8-hour days. This is one reason why unions vigorously defend the legal ban on hourly wages. Workers asked to exceed 3 hours of overtime per day or required to work overtime on 3 consecutive days must be paid triple the normal wage.

There are 11 special labor arbitration and conciliation boards (in Queretaro, Pachuca, Ciudad del Carmen, Zacatecas, Orizaba, Ciudad Juarez, Cancun, Colima, La Paz, Reynosa, and Tijuana) and 4 more state offices of the STPS to make it more convenient for workers to file complaints and bring other actions before the labor court system. In addition, the Labor Secretary has transferred more personnel to the JFCA to reduce backlogs. He also has highlighted as special issues child labor, women in the workplace, and the physically disabled by assigning responsibility for them directly to one of the under secretaries. In February 1999, the Labor Secretariat established a separate office for equality and gender issues.

The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the Social Security Institute (IMSS), and to pay contributions that vary according to their workplace safety and health experience ratings. LFT-mandated joint management and labor committees set standards and are responsible for workplace enforcement in plants and offices. These committees meet at least monthly to consider workplace needs and file copies of their minutes with federal labor inspectors. Federal and state authorities exchange information.

STPS and IMSS officials continued to report that compliance is reasonably good at most large companies. However, because smaller firms are far more numerous and so much more difficult to monitor, these officials were unable to draw any general conclusions about their compliance. Federal inspectors are stretched too thin for effective enforcement if companies do not comply voluntarily and fulfill their legal obligation to train workers in occupational health and safety matters. There are special problems in construction, where unskilled, untrained, poorly educated, transient labor is common, especially at many small sites and companies. Many unions, particularly in construction, are not organized effectively to provide training, to encour-

age members to work safely and healthily, to participate in the joint committees, or to insist on their rights.

In July a large group of U.S., Canadian, and Mexican labor organizations and NGO's filed a submission with the U.S. NAO alleging the failure of Mexican labor authorities to comply with health and safety regulations resulting in occupational injuries to a number of workers at maquiladora plants belonging to a U.S. company in the border state of Tamaulipas. The U.S. NAO accepted the submission in September for formal review and conducted a public hearing in San Antonio, Texas, on December 12.

On July 23, about 150 workers at a construction site for a hospital in Ciudad Juarez rioted over mistreatment by police and poor working conditions. The workers complained of low pay and extremely poor living conditions at the barracks where they were housed.

Many agricultural workers are internal migrants, who often travel with their families, including young children. They often are paid by volume of the work they produce, rather than by the day. Working conditions vary by area of the country and from one locality to another. Allegations have been made that workers, including young children accompanying them, have been exposed to pesticides and other chemicals.

Individual employees or unions also may complain directly to inspectors or safety and health officials. Workers may remove themselves from hazardous situations without jeopardizing their employment. Plaintiffs may bring complaints before the federal labor board at no cost to themselves.

f. Trafficking in Persons.—There are no specific laws that prohibit the trafficking of persons; however, immigration laws, the federal organized crime law, and federal and state penal codes contain laws that are used to prosecute traffickers of undocumented migrants, women, and children, and trafficking is a serious problem. The country is a transit country for the trafficking of persons, especially from China, to the United States and Canada. There also are isolated cases of trafficking Mexican nationals for the purpose of forced prostitution or sexual services, domestic servitude, forced or bonded sweatshop labor, or other debt bondage. The Government has strengthened significantly its cooperation with China, the United States, and other countries. There were credible reports that police, immigration, and customs officials were involved in the trafficking of such persons (see Section 2.d.).

On July 31, the Honduran Government stated that it was working to repatriate from Mexico approximately 400 Honduran girls, between the ages of 10 and 16 years, who after having tried to enter the United States illegally were forced into prostitution in Mexico.

A study that was jointly funded by UNICEF and DIF and released in June studied the commercial sexual exploitation of children in six cities. Its author estimated that the number of children involved in the sex trade countrywide at 16,000. Most are Mexicans, although there are significant numbers from Central America—principally Guatemala, Honduras, and El Salvador. The Central American children enter the country through Chiapas. In many cases they are brought there by procurers who promise them employment in legitimate occupations. They are thereafter sold to the owners of bars and other establishments and then forced into prostitution to “pay off their debts.” This debt peonage often never ends because the children accrue more debt for their meals and housing. Oftentimes, the owners will sell or trade the children among themselves. Other children are transported to Mexico City for training. They are then sent to centers of tourism. Some children are trafficked to the United States and Canada. The study concludes that the commercial sexual exploitation of children is a phenomenon that is present today throughout the whole country.

NICARAGUA

Nicaragua is a constitutional democracy, with a directly elected president, vice president, and unicameral legislature. President Arnoldo Aleman was elected in a free and fair election in 1996, defeating his closest competitor, Daniel Ortega of the Sandinista National Liberation Front (FSLN). The Supreme Electoral Council is an independent fourth branch of government. A series of political accords between the governing Liberal Constitutionalist Party (PLC) and the Sandinista National Liberation Front (FSLN), though highly controversial, ceded the FSLN more power in several governmental institutions in exchange for the avoidance of the use of violent protests to achieve political ends. FSLN leaders largely refrained from using or threatening the use of violence. The Constitution provides for an independent judi-

ary; however, the judiciary is at times susceptible to political and financial influence.

The President is the supreme chief of the national defense and security forces. President Aleman established the first-ever civilian Defense Ministry upon his inauguration. The Ministry of Government oversees the National Police, which is charged formally with internal security. However, the police share this responsibility with the army in rural areas. The National Police recently diminished the role of voluntary police, private citizens contracted by the National Police to help fill staffing gaps, in law enforcement. The civilian authorities generally maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

Nicaragua is an extremely poor country, with an estimated per capita gross domestic product of less than \$480. The economy is predominantly agricultural; coffee, seafood exports, sugar, beef, and some light manufacturing are the key sectors. The economy grew at 7 percent in real terms in 1999, but the rate declined in 2000. Real GDP growth rate for 2000 is estimated at 5 percent. The estimated annual rate of inflation was 8 percent, marking the second consecutive year of single digit price increases. While the Government estimated that unemployment is less than 11 percent, some nongovernmental organizations (NGO's) calculated the rate of unemployment and underemployment as high as 40 to 50 percent. Private foreign investment continued to increase during the year; however, economic growth is hindered by unresolved property disputes and unclear land titles stemming from massive confiscations by the Sandinista government in the 1980's. The country continued to have a precarious balance of payments position and remained heavily dependent on foreign assistance and remittances from citizens living abroad.

The Government generally respected many of its citizens' human rights; however, serious problems remained in some areas. Members of the security forces committed six reported extrajudicial killings. Police continued to beat and otherwise abuse detainees. There were allegations of torture by the authorities. Prison and police holding cell conditions remain harsh, although they improved somewhat. Security forces arbitrarily arrested and detained citizens at an increased rate. The Government effectively punished some of those who committed abuses; however, a degree of impunity persisted. Lengthy pretrial detention and long delays in trials remain problems; however, the judiciary has made efforts to reduce the large case backlog. The judiciary also is subject at times to political influence and corruption. The Supreme Court continued its structural reform program for the judicial system. A new Judicial Organic Law, intended to address many of these problems, came into effect in January 1999; however, the weakness of the judiciary continued to hamper prosecution of human rights abusers in some cases. The Human Rights Ombudsman made several publicized recommendations during the year that openly challenged the policies of the Aleman Administration. These led to little concrete action. Violence against women, including domestic abuse and rape, remained a problem. Discrimination against women is an ingrained problem. Violence against children is a problem and child prostitution continues. Discrimination against indigenous people is a problem. Child labor also remained a problem. There were reports of trafficking for forced labor and trafficking in women and girls for the purpose of forced prostitution.

The civil war formally concluded in June 1990 with the demobilization of the Nicaraguan Resistance (RN, or "Contras"). However, the rule of law and basic infrastructure do not extend to all rural areas. Despite the Government's disarmament campaigns, many citizens, especially in rural areas, are heavily armed. Marauding criminal gangs, some of which claimed political agendas, continued to be a problem in the mountainous regions of the north, as well as on the Atlantic Coast.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government officials; however, the police registered six reports of extrajudicial killings by police.

The Inspector General's office (IG) of the National Police reported 6 instances in which a member of the police killed an alleged criminal and 35 instances in which police seriously wounded criminal suspects while attempting to arrest them. The IG automatically remands to the court system for review cases in which police use deadly force; however, the cases often take considerable time to process. The police do not make a final decision on cases sent to the courts until the courts respond with a verdict. While the police await the decisions from the courts, the IG's office normally applies a mild punishment, such as suspension or confinement to precinct.

Of the 48 cases the IG remanded to the courts during the year, there were no reports of case adjudication.

On August 19, in Managua, police officers Juan Ramon Velasquez and Leonel Antonio Velasquez shot and killed 20-year-old Javier de Jesus Solorzano Hernandez. Solorzano and his friend Marlon Antonio Obando Madrigal were leaving a neighborhood block party when two unknown thieves reportedly attempted to rob them. When Solorzano and Obando refused to give up their money, the four youths entered into a fight. The thieves had beaten Solorzano to the ground when the Velasquez brothers, who were patrolling the neighborhood, arrived on the scene. The thieves reportedly escaped just before the police arrived, at which time one of the two policemen approached Solorzano, believing that Solorzano and Obando were gang members. The officer hit Solorzano with his police baton until he fell down again. Obando then claimed that one of the two officers, at close range, fired two bullets into Solorzano's chest. Juan Ramon Velasquez claimed that when they arrived on the scene Solorzano was brandishing a gun. The police reported that they shot Solorzano in an act of self-defense. It remained unclear if Solorzano indeed was brandishing a revolver, and the preliminary autopsy report raised questions about the veracity of Velasquez's story. Juan Ramon Velasquez was suspended from his position and was awaiting trial at year's end.

In late October clashes between police and members of the Yatama political party led to one reported death and several injuries (See Section 5).

The police authorities treated another death involving police officers as a justified homicide in self-defense. On April 6, roadblocks on major transit arteries in the Southern Atlantic Autonomous Region (RAAS) by former members of the Nicaraguan Resistance resulted in clashes with police and the death of one of the protesters. The roadblocks were organized allegedly in response to the Government's failure to follow through on accords to settle longstanding claims for land titles and other benefits. According to a police report, the police were in the process of negotiating an end to the roadblock when five of the protesters attacked a policeman, Rafael Urbina Ortega. One of the assailants, Mauricio Mendoza, took the policeman's rifle and started shooting indiscriminately, injuring one policeman and four protesters. Mendoza, whom the police claim was inebriated, then was shot fatally by police. The local court in Rama, RAAS had yet to decide on the culpability of the police in the killing at year's end.

National Police reports indicate that the four policemen involved in the January 1999 killings of Hilario Briones Arostegui and Santos Arostegui Torres were never investigated.

There were no further developments in the May 1999 case of Pedro Gonzalez Talavera who was shot and killed by policemen in Villa Sandino, Chontales. At year's end, the case was still pending in the Appellate Court of Juigalpa.

There were no further developments in the 1997 Wamblan case in which 16-year-old Irma Lopez was killed, after allegedly being raped, by an army patrol.

There were no further developments in the 1997 La Patriota case, in which the army allegedly killed five members of a criminal band as they slept.

In 1997 the Government negotiated the disbandment and disarmament of over 1,200 members, a majority of them former contras, of the "Northern Front 3-80" and promised them food, clothing, seeds, and small plots of land. It also disarmed 423 members of the proSandinista "Andres Castro United Front" (FUAC). Despite these successful disarmaments, armed bands, including former members of the 3-80 front and FUAC, engaged in murder, kidnapping for ransom, and armed robbery in the north and north-central regions. FUAC members have alleged that they were acting in opposition to the Aleman administration, and FSLN leaders have made positive reference to the FUAC activities in public statements. However, law enforcement groups, human rights organizations, and political analysts described the political motivations as tenuous and stated that most of these actions were purely criminal in nature. The violent criminal activities of the FUAC-related gangs received so much public attention that in June the army launched an intensive military operation to eliminate the gangs in the region (see Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law makes the use of torture a punishable crime; however, police continued to beat and otherwise abuse detainees. There were numerous credible reports that police beat or physically mistreated detainees, often to obtain confessions. During the year, the Nicaraguan Association for Human Rights (ANPDH) received 70 complaints of torture or degrading treatment by the authorities. However, according to government figures, the Ombudsman's Office for the Defense of Human Rights (PPDDH) submitted the majority of human rights cases to the police authorities; 39 of the 40 cases received by the police investigative bodies resulted from PPDDH in-

quiries. Police Inspector General Eva Sacasa proved willing to prosecute abusers. During the year, her office recorded 177 complaints of physical abuse by police, including those submitted by the ANPDH and others, and found 50 to have merit. The Inspector General sanctioned 131 officers in these cases.

Between January and November, 27 police officers were discharged dishonorably.

The National Police recently diminished the role of voluntary police in law enforcement. Volunteer police are private citizens who are contracted by the National Police on a volunteer basis to help fill staffing gaps in several precincts. The National Police provide them with a uniform, and in some cases, with a gun, at the discretion of the police chief. Voluntary police do not receive a salary from the state although they may be "subcontracted" to provide security to businesses and farms—nor do they receive any professional training. Given the sustained criticism of voluntary police for their involvement in human rights violations, on August 8, Chief of Police Franco Montealegre approved a new police statute terminating the employment of all voluntary police in Managua. Government authorities report that there still are 3,303 voluntary police located throughout the country.

While the Inspector General's office investigated allegations of abuse and sanctioned the offenders in many cases, a degree of impunity persisted. Inadequate budget support for the National Police also hampered efforts to improve police performance and resulted in a continuing shortage of officers. However, the police were provided with extensive training during the year, much of it through international assistance programs.

The Office of Civil Inspection for Professional Responsibility is responsible for monitoring allegations of illegal detention and police abuse and forwarding complaints received to the police Inspector General for follow-up action. A small budget and a small staff limited its effectiveness. Police Inspector General Sacasa received a total of 863 complaints of human rights violations by police officers during the year, including complaints forwarded by the Office of Civil Inspection for Professional Responsibility, and found 177 of these cases to have merit. She sanctioned a total of 288 officers for violations of human rights. Of those sanctioned, 69 officers were discharged dishonorably, and 48 were remanded to the courts; the rest received lesser punishments, including demotion, suspension, and loss of pay.

On February 16, voluntary policeman Julio Cesar Montenegro Pacheco accompanied by Lt. Roger Perez entered the house of Jose Francisco Fernandez in Managua, allegedly without authorization, after hearing what sounded like a gunshot. When the police began to beat Fernandez, he ran out of the house and tried to climb over a fence. Montenegro then used Perez's gun to shoot Fernandez twice in the legs. Montenegro later defended his actions, claiming that he only fired in Fernandez's general direction without intending to hit him when Fernandez tried to throw a machete at the police to impede their pursuit. However, the inquiries and site investigation of the Nicaraguan Center for Human Rights (CENIDH) concluded that Montenegro used unnecessary force and faulted Perez for allowing the voluntary policeman to use his gun. The National Police subsequently dismissed Montenegro and subjected Perez to disciplinary action.

On March 2, several members of the National Police stopped Rene de Jesus Membreno Calero, a Nicaraguan citizen who was traveling from Costa Rica to his mother's house in the department of Boaco. Captain Juan Manuel Chavez and other members of the patrol force, for unknown reasons, severely beat Mr. Membreno, causing rib fractures and other lesions. After making an investigation, the National Police concluded that the officers were innocent of all charges and closed the case.

On March 10, several police officers from San Rafael del Norte entered the home of Rafael Ubeda Castro to arrest Roger Antonio and Carmen Rafael Ubeda Castro without showing any type of arrest warrant. Roger Ubeda reported to ANPDH that when the police officers Mario Castillo and Mario Rojas took him and his brother Carmen outside the home of their father, the police officers began to beat them with a wooden stick and the handles of their pistols. The police officers took the victims to the police headquarters in Jinotega to interrogate them about possible involvement in armed gangs. Roger and Carmen remained in a holding cell for 3 days, at which time the police released them for lack of evidence and the receipt of good conduct reports by private citizens who knew the individuals (see Section 1.d.).

On March 11, police allegedly apprehended, handcuffed, and brutally beat Jesus Ramon Olivas Espinoza as he left a bar in Wiwili. The ANPDH reported that police officers Antonio Armador Ciclon, Teodoro Vanegas, and several others punched and kicked Olivas several times. The police officers reportedly carried Olivas to a freight container and continued physically abusing him in the presence of six other detainees also held in the container. Olivas claimed that for 3 days the Wiwili police transferred him and the six other detainees to the holding cells at night while during the day they were moved to the container. The container attracted so much heat

from the sun that the detainees were reportedly close to dying from asphyxiation. The police apprehended Olivas because he was suspected of destroying the propaganda of political parties. On March 14, the local judge dismissed the case against Olivas for insufficient evidence. Olivas filed a complaint of mistreatment with police captain Alberto Garcia Pineda, but an investigation remained pending at year's end (see Section 1.d.).

On June 13, CENIDH reported that army soldiers Ricardo Lopez Navarrete and Jose Danilo Hernandez sexually abused Yadira Mendez Chavarria and robbed Ismael Reyes in the city of Rosita, Northern Autonomous Atlantic Region (RAAN). The soldiers were part of a military operation, carried out in June, to combat the illicit and violent activities of gangs in the region. The local judge in Rosita ruled in favor of the soldiers, but the Military Appeals Court found the soldiers guilty and sentenced them to 4 years in prison.

On August 6, police officer Allan Gonzalez and a police cadet repeatedly kicked a minor in Managua when the youth would not abandon the sidewalk in front of a private store. Spectators took photographs of the abuse, and all the major newspapers and human rights organizations criticized the event. Police Chief Franco Montealegre dismissed the officer and the cadet from the police department.

On August 23, four soldiers in civilian clothing, including Eleazar Miguel Romero, robbed a bus full of civilians in Palacaguina, Madriz, and then fired their guns at the passengers. After hijacking the bus, they fired their rifles in the air and began to rob the passengers, including in one instance shooting one, Jose Santos Cordoba Garcia, in both his legs. Once they stole everything, they stepped off the bus and allegedly began to shoot indiscriminately into the side of the bus, injuring a total of nine persons. Erling Suyapa Figueroa, a 15-year-old girl, was wounded in her left hand. The only identified assailant, Eleazar Miguel Romero, said that the soldiers committed the crime to augment their small salaries. While the military investigation remains pending, as of September, the case already was presented before the local judge in the region. In December the court found three of the four soldiers guilty, sentenced them to 16 years in prison, and acquitted the other soldier.

On August 26, Miguel Angel Toruno Orozco accused police officer Lizandro Exiles Moncada of shooting him in the chin at close range on May 22. Toruno claimed that while he and a friend named Francisco Reyes were walking home from a restaurant in the northern city of Esteli, Moncada, who was drunk and in civilian clothing, jumped out of a truck and pointed a pistol at him. Moncada threatened to kill Toruno and then, at close range, shot Toruno in the chin and left him lying in the street. While confined to a hospital bed for 2 months in critical condition, Toruno contacted local human rights organizations and the police to investigate the case. The local police allegedly closed the investigation claiming that Toruno was shot by friend, Francisco Reyes. However, Toruno flatly denied the police claim because he recognized Moncada before the incident, and Reyes does not know how to drive. The police in Esteli advised Toruno to take his case to the Office of Internal Affairs at the National Police headquarters. The office of internal affairs sent the case to a local magistrate. The police forensics team concluded that the bullet used to wound the victim did not come from the gun of the police officer. Based on that evidence, the local judge acquitted police officer Lizandro Exiles Moncada of all charges.

On April 11, three antiriot police were shot and wounded seriously when police attempted to disperse a group of 500 to 600 former members of the Resistance. The former Resistance members had established a roadblock at Boaco, in central Nicaragua. One member of the police, Ernesto Moises Lopez, lost his right eye, while another was shot in the stomach and a third in the back. The CENIDH reported that Jose Jesus Jiron, of the former Resistance, was killed in the incident. An individual riding on a bus also was shot in the leg. Police arrested 12 to 15 former Resistance members. The protesters allegedly were armed with grenades and shotguns at the time of the incident. The police sent three of the protesters to a local court in Boaco and released the others for lack of evidence.

Prison conditions remained harsh, but improved somewhat. The Supreme Court (CSJ), the National Police, the Attorney General, the Department of Prisons, and several human rights organizations worked together during the year to significantly reduce the number of prisoners who spent 6 months or more of incarceration without a trial (see Section 1.d.). The initiative helped to alleviate overcrowded prisons. As of September, only one of the eight correctional facilities maintained prison populations significantly higher than the standards established by U. N. conventions on the treatment of prisoners; the Granada penitentiary exceeded the U.N. standards by 146 prisoners. According to government statistics, the prisons had a total inmate population of 4,903 in September, compared with 5,298 in September 1999.

However, the prison system remains underfunded and medical attention ranges from inadequate to nonexistent. For example, for all 8 penitentiaries and 4,903 pris-

oners, prison authorities only maintained a staff of 22 specialists, which include doctors, psychologists, teachers, and social workers. Prison authorities also reported that 31 percent of prisoners remained without beds, forcing prisoners to sleep on concrete beds or floors. The percentage of prisoners without beds or bed mattresses would likely be higher without the periodic inflow of privately donated mattresses.

On June 6, then-Minister of Government Rene Herrera appointed Rosario Gaitan to replace Carlos Quintana as Director of Prisons. Gaitan previously served as Deputy to Quintana, has maintained a career in the penal system since 1980, and has earned both the respect of the prison personnel and the prisoners.

Prison officials calculated that the daily expenditure per prisoner for food was about \$0.50 (6 cordobas) and reported that the annual budget for food remained constant. There was some improvement in prison food, but malnutrition remained a problem in local jails and police holding cells. Many prisoners also received additional food from visiting family and friends. Medical care available to prisoners fell far short of basic needs. Some prisons and many police holding cells were dark, poorly ventilated, and unhygienic. At the Bluefields jail, there were only 2 showers and 4 toilets for more than 102 prisoners.

Only Managua has a separate prison for women; outside the Managua area, women were housed in separate wings in prison facilities and were guarded by female custodians. As of September, females made up 2.6 percent of the prison population. The Public Defender's office assigned two full-time employees to work with the women's prison system to help ensure its proper functioning in such areas as timely release of inmates granted parole.

As of September, 3 percent of the prison population were between the ages of 15 and 18, compared with 4 percent in 1999 and 8.5 percent in 1998. All youths were housed in separate prison wings from adults. During the year the Department of Prisons completed the process of establishing separate facilities for juveniles or converting part of their existing prison space into a separate youth wing for all prisons.

Conditions in jails and holding cells remained harsh. Police station holding cells were severely overcrowded. Suspects often were left in these cells during their trials, since budgetary shortfalls often restricted the use of fuel for frequent transfers to distant courtrooms. At the Corn Island jail, six cells each holding six detainees frequently were filled to capacity. The authorities occasionally released detainees when they no longer could feed them. Several churches and national and international NGO's donate foodstuffs, beds, and medicine to the prison system to help alleviate shortfalls. The ANPDH worked with the Director of Prisons in an effort to ensure that prisoners were released in a timely fashion when their sentence had been served or they were granted parole (see Section 1.e.). Prison guards received human rights training from NGO's and the Catholic Church and generally treated prisoners well, although there were some reports of abuses.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention by the police remains a problem. The Police Functions Law requires police to obtain a warrant prior to detaining a suspect and to notify family members within 24 hours of the detainee's whereabouts. Compliance with this law increased significantly in 1999, largely because of pressure applied by the police internal affairs office and support for compliance from Chief of Police Franco Montealegre. Detainees do not have the right to an attorney until they have been charged formally with a crime. Local human rights groups are critical of the law for providing inadequate judicial oversight of police arrests.

The 1995 constitutional reforms reduced from 72 to 48 hours the time police may hold a suspect legally before they must bring the person before a judge to decide if charges should be brought. The judge must then either order the accused released or transferred to prison. Although cumbersome, this law was observed more closely than in past years, and few prisoners were held illegally beyond the 48-hour deadline (see Section 1.c.).

An interinstitutional effort comprised of the Supreme Court (CSJ), the National Police, the Department of the Penitentiary System, and several human rights organizations significantly reduced the number of prisoners with 6 months or more of incarceration without a trial. Specifically, on February 4, the Penal Bench of the Supreme Court passed an order to all local magistrates to give priority to those cases involving pretrial prisoners with 6 months or more of incarceration. According to government statistics, only 4 percent of the 4,958 prisoners have been in jail for 6 months or longer without a trial; in 1999, 8 percent of the prison population experienced an unusually long delay before their court hearing (see Section 1.c.).

During the year, ANPDH received 155 complaints of illegal arrest and arbitrary detention. Of those cases sent to the police IG's office by ANPDH and other human rights organizations, 28 complaints were found to merit investigation. Of these, 2

were determined to be without merit and 26 remained under investigation at year's end. As in past years, incidents of arbitrary detention were most common in Managua and in the rural northern and north-central regions, where much of the civil war was fought.

Exile is not practiced. There were no reports of political violence against any citizens returning from civil war era self-imposed exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary is susceptible at times to corruption and political influence. The judiciary is hampered by arcane legal codes, prosecutors who play a passive role, an underfunded, and understaffed defender's office, judges and lawyers who often lack sufficient training or education, and corruption. In the past, many judges were not lawyers. Judges' political sympathies or acceptance of bribes reportedly often influenced judicial actions and findings.

The judicial system comprises both civil and military courts. The 16-member Supreme Court is the system's highest court, and in addition to administering the judicial system, also is responsible for nominating all appellate and lower court judges. The Court is divided into specialized chambers on administrative, criminal, constitutional, and civil matters. Under the Law of the Child and Family, which took effect in 1998, the Attorney General's office rather than the police investigates crimes committed by and against juveniles. The 1994 Military Code requires the civilian court system to try members of the military charged with common crimes.

A 5-year administration of justice reform program, begun in 1997, continued during the year. A Judicial Organic Law, passed by the National Assembly in 1997 to overhaul the archaic structure of the court system, finally was signed by President Aleman in 1998 and took effect in January 1999. The law contains a provision establishing minimum professional standards for judicial appointees. The Supreme Court commission supervising the revision of the country's outdated criminal codes and procedures continued its work, in coordination with the National Assembly's Judicial Commission. Reform of these codes is intended to reduce judicial delays and resulting excessive pretrial detention. By year's end, the Assembly had begun the process to approve a new draft Criminal Code. However, the Assembly still must approve each chapter of the draft Criminal Code before it can go into effect. At year's end, a special subcommission of the National Assembly Judicial Commission and the Supreme Court finalized a new draft Criminal Procedures Code. In 1999 the National Assembly approved a reform of the Public Ministry's office that streamlined the judicial process by separating the defense and the prosecution functions. President Aleman vetoed it in May but later rescinded his veto.

In July the Government opened new property tribunals to handle cases concerning seized properties (see Section 1.f.). This ends the nearly 3-year freeze in property-related lawsuits that started when the processing of such cases in district courts was suspended in December 1997.

Although the civil and criminal courts made significant progress in expediting the judicial process for those in prison without a prior court hearing, human rights and lawyers' groups in general continued to complain about the delay of justice, sometimes for years, caused by judicial inaction.

Judges appeared susceptible to corruption and political influence. The shelving of politically charged cases or ruling in favor of the politically connected party remained the most common manifestations of judicial corruption. For example, on May 26, Alejandro Carrion McDonough, the brother of Army Commander General Javier Carrion McDonough, allegedly killed Pablo Leal Aguirre, a rural farmer, in Masaya when Leal allegedly refused to provide access to the water pipeline leading to Carrion's farm. The family of Leal took the case to the police and judicial authorities, but in spite of an arrest warrant, the police never apprehended Alejandro Carrion. Several weeks after the incident, including an announcement by Leal's family that the Carrion family attempted to bribe them in exchange for dropping the charges, alternate judge Walter Solis in the Criminal Court of Managua dismissed the charges. Largely due to public pressure, the Supreme Court forced alternate judge Solis, previously suspected of official misuse of authority, to retire from the bench. The Leal family appealed the decision of Solis, but at year's end, the Court of Appeals acquitted Alejandro Carrion. The case then went to the Supreme Court where it was pending at year's end.

In an ongoing campaign to reduce incompetence and corruption in the judiciary, the Supreme Court removed an additional 10 judges during the first half of 1999, bringing the total removed since the campaign began in 1997 to 104—more than one-third of the 300 judges in the system. The Judicial Inspector's office received 238 official complaints against lawyers, judges, and judicial functionaries in the first half of 1999.

In criminal cases, the accused has the right to legal counsel, and defendants are presumed innocent until proven guilty. The Judicial Organic Law provided for the establishment of a Public Defender's office to represent indigent defendants. The office in Managua maintained a staff of 13 appointed public defenders throughout the year; however, more are needed. The Court has requested funding for 26 additional public defenders to be located outside of Managua. Elsewhere in the country where public defenders have not been available, the system in effect before the passage of the new law continued in use. Under that system, the presiding judge appoints attorneys from a standard list to represent indigent defendants, but, because they are not paid by the State, many attorneys have paid a fine of about \$8.30 (100 cordobas) rather than represent such clients.

According to the ANPDH, despite difficulties in implementing fully the provisions of the new law, the number of indigent defendants who went to trial without an attorney to represent them decreased significantly. However, high-ranking officials in the Public Defender's office complained that they continued to encounter blatant judicial corruption and the willingness of several judges to sentence defendants without a public defender present.

Under the Napoleonic legal system, a trial does not consist of a public hearing. Rather, there is a desk review by a magistrate of the file of the accused. An initial hearing usually is held within the constitutionally mandated 10 days. Although very simple cases or those with high profile or outside interest may be resolved quickly, many languish for months. Due to a lack of administrative coordination between judges and the penal system, many prisoners have remained in prison after their scheduled release date. The Supreme Court tried to alleviate the problem by issuing instructions to prison authorities to release prisoners immediately upon the return of an innocent verdict. In addition, the ANPDH worked with the Director of Prisons during the year in an effort to ensure that prisoners were released in a timely manner after serving their sentence or being granted parole.

Despite improvements to the criminal law system, the country still lacks an effective civil law system. As a result, cases more properly handled in a civil proceeding often are transmuted into criminal proceedings. One party then effectively is blackmailed, being jailed due to action by the party wielding greater influence with the judge. In addition, this heavy civil-based criminal caseload claims attention from an overburdened public prosecutor's office and diverts resources that otherwise could be directed toward genuine criminal matters.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for protection against these abuses, and the Government generally respected these provisions in practice. The Constitution stipulates that all persons have the right to privacy of their family and to the inviolability of their home, correspondence, and communications; requires warrants for searches of private homes; and excludes from legal proceedings illegally seized letters, documents, and private papers.

In November 1997, the National Assembly passed a law intended to resolve long-standing property disputes that stemmed from massive confiscations by the Sandinista government in the 1980's. The legislation provided for the establishment of new property tribunals with procedures that include mediation, binding arbitration, and expedited trials. After numerous delays, the new property tribunals finally started accepting cases for filing in July. The tribunals' administrative offices are fully staffed and operational. Any lawyer interested in serving as a judge may submit his or her resume. The Supreme Court then selects judges by lottery, after which the names of the designated judges are published in newspapers for public comment. The Supreme Court can eliminate from consideration those judges about whom they received complaints. The judges for Managua and Leon already have been selected, and the process is continuing for tribunals in other regions. As of December, the tribunals reported that almost 100 cases have been filed. A total of 35 cases were settled through mediated settlement agreements. The unsuccessfully mediated cases passed on to arbitration or expedited trials. By year's end, the tribunals had not yet issued a final determination in any case, and it was too early to judge their fairness and efficiency.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. However, several constitutional provisions potentially qualify freedom of the press. The 1987 Constitution stipulates that citizens have the right to accurate information, thereby providing an exception by which the freedom to publish information that the Government deems inaccurate could be abridged. Although the right to information can-

not be subject to censorship, there is retroactive liability established by law, defined as a social responsibility, implying the potential for sanctions against irresponsibility by the press. Although the legislature did not modify these provisions in the 1995 constitutional reforms, the Government has not invoked these provisions to suppress the media.

The Inter-American Press Association (IAPA) reported that during 1999, members of the pro-Sandinista Nicaraguan Journalists Union and leaders and members of the Nicaraguan Journalists' Association attempted to revive legislation to establish a professional journalists' guild. Although in 1996 the National Assembly passed a bill that would have established such a guild, the bill never was signed into law. The journalistic community was divided sharply over whether such a law would improve the quality of journalism or merely restrict freedom of speech and of the press. The IAPA expressed concern about any attempts to revive this proposal and also about the possible effect on press freedom of a provision in the new draft criminal code approved by the Judicial Commission of the National Assembly (see Section 1.e.) that would increase the possible penalties for libel and slander.

The privately owned print media, the broadcast media, and academic circles freely and openly discussed diverse viewpoints in public discourse without government interference. In April a popular daily newspaper revealed a corruption scandal that received significant attention from the Government and the public. Over a period of several weeks the newspaper provided substantial evidence that the Director of Internal Revenues Collection (DGI) Byron Jerez misused his position and authority. The journal's coverage of the scandal forced the Government to investigate the scandal and take action; in June Byron Jerez was forced to resign from his office.

The IAPA continued to report that the Government directed a disproportionate amount of total government advertising in the print media to publications favorable to the Government and denied to a newspaper critical of the government certain tax benefits provided to other media businesses.

Media representatives also charge the Aleman Government with using other means to retaliate against critics. La Prensa, the newspaper most active in unearthing government corruption, has been in a tax dispute with the DGI that the paper claims is based purely on politics. Channel 8 is involved in a dispute over the non-payment of social security fees for its employees, a dispute that the owner of Channel 8 also attributes to political machinations on the part of the administration for his vocal criticism of the President. The administration also proposed a bill that would set minimum wage levels for print, radio, and television journalists. The media claimed that the President had an ulterior motive in proposing the bill that would set unrealistically high minimum salaries and force media outlets to either close or drastically reduce their operations. In February the National Assembly's Commission on Education, Media, Culture, and Sports rejected the proposal.

The news medium with the largest national audience is radio, but polls show that television is the primary source of news in the cities. There are 117 chartered radio stations in the country; listeners receive a wide variety of political viewpoints, especially on the 67 stations based in Managua. There are seven Managua-based television stations, six of which carry news programming, often with noticeable partisan political content. In addition, there are 60 cable television franchises that offer services in most large and medium-sized cities.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution recognizes the right to peaceful assembly without prior permission, and the Government generally respects this right in practice. However, the Constitution also recognizes the right to public assembly, demonstration, and mobilization "in conformity with the law," and the law requires demonstrators to obtain permission for a rally or march by registering its planned size and location with the police. The authorities routinely granted such permission, but many groups chose not to register because, they claimed, the process was too cumbersome. Throughout the year, several groups threatened to cause civil unrest as a result of the newly instituted constitutional and electoral reforms. In August coffee growers held small demonstrations to protest government policies and a lack of government support.

In late October clashes between police and members of the Yatama political party led to the reported death of one demonstrator and injuries to several others (see Section 5).

The Constitution provides for the right to organize or affiliate with political parties, and the Government respects this right in practice. Opposition and independent associations functioned freely without government interference or restriction. Private associations do not have legal status to conduct private fund raising or receive public financial support until they receive this authorization from the National Assembly, which it routinely confers.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right to travel and reside anywhere in the country and to enter and exit the country freely, and the Government respects these rights in practice. In December 1998, the Government abolished a requirement that citizens and residents obtain an exit visa to leave the country. The right of citizens to return to the country is not established in the Constitution, but in practice the Government has not restricted anyone's return.

In May the Government nullified the citizenship application of former Minister of Defense Jose Antonio Alvarado. This action was portrayed widely in the media as a response by President Aleman to Alvarado's aspirations to the presidency in 2001. Alvarado, a Nicaraguan by birth, relocated abroad during the civil war in the 1980's and acquired foreign citizenship. Alvarado claimed that he returned to Nicaragua in 1990, and reacquired his Nicaraguan citizenship. Minister of Government Rene Herrera nullified Alvarado's application for "repatriation" based on allegations of fraud and other irregularities in the application. This administrative action effectively removed Alvarado's opportunity to qualify for the 2001 national elections. A new constitutional reform stipulates that elected positions can be occupied only by Nicaraguans who have maintained their citizenship for the 4 years immediately prior to the date of the general elections. In August an appeals court ruled in favor of Alvarado, thus suspending Herrera's administrative action. The Supreme Court ultimately is to decide the case.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Constitution provides for asylum, and refugees cannot be expelled to the country that persecuted them. The issue of the provision of first asylum did not arise.

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

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

Citizens exercised their right peacefully to change their government in free and fair national elections in 1996 held under the auspices of the Supreme Electoral Council (CSE), an independent branch of government. Over 90 percent of eligible voters registered, and 76 percent of eligible voters voted in 1996. Over 3,000 national and international observers declared the elections free and fair, despite some logistical and organizational problems.

The 1995 reforms to the 1987 Constitution established a more equal distribution of power and authority among the four coequal branches of government. The President heads the executive branch and a cabinet appointed by the President, who is both head of state and head of government, as well as supreme chief of the defense and security forces. The Vice President has no constitutionally mandated duties or powers. Both the President and Vice President are elected to 5-year terms by direct popular vote, with the possibility of a runoff election between the top two candidates if one does not obtain at least 35 percent of the vote on the first ballot. The Constitution does not permit the President to hold consecutive terms in office.

A single-chamber National Assembly exercises legislative power. In October 1996, voters chose 93 members, including 20 deputies from nationwide lists, 70 from lists presented in each of the 15 departments and the 2 autonomous regions, and 3 defeated presidential candidates who obtained a minimum percentage of the national vote. Members elected concurrently with the President and Vice President in 1996 are to serve 5-year terms. The ruling PLC holds the highest number of deputy seats with 36; the FSLN has 35; a dissident liberal caucus has 8; the Conservatives have 5; and a conglomeration of minor parties make up the remaining 9 seats.

On January 20, the National Assembly approved a package of proposed constitutional amendments supported by the leadership of both the governing PLC and the opposition FSLN. Key elements of the legislation included a change in the requirements that a presidential candidate must meet to avoid a second-round runoff election; expansion of the Supreme Court from 12 to 16 judges; expansion of the CSE from 5 to 7 magistrates; an automatic assembly seat for the outgoing President and Vice President; a requirement for a two-thirds majority vote in the Assembly, rather than the previous qualified majority vote, to remove presidential immunity from prosecution; and the replacement of a single Controller General with the current 5-person collegial body charged with investigating allegations of wrongdoing or financial malfeasance by Government officials. The legislation provided for election of the President and the Vice President in the first round of voting if one political party wins at least 40 percent of the vote, or if one party wins at least 35 percent of the

vote and the party in second place is more than 5 percentage points behind the front-runner. In addition, a party will lose its legal status if it obtains less than 4 percent of the vote in a general election. The latter provision is expected greatly to reduce the number of parties eligible to field candidates in general elections; over 20 parties ran candidates in the 1996 elections.

There are no restrictions in law or practice against women, indigenous groups, or other minorities voting or participating in politics; however, they are underrepresented in government and politics. Women served as President and Vice President until January 1997, and a woman served as president of the CSE until January. Additionally, 2 of 16 Supreme Court justices are women; women hold ministerial, vice ministerial, and other senior positions in government; and voters elected 10 women to the National Assembly in October 1996. Two members of the National Assembly claim indigenous heritage.

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

With some exceptions, human rights groups operated without government interference. Major organizations included the Permanent Commission for Human Rights (CPDH), the (ANPDH), and the Nicaraguan Center for Human Rights (CENIDH). The ANPDH, the CENIDH, the CPDH, and the Catholic Relief Services continued to conduct human rights workshops at the police training academy, at various police headquarters, and with army units throughout the country. Some military officers received internationally sponsored human rights training.

On March 29, Amnesty International (AI) reported that the Government accused Vilma Nunez de Excorcia, President of CENIDH, of obstructing police. On June 2, AI reported that she had received telephonic threats to her life. Nunez alleges that the death threats are because she spoke out against Government complicity in alleged army-ordered assassinations of FUAC leaders. When she asked the police to investigate, they concluded that her charges were unfounded and closed the case.

The Human Rights Ombudsman's Office (PPDDH), the only autonomous government-financed human rights office, continued to focus on filling staffing gaps and organizing its scope and activities. In 1995 the National Assembly passed a law creating a Human Rights Ombudsman's office, with the Ombudsman to be elected by the Assembly. In June, after a delay of nearly 5 years, the National Assembly elected Benjamin Perez, formerly the head of the Assembly's Human Rights Commission, as the country's first Ombudsman and Julian Corrales as Deputy Ombudsman. Perez relied on the participation of most local human rights organizations to select the Special Ombudsmen for Children's Issues and for Women Issues, Carlos Emilio Lopez and Patricia Obregon, respectively. In December he selected the Special Ombudsman for Indigenous Affairs, Rev. Norman Bent. The PPDDH also began to investigate actively human rights violations during the year. Perez began demonstrating the effective independence of his office from the Aleman Administration when he publicly criticized the Government for violating the constitutional rights of former Defense Minister Jose Antonio Alvarado by nullifying his repatriation application (see Section 2.d.). However, he has been reluctant to exercise the full powers of his office.

In July 1997, the Organization of American States' (OAS) Technical Cooperation Mission (TCM), opened at the request of the Government and continues to operate. The TCM is a small successor organization to the OAS International Support and Verification Commission. The TCM focuses on the 13 municipalities that were affected most adversely by the decade-long civil war, where the TCM works on conflict resolution, reconciliation, improving local government, and extending legal infrastructure. The TCM and Catholic Relief Services help maintain more than 200 peace commissions in the northern and central parts of the country, intended to give inhabitants of the area a means of dispute resolution, a means of monitoring human rights abuses, and a vehicle for expressing their concerns to government authorities. Many of the commissions operate in areas that are without any governmental presence, and serve as surrogates for absent police and courts. The Government granted legal standing to additional such grassroots organizations during the year. Some peace commission members initially reported that soldiers, rural police, and local residents sometimes misunderstood their efforts at advocacy on behalf of jailed criminals, interpreting them as challenges to law enforcement officials' authority. However, during the year, the commissions continued to report increased support from all elements of the societies they serve, including law enforcement.

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

The Constitution prohibits discrimination on the basis of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic condition, or social condition; however, in practice the Government made little or no effort to combat discrimination. Few, if any, discrimination suits or formal complaints were filed with government officials.

Women.—The most prevalent violations of women's rights involved domestic and sexual violence, which were widespread and underreported. The National Police reported that of 20,905 reports filed by women between January and August, more than 11,086 concerned physical or sexual abuse.

The Criminal Code provides punishment for sexual abuse, and stipulates that any person convicted of physically abusing or raping another person will face from 9 months to 4 years in prison. The National Police, as well as local human rights groups, have confirmed that while police sometimes intervene to prevent domestic violence, they rarely prosecute perpetrators because victims often refuse to press charges. Those cases that actually reached the courts usually resulted in a not guilty verdict due to judicial inexperience with, and lack of legal training related to, proper judicial handling of such violence.

The 1996 Law against Aggression against Women reformed the Criminal Code to make domestic violence a crime and to provide up to 6 years' imprisonment for those found guilty of such violence. The law also provided for the issuance of restraining orders in cases in which women fear for their safety.

According to statistics from the National Police, the police received 1,181 rape complaints during the year. In 1999 there were 1,367 reported instances of rape. Many women are reluctant to report abuse or file charges due to social stigmas attached to victims of rape.

The police manage 18 women's commissariats in 14 cities. Each commissariat is located adjacent to a police station and is staffed by six police officers, two social workers, one psychologist, and one lawyer. However, due to a lack of funding, the staff size is often limited to a far smaller number. The commissariats provide both social and legal help to women and mediate spousal conflicts.

In October 1999, with the help of the CENIDH, Zoilamerica Narvaez filed a complaint with the IACHR against her stepfather, FSLN leader, National Assembly Deputy, and former President Daniel Ortega. Narvaez asserted that Ortega sexually molested and harassed her from the time she was 11 years old until she filed charges against him in 1997. The case publicized the problems of incest, rape, and women's rights and also highlighted the issue of immunity from prosecution for parliamentary deputies. In 1998, Narvaez championed an effort to persuade the National Assembly to withdraw Ortega's immunity so that she could bring a lawsuit against him; however, the Assembly did not take up the issue of Ortega's immunity by year's end. In November 1999, the IACHR officially opened a case in response to Narvaez's complaint and advised the Government that it would be required to respond to the charges. On September 27, the Government responded that the claims made by Narvaez were unfounded and merited no further investigation. The Government argued that the State did not violate her constitutional rights because the legislative and judicial branches gave her case due consideration. The IACHR has not responded to the Government.

Prostitution is common, and there were credible reports that some women were trafficked and forced into prostitution (see Sections 6.c. and 6.f.). In Managua most prostitutes work on the streets, clandestinely in nightclubs and bars, or offer sexual services in massage parlors. In towns along the Pan American Highway, women and girls sell sexual services to truck drivers and other travelers, often foreigners driving north from Costa Rica. In port cities such as Corinto, the primary clientele are sailors. Corinto is unusual in that prostitutes receive medical examinations, and a card certifying their health if they are free of disease. In addition, prostitutes in Corinto reportedly often work together to maintain a rudimentary price-setting structure that enabled them to earn much more than they would in other areas. However, in most areas, prostitutes do not have access to medical screening or treatment.

Although the Constitution provides for equality between the sexes, reports of discrimination against women are persistent and credible. According to a poll released on April 16, women comprise about 61 percent of the public labor force, a number much larger than that in the private sector. It also showed that even with comparable educational backgrounds, salaries for male and female workers differ significantly, with men making sometimes twice as much as women in the same positions. Even with similar qualifications, men advance more quickly than women do. Women constitute the majority of workers in the traditionally low-paid education

and health service sectors. According to a 1998 report, women have equal or somewhat better access to education than men, especially in urban areas.

There are many NGO and government programs that target discrimination against women, mostly by analyzing the current status of women in the workplace. The Program for Reform and Modernization of the Public Sector, directed by the Vice President, collects statistics on salary differences and hiring techniques in the public sector, thereby publicizing the issue of discrimination. However, it is unclear what measures have been taken to actually counteract such discrimination in practice.

Children.—The Government expresses its commitment to children's human rights and welfare publicly, but does not commit adequate funding levels for children's programs or primary education. A constitutional provision known as the "6 Percent Rule" automatically allots 6 percent of the annual budget to a higher education consortium, often at the expense of funding for primary and secondary education programs. Children 18 years of age and younger made up approximately 53 percent of the population. A 1995 study showed that as many as 40 percent of all children are not registered officially. Education is compulsory through the sixth grade, but this provision is not enforced. The study also indicated that 45 percent of children do not attend school. Primary school enrollment rates for boys and girls are estimated at 73 and 75 percent, respectively; secondary school enrollment rates are 39 and 47 percent.

Children increasingly were involved in crime both as victims and as perpetrators. From 1993 to 1997, offenders under the age of 17 increased from approximately 1.5 percent to approximately 15 percent. From January to August, 29 minors died as a result of violent crime. During the same period, victims of rape included 222 children under the age of 13, and 351 between the ages of 13 and 17. Children, especially boys in street gangs, contributed to an ongoing rise in the crime rate, which resulted in a police crackdown on youth gangs in August that involved over 500 juvenile arrests. During the year, there were about 3,500 reported cases of child abandonment and abuse, 1,506 cases of children who were hospitalized for severe burns, and 105 children who disappeared. It is estimated that about 63 percent of sexual abuse victims are under the age of 18, and that 36 percent are younger than 13. Over 676,000 children are at-risk and exposed daily to violence, abuse, exploitation, and neglect. According to UNICEF, this number is expected to increase because the population of children under 5 years, living on the streets, is increasing.

As a result of the Child and Family Law, which took effect in late 1998, juvenile prisoners could no longer be held in adult facilities, or for more than 24 hours without being charged. However, implementation of the new law proved problematic. In August 1999, 17-year-old Modesto Perez ambushed and killed his former employer, National Assembly deputy Jose Cuadra, after Cuadra fired Perez. Public outrage at the inability of the system to punish Perez effectively was directed primarily at the new law, in particular the provision that minors charged with crimes be prosecuted in new juvenile courts, where the possible penalties for serious crimes are less than those imposed on adults. In addition, the juvenile courts were operational only in Managua and Ciudad Dario; consequently, minors charged with crimes elsewhere in the country often avoided prosecution entirely. The National Assembly, the Catholic Church, and other organizations spoke out in favor of reforming the law to allow the prosecution of minors who commit serious crimes as adults. In September a jury found Perez guilty of murder, and he was sentenced to 30 years in prison.

Child labor is a problem (see Section 6.d.).

The First Lady has established several commissions on children's issues. Mrs. Aleman headed the National Council for the Protection of Children and the National Council for the Eradication of Child Labor.

According to local media and the Ministry of the Family, the incidence of child prostitution increased, especially in Managua, and near border cities and ports. According to press reports, UNICEF noted significant growth in prostitution among children between the ages of 12 and 16 in towns where taxi drivers were said to serve as middlemen. OAS personnel in the country also noted growth in prostitution among girls as young as 10 years of age; in rural areas, their clients are often truck drivers and other travelers, including foreigners, who patronize prostitutes in towns along the Pan American Highway. From December 1998 to May 1999, the Ministry of the Family sponsored an investigation into child prostitution in five municipalities. Of the more than 300 children surveyed, 82 percent reported that they had started engaging in prostitution within the past year. Many of those surveyed said that they engaged in prostitution to buy basic necessities such as food and clothing, or to support a drug habit. A 1999 survey by the NGO Casa Alianza reported that of 520 children, 504 admitted to consuming drugs, usually glue. There have been cases of adults who exchange sexual favors with street children in return for glue.

There were cases of trafficking in children for the purpose of forced prostitution (see Section 6.f.). In 1999 a National Forum against the Sexual and Commercial Exploitation of Children and Adolescents was created to fight for children's rights and bring this issue to the public attention; however, it failed to take any actions during the year.

People with Disabilities.—In 1998 the Ministry of Health created a National Council for Rehabilitation to address the needs of the 600,000 citizens with some type of disability, only 3 percent of whom receive medical treatment. Through its clinics and hospitals, the Government provides care to war veterans and other disabled persons, but the quality of care is generally poor. However, with assistance from international NGO's, foreign governments, and the public health care system, the Government has procured thousands of prostheses and other medical equipment for veterans and former resistance members.

Despite some efforts, the Government's past role in helping the disabled is minimal and often has been criticized. It has not legislated or otherwise mandated accessibility to buildings for the disabled. In the spring, the Ministry of the Family announced that it would cut a considerable amount of financial support for the Blue Bird Protection Association that shelters about 100 disabled persons, aged from 10 months to 40 years old, who are considered unable to care for themselves. Although the Ministry agreed to cover a significant percent of the Association's budget, its failure to do so forced the Association's employees to go without pay, and a significant decrease in medicinal, clothing, and food supplies. Many organizations centered on helping the disabled called for the Government to focus more attention on the needs and interests of the disabled.

Indigenous People.—Indigenous people constitute about 5 percent of the country's population and live primarily in the Northern Autonomous Atlantic Region (RAAN) and Southern Autonomous Atlantic Region (RAAS). The RAAN and the RAAS, which were created in 1987 out of the former department of Zelaya and which border the Caribbean Sea, constitute 47 percent of the national territory. Based on 1998 information from the Center for Investigation and Documentation of the Atlantic Coast and other sources, the four major identifiable tribes are the Miskito (with approximately 100,000 members), the Sumo (10,000), the Garifuna (3,000), and the Rama (1,000).

In an effort to encourage indigenous participation in Atlantic coast regional elections held in 1998, the CSE distributed electoral and civic education materials in four languages, including Miskito and Sumo. The indigenous people of the RAAN, primarily the Miskito and the Sumo, have a political organization known as Yatama, which has representation in regional and municipal councils. There is also an armed faction of the same name; the extent to which the two groups are linked is not clear. Like many armed groups operating since the end of the civil war, the Yatama groups mix banditry with a genuine desire to force the Government to devote more resources to their under-developed region. However, two factors differentiate the armed groups in the RAAN from those that have operated elsewhere in the country. First, most participants in these groups are Amerindians who long have seen themselves as having a separate culture. Second, drug trafficking and drug money on the Atlantic coast have become far more pervasive than elsewhere in the country. The total strength of Yatama armed groups was estimated at 210 men.

In September 1999, President Aleman signed a disarmament agreement with representatives of the Yatama armed groups. In return, the Government made a number of promises to the Miskitos including land to fighters who turned in their arms, support for housing for Yatama-affiliated families, agricultural credits, protection of traditional Amerindian fishing rights, and resolution of long-standing disputes about the boundaries of communal Miskito land. However, these provisions had not been implemented at year's end which has caused recent threats of remobilization by the Yatama groups.

The Supreme Electoral Council (CSE) ruled in August that the Yatama political party did not meet the qualifications to participate in the November 5 municipal elections. The party attempted to enter into a political alliance with two other Atlantic-coast parties, but the CSE determined that the alliance failed to meet the electoral eligibility requirements for the municipal elections, thus eliminating Yatama's participation in the November elections. Yatama leader Brooklyn Rivera led protests against the party's exclusion in Puerto Cabezas and other areas of the RAAN. In subsequent clashes between October 26-29 between police and Rivera's followers, several followers were injured and scores were arrested. One person was killed; however, it was unclear whether his death resulted from the disturbance. There were high levels of abstention on election day mainly due to dissatisfaction with the CSE ruling. Consequently, the PLC and the FSLN won all the contested

offices in the RAAN. Since the electoral body ruled late in the year on the eligibility of the alliance, it granted Yatama automatic qualification for the 2001 national elections.

The 1987 Autonomy Law requires the Government to consult indigenous people regarding the exploitation of their areas' resources. Indigenous people claim that the central Government often made decisions without adequate community consultation. As in previous years, some indigenous groups complained that central government authorities excluded the indigenous people of the Atlantic coast from meaningful participation in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Government health care exists in the Atlantic towns of Puerto Cabezas, Siuna, and Bluefields, but a majority of indigenous people in rural areas have no access to modern health care. Critics of government policy cited extremely high unemployment rates, but calculation of reliable employment statistics was complicated because most of the working indigenous population on the Atlantic coast is engaged in subsistence fishing, farming, and mining.

National/Racial/Ethnic Minorities.—Most citizens are of mixed background, and ethnicity is not a barrier to political or economic success. However, various indigenous groups from both the RAAN and the RAAS sometimes linked the Government's failure to expend resources in support of the Atlantic coast population to the existence of ethnic, racial, and religious (principally members of the Moravian church) minorities that predominate in that region.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to organize voluntarily in unions, and this right was reaffirmed in the new Labor Code that entered into effect in 1996 and replaced the antiquated 1944 code. All public and private sector workers, except those in the military and the police, may form and join unions of their own choosing, and they exercise this right extensively. The Labor Code permits the existence of more than one union, representing the same group of workers, at any place of employment. To become a union, a group of at least 20 persons must petition the Ministry of Labor for legal status and the right to engage in collective bargaining. The new code legally recognizes cooperatives, into which many transportation and agricultural workers are organized. Less than half of the formal sector work force, including agricultural workers, is unionized, according to labor leaders. Union membership continued to fall during the year. The unions are independent of the Government, although many are affiliated with political parties.

The Constitution recognizes the right to strike. The Labor Code requires a majority vote of all the workers in an enterprise to call a strike. The Labor Code requires that before a union may strike, it must first receive approval from the Labor Ministry. To obtain approval, the union must go through a process that requires good faith negotiation with management.

The Labor Code prohibits retribution against strikers and union leaders for legal strikes. However, this protection may be withdrawn in the case of an illegal strike. In 1999 the national construction workers' union was about to begin a legal strike after having spent 2 years following all the necessary measures. The Ministry of Labor would have declared the strike legal, but the strike was avoided when the construction branch of the Private Enterprise Council finally agreed to negotiate with the union. Legal strikes are rare, and there was only one during the year. The Labor Ministry asserts that it would take approximately 6 months for a union to go through the entire process to be permitted to have a legal strike. Observers contend that the process is inappropriately lengthy and so complex that there has been only one legal strike since the 1996 Labor Code came into effect.

The Labor Code provides protected status to union leaders, requiring that companies receive permission from the Ministry of Labor after having shown just cause to fire union executive board members. Such protection is limited to nine individuals per union. However, the Labor Code allows businesses to fire any employee, including union organizers, provided the business pays the employee double the normal severance pay. This practice is used sometimes by business leaders to stymie unionization attempts.

Unions freely form or join federations or confederations and affiliate with and participate in international bodies.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to bargain collectively, and this right was reaffirmed in the 1996 Labor Code. The Government generally sought to foster resolution of pressing labor conflicts (usually in the public sector) through informal negotiations rather than through formal administrative or judicial processes. According to the reformed Code, companies engaged in disputes with employees must negotiate with the employees'

union if the employees have thus organized themselves. However, the possible existence of more than one union at any place of employment means that several unions, each with different demands, can coexist at any one enterprise. Similarly, management may sign collective bargaining agreements with each union.

There are 29 enterprises operating in the government-run free trade zones (FTZ), employing approximately 24,000 workers. In addition, there are 4 authorized private FTZ's; the 9 enterprises in these zones employ some 2,000 workers.

Approximately half the workers in the government-run FTZ are represented by a union organization; however, only about 10 percent of them are actual union members. While some of these unions have real collective bargaining power, others are primarily symbolic.

There have been several allegations of violations of the right to organize, primarily at the Las Mercedes FTZ, the largest in Managua, with 15 enterprises and approximately 19,000 workers. The Ministry of Labor has investigated these allegations and has concluded that employers have acted within the law. Notwithstanding the legality of employer actions, the result has been to weaken significantly an important union in the FTZ, the Sandinista Workers Central (CST). The CST has declared several strikes without first exhausting the very lengthy and complex administrative process of getting the required majority of the workers. Consequently, the Ministry of Labor consistently has ruled the strikes illegal. Employers then fire the striking workers based on the Ministry's ruling.

In essence, employers have taken advantage of the extensive administrative requirements required to declare a strike legal and the CST's failure to follow the prescribed rules.

In April Chentex, a Taiwanese-owned textile factory, tried and failed to negotiate a new collective bargaining agreement with an independent union, the Nicaraguan Workers Central (CTN), and the CST. Negotiations broke down because the CST demanded an increase in the factory minimum salary from \$62-115 (800 to 1,500 cordobas) per month. Although management considered this an inordinate increase, 1,500 cordobas falls below the Government's estimate of 1,600 cordobas per month for a basic basket of goods. After 50 CST workers participated in a work stoppage, management requested and received permission to fire 11 of the 13 CST board members based on participation in an illegal strike. All dismissed members filed an appeal before the labor court, which subsequently found that the workers had been fired properly. The CST appealed that finding to an appellate court, which had not issued a decision by year's end. In addition, scores of workers were fired while many others resigned to show their support for the fired board members.

Meanwhile the CST organized a series of work stoppages leading to the occupation of the factory on May 2. Chentex then filed criminal charges against the 9 board members for damaging property, kidnapping management personnel, and injuring security persons during the takeover. Chentex also later filed a petition to have the CST's legal status dropped because after the firings and resignations, they failed to meet the legal minimum of members. There are ongoing negotiations between the union and Chentex to resolve these issues; however, these negotiations were stalled at year's end.

On January 6, Mil Colores, a textile factory, asked the Ministry of Labor for permission to fire 50 workers as a money-saving measure, included were 26 of the 34 workers who petitioned, on January 11, to recertify the CST union. Another union—the Mil Colores Workers Union (MCWU)—had been certified earlier in the month. The Ministry denied the CST's request because it claimed that CST failed to meet the 20-member minimum requirement for certification. The CST alleged collusion between the Ministry and the company, specifically that the Mil Colores request to the fire workers was backdated to precede the attempt to form a union. On January 27, during a CST-organized protest protesters broke through the factory doors, leading to the hospitalization of over 30 persons and the arrest of another 5. Shortly thereafter the company filed criminal charges against 68 workers for involvement in the incident. The president of Mil Colores subsequently dropped all charges and came to an agreement with the CST to rehire dismissed workers on a case by case basis.

In October 1999, JEM III, an American-owned company, laid off over 100 workers, reportedly because of the seasonal nature of their product—flannel shirts. The company began negotiations with the CST over these and future layoffs. In December 1999, after failure to reach an agreement, the CST workers went on strike. The company immediately petitioned the Ministry of Labor to declare the strike illegal, which would allow the company eventually to fire the strikers. However, the Ministry declared the strike legal, and the workers went back to work after obtaining minimum concessions. The JEM III strike is the only strike at the FTZ ever to be found legal by the Ministry of Labor. However, in January, another 70 workers were

fired, including most CST board members. Because of various internal problems, the CST did not grieve the firings and the Ministry had no further involvement. However, the net effect was that the CST disappeared from JEMIII.

In response to longstanding complaints by union representatives that the Ministry of Labor did a poor job of enforcing the Labor Code in the FTZ's, in 1997 the Ministry opened an office in the Managua FTZ to ensure that the code was being enforced. FTZ officials claim that, due to memories of the corrupt and ineffective unions of the 1980's, many workers in the FTZ enterprises simply have no interest in unionizing. They also claim that wages and working conditions in FTZ enterprises are better than the national average. For example, some FTZ enterprises assert that they pay wages that average over \$192 (2,400 cordobas) per month, three times the minimum wage.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor but does not specifically address forced or bonded labor by children, and such practices occur. The Ministry of Labor continues to report that some children were forced to beg by their parents, and that some were rented by their parents to organizers of child beggars (see Sections 6.d. and 6.f.). There have been reports this year of trafficking in persons for forced labor or of trafficking in women and girls for the purpose of forced prostitution (see Section 6.f.).

In July the Labor Ministry investigated charges of forced labor at a textile factory located outside the FTZ, but which operates under the same rules and enjoys the same tax incentives as FTZ companies. The inspector verified that some 34 workers had begun work at 7:00 a.m. the previous day and were still working at 10:00 a.m. the next day when the inspector arrived—a total of 27 hours. The company produced signed documents from the workers stating that they had agreed voluntarily to work extra hours. Privately, the workers stated that they had signed the document for fear that they would be fired if they refused. Moreover, they understood that they would work only 2 extra hours. Although there is no evidence that the company made any threats, the fact that all 34 workers who were requested to work overtime agreed to do so indicates that the workers believed they would be fired if they refused. The workers were only provided a piece of bread and a bottle of soda during the night that they spent at the factory. The human resources manager who allowed the inspector into the factory subsequently was fired. The Ministry of Labor issued the company a warning and threatened heavy fines and possible closure if the problem reoccurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution provides for the protection of children's rights and prohibits child labor that can affect normal childhood development or interfere with the obligatory school year. The country has comprehensive labor legislation to protect children up to age 18. The Constitution also provides protection from any type of economic or social exploitation. The 1996 Labor Code raised the age at which children may begin working with parental permission from 12 to 14 years. Parental permission to work also is required for 15- and 16-year-olds. The law limits the workday for such children to 6 hours and prohibits night work. However, because of the economic needs of many families, a cultural legacy of child work among peasants, and lack of effective government enforcement mechanisms, child labor rules rarely are enforced except in the small formal sector of the economy.

In mid-September, the Government ratified ILO Convention 182 regarding the worst forms of child labor; most of its provisions already were incorporated in the Labor Code.

There are no reliable figures regarding the number of working children, but the Government reports that child labor occurs in both urban and rural areas. The latest official figures estimate that approximately 161,000 children between 10 and 19 are employed while CENIDH estimates that there are approximately 322,000 working children.

Over 140,000 children are employed in rural areas at coffee, tobacco, rice, and banana plantations. In Managua over 6,000 children work on city streets, selling merchandise, cleaning automobile windows, or begging.

According to a 1998 UNICEF report, approximately 42 percent of children between the ages of 6 and 9 work. A study published in 1996 by the National Commission against Child Labor concluded that over 161,000 children between 10 and 19 years of age work, including approximately 109,000 employed in rural areas such as coffee, tobacco, rice, and banana plantations. The study found that 6,219 children work in urban areas as beggars, or selfemployed car washers or parking attendants. Comprehensive labor legislation, intended to protect children up to 18, prohibits child labor in areas such as mines and garbage dumps, and imposes heavy fines for illegal employment. The Ministry of Labor established an inspection unit to monitor occupational safety and health in the agricultural sector, signed agreements with

nightclubs and restaurant owners who pledged to comply with labor laws, and issued a resolution in 1999 prohibiting employment of minors specifically in the free trade zones. However, there have been some exceptions due to most families' need of extra income. The 1996 Labor Code authorizes children to work under certain circumstances, provided they are no younger than 14 years of age and have parental permission.

Child prostitution is a serious problem. Although national figures are not available, a study conducted in Managua in 1998 found that 40 percent of the 1,200 prostitutes in the city were under the age of 18. No numbers were available for other cities, but in 1998 UNICEF reported that teenage sexual exploitation had increased in recent years in rural areas, border cities, ports, and in Managua.

The Ministry of Labor has begun to take steps to combat child labor (See Section 5). It has signed agreements with nightclubs and restaurant owners whereby these establishments pledged to comply with child labor laws. In 1999 it issued a resolution specifically prohibiting the employment of minors in the FTZ's.

The Ministry of Family sponsors several programs that target working minors. These programs, which cover up to 10,000 children nationwide, include childcare services, return-to-school programs, and technical and vocational training. The programs also include training for parents and teachers. The Ministry of the Family, in conjunction with the Ministry of Education, established a program to keep 647 children off city intersections where they wash windshields. The program provides housing for the 75 percent of these children who are homeless and schooling for the 60 percent who are school dropouts.

Despite comprehensive legislation prohibiting child labor, structural economic problems have prevented its eradication. The Government has been able to make progress in combating child labor in the "formal sector"; i.e., that sector of the economy which is regulated by the Government, such as factories, construction, restaurants, and nightclubs. Most of the problems exist in the "informal sector," which is not regulated by the Government. Workers in this sector, which is characterized by a lack of an obvious employer, include street vendors, windshield washers, parking lot attendants, garbage dump scavengers, beggars, prostitutes, and agricultural workers.

e. Acceptable Conditions of Work.—The minimum wage is set through tripartite (business, government, and labor) negotiations, and must be approved by the Legislative Assembly. A new minimum wage scale took effect in August 1999 and, although by law it was to be revisited 6 months later, has not been adjusted since. In November the Ministry of Labor called for new negotiations on the minimum wage. The various groups met sporadically, but no new minimum wage had been set by the year's end. Minimum wages vary by sector; monthly rates are as follows: Agriculture, \$36 (450 cordobas plus food); fisheries, \$56 (700 cordobas); mining, \$68 (850 cordobas); industrial manufacture, \$48 (600 cordobas); electric, gas, and water utilities, \$72 (900 cordobas); construction, \$96 (1,200 cordobas); restaurants and hotels, \$72 (900 cordobas); transportation, \$72 (900 cordobas); banking, \$80 (1,000 cordobas); community and social services, \$56 (700 cordobas); central and municipal government (includes health and education employees), \$44 (550 cordobas); and FTZ \$64 (800 cordobas). The minimum wage does not provide a decent standard of living for a worker and family. It falls below the Government estimate of what an urban family must spend each month for a basic basket of goods (\$128, or 1,600 cordobas). The majority of urban workers earn well above the minimum rates.

The Labor Code incorporates the constitutionally mandated 8-hour workday; the standard legal workweek is a maximum of 48 hours, with 1 day of rest weekly. The 1996 code established severance pay at from 1 to 5 months, depending on the duration of employment and the circumstances of firing. However, persons fired for cause may be denied severance pay through a process that requires employers to demonstrate proof of worker misconduct. The Code also established an employer's obligation to provide housing to employees who are assigned temporarily to areas beyond commuting distance.

The Labor Code seeks to bring the country into compliance with international standards and norms of workplace hygiene and safety, but the Ministry of Labor's Office of Hygiene and Occupational Security lacks adequate staff and resources to enforce these provisions. The Code gives workers the right to remove themselves from dangerous workplace situations without jeopardy to continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the Government does not enforce the law adequately. There are reports that the country was a source for the trafficking in women and children for purposes of prostitution in Mexico. According to the reports, procurers from Mexico induce young people to travel there on the promise of legitimate employment. Upon their arrival, they are sold to the owners of brothels and then forced to work as prostitutes to repay their

debts. Children are trafficked in Guatemala by organized crime rings for the purposes of prostitution. In July 1999, the media reported that Nicaraguan girls had been lured to Guatemalan clubs to work as dancers and waitresses but upon arrival were forced into prostitution.

PANAMA

Panama is a representative democracy with an elected executive composed of a president and 2 vice presidents, an elected 71-member unicameral legislature, and an appointed judiciary. In September 1999, President Mireya Moscoso replaced former President Ernesto Perez Balladares. The Constitution provides for an independent judiciary; however, the judicial system is subject to corruption and political manipulation.

Panama has had no military forces since 1989. In 1990 the Government created the Panamanian Public Forces, which consist of the Panamanian National Police (PNP), the National Maritime Service (SMN), the National Air Service (SAN), and the Institutional Protection Service (SPI). In 1994 a constitutional amendment formally prohibited the establishment of a permanent military, although it contains a provision for the temporary formation of a "special police force" to protect the borders in case of a "threat of external aggression." The Judicial Technical Police (PTJ), a semiautonomous body with leadership appointed by the Supreme Court, is a separate branch of law enforcement under the Attorney General's Office, and performs criminal investigations in support of public prosecutors. The Ministry of Government and Justice oversees the PNP, the SMN, and SAN; the Ministry of the Presidency supervises the SPI and the PTJ. Police forces respond to civilian authority, have civilian directors, and have internal review procedures to deal with police misconduct. There were reports of instances of abuse by some members of the security forces.

The service-oriented economy uses the U.S. dollar as currency, calling it the Balboa. Gross domestic product grew by 3.2 percent in 1999, but growth estimates for 2000 range from 2.3 to 2.8 percent. While economists predicted higher growth during the year due to the transfer of the Panama Canal and related property, economic benefits were not yet evident at year's end. Poverty persists and income distribution remains extremely skewed with large disparities between rich and poor. Unemployment is estimated at 13.3 percent; however, private economists believe that it may be higher.

The Government generally respected the human rights of its citizens; however, there continued to be serious problems in several areas. Abuse by prison guards, both PNP and civilian, is a recurrent problem of the prison system; however, there were reports that incidents of abuse decreased during the year in one prison. Overall prison conditions remained harsh, with occasional outbreaks of internal prison violence. Arbitrary detention and prolonged pretrial detention are problems. The judiciary is subject to political manipulation, and the criminal justice system is inefficient and often corrupt. There were complaints that in some cases police failed to follow legal requirements and conducted unauthorized searches. Police conduct towards public protesters improved. The media is subject to political pressure, libel suits, and punitive action by the Government. Violence against women remains a serious problem. Women hold some high positions in Government, including the presidency; however, discrimination against women persisted. Discrimination against indigenous people, blacks, and ethnic minorities continues to be a problem. Worker rights were limited in export processing zones. Urban and rural child labor are also problems. Trafficking in persons, particularly Asian and South American immigrants, is a continuing problem.

RESPECT FOR HUMAN RIGHTS

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

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

There was little progress on past cases. Four PNP guards at the Tinajitas prison were on administrative duty and awaiting trial in the March 1997 beating death of detainee Jose Luis Alvarado at year's end.

In January 1999, the Supreme Court dismissed the case against the PNP personnel responsible for the June 1997 shooting death of Ngobe-Bugle tribe member Juan Santos Chobra in the community of Puente Blanco. The Court ruled that the shooting was accidental after reviewing videotaped evidence of the shooting.

In September 1999, President Moscoso cancelled the pardons granted by former President Perez Balladares to 33 former civilian and military collaborators of former ruler General Manuel Noriega. One such official reportedly was involved in the execution of 11 persons following a failed coup attempt against Noriega in 1989. In this specific case, a Superior Court confirmed Moscoso's order to cancel the pardon granted by former President Perez Balladares. It was unknown whether similar cases were pending at year's end.

In September 1999, the authorities discovered an unmarked grave containing two bodies on the grounds of a former military base near Panama City. On August 23, Public Ministry authorities stated that one set of these remains belonged to leftist leader Heliodoro Portugal. Portugal had been reported missing since May 1970, during the early stages of the military regime. The identity of the second body remains unknown. Long-standing rumors that there are other gravesites scattered around the country dating from this period continued to circulate during the year. In December the authorities resumed their search for remains. At that time, human remains of five individuals were excavated from a former military garrison site. The investigation continued at year's end. Also in December, President Moscoso announced plans to create a "Truth Commission" to follow up on such cases.

On October 15, approximately 60 unknown assailants, widely believed to be members of a Colombian armed group, attacked the village of Nazaret, near the border with Colombia. One 11-year-old girl was killed, and approximately 12 persons were wounded, including 3 members of the PNP. The Government had not established firmly responsibility for the attack at year's end; however, some observers believe that members of the guerrilla group the Revolutionary Armed Forces of Colombia (FARC) were responsible. Following the attack, two police officers in Darien reportedly tortured an Embera Indian suspected of aiding Colombian rebel groups (see Section 1.c.).

There were some unconfirmed killings of homosexual men.

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

The Hector Gallego Committee for Disappeared Relatives maintains a list of 120 persons who disappeared during the military dictatorships of 1968-89 and are still unaccounted for.

FARC guerrillas reportedly kidnaped persons in the Darien region along the border with Colombia. In 1999 three individuals were abducted and held for ransom; only one had been released by year's end. There were reports that the FARC harassed and even killed Darien residents. One girl was killed by an armed group in October (see Section 1.a.). There were unconfirmed reports that Colombian citizens have been kidnaped and then retained in Panamanian territory.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of measures that could harm the physical, mental, or moral integrity of prisoners or detainees and the public security forces generally performed in a professional and restrained manner; however, there were reports of excessive use of force and inhuman punishment against prison inmates. There also were reports that police used physical violence and psychological threats to control detainees during the initial arrest, interrogation, and holding phases.

In December Indian community leader Francisco Olivo complained that two police officers in Darien tortured an Embera Indian after he was arrested and accused of aiding Colombian rebel groups. The torture incident reportedly occurred soon after an October attack on Nazaret (see Section 1.a.). Police Director Carlos Bares responded by saying that he would order an investigation and would punish anyone found responsible. An investigation continued at year's end.

The 1997 legislation providing the legal basis for the PNP includes specific guidelines for use of force, including deadly force; requires that police officers respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhuman or degrading behavior. However, there is no follow-on training in the use of force provided to the PNP.

The PTJ and the PNP have offices of professional responsibility that act as internal affairs organs to hold officers accountable for their actions. Both have staffs of independent investigators as well as administrative authority to open internal investigations. In both organizations, a defined legal process is followed in which, upon completion of the process, the respective director of the PTJ or PNP has the final authority to determine the disposition of each case. The PNP deputy director and secretary general address human rights problems that arise in the police force. The offices of professional responsibility are well known in the community, and the rate of complaints has remained roughly constant in both offices.

The PNP Office of Professional Responsibility receives on average six complaints per week, of which 30 to 35 percent result in some type of punitive action. Penalties include reduction in rank, dismissal, and in severe cases, criminal prosecution. By

November the authorities had dismissed 16 officers for corruption, burglary, and/or bribery. A total of 206 other cases were under investigation as of November; 108 cases were dismissed; 82 cases were still under investigation.

The PTJ receives complaints from the public, and officers can make anonymous complaints of corruption and other problems. By October the PTJ Office of Professional Responsibility had conducted 179 investigations, which resulted in the dismissal of 52 agents. The majority of the cases were for mishandling official property such as misplacing guns or radios (22 cases), and personal conduct or improper behavior when off duty (30 cases).

In May the PNP disciplinary committee exonerated a sergeant and three officers for the March 1999 shooting in Pueblo Nuevo, and concluded that they acted in self-defense, and that the victim was not a minor as originally reported. According to residents of the neighborhood, the victim was lying on the ground in handcuffs at the time of the shooting.

Corruption among police officers also remains a problem. By October the PTJ Office of Professional Responsibility had dismissed 20 agents for corruption. In some cases, PNP and PTJ directors enforced other disciplinary measures against officers with proven involvement in illicit activities; however, both organizations only react to egregious abuses, due to a lack of staff, independence, and institutional priority.

During the year, police generally exercised restraint in their treatment of street protesters, despite an increase in the frequency of street demonstrations. However, police commonly used tear gas against protesters.

Police arrested and detained children for minor infractions during neighborhood sweeps (see Section 5).

The FARC guerrillas and the paramilitary forces of the United Self-Defense Forces of Colombia (AUC) share a long history of spillover of violence from Colombia into the border area on the Darien peninsula, including killings, kidnaping, robbery, and various forms of harassment of innocent bystanders (see Sections 1.a. and 1.b.).

Despite some technical improvements and some training of prison guards during the year, overall prison conditions remained harsh and in some cases, threatening to prisoners' health and safety, due largely to budget constraints. The current prison system has over 9,018 prisoners but an allotted capacity of only 6,893 persons. Most prisons are dilapidated and overcrowded. Many of the problems within the prisons stem not only from the obvious overcrowding but also from the lack of separation of inmates according to the type or severity of the crime committed. Medical care is inadequate and sometimes withheld from inmates. Tuberculosis, AIDS, and other communicable diseases are common among the prison population. The Corrections Department does not have an ambulance to take prisoners to hospitals in case of emergencies. Over the last 4 years, 10 inmates have been killed and 25 injured due to gang violence. In June gang members at La Joya prison stole keys and entered the cell block of a rival gang armed with knives, murdering two prisoners and wounding another five.

Abuse by prison guards, both PNP and civilian, is a recurrent problem of the prison system. At year's end, there were 8 cases open with the Public Ministry regarding human rights abuses in the prisons, involving 25 civilian custodians and 6 members of the PNP. Pending cases include three custodians awaiting trial for abuses committed in La Joya prison in 1996 against prisoner Jorge Reyes Alvarez, and PNP guards awaiting trial for the beating death of prisoner Jorge Alvarado at Tinajitas prison (see Section 1.a.). In another high profile case, 10 members of the PNP are expected to be tried for beating naked prisoners with baseball bats in the (now closed) Modelo prison in 1998. The special prosecutor in charge of the 8 cases has handled 13 others since 1996. In 1999 six custodians from La Joya each were sentenced to 40 months in prison for having abused La Joya prisoner Carlos Cisneros Naranjo.

The main prisons in Panama City include La Joya (a maximum-security facility), Tinajitas, the Feminine Center (women's prison), and the Juvenile Detention Center. Two additional facilities, La Joyita and El Renacer, hold inmates generally accused of less serious crimes. In July foreign experts found that conditions at El Renacer have improved substantially and that the new prison director is attempting to make many needed reforms. Conditions at La Joyita remain problematic. The notorious island prison colony of Coiba is still in operation. There are also prisons of significant size in David and Santiago, and a large facility is planned for construction in Divisa in 2001. Small jails attached to local police stations around the country sometimes house prisoners for the entire length of their sentence. The authorities frequently do not address cases of abuse and neglect in these provincial jails due to their low profile in the prison system. Prison authorities hope eventually to close down these provincial jails and house all prisoners in the central jails.

The General Penitentiary Directorate (DGSP) largely depends on PNP officers to supply both internal and perimeter security at all prisons. Ideally, civilian corrections officers (or "custodians") with specialized training are supposed to handle inmates in all prisons, but funding constraints have prevented reform. Newly appointed DGSP Director Concepcion Corro wants to replace PNP guards with civilians, but has been granted only enough funding to train and fill 237 of 2,500 potential civilian positions. Custodians do handle inmates within La Joya, El Renacer, and the central women's prison, which uses only female guards. Because prison security rests almost entirely with the PNP, tensions arise between PNP officers and their civilian directors. In addition, PNP officers are untrained for prison duty and generally find the assignment distasteful, contributing to tension and abuses within the prison system. The DGSP does not have authority to discipline prison guards with criminal or civil sanctions; only the PNP disciplinary board can sanction a PNP agent or a custodian.

Prison conditions on the island penal colony of Coiba remained harsh and dangerous. In January 1998, a prison gang reportedly beheaded four prison escapees who belonged to a rival gang. The authorities concluded a lengthy investigation, and the case is expected to go to trial in 2001. Some of the accused prisoners are detained in the Panama City jail, and others are held in a jail in Santiago. The authorities have not yet brought anyone to trial in the case of eight murders that were discovered in 1998 in which both guards and prisoners have been implicated. In June the remains of three individuals were found on the nearby island of Jicarita. At year's end, the authorities had not yet determined the identity of the remains nor the circumstances of their deaths.

National prison authorities occasionally have discussed plans to close Coiba, but at year's end there were no definite plans for a shutdown. Although the facility no longer holds the most dangerous criminals, it continues to relieve overcrowding elsewhere in the prison system. The prison population at the island prison colony was reduced to 130 inmates, compared with 361 in 1999; none are pretrial detainees.

Geographic isolation and lack of communications on Coiba separate detainees from their attorneys and cause many to miss trials. Prisoners suffer from malnutrition and shortages of potable water. Medical care is practically nonexistent; prisoners with AIDS told reporters that they are isolated in small cells and that medical attention is provided once a year. Escapes from Coiba reportedly are common.

La Joya is the primary maximum security facility and houses most prisoners accused of serious crimes. La Joya has a planned capacity of 1,250, but houses over 2,000 inmates. Gang violence is a problem. In June in La Joya, 22 inmates with AIDS went on a hunger strike to protest their lack of access to medical treatment and their need for special permits to receive medicine.

Prison conditions in Colon province also are harsh. The Human Rights Commission of the Legislative Assembly described the Public Prison of Colon as a "time bomb," which fails to provide the most basic health needs. The prison frequently has no running water or functioning sewage system. The Commission also reported that prisoners at the Women's Prison of Colon suffer from overcrowding, semidarkness day and night, constantly wet floors, and virtually no health care. Colon's main prison, Nueva Esperanza, is under construction and is expected to absorb inmates from Colon's women's prison and the dilapidated public prison, both of which are scheduled to shut down. The new inmates are to be housed in separate sections of Nueva Esperanza, where construction was quite advanced at year's end, with some of the new cells already outfitted with bunks and toilets. However, inmates from the rapidly deteriorating Public Prison reportedly were apprehensive about being moved to Nueva Esperanza, where their access to the outdoors is expected to be limited. At year's end, male prisoners were housed at Nueva Esperanza; approximately 60 female prisoners are scheduled to be transferred there once construction is complete.

Conditions at women's prisons and at juvenile detention centers were noticeably better than at adult male prisons. However, female prisoners, especially those in the primary detention area, reportedly suffered from overcrowding, poor medical care, and lack of basic supplies for personal hygiene. Juvenile detention centers throughout the country suffer from inadequate resources to provide for education or adequate supervision of children, many of whom spend the majority of their time in a bare cell.

The law and the Criminal Code provide for conditional release programs for inmates charged with minor offenses who have served a substantial part of their sentence, but this provision has not been implemented consistently in practice. A conditional release program was part of the organizational reforms that authorities introduced in July 1998. During the year, the DGSP provided information in a more timely manner to the President for her signature to allow such conditional releases.

The Government released some 800 inmates by year's end. The release program helped to relieve pressure on the overcrowded prisons.

Accusations by the media of corruption within the DGSP and its parent organization, the Ministry of Government and Justice, declined during the year. A criminal complaint filed in June 1999 by former National Penitentiary Director Enriqueta Davis against then-Minister of Government and Justice Mariela Sagel never was submitted to court.

The Government generally allows prison visits by independent human rights monitors. However, the authorities arrange appointments ahead of time, and monitors generally speak to prisoners in the presence of guards or administrators. Prisoners may not feel comfortable speaking freely under such conditions, and they have expressed fear of retaliation if they complain. Contrary to the previous year, there were no reports that officials from the Ombudsman's office had trouble gaining access to prisons. Justicia y Paz, the Catholic Church's human rights watchdog group, brings prison abuses to the attention of the authorities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that arrests must be carried out with a warrant issued by the appropriate authorities, and the Government generally respected this provision. Previously, the authorities often violated the provision that suspects are to be brought promptly before a judge; however, this provision was enforced more strictly during the year. Exceptions are permitted when an officer apprehends a person during the commission of a crime, or when disrespect by an individual towards an officer prevents the officer from carrying out his duty. The law requires the arresting officer to inform the detainee immediately of the reasons for arrest or detention and of the right to immediate legal counsel, to be provided to the indigent by the State (see Section 1.e.).

The Constitution also provides for judicial review of the legality of detention and mandates the immediate release of any person detained or arrested illegally. The Constitution prohibits police from detaining suspects for more than 24 hours without bringing them before a judge. Contrary to previous years, the authorities did not violate often the 24-hour time limit by several days. Under law the preliminary investigation phase may last 8 days to 2 months, and the followon investigation phase another 2 to 4 months, depending on the number of suspects. The courts frequently grant extensions of these limits, leaving the accused in detention for a long period without having been charged formally. The law permits these extensions; however, many legal authorities (including court officials) criticized judges for excessive use of this measure.

Extended pretrial detention continued to be one of the most serious human rights problems, due in part to the elaborate notification phase in criminal cases. According to government statistics, the number of pretrial detainees increased slightly to 4,851, or about 58 percent of the prison population. This proportion is roughly the same as 1999, when 59 percent of prisoners were still awaiting trial. The average period of pretrial custody was 16 months, and pretrial detention in excess of the maximum sentence for the alleged crime was common. For example, a man recently released from La Joyita Prison had spent 4 years in jail for a crime with a maximum sentence of 6 months. A legal mechanism exists to hold the Government financially accountable in cases where a detainee spends more than 1 year in jail but subsequently has all charges dismissed at a preliminary hearing. The dismissal must be either because the act of which the detainee was accused is not ruled a crime or because there is no evidence to link the suspect to the crime. Although this redress procedure is not complicated, few former detainees have employed it.

Legal alternatives to prison exist but are not implemented widely. Options such as house arrest have been used in some cases involving the elderly or minors, but require that the defendants have access to and understanding of their legal options.

The Constitution prohibits exile; there were no reports of forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary is susceptible to corruption and outside influence, including manipulation by other branches of government.

The President appoints nine Supreme Court magistrates to 10-year terms, subject to Legislative Assembly ratification. In July 1999, the Assembly passed a law that created an additional chamber to the Supreme Court, allowing then-President Perez Balladares to appoint three additional Supreme Court Justices before leaving office. However, in October 1999, the Assembly approved a proposal by the new Moscoso Administration to repeal the law.

The Supreme Court magistrates appoint appellate (Superior Tribunal) judges, who, in turn, appoint circuit and municipal court judges in their respective jurisdictions. Judicial appointments are supposed to be made under a merit-based system, but the top-down appointment system lends itself to political tinkering and undue

interference by higher-level judges in lower-level cases in which they often have no jurisdiction.

The Attorney General appoints the superior and circuit level prosecutors. Previously, the Attorney General also appointed the Director and Sub-Director of the PTJ, but a 1998 law transferred this power to the Supreme Court, and requires Supreme Court approval of their removal from office. The same law also gave these two officials the power to name other PTJ officials without consulting the Attorney General. Opposition and media critics charged that this law increased the influence of the Supreme Court over criminal investigators, removed the generally positive oversight of the Attorney General, and made cooperation between prosecutors and the police much more difficult. On April 24, the Supreme Court approved Attorney General Jose Antonio Sossa's request to dismiss Director Alejandro Moncada of the PTJ, and Sossa did so the following day. Tensions between the Attorney General and the PTJ under its new director did not completely abate, although they appeared to have lessened by year's end.

At the local level, mayors appoint administrative judges, or "corregidores," who exercise jurisdiction over minor civil and criminal cases and who hold wide powers to arrest and to impose fines or jail sentences of up to 1 year. This system has serious shortcomings: Defendants lack adequate procedural safeguards; administrative judges outside of Panama City are usually not attorneys; many have not completed secondary education; and some engage in corrupt practices. In practice, appeal procedures are nonexistent. Affluent defendants tend to pay fines while poorer defendants go to jail, which contributes to prison overcrowding.

In 1998 the Inter-American Development Bank (IDB) loaned the Government \$18.9 million to reform the judicial system; the Government contributed another \$8.1 million to the program. The loan is being used at national and local levels to improve conditions in the court system, including better information management, revision of judicial procedures, and training of personnel. The loan also includes the construction of two "model courts" in San Miguelito and David, which are to hold offices for judges, prosecutors, and the PTJ in one building. The IDB's database linking prison population data with prosecutors and the courts, which is intended to facilitate the systematic release of prisoners who have served time beyond their potential maximum sentence but still are awaiting trial, was completed by year's end. Coordination between the IDB and the Government has improved with the 1999 appointment of Supreme Court Chief Justice Mirtza Franceschi de Aguilera. The Ministry of Economy and Finance has approved a second phase of the project and listed funding for the project in its budget request.

The Constitution provides that persons charged with crimes have the right to counsel, to be presumed innocent until proven guilty, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused may be present with counsel during the investigative phase of the proceeding. Judges can order the presence of pretrial detainees for the rendering or amplification of statements, or for confronting witnesses. Trials are conducted on the basis of evidence presented by the public prosecutor. Under limited circumstances, the law permits trials without the accused being present. The Constitution and the Criminal Procedure Code provide for trial by jury at the defendant's election, but only in cases where at least one of the charges is murder.

The Constitution obliges the Government to provide public defenders for the indigent. However, many public defenders are appointed late in the investigation, and the prosecutor may have already evaluated the bulk of the evidence and made a decision to recommend trial or the dismissal of the charges. Public defenders' case-loads remained extremely high, averaging some 600 cases per attorney per year, compared with 550 cases in 1999. Only 3 new public defenders have been hired since 1992, making a total of 38 nationwide, with a similar number of assistants. This heavy workload undermined the quality of representation, with many prisoners meeting their public defender for the first time on the day of trial.

In July 1999, the Supreme Court upheld a law popularly known as the "Faundes Law," which requires judges and other public officials to retire at age 75.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, private papers, and telephonic communications, and the Government generally respected these rights in practice; however, there were complaints that in some cases police failed to follow legal requirements and conducted unauthorized searches. The authorities may not enter private residences except with the owner's permission, or by written order from the appropriate authority for specific purposes. These may include entry to assist the victims of crime or disaster, or to conduct lawful health and safety inspections. The authorities may not examine private papers and correspondence, except

as properly authorized by competent legal authority, and in the presence of the owner, a family member, or two neighbors.

Although the Constitution prohibits all wiretapping, the Government maintains that wiretapping with judicial approval is legal, and that the Attorney General may authorize a wiretap when confronted with probable cause in a serious crime. Under the guidelines established by 1994 antinarcotics legislation, the Public Ministry may engage in undercover operations, including "videotaping and recording of conversations and telephonic communications." The Supreme Court has not issued a final ruling on whether wiretapping is constitutional, but it remains an established practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, the media is subject to political pressure, and the Government used libel laws to pressure journalists.

There is an active and often adversarial press and a broad range of print and electronic media outlets, including foreign newspapers, radio and television broadcasts, and cable stations. Six national daily newspapers, 4 commercial television stations, 2 educational television stations, and approximately 100 radio stations provide a broad choice of informational sources; all are privately or institutionally owned. A June 1999 law prohibits newspapers from holding radio and television concessions, and vice versa. While many media outlets took identifiable editorial positions, the media carried a wide variety of political commentaries and other perspectives, both local and foreign. There is a noticeable concentration of control of television outlets in the hands of close relatives and associates of former President Perez Balladares, who is a member of the largest opposition party.

Panamanian and foreign journalists worked and traveled freely throughout the country. A 1978 law requires directors and deputy directors of media outlets to be citizens.

Under "gag laws" dating from the military dictatorship, the Government had legal authority to prosecute media owners and reporters for criminal libel and calumny. A special executive branch authority had discretionary powers to administer the libel laws, which provided for fines and up to 2 years in prison. Under the statute, opinions, comments, or criticism of government officials acting in their official capacity are exempted specifically from libel prosecution, but a section of the law allows for the immediate discipline of journalists who show "disrespect" for the office of certain government officials. In December 1999, President Moscoso ratified the Legislative Assembly's decision to eliminate these gag laws, improving the legal status of the media. However, legal actions against many journalists remained pending, and vestiges of the former gag laws still provide a means for penalizing journalists. Ombudsman Italo Antinori stated that there were at least 40 cases of journalists who had been accused of defamation.

Attorney General Jose Antonio Sossa ordered the arrest of El Siglo newspaper editor Carlos Singares on two occasions during the year for libel. Frontpage articles in El Siglo had accused Sossa of illicit activities, but the newspaper presented little proof to back up its allegations. President Moscoso defused the first arrest attempt, but upon the second arrest order Singares was jailed for 8 days. During his detention, he was held with approximately 50 common prisoners. While Singares was in jail, a court sentenced him to 20 months in prison for criminal libel against former President Perez Balladares. Singares appealed the conviction, and the appeal was pending at year's end.

In August police surrounded the homes of three journalists from La Prensa in an attempt to force them to testify in a criminal libel case filed against them by Attorney General Sossa; the police left after the journalists agreed to testify.

On July 14, a court sentenced Jean Marcel Chery, a reporter for the daily newspaper Panama America, to 18 months in jail or a fine of \$1,800 for criminal libel; Chery had reported a woman's allegations that police robbed her of \$33,000 during a search of her apartment. Chery appealed, and her appeal was pending at year's end.

In 1998 then-PNP Director Jose Luis Sosa used the libel laws to bring charges against law professor and former Moscoso adviser Miguel Bernal for statements that criticized the PNP for allowing the decapitations of prisoners on Coiba Island (see Section 1.c.). In November 1999, there was a preliminary hearing on Sosa's charges, but no trial date was set by year's end. Bernal requested that the judge accept 37 witnesses; however, the judge rejected 34 of them. Bernal appealed this decision, which was pending at year's end.

Libel charges against La Prensa journalist Herasto Reyes filed by then-President Perez Balladares, after Reyes published a story in August 1998 accusing the administration of trying to cover up a government embezzlement scandal, still were pending at year's end.

In another 1998 case, a prosecutor acting on behalf of Attorney General Sossa used the libel laws to charge La Prensa journalists Gustavo Gorriti and Rolando Rodriguez with a "crime against the honor of the authorities" for a story accusing the Attorney General of accepting dubious checks in his unsuccessful 1994 campaign for a seat in the Legislative Assembly. Subsequent press reports suggested that the story was erroneous. The charges remained pending at year's end. Gorriti is facing six criminal libel cases.

In October a superior court magistrate sentenced former President Guillermo Endara to 18 months in jail for libel and slander against Minister of Canal Affairs Ricardo Martinelli, the former Director General of the Social Security Institution. The magistrate suspended the sentence on the condition that former President Endara not commit any other crime. Endara had not appealed the ruling at year's end.

On July 31, the Legislative Assembly passed legislation that limits access by citizens to specific information about international agreement negotiations and national security, to administrative files within the Solicitor General's office, and to information about such matters as private citizens' health, political leanings, marital status, police or prison records, and bank accounts. The measure took effect on August 2. The Solicitor General's office indicated that these restrictions already existed in practice, but were codified by the new law. Nevertheless, some legal experts challenged this interpretation and the media harshly criticized the measure. A Special Rapporteur from the Organization of American States also criticized the law during a September visit to the country. In November the Legislative Assembly amended Article 70 of the Solicitor General's Organic Law that regulated press access to files. The amendment states that the confidential classification of a given piece of information must be established objectively and pursuant to the conditions contained in the current laws, in order to prevent public officials from denying the release of information under the excuse of limited access. President Moscoso had not signed the amendment at year's end.

The Electoral Tribunal must approve election polling results before publication. During the year, the Government alleged that the newspaper El Panama America commissioned Gallup polls that were rigged to portray the Government negatively. In April 1999, the Tribunal had fined the El Panama America \$10,000 for failing to follow the approval procedure before printing Gallup poll results.

The press laws provide for the establishment of a censorship board. The board monitors radio transmissions and has the authority to fine stations that violate norms regarding vulgar and profane language.

In July Bishop Romulo Emiliani left the Darien region following anonymous death threats; he had criticized publicly Colombian paramilitaries, guerrillas, and drug traffickers.

The law provides for academic freedom, which generally was respected in both public and private universities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respects this right in practice. No authorization is needed for outdoor assembly, although prior notification for administrative purposes is required. Throughout much of the year, police showed restraint and professionalism while monitoring large protests by students, political activists, prisoners, and workers. While police commonly used tear gas against protesters, unlike the previous year, police generally did not break up public demonstrations with birdshot, rubber bullets, beatings, or other abusive treatment. However, in June and July, students and workers protested government policy by blocking traffic for several hours on a major thoroughfare and by throwing rocks at the police; on those occasions, the police responded with tear gas, rubber bullets, and water hoses laced with chemical irritants. Injuries and arrests at other demonstrations were minimal but protesters nevertheless complained about abuse at the hands of the police.

The Constitution provides for the right of association, and the Government generally respects this right in practice. Citizens have the right to form associations and professional or civic groups. New political parties must meet strict membership and organizational standards in order to gain official recognition and participate in national campaigns. In February the Government refused to recognize a homosexual rights organization as a nongovernmental organization (see Section 4).

c. Freedom of Religion.—The Constitution, although recognizing Catholicism as "the religion of the majority of Panamanians," provides for free exercise of all reli-

gious beliefs, provided that "Christian morality and public order" are respected. The Government generally respects religious freedom in practice, and there is a broad diversity of religions. The Constitution prohibits clerics from holding public office, except as related to social assistance, education, or scientific research. The Constitution dictates that Catholicism be taught in public schools, although parents have the right to exempt their children from religious instruction.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice. The Government enforced exit permit requirements for foreigners who overstayed their initial visas. A 9:00 p.m. curfew for unaccompanied minors in the Panama City area remains in effect although enforcement generally is poor.

The law provides for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1998 President Perez Balladares signed a decree granting protection to all persons entering the country due to "state persecution based on race, gender, religion, nationality, social group, or political opinion." The decree grants 2 months of temporary protection to displaced persons in the case of a large influx; the U.N. High Commissioner for Refugees (UNHCR) has criticized this provision, on the grounds that it puts persons at risk for forced repatriation within a few weeks of entering the country, without analysis of their possible refugee status. However, in practice this has not occurred. For example, the Government has not forcibly repatriated displaced Colombians, and many Colombians have lived in the country for years without formal refugee status. A small number of Colombians were granted asylum during the year. The Government generally cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees. However, the Government generally is reluctant to classify displaced Colombians as refugees, and therefore has opposed a permanent UNHCR presence in the country, although the UNHCR regularly visited border areas to aid displaced Colombians.

Large groups of displaced persons periodically flee violence in Colombia by crossing the border into Panama. In December 1999, some 800 Colombians fled violence in the Colombian town of Jurado and settled in the Darien town of Jaque. Since their arrival, the Government has cooperated with the Catholic Church and the U.N. High Commission for Human Rights to provide these displaced persons with humanitarian assistance. By the end of the year, some 200 Colombians remained in Jaque, while others returned to Colombia voluntarily or migrated elsewhere in Panama. In January President Moscoso granted provisional refuge to nearly 400 Colombian peasants who had fled fighting between guerrillas and the Colombian Navy.

The Government has offered Colombians the chance to participate in a voluntary repatriation program in coordination with the Government of Colombia, and many agreed to return. The Government worked with the UNHCR and the Catholic Church to provide displaced Colombians with food, medical care, and access to public services, including schools and clinics. The Government provided these services in Jaque and other areas of the Darien. However, many displaced Colombians living along the remote Darien border area were beyond the reach of organized assistance from the Government, the UNHCR, or the Church.

There were reports early in the year that the police set up a small number of improvised explosive devices in close proximity to their stations to use against possible attacks by armed Colombian groups; however, there were no subsequent reports of the devices or of their use.

Aside from large groups of displaced persons, aliens are also picked up in the Darien in small groups. These immigrants are usually Colombian, but many Ecuadorians, Peruvians, and even Asians and Africans have been detained. All but 15 of a group of some 150 aliens detained in the Darien town of La Palma were deported or returned voluntarily to Colombia, despite protests by the Catholic Church that some of the Colombians in the group should be afforded refugee status.

Colombian migration, whether political or economic, has drastically increased pressures on local populations in the Darien and caused the displacement of Panamanian citizens. In addition, the Government suspects that Colombian migration conceals or attracts the presence of armed Colombian groups in the Darien Region. The effects of Colombian migration are also evident in Panama City and Colon, where large populations of Colombians have settled.

There were no other reports of the forced return of persons to a country where they feared persecution; however, throughout the year, there were unconfirmed reports that the police along the border, on an ad hoc basis, required Colombians to return to Colombia.

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

The Constitution provides citizens with the right to change their Government, and citizens freely exercised this right in the 1999 general elections. The Constitution provides for a representative democracy with direct popular election by secret ballot of the President, two vice presidents, legislators, and local representatives every 5 years. The independent Electoral Tribunal arranges and supervises elections. While the Constitution provides for independent legislative and judicial branches, the executive dominates in practice. The Government respected the rights of its citizens to join any political party, propagate their views, and vote for candidates of their choice.

In May 1999, Arnulfista presidential candidate Mireya Moscoso defeated Democratic Revolutionary Party (PRD) candidate Martin Torrijos and Christian Democratic Party candidate Alberto Vallarino, winning 44.8 percent of the popular vote. Domestic and international observers characterized the elections as generally free and fair; however, several local contests were marred by reports of vote buying. The PRD won 34 seats in the Legislative Assembly; the Arnulfistas, 18; Solidarity, 4; the National Liberal Party, 3; MOLIRENA, 3; Democratic Change, 2; MORENA, 1; the Christian Democratic Party, 5; and the Civic Renewal Party, 1. During President Moscoso's first year in office, she maintained a one-vote majority in the Legislative Assembly through her Arnulfista Party members' coalition with other parties. However, on September 1, the coalition realigned, and the President's party no longer controls the legislature.

There are no legal barriers to participation by women, members of minorities, or persons of indigenous descent, but they generally are underrepresented in government and politics. However, women's participation has increased in recent years. Mireya Moscoso is the country's first female president. Women hold 7 of 71 Legislative Assembly seats; a woman served as the Assembly's first vice president in 1999–2000, and another woman holds this position for the 2000–2001 legislative season. Three women hold cabinet positions, and a woman is the director of the Public Registry. Two female judges sit on the Supreme Court, one of whom was elected Chief Justice in October 1999. In May 1999, an indigenous person served as President of the Legislative Assembly from September 1999 until August.

The Government provides semi-autonomous status to several indigenous groups in their homelands, including the Kuna Yala, Ngobe-Bugle, Embera Wounaan, Kuna de Madungandi, and Wargandi reserves. There are two Kuna legislators in the Legislative Assembly, one Ngobe, one part-Ngobe, and one Embera. Locally, tribal chiefs govern each reserve; they meet in a general congress at regular intervals. Neither the Madugandi nor the Embera-Wounaan reserve has its own dedicated legislators, but each has a separate governor. The Government continued the process of demarcating electoral districts within a new reserve created for the Ngobe-Bugle. May 1999 elections allowed many Ngobe-Bugle to choose their own local representatives in these newly created electoral districts.

The law prohibits discrimination against any social, religious, or cultural group; however, naturalized citizens may not hold certain categories of elective office.

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

Human rights organizations, including both religious and secular groups, operated without government restrictions. These organizations carried out a full range of activities, including investigations and dissemination of their findings. Organizations generally had access to government officials while conducting investigations.

The office of Human Rights Ombudsman was created in 1996 and began to handle cases in 1998. The office receives 15 to 20 complaints daily, but does not have authority to investigate violations involving the administration of justice. Human Rights Ombudsman Italo Antinori, the first person to fill the position, sparred with the Perez Balladares Government constantly but reduced his public profile after the 1999 election of President Moscoso. Antinori's term runs until June 2004.

On December 27, President Moscoso announced her intention to create a commission to investigate crimes committed during the 1968–89 dictatorship.

In February Minister of Government and Justice Winston Spadafora denied a petition by the Association of New Men and Women, an informal gay rights organization, to register as a nongovernmental organization. Human Rights Ombudsman Antinori publicly supported Spadafora's decision.

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

The Constitution prohibits either special privileges or discrimination on the basis of race, birth status, social class, sex, religion, or political views. However, societal prejudices persist. Cases of discrimination are difficult to prove, and legal remedies for victims are complicated, time-consuming, and costly. There were some unconfirmed killings of homosexual men.

Women.—Domestic violence against women continued to be a serious problem. The 1995 Family Code criminalized family violence (including psychological, physical, or sexual abuse) but convictions are rare unless a death occurs. The PTJ registered 610 cases of domestic violence through September, compared with 451 through June 1999. The PTJ also registered 408 cases of rape and 102 cases of attempted rape through September, compared with 514 cases of rape and 135 cases of attempted rape in 1999. The Center for the Development of the Woman estimated that victims report as few as 20 percent of sexual assaults to judicial or law enforcement authorities. A widely acknowledged characteristic of rape is that it frequently occurs in the home. The Foundation for the Promotion of the Woman, among other women's advocacy groups and government agencies, operated programs to assist victims of abuse, and to educate women on their legal rights.

Trafficking in women for forced labor and forced prostitution is a problem (see Sections 6.c. and 6.f.).

Sexual harassment also is a threat to the equal status of women in society. According to a report by the Latin American Committee for the Defense of Women, in 1995, the latest year statistics were available, about 70 percent of female government employees reported having endured sexual harassment in the workplace—42 percent by their immediate supervisors and 18 percent by more senior supervisors. Anecdotal evidence suggests that many women are propositioned for sexual favors at the time of their initial job interview. A bill to criminalize sexual harassment failed to pass the legislature in 1995, and further legislation has not been introduced.

The 1995 Family Code recognizes joint or common property in marriages. However, insufficient resources hampered government efforts to enforce the code's provisions effectively. According to Supreme Court Justice Mirtza de Aguilera, there should be 80 family judges; however, only 20 have been appointed due to lack of resources.

The Constitution mandates equal pay for men and women in equivalent jobs, but wages paid to women are on average 20 percent lower and increase at a slower rate. There are credible reports of irregular hiring practices based upon age and "appearance." A 1998 law reiterates protections laid out in the Constitution and prohibits discrimination on the basis of sex.

In 1998 the Government created the Ministry of Youth, Women, Children, and Family Affairs. The Ministry is largely a consolidation of departments previously operating in other government ministries, and its activities have not attracted a great deal of public attention. A number of private women's rights groups concentrate on disseminating information about women's rights, countering domestic abuse, enhancing employment and other skills, and pressing for legal reforms.

Children.—Minors (under 18 years of age) represent 48 percent of the population. Education is compulsory through the equivalent of 9th grade, but children do not always attend school due to traditional attitudes, the lack of transportation, and insufficient government resources to enforce the requirement. The problem is most extreme in the Darien province and among indigenous groups. The Government furnishes basic health care for children through local clinics run by the Ministry of Health. A central children's hospital in Panama City operates on government funds as well as private donations.

The Superior Tribunal for Minors and Superior Tribunal for Families are judicial authorities charged with overseeing the protection and care of minors. The Minister of Youth, Women, Children, and Family Affairs acts much like an ombudsman, and the office proposes and reviews laws and monitors government performance. Through September the PTJ registered 130 cases of child abuse, compared with 171 in all of 1999. Neglect of children is a problem. Malnutrition and inadequate medical care are generalized problems that are most severe among rural indigenous groups. Rural and urban child labor are problems (see Section 6.d.).

Juvenile courts continue to report a high incidence of juvenile delinquency in major urban areas. The authorities report a continued increase in such crimes as drug trafficking, armed robberies, kidnappings, car thefts, and murders that are attributed to juveniles. Youth participation in criminal gangs is an increasing problem. Police arrested and detained children for minor infractions during neighborhood sweeps.

People with Disabilities.—The Ministry of Education is responsible for educating and training disabled minors, while the Ministry of Youth, Women, Children, and Family Affairs protects the rights of disabled adults. Disabled children traditionally have been separated out from the general population; however, on February 4, the Legislative Assembly passed a law that requires schools to integrate children with special needs into the student body.

The Department of Labor is responsible for placing workers with disabilities in suitable jobs. Placement remains difficult despite a 1993 executive order granting tax incentives to firms that hire disabled employees. Disabled persons also tend to make only the minimum salary, notably less than employees without disabilities.

The 1998 municipal building code for Panama City requires that all new construction projects include handicapped accessible features, with fines from \$100 to \$500 for noncompliance. In 1999 a national law was passed with similar requirements for new construction projects, but it is not yet clear whether the law is to be enforced. Awareness of handicapped issues has increased over the past 5 years, and commercial establishments increasingly provide and enforce handicapped parking spaces. However, basic services such as sidewalks and handicapped accessible bathrooms are largely unavailable.

Indigenous People.—The Constitution protects the ethnic identity and native languages of indigenous people, requiring the Government to provide bilingual literacy programs in indigenous communities. Indigenous people have legal rights and take part in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous people number approximately 194,000 persons (8 percent of the population) and have the same political and legal rights as other citizens. The Government has passed legislation over the years setting aside indigenous reserves for the country's native groups, including the Embera-Wounan, Ngobe-Bugle, and Kuna. The Ministry of Government and Justice in Panama City maintains the low-profile Office of Indigenous Policy. Federal law is the ultimate authority on indigenous reserves, but local groups are allowed a great deal of local autonomy. For example, the Government recognizes traditional indigenous marriage rites as the equivalent of a civil ceremony. Despite legal protection and formal equality, indigenous people generally endure relatively higher levels of poverty, disease, malnutrition, and illiteracy than the rest of the population. Discrimination against indigenous people, although generally not overt, is widespread.

The Indigenous Affairs Commission of the Legislative Assembly, which was created in 1995, sponsored bills during the year to protect intellectual property rights, set up regulations for artisan fairs, and construct a health center. The Commission also sponsored a law that created the new 190-acre Kuna Wargandi reserve.

Though their population suffers from poverty and malnutrition, Kuna leaders have had the most success enforcing their territorial boundaries and maintaining their cultural integrity. There are two Kuna legislators, (one was President of the 1999–2000 Legislative Assembly); and they have more financial resources than the other groups. Other indigenous groups have not succeeded in using their autonomy to preserve their culture or develop economic independence. Most live in extreme poverty and isolation. Illiteracy among indigenous groups is at almost 50 percent, while the figure is only 10 percent among the population as a whole.

Since indigenous populations infrequently master Spanish and are unfamiliar with the country's legal system, they often misunderstand their rights and fail to employ legal channels when threatened. The problem is exacerbated by government inattention to indigenous issues. For example, the EmberaWounan in the Darien have been moved out of their reserves in increasing numbers due to encroachment by settlers, loggers, and Colombian immigrants. The Ngobe also are under threat due to the isolation of their reserves, encroachment by settlers, and generalized poverty. Indigenous workers consistently do not receive the basic rights provided by the Labor Code, such as minimum wage, social security benefits, termination pay, and job security. Even when working in close proximity of each other, indigenous laborers in the country's sugar, coffee, and banana plantations work under poorer conditions than their nonindigenous counterparts. Indigenous migrant workers are unlikely to be provided with housing or food, and their children are much more likely to work long hours of heavy farm labor than non-indigenous children.

National/Racial/Ethnic Minorities.—The country is racially diverse, and minority groups generally have been integrated into mainstream society with overall success. However, discrimination against the country's newer immigrants, especially Chinese, often is overt. The ethnic Chinese community is estimated to be about 120,000 persons. Cultural differences and language difficulties hinder and may prevent many Chinese immigrants from fully integrating into mainstream society. In addition, Panamanians often resent Chinese immigrants for their perceived indifference towards the culture of their adopted country and their perceived clannish behavior.

Racial slurs directed at Asians are used openly among the general population, and substantial numbers of Panamanian-resident Chinese frequently are treated as secondclass citizens. On the other hand, second and third generation Chinese are seen as distinct from recent immigrants, and generally are accepted in society. These established Chinese generally do not want to be associated with the recent arrivals from China.

In addition to Chinese immigrants, Middle Eastern and Indian residents also suffer from racially motivated discriminatory treatment. All three groups operate much of the country's retail trade, particularly in urban areas. Legal and illegal immigrants, especially Chinese, are accorded fewer legal protections than are citizens for their trade activities. A constitutional provision reserving retail trade to Panamanian citizens is not enforced in practice; however, immigrants legally cannot own their businesses, and sometimes encounter bureaucratic difficulties in practicing their professions.

Racism against blacks occurs, although it generally is expressed in more subtle terms. Blacks are conspicuously absent from positions of political and economic power. The country's white elite successfully marginalizes citizens with darker skin through preferential hiring practices in the private sector and manipulation of government resources in the public sector.

Antillean blacks, often identifiable by dress and speech pattern, are a particular target for racial slurs and poor treatment by citizens and by Spanish-speaking blacks. Their geographic clustering in the economically depressed province of Colon and poorer neighborhoods of Panama City heightens their isolation from mainstream society. Black Canal workers traditionally commanded significantly higher financial resources compared with blacks elsewhere in society, but many have retired or emigrated and there is some anecdotal evidence that the rest are being replaced by white personnel. Mainstream political elites generally are unconcerned by the economic issues of black populations and a concomitant rise in drug use, crime, and gang violence. Colon, the country's second largest city, suffers from a conspicuous lack of government services. Indifference among the general population is a major impediment to change.

Although such practices are illegal, clubs and restaurants often discriminate against black and indigenous individuals by denying them admission. In 1999 students protesting in front of Panama City's most popular nightclubs brought public attention to the issue. A draft bill to expand and support the Constitution by penalizing cases of discrimination for reasons of race, birth, social class, gender, and ideology failed midway through the year, but another bill was being prepared to penalize establishments that deny entry based on race.

Racial discrimination against all ethnic groups is evident in the workplace, where light-skinned persons are represented disproportionately in management positions and jobs that require dealing with the public (such as bank tellers and receptionists).

Section 6. Worker Rights

a. The Right of Association.—Private sector workers have the right to form and join unions of their choice, subject to the union's registration by the Government. A 1995 labor code reform package significantly increased workers' ability to establish unions. It streamlined the accreditation and registration process for unions, and established the minimum size at 40 workers. If the Government does not respond to an application within 15 days, the union automatically gains recognition and is accorded all rights and privileges under the law. The package also addressed a long-standing concern of the International Labor Organization (ILO) by allowing labor leaders to keep their union positions if fired from their jobs.

Approximately 10 percent of the total employed labor force is organized. There are over 250 active unions, grouped under 48 federations and 7 confederations representing approximately 80,000 members in the private sector. Neither the Government nor political parties outwardly control or finance unions; however, the Government and political parties do exercise political, ideological, or financial influence over some unions. The labor sector traditionally supports the Democratic Revolutionary Party.

The 1994 Civil Service Law permits most government workers to form public employee associations and federations and establishes their right to represent members in collective bargaining with their respective agencies. It also provides a small core of civil servants with the right to strike, bargain collectively, and evade summary dismissal, except for those in areas vital to public welfare and security, such as the police and health workers. However, the law has proven insufficient to protect the country's 150,000 public workers, because only a small percentage are members of the civil service and therefore enjoy job security. Public workers are not allowed to

form unions. The ILO's Committee of Experts has observed for some years that the prohibition of public servants' associations is inconsistent with the country's obligations under ILO Convention 87, but no changes have been made.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 10,000 employees, but does allow unions to organize and to bargain collectively.

In October the authorities detained, then immediately released, union leaders following protests by the SUNTRACS union.

Union organizations at every level may and do affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides most workers, including all private sector workers, with the right to organize and bargain collectively, and unions exercise it widely. The law protects union workers from antiunion discrimination and requires employers to reinstate workers fired for union activities. The Ministry of Labor has mechanisms to resolve complaints against antiunion employers. The Civil Service Law allows most public employees to organize and bargain collectively and grants some of them a limited right to strike; however, 130,000 public sector workers do not have the right to bargain collectively or to strike. While the right to strike applies to some 10,000 civil servants, it does not apply to the approximately 140,000 other government workers. The Labor Code establishes a conciliation board in the Ministry of Labor to resolve labor complaints and provides a procedure for arbitration. In March 1999, the Supreme Court ruled that an article of the Labor Code that obligated private sector strikers to submit to binding arbitration after a given period was unconstitutional.

Employers commonly hire temporary workers to circumvent onerous labor code requirements for permanent workers. Temporary workers are excluded from social security benefits, job security, and vacation time. Labor law requires companies to submit copies of all labor contracts for permanent workers to the Labor Ministry for review to ensure compliance and requires the Labor Ministry to conduct periodic inspections of the work force. The Labor Ministry may levy fines against companies not in compliance with the law. However, these measures have proven ineffective in practice. The practice of blank contracts is, according to union sources, becoming more widespread.

Over the past 5 years, the Government has issued cabinet decrees restricting labor activity in export processing zones (EPZ's). Current EPZ legislation provides for collective bargaining with "representatives of employees" but makes no specific mention of trade unions. It requires mandatory arbitration of disputes; and it allows for the participation of an unrepresentative worker delegate in the tripartite (government, labor, and industry) arbitration commission. A strike may be considered legal only after 36 workdays of conciliation are exhausted; if this requirement is not met, striking workers may be fined or fired. A 1998 ILO ruling noted that this regulation does not mention arbitration or specify procedures to resolve disputes in the courts, and that the Government should amend the EPZ labor regulations to conform with international norms; however, the Government has not made any changes in response to the ruling. Minimum wage provisions do not apply in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor by adults and children, and it generally does not occur; however, trafficking in women for forced labor and forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment of children under 14 years of age with some exceptions, and also prohibits the employment of children under age 15 if the child has not completed primary school. However, a Government report estimates that 27,000 children between the ages of 12 and 14 work. Children under age 16 legally cannot work overtime, and those under age 18 cannot work at night. Children between the ages of 12 and 15 may perform light farm or domestic work, with the authorization of the Labor Ministry, as long as it does not interfere with their schooling. The Labor Code provides that children between the ages of 14 and 16 may work 6-hour a day shifts that do not exceed 36 hours a week. The Ministry of Labor enforces these provisions in response to complaints and may order the termination of unauthorized employment. The Government acknowledges that it is unable to enforce some child labor provisions in rural areas, due to insufficient staff. In May the Government ratified ILO Conventions 138 and 182 establishing the minimum age to work and prohibiting the worst forms of child labor.

The Permanent Committee Against Child Labor asserts that 11 percent of all children between the ages of 10 and 17 are working or actively are seeking employment. Most of these children, both rural and urban, are believed to be working at their parent's insistence. Some of these children may be providing a substantial part of their family income.

Child labor violations occur most frequently in rural areas, during the harvest of sugar cane, coffee, bananas, and tomatoes. Farm owners usually pay according to the amount harvested, leading many laborers to bring their young children to the fields to help with the work. In many small rural communities, the entire able-bodied population participates in a harvest, and parents are not willing to leave their children behind unattended. Many children also are involved extensively in subsistence agriculture producing coffee and sugar; they work with their families or are employed by independent plantations.

The problem of child labor in agricultural areas appears to fall most heavily on indigenous families, who often are forced to migrate out of their isolated reserves in search of income-generating activities. These frequent migrations not only interrupt schooling, but also leave the family vulnerable to sometimes unscrupulous contractors. The Government claims that it is unable to enforce child labor provisions in rural areas due to insufficient staff, such as in the coffee and banana plantations near the border with Costa Rica, where government resources are especially scarce. However, the lack of enforcement also can be attributed to widely held beliefs that indigenous persons are accustomed to poverty and hard work. In April the Minister of Labor suggested that child labor in the sugar cane fields was a "cultural tradition among the indigenous" and that children cutting sugar cane received more food during harvest time; these comments led to a series of critical newspaper editorials. A series of press reports during the year that exposed primarily indigenous child labor in sugar cane fields led to a series of letters to the editor from the public. Children in banana plantations also face difficult conditions (see Section 6.e.).

Urban supermarkets employ an estimated 1,500 children who bag groceries for tips. Despite the requirements of the Labor Code, some of the children are as young as age 9, and many of them work late hours. Some supermarket managers claim that the children actually are not employed by their firm, despite the fact that "baggers" conform to schedules, wear uniforms, and must comply with company codes of conduct. Urban child labor also includes domestic workers, street vendors, and car washers. The Government has demonstrated little interest in reducing the general problem of urban child labor, and has been unwilling to challenge the larger supermarket chains, where large numbers of children work. Urban child labor problems also include children working as street vendors or performers, washing cars, and running errands for businesses or local criminal groups.

The law prohibits forced or bonded labor by children, and the Government enforces this provision (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code establishes minimum wage rates for specific regions and for most categories of labor. The minimum wage ranges from \$0.80 per hour to \$1.50 per hour, depending on the region and sector. This wage is not sufficient to provide a decent standard of living for a worker and family. Most workers formally employed in urban areas earn the minimum wage or above. However, because unemployment is relatively high at 11 to 13 percent, an estimated 39 percent of the population work in the large informal sector and earns far below the minimum wage. This is particularly the case in most rural areas, where unskilled laborers earn \$3 to \$6 per day, without benefits; the Government does not enforce labor laws in most rural areas. In December 1999, a commission composed of representatives from government, the private sector, and labor convened to negotiate an increase in the minimum wage. The commission failed to reach consensus by the mandated date, and accordingly, in July responsibility for setting the new minimum wage was passed to the President, who issued a decree that raised the minimum wage by 13 percent, effective August 1. Public sector workers do not fall under the Labor Code and do not always receive the minimum wage.

The Labor Code establishes a standard workweek of 48 hours and provides for at least one 24-hour rest period weekly.

As is general practice in the country's public offices after elections, newly elected politicians and appointees began dismissing public workers immediately upon taking office to free up positions for loyal followers. The numbers of those dismissed were impossible to confirm. Despite ILO protest, public workers do not benefit from union protection or Labor Code standards. They were excluded from the most recent increase in the minimum wage. The Government has indicated that it would consider increasing their wages in 2001, if feasible.

The Ministry of Labor is responsible for enforcing health and safety standards and generally does so. The standards are fairly broad and generally emphasize safety over long-term health hazards, according to organized labor sources. Inspectors from both the Labor Ministry and the occupational health section in the Social Security Administration conduct periodic inspections of hazardous employment sites and respond to complaints. Both agencies suffer from budget constraints and experience difficulty attracting qualified personnel and resources. Construction workers and

their employers are notoriously lax about conforming to basic safety measures, usually resulting in several deaths a year. In rural areas, the most severe oversight in basic safety measures occurs in the banana industry, where poisoning by chemical agents is a recurrent issue. Workers have complained of sterility and more recently of adverse skin conditions as a result of exposure to the chemicals. In several plantations, indigenous workers are not provided with shelters, sanitary or cooking facilities, or fresh water; they also did not have machetes or gloves for their work. Complaints of health problems also continued in the cement and milling industries.

The law protects from dismissal workers who file requests for health and safety inspections. Workers also have the right to remove themselves from situations that present an immediate health or safety hazard without jeopardizing their employment. They generally are not allowed to do so if the threat is not immediate, but may request a health and safety inspection to determine the extent and nature of the hazard.

f. Trafficking in Persons.—The Penal Code prohibits trafficking in women and children; however, trafficking remains a problem. The Code provides for prison sentences of 2 to 4 years for the promotion or facilitation of the entry to or exit from the country of a person for the purposes of prostitution. In some circumstances, the penalty is increased to 6 years. The country is a transit point for aliens seeking to reach the United States, some of whom are trafficked into indentured servitude. There were reports of women being trafficked to Israel for purposes of prostitution. Prosecutions are rare. The authorities held several persons in custody for trafficking; they remained in prison awaiting trial at year's end. Corruption, legal technicalities, and lack of resources contribute to the Government's inability to combat the problem fully. Traffickers frequently bribe or evade local law enforcement officials.

Trafficking in women for sexual purposes occurs in the country, but the extent of the practice is unknown. Public prosecutors are investigating a case of Panamanian women smuggled into Israel in 1999 to work in brothels. Smugglers deprived the women of their money and their passports. Some of the women apparently were aware that they were traveling to work in the sex industry, others were not. The case was before a criminal court at year's end; one hearing was held during the year.

An estimated 30,000 aliens transit the country annually, generally posing as tourists. The majority of aliens transiting Panama originate in Ecuador and Peru, but a significant and increasing number come from India and China. Their travel is facilitated by a network of alien smugglers, travel agents, hotels, and safehouses. Anecdotal evidence indicates that illegal aliens transiting through the country are subject to frequent hardship. They commonly are deprived of adequate food and shelter. Chinese aliens are particularly vulnerable to poor treatment, and ultimately those trafficked for the purpose of forced labor are coerced into working off their debt, which may be as high as \$30,000, as indentured servants. The Government does not conduct educational campaigns to warn of the dangers of trafficking, and there are no programs to aid victims.

PARAGUAY

Paraguay is a constitutional republic with an executive branch and a bicameral legislature. The President is the Head of Government and cannot succeed himself. The bicameral Congress is made up of a 45-member Senate and an 80-member Chamber of Deputies. The Colorado Party has a small majority in both houses of Congress; however, factional differences within the party result in shifting alliances depending upon the issue. President Luis Gonzalez Macchi's "National Unity Government" was weakened in February when the Liberal Party withdrew from the Government, claiming that the President's Colorado Party refused to share power with its coalition partners. On May 18, members of two army units and a group of National Police officers loyal to former General Lino Oviedo attempted to overthrow President Gonzalez Macchi. The coup attempt lasted less than 1 day, and the majority of the military remained loyal to the Government. President Gonzalez Macchi declared and Congress ratified a controversial and unpopular state of exception on May 19, in response to the coup attempt; he lifted it on May 31. The Government used the state of exception to imprison those it suspected of involvement in the coup attempt and to limit public meetings and demonstrations. Although the Constitution provides for an independent judiciary, and the Supreme Court continued a reform process, the courts continued to be subject to pressure from politicians and others.

In general the military no longer plays an overt role in politics; the attempted coup was an exception to this practice. However, many citizens remained concerned about possible erosion of the military's apolitical status. Nonetheless, during the attempted coup in May, all but two groups within the armed forces remained loyal to the constitutional order. The national police force has responsibility for maintaining internal security and public order; while it is nominally under the authority of the presidency, in practice it reports to the Ministry of the Interior. The civilian authorities generally maintain effective control of the security forces. Members of the security forces committed serious human rights abuses.

Paraguay has a market economy with a large informal sector. The formal economy is oriented toward services, with less than half of the \$7.8 billion gross domestic product resulting from agriculture and industry. Over 40 percent of the population are engaged in agricultural activity, and approximately 10 percent of all families depend on cotton farming. Wealth continues to be concentrated, with both urban and rural areas supporting a large subsistence sector. Hydroelectric power and agricultural commodities (soybeans, cotton, lumber, and cattle) were the most important export items. The economy grew by approximately 0.5 percent in 1999 but experienced zero real growth during the year. Annual per capita income was approximately \$1,700.

The Government's human rights record remained generally poor, and there continued to be serious problems. The principal human rights problems included extrajudicial killings; torture and abuse of criminal suspects, prisoners, and military recruits; and extremely poor prison conditions. Arbitrary arrest and detention, lengthy pretrial detention, a general weakness within the judiciary, and infringements on citizen's privacy rights also were problems. The Government at times restricted freedom of the press. Following the May coup attempt, the Government arrested journalists and destroyed two radio stations; several journalists were threatened. The Government restricted freedom of assembly, and police used force to disperse protesters on several occasions, sometimes severely injuring citizens. Violence and discrimination against women, abuse of children, discrimination against the disabled and indigenous people, and incomplete protection of worker rights also were problems. There were instances of forced labor. Child labor and trafficking in women and girls also are problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The police and military were responsible for some extrajudicial killings.

On January 8, police killed 3 persons while attempting to evict 400 landless peasants from a ranch that they had taken over. Nine policemen were injured during the incident.

In December in Itakyry, police shot and killed 10 men suspected of robbing an armored vehicle. One of the suspects, slightly wounded but alive when the police transported him to a local medical center, was dead upon arrival, with eight bullet holes in his body. At year's end the police were conducting an investigation.

No further information was available regarding the disposition of extrajudicial killings from previous years, including the following cases: Jose "Coco" Villar, whom police killed in June 1999; Guillermo Jara Ramirez, whom antinarcotics police killed in July 1999; and Fernando Aristides Gutierrez and Marcial Torres, recruits killed during their military service.

At least eight recruits died in questionable circumstances during the year, including 14-year-old Pedro Centurion, whom the military allegedly conscripted into service with false documents at 13 years of age against his wishes. In September he was shot and killed; the military claimed that he shot himself by accident. It was discovered later that Centurion was in fact an Argentine citizen. Human rights monitors, including a support group for families of military recruits, report that 104 recruits, most of whom were underage, were killed or died in accidents since 1989 while fulfilling their mandatory military service. Although military law requires that recruits be at least 18 years of age to serve in the armed forces (or 17 in the year of their 18th birthday), only an estimated 20 percent of those serving during the year met that requirement, and over 30 percent were 15 or younger.

In November the Government proposed an agreement to the Inter-American Commission on Human Rights (IACHR) regarding the deaths of 14-year-old military recruits Cristian Nunez and Marcelino Gomez. Military officers abandoned the two boys in the inhospitable Chaco region during a training exercise in 1998. According to the agreement, the Government accepted responsibility for the deaths of the boys.

The March 1999 assassination of Vice President Luis Maria Argana, which has been attributed widely to allies of then-president Raul Cubas Grau, led to political protests in which the police and civilian supporters of President Cubas fired on student demonstrators, killing 7 and injuring over 100. The Gonzalez Macchi Government made little progress in bringing those responsible to justice. Three suspects were convicted in the assassination; others remained at large. The authorities charged and imprisoned a number of suspects for the shootings of demonstrators in the plaza following the assassination, but the courts have not convicted any of them, and few have been released from confinement. As a result, many of those charged remain in legal limbo, with their political rights limited, although their involvement with the crimes never has been confirmed.

Former army commander Lino Oviedo, who played a prominent role in the downfall of the Cubas Government in 1999, and whose whereabouts were unknown after he fled Argentina (where he had received asylum) in December 1999, was arrested in Brazil in June and remains in prison in Brasilia. Several extradition requests for Oviedo are at various stages in the Brazilian justice system. He faces charges stemming from his alleged involvement in the March 1999 killing of Vice President Argana and seven antigovernment protesters. Two individuals with long criminal records, suspected of having participated in the Argana assassination and who were imprisoned in a federal police facility in downtown Buenos Aires, escaped from the jail in September. In November the authorities captured one of them in Ciudad del Este; at year's end he awaited trial in Asuncion. The other was thought to be hiding in Brazil.

Authoritarian regimes ruled the country until 1989, when dictator Alfredo Stroessner was overthrown by General Andres Rodriguez, who was elected President later that year. In 1996 an appellate court affirmed the convictions for human rights abuses of five Stroessner-era officials (former police Investigations Director Pastor Coronel and police officers Lucilo Benitez Santacruz, Agustin Belotto Youga, Camilo Almada Morel, and Juan Aniceto Martinez). Pastor Coronel died in detention in September.

The 1998 arrest of former Chilean dictator General Augusto Pinochet in the United Kingdom and his subsequent return to Chile drew renewed attention to extrajudicial killings and other abuses that occurred in Paraguay under the Stroessner regime. There were renewed allegations that Stroessner cooperated in Operation Condor, a regional plan to eliminate leftists. One human rights activist who was a political prisoner during that time has filed cases with Spanish judge Baltasar Garzon, who was preparing the case against Pinochet, and has provided him with documents from Paraguayan archives that he claims implicate General Stroessner in Operation Condor. There was no progress during the year on Operation Condor cases.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture as well as cruel, inhuman or degrading punishment or treatment; however, torture (primarily beatings) and brutal and degrading treatment of convicted prisoners and other detainees continued. A human rights nongovernmental organization (NGO), the Committee of Churches, reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees. The Attorney General's office and the Committee of Churches compiled numerous examples of police abuse.

In May during the state of exception several of the persons arrested reported that they were tortured during their detention. Some of these persons reported that former Interior Minister Walter Bower witnessed and encouraged the beatings of suspects in three unrelated cases. Bower was not charged with any crime related to these accusations; however, he was removed from his position in October. Press reports also tied him to the torture of eight peasants in Concepcion in March; police reportedly beat them in Bower's presence after they were arrested for illegally chopping down trees.

Police used force to disperse protesters on several occasions, sometimes seriously injuring civilians (see Section 2.b.). Police also beat at least one person, a labor union leader, during a strike in June (see Section 6.a.).

Violence erupted several times during the year when police removed squatters from lands they occupied. For example, on May 10 and 11, over 400 police officers tried to remove squatters from a ranch in Caazapa using tear gas. Some shots were fired, and peasants were armed with Molotov cocktails, machetes, and scythes.

In addition there were several allegations of mistreatment of military recruits by noncommissioned and commissioned officers. Recruits commonly charged that the military does not give them enough to eat and forces them to hunt wild animals

or steal cattle to kill for food. In one case, a 15-year-old recruit, Cesar Francisco Pereira, reported that he was forced to fight another recruit by two sergeants who wagered a can of beer on the outcome. When Pereira lost, he was pistol-whipped by Julio Cesar Alarcon, the sergeant who lost the bet, and spent a month in a clinic recovering. Many recruits have claimed that they were tortured or beaten while fulfilling their mandatory service obligations.

Prison conditions are extremely poor. Mistreatment of prisoners is a serious problem. Overcrowding and unsanitary living conditions were the most serious problems affecting all prisoners. Tacumbu prison, the largest in Asuncion, was built to hold 800 inmates but houses over 1,500. Other regional prisons generally hold about three times more inmates than originally planned.

Security is another problem in the prison system. There are approximately 120 guards for over 1,500 prisoners at Tacumbu prison, and 3 inmates were killed during the year by other inmates. At the Asuncion women's prison, Buen Pastor, there have been several reported rapes of prisoners by their guards, although laws governing prisons forbid male guards in the women's prisons. Conditions in the women's prison are better than at Tacumbu, with less overcrowding and a generally safer environment. There is a separate prison for juveniles.

The Congressional Human Rights Commission has criticized the prisons for their poor nutritional standards. Prisons generally serve one meal a day, and prisoners seldom get vegetables, fruit, or a meat protein source, unless they have individual means to purchase them. Prisons have separate accommodations for well-to-do prisoners, which ensures that those with sufficient means receive far better treatment than other prisoners. Pretrial detainees are not held separately from convicted prisoners.

The Government permits independent monitoring of prison conditions by human rights organizations. Members of the International Committee of the Red Cross had access to the detained supporters of Oviedo who were arrested in March 1999 and to those arrested in May.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are persistent problems. The Constitution prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours to make a statement. The police can arrest persons without a warrant if they catch them in the act of committing a crime but must bring them before a judge within 24 hours. However, the authorities often violated these provisions, and the recent introduction of new penal and criminal procedure codes, which are not yet well understood by prosecutors and police, has exacerbated the problem. Following the May 18–19 coup attempt, police detained journalists (see Section 2.a.).

Following the assassination of Vice President Argana and the killing of student protesters in March 1999, authorities arrested over 45 persons in connection with these cases. Many of those arrested were well-known political figures, including legislators allied with the former Government. There was little evidence presented to support the charges against most of them, and most of the accused were held without bail, leading some observers to question whether due process had been observed. At year's end, many of those detained still remained in jail, and at least 10 prominent suspects who had been remanded to house arrest had not yet been cleared of the charges against them and therefore remained in an uncertain legal status.

Pretrial detention remains a serious problem; 91 percent of persons in prison were held pending trial, many for months or years after their arrest. While the law encourages speedy trials, the Constitution permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurs in practice. A bail system exists for most crimes, and judges have discretion over it. Judges frequently set relatively high bail, and many accused persons are unable to post bond. In March the Supreme Court, the Public Ministry, and a judicial working group took steps to reduce the large number of pretrial detainees but achieved only modest results. The Supreme Court and many criminal court judges also make quarterly visits to the prisons to identify and release improperly detained individuals.

The Constitution expressly prohibits exile, and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, judges often are pressured by politicians and other persons whose interests are at stake. There were allegations that members of the judiciary who issued arrest warrants against the Oviedistas following the events of March 1999 were pressured to do so by politicians who opposed Oviedo. While there are credible reports of political pressure influencing judicial decisions, the judiciary is not allied with any one political group.

The nine-member Supreme Court appoints lower court judges and magistrates, based upon recommendations by the magistrate's council. There are five types of appellate tribunals: Civil and commercial, criminal, labor, administrative disputes, and juvenile. Minor courts and justices of the peace fall within four functional areas: Civil and commercial, criminal, labor, and juvenile. The military has its own judicial system.

The judicial system remains relatively inefficient; however, the 1999 enactment of new penal and criminal procedure codes is expected to improve the judicial system's efficiency over time. The judiciary continues to suffer from insufficient resources. There is also a large backlog of cases. The Constitution stipulates that all defendants have the right to an attorney, at public expense if necessary, but this right often is not respected in practice. Many destitute suspects receive little legal assistance, and few have access to an attorney sufficiently in advance of the trial to prepare a defense. In Asuncion for example, there are only 26 public defenders available to assist the indigent, and only 102 nationwide, although 25 new positions are planned. In practice, public defenders lack the resources to perform their jobs adequately.

The new Penal and Criminal Procedures Code entered fully into force in March and replaced the antiquated 1914 code. It provides the legal basis for the protection of fundamental human rights. The new code includes procedures for an oral and accusatorial system, as well as a faster and more transparent criminal trial process. If implemented effectively, these reforms could improve the credibility of the judicial system and reduce the number of persons in pretrial detention.

Enactment of the new Penal and Criminal Procedures Code has introduced gradually oral proceedings. A prosecutor is responsible for bringing charges against accused persons within 180 days. Defendants and the prosecutor can present written testimony of witnesses as well as other evidence. All interested parties have access to all documents reviewed by the judge, and defendants can rebut witnesses. Defendants enjoy a presumption of innocence. The judge alone determines guilt or innocence and decides punishment. During the pretrial phase, the judge receives and may request investigative reports. The accused often appears before the court only twice: to plead and to be sentenced. Defendants have the right to appeal. If the sentence is appealed, an appeals court reviews the verdict. The law provides for appeals to the Supreme Court if constitutional questions arise.

There were no reports of political prisoners. More than 45 supporters of former General Lino Oviedo were arrested after the killings of Vice President Argana and the student protesters in March 1999, and many remained in jail at year's end. They assert that they are being detained because of their political opposition to President Gonzalez Macchi (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—At times the Government infringed on citizens' privacy rights. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists claimed that local officials and police officers abuse their authority by entering homes or businesses without warrants and harassing private citizens. The Constitution provides that the police may not enter private homes except to prevent a crime in progress or when the police possess a judicial warrant. There were allegations that the Government occasionally spied on individuals and monitored communications for political and security reasons. There were allegations of the forced conscription of underage youth (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and the press, and the Government generally respected these rights in practice during most of the year; however, there were several exceptions during the state of exception in May and following the vice presidential election in August.

The print and electronic media are independently owned; however, some newspapers, radio and television stations are closely tied to political parties, factions of those parties, or business interests. The media commonly criticized the Government and freely discussed opposition viewpoints.

Following the coup attempt of May 18-19, the Government arrested journalists, and police destroyed two radio stations. During the coup attempt, Radio Asuncion, whose owners, Miguel and Adriana Fernandez, had been linked to Oviedo, broadcast appeals to the public to support the uprising. Early in the afternoon of May 20, as many as a dozen uniformed officers of the Paraguayan National Police entered Radio Asuncion's studios, where they destroyed some broadcast equipment and stole other items, effectively dismantling the station, and detained both the owners. Radio Asuncion was unable to resume operations and was off the air at year's end. The

Government also detained Juan Carlos Bernabe of Radio Nanawa. On June 2, the authorities released Bernabe and the Fernandezes.

Radio 970 in Asuncion, which the Government similarly accused of supporting the coup attempt while it was in progress, reported being threatened with closure in the days following the uprising. Senator Francisco Jose de Vargas said during a public session of the Senate that he had requested that President Gonzalez Macchi send a helicopter to bomb the transmission tower of the station during the May 18–19 incidents because it was “abetting the insurrection.”

Also after the coup attempt, under the decree implementing the state of exception, President Gonzalez Macchi ordered the detention of Hugo Ruiz Olazar, editor of the Asuncion daily newspaper ABC Color and local correspondent for Agence France Presse and El Clarin of Buenos Aires, on suspicion of having participated in planning the coup attempt. Police maintained surveillance outside the newspaper, monitoring movements to and from the building in an evident attempt to capture Ruiz. He was never arrested and returned to his position at ABC after the state of exception was lifted.

In addition several journalists were threatened around the time of the vice presidential election on August 13. On the evening of August 15, a reportedly drunken mob of several dozen Colorado Party supporters surrounded the studios of the country's leading station Radio Nanduti, threw stones and bottles, and threatened to storm the building. During the election campaign, Radio Nanduti's owner and leading commentator, Humberto Rubin, had been mildly critical of the Colorado Party and a prominent Colorado political family. Although the station called the police and also broadcast appeals for assistance, the police took more than an hour to arrive and disperse the crowd. Some windows were broken, but no one was reported injured. Then-Interior Minister Walter Bower later telephoned station owner Rubin on the air to offer apologies for the slow response.

On December 19, Brazilian journalist Mauri Konig of the O Estado do Parana newspaper was beaten with chains and severely injured after photographing a police station in Alto Parana department, near the border with Brazil. Konig reported that at least one of the three men who beat him was wearing a police uniform, and a pickup truck reportedly used by his assailants was linked to several police officials. At year's end, the authorities had made no arrests in the case.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of all citizens to peaceful assembly, and the Government generally respected this right in practice during most of the year; however, before and during the state of exception in May the Government restricted this right. Police used gunfire to disperse protesters on several occasions, sometimes severely wounding civilians.

In 1997 the Government amended a law regulating demonstrations in Asuncion to further restrict areas where demonstrations may take place but expanded slightly the hours in which they may be held. Union groups were the most vocal opponents of the modifications. The law requires that organizers notify the Asuncion police 24 hours before any rally in the downtown area. The police may ban a protest but must provide written notification of such a ban within 12 hours of receipt of the organizers' request. The law permits a police ban only if another party already has given notice of plans for a similar rally at the same place and time. In addition the law prohibits public meetings or demonstrations in front of the presidential palace and outside military or police barracks. This law does not apply to religious processions.

In March in San Pedro police removed a roadblock erected by peasants. During the altercation six persons were shot. However, police deny that they shot the peasants, claiming that they had only rubber bullets. Police also beat at least one person, a labor union leader, during a strike in June (see Section 6.a.).

On April 3, dozens of police in riot gear prevented members of the UNACE faction of the Colorado Party from holding a meeting to discuss what position their party should take in the upcoming internal party elections. Police allegedly violently forced members to leave the area of the UNACE office and stopped members in cars from completing their trip. Party leader Luis Villamayor complained that the action violated the Constitution.

The Government restricted freedom of assembly during the state of exception imposed in late May after the coup attempt. The Government prohibited public gatherings of UNACE followers during the state of exception and required other groups holding meetings or demonstrations first to receive authorization from the police. The police retained the right to forbid any meeting and to demand identification from anyone participating in a meeting or demonstration.

Other political demonstrations and rallies occurred during the year, generally without major incidents. Labor unions continued to demonstrate for better working

conditions, and peasant organizations closed roads on several occasions to bring attention to the needs of the rural population.

The Constitution provides for the right of all citizens to free association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Government requires that all religious groups be registered with the Ministry of Education and Culture, but imposes no controls on these groups, and many informal churches exist.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—All citizens may travel within the country with virtually no restrictions, and there are no restrictions on foreign travel or emigration. There were no travel restrictions during the state of exception. The alleged coup plotters are not allowed to leave the country and must sign in with the Justice Ministry once a month.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Constitution provides for the granting of asylum; however, there are no established provisions to grant asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Immigration Department determines each request on a case-by-case basis in consultation with the Ministries of Foreign Relations and Interior and the nongovernmental Committee of Churches. The issue of the provision of first asylum has never arisen.

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

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

Citizens have the right and ability to change their government through democratic means. Multiple parties and candidates contest the country's leadership positions. Three parties are represented in the Congress. The Constitution and the Electoral Code mandate general elections every 5 years, voting by secret ballot, and universal suffrage. Debate in Congress is free and frank. The Congress often rejects the executive branch's proposals.

Three major parties and several smaller political parties are active. Competing factions within the parties are distinguished by the personal ambitions of their leaders, not by policy differences. The opposition's power increased as a result of the changes brought about by the 1992 Constitution and the subsequent election of a civilian president and an opposition-controlled congress. President Gonzalez Macchi's "National Unity Government" was weakened in February when the Liberal Party withdrew from the Government, claiming that the Colorado Party refused to share power with its coalition partners. The president of the Liberal Party was elected Vice President in August and took office in September. International observers from the Organization of American States characterized the election as free and fair. This was the first national election won by the opposition in almost 90 years. Interim gubernatorial elections that were scheduled for June were delayed because of a court challenge by the Colorado Party and were rescheduled for March 2001.

On May 18, members of two groups of the armed forces and some National Police officers loyal to former General Lino Oviedo attempted to overthrow President Gonzalez Macchi. Two cavalry units led by some former military officers and politicians took over the major cavalry bases in and around Asuncion and threatened to overthrow the Government. The coup attempt lasted less than 1 day, and the majority of the military remained loyal to the Government. However, following the coup attempt President Gonzalez Macchi declared and the Congress ratified a controversial and unpopular state of exception on May 19 and lifted it on May 31.

There are no legal impediments to women's participation in government and politics; however, in practice they are underrepresented. There are 9 women in Congress (7 of 45 senators and 2 of 80 national deputies), and there is 1 woman in the Cabinet. The new Electoral Code requires that, in their internal primaries, 20 percent of each party's candidates for elective office be women. Although women are represented in the judicial system as judges and prosecutors, there are no women on the Supreme Court.

Members of indigenous groups are entitled to vote, and the percentage of indigenous people who exercised this right has grown significantly in recent years; however, members of indigenous groups are underrepresented in government and politics. The inhabitants of some indigenous communities report being threatened and prohibited from fully exercising their political rights.

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

Several human rights groups operate, including the Committee of Churches (an interdenominational group that monitors human rights, investigates refugee claims, and provides legal assistance), Tekojoja (a group dedicated to the protection of children's rights), and SERPAJ (a group that defends conscientious objectors and provides legal assistance to those with grievances arising from military service). In 1999 32 NGO's, civil organizations, and trade unions officially formed the Paraguay Human Rights Coordinator (CODEHUPY). The Government did not restrict the activities of any human rights group or advocates; however, it has a mixed record in cooperating with or responding to recommendations from such groups.

The 1992 Constitution mandates that Congress name a human rights ombudsman through whom citizens could press claims against the state; however, the Congress has yet to do so. The Director General of Human Rights, located in the Ministry of Justice and Labor, chairs the National Commission on Human Rights. The Commission sponsors seminars to promote human rights awareness. The Director General's office has access to the congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial power but may forward information concerning human rights abuses to the Attorney General for action. It also serves as a clearinghouse for information on human rights and has trained thousands of educators in human rights law.

The office of the Attorney General's Special Adviser on Human Rights has been extremely active in pursuing justice against human rights abusers from the Stroessner regime. Although the position has little real authority, the Adviser is a strong spokesman for the human rights community and the rights of the disenfranchised and uses his position to identify and publicize human rights abuses by the Government. During the year, the Special Adviser heard complaints from many citizens regarding alleged human rights violations and sponsored several conferences on different human rights themes.

On October 23, Minister of Foreign Affairs Juan Esteban Aguirre and Inter-American Institute of Human Rights representative Roberto Cuellar signed a cooperative agreement between the Government and the San Jose-based Institute. Under the terms of the agreement, the Inter-American Institute is to provide assistance in the fields of human rights education, political participation, and access to justice.

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

Although the Constitution and other laws prohibit discrimination, certain groups, such as indigenous people, faced significant discrimination in practice.

Women.—The most pervasive violations of women's rights involved sexual and domestic abuse, which is both widespread and vastly underreported. Spousal abuse is common. Although the new Penal Code criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal, and then it is punishable only by a fine. Thousands of women are treated annually for injuries sustained in violent domestic altercations. Between January and September, the Secretariat of Women's Affairs registered 426 cases of violence against women. According to press reports published between January and August, nearly 60 percent of the cases of violence against women were rape cases. The authorities were able to detain the alleged attacker in less than 10 percent of those cases.

According to a 1995–96 national poll on reproductive health, 14 percent of women reported that they were abused physically at some point in their lives. Most observers believe that this number understates the reality. According to women's rights activists, official complaints rarely are filed or when filed soon are withdrawn due to spousal reconciliation or family pressure. The Secretariat of Women's Affairs chairs a national committee, made up of other government agencies and NGO's, which developed a national plan to prevent and punish violence against women. Under the plan, an office of care and orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the Attorney General's office, and NGO's. However, in practice, these services are available only in Asuncion, and women living elsewhere in the country rarely benefit from them. The Secretariat also conducts training courses for the police, health care workers, prosecutors, and others.

The Women's November 25th Collective, an NGO, operates a reception center where female victims of violence can receive legal, psychological, and educational assistance. No shelters for battered and abused women are available outside the capital of Asuncion.

In July 1999, an IACHR report stated that in 1998 one case of rape was reported to the press every 3 days. During the first 4 months of that year, there was one

case of rape reported each day. There are no specialized police units to handle complaints involving rape.

Most women imprisoned reportedly were detained for assault, including murder, that they committed following domestic violence.

The law prohibits the sexual exploitation of women, but the authorities do not enforce the prohibitions effectively, and trafficking in women is a problem. Prostitution by adults is not illegal, and exploitation of women, especially teenage prostitutes, remains a serious problem. Law enforcement officials periodically stage raids on houses of prostitution, and raids on two brothels in June confirmed that teenage prostitutes were working in both locations. A ring of traffickers sending women and teenage girls to Buenos Aires under the guise of working as domestic servants was uncovered during the year (see Section 6.f.).

Recognizing that a majority of women in the workplace face sexual harassment, several unions have sponsored an ongoing campaign against it. Sex-related job discrimination continues to be common and widely tolerated. The Secretariat of Women's Affairs occasionally sponsors programs intended to give women free and equal access to employment, social security, housing, ownership of land, and business opportunities.

Women have much higher illiteracy rates than men, with an estimated 16 percent of rural women illiterate compared with about 10 percent of rural men. In addition, maternal mortality rates are high, and as many as 65 percent of such deaths are related to poor medical care. Several groups work to improve conditions for women, including Women for Democracy, which is active in civic and electoral education. Other groups include SUMANDO, an NGO that promotes educational reform and voter participation in elections; and SEFEM, which focuses on women and public policy and the participation of women in local development.

Children.—The Constitution protects certain children's rights and stipulates that parents and the state should care for, feed, educate, and support children. The population is very young, with 41 percent under the age of 15, and 60 percent under the age of 20. Boys and girls are entitled to equal treatment in education and health care. However, female access to education is lower, particularly in rural areas. The educational system does not provide adequately for the educational needs of the population. However, in 1998 the educational system was changed to make elementary school education compulsory through the eighth grade, with plans to extend it through grade nine, although the Government lacks the money to implement the changes. Families pay a fee to cover each school's administrative expenses and must purchase books, uniforms, and other supplies for their children's use.

Abuse and neglect of children is a problem. Children 14 and older are treated as adults for purposes of arrest and sentencing. According to UNICEF, 1 in 3 children (some 462,000) between the ages of 7 and 17 work, many in unsafe labor conditions (see Section 6.d.). According to a study by a local NGO, many of the children who work on the streets suffer from malnutrition, lack of access to education, and disease. Some employers of the estimated 11,500 young girls working as domestic servants or nannies deny them access to education and mistreat them.

Sexual exploitation of children also is a problem. According to the Attorney General's office, there are approximately 200 complaints per month regarding the mistreatment and sexual abuse of minors. In the city of Encarnacion, the authorities arrested a man for selling pornographic images of young girls over the Internet.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

The Government has ordered that all military officers responsible for recruiting ensure that all conscripts meet the legally minimum mandated requirement age of 18 for military service. However, there were many reported violations, including allegations of military recruiters forcing underage youths to join units and providing them with false birth certificates and other documentation to show them to be of age. The military took no significant disciplinary action against those responsible for underage recruits. Poor families often knowingly send underage children to the armed forces for economic reasons.

People with Disabilities.—The Constitution provides for equal opportunity for persons with disabilities and mandates that the State provide them with health care, education, recreation, and professional training. It further requires that the State formulate a policy for the treatment, rehabilitation, and integration into society of disabled persons. However, the Congress never has enacted legislation to establish such programs or provide funding for them. Many persons with disabilities face significant discrimination in employment; others are unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for the disabled, and the vast majority of the country's buildings, both public and private, are inaccessible.

Indigenous People.—The Constitution provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population, estimated at 75,000 to 100,000, is unassimilated and neglected. Low wage levels, long work hours, infrequent payment (or non-payment) of wages, job insecurity, lack of access to social security benefits, and racial discrimination are common. Weak organization and lack of financial resources limit access by indigenous people to the political and economic system. Indigenous groups relied primarily upon parliamentary commissions to promote their particular interests. The Constitution also protects the property interests of indigenous people, but these rights still are not codified fully. The Constitution allows Public Ministry officials to represent indigenous people in matters involving the protection of life and property.

Lack of access to sufficient land also hinders the ability of indigenous groups to progress economically and maintain their cultural identity. This is made worse by insufficient police and judicial protection from persons encroaching on their lands.

The Government's National Indigenous Institute (INDI) has the authority to purchase land on behalf of indigenous communities and to expropriate private property under certain conditions to establish tribal homelands. However, there have been significant allegations of wrongdoing within INDI, and in June a former INDI director was sentenced to 9 years' imprisonment for embezzlement. Furthermore, many indigenous people find it difficult to travel to the capital to solicit land titles or process the required documentation for land ownership. In August a group of indigenous people who had established a squatters' settlement on the edge of a highway were attacked by hooded men presumed to be ranch hands from a nearby property, in an attempt to dislodge them.

Significant problems facing the indigenous population also include lack of shelter and medical care, economic displacement resulting from other groups' development and modernization, and malnutrition. Scarce resources and limited government attention resulted in little progress in dealing with these problems. However, there were individual small successes that benefited indigenous people, including the successful pursuit in the courts in February and in July by members of the Enxet group of compensation for the forced labor and unlawful firing of some of its members (see Section 6.c.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions without government interference. The Constitution contains several provisions that protect fundamental worker rights, including an antidiscrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right to strike. Approximately 121,000, or 15 percent, of workers are organized in approximately 1,600 unions.

In general unions are independent of the Government and political parties. One of the country's three labor centrals, the Confederation of Paraguayan Workers (CPT), traditionally was aligned closely with the ruling Colorado Party, but these ties appear to be loosening.

All unions must be registered with the Ministry of Justice and Labor. The registration process is cumbersome and can take several months. Employers who wish to oppose the formation of a union can delay union recognition further by filing a writ opposing it. However, virtually all unions that request recognition eventually receive it. The Constitution provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism still is employed rarely. Senior Labor Ministry officials are available to mediate disputes.

The International Labor Organization (ILO) Committee of Experts has noted deficiencies in the application of certain conventions ratified by the Government. These include conventions dealing with minimum wage, abolition of forced labor, minimum age of employment, freedom of association, equal remuneration, and employment policy. The ILO specifically criticized regulations requiring a minimum of 300 workers to form a union as inconsistent with international norms regarding the freedom of association.

There were numerous strikes by members of all three worker centrals and smaller unions. Many of these were related to the firing of union officials, management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as payment of the minimum wage or contribution to the social security system. A general strike called for 2 days in late

June only lasted 1 day, and was observed rigorously only by bus drivers, after several had their buses burned or their windshields smashed for initially defying the strike. Some violence also occurred during the month-long strike by Sitrande, the national electric utility workers' union, including reported acts of sabotage by union members. The workers went on strike to protest the privatization of the utility company.

There were unconfirmed allegations of several cases of intimidation and violence against union members during the year. In one case during a June transportation strike, union members and police clashed violently and one union leader was seriously injured.

Unions are free to form and join federations or confederations and during the year were affiliated with and participated in international labor bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and this provision is respected in practice. The number of negotiated collective contracts continued to grow, surpassing 100 contracts by the end of the year. However, they were still the exception rather than the norm in labor-management relations and typically reaffirmed minimum standards established by law. When wages are not set in free negotiations between unions and employers, they are made a condition of individual offers of employment.

The Constitution prohibits antiunion discrimination; however, the firing and harassment of some union organizers and leaders in the private sector continued. Union organizers sometimes are jailed for their role in leading demonstrations. Fired union leaders can seek redress in the courts, but the labor tribunals have been slow to respond to complaints and typically favored business in disputes. The courts are not required to order the reinstatement of workers fired for union activities. As in previous years, in some cases where judges ordered the reinstatement of discharged workers, the employers disregarded the court order with impunity. There are a number of cases in which trade union leaders, fired as long as 6 years earlier, have not yet received a decision from the courts.

The failure of employers to meet salary payments also frequently precipitated labor disputes. Principal problems included bottlenecks in the judicial system and the inability or unwillingness of the Government to enforce labor laws. There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. There were several cases of workers who chose not to protest because of fear of reprisal or anticipation of government inaction.

The union representing workers in Antelco, the state-run telephone provider, asserts that a new privatization law violates the conditions of a collective agreement between the Government and the bargaining unit by reducing the amount paid to workers who would be fired after the company is sold. The workers organized a strike in response to the privatization law.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor, including that performed by children; however, cases of abuse of national service obligations occurred (see Section 6.d.). There were reports of conscripts forced to work as servants or construction workers for military officers in their residences or privately owned businesses. There also were allegations of forced conscription of underage youths (see Section 5). Apart from the abuse of national service obligations, the authorities appear to enforce the law effectively; however, trafficking in women and girls also is a problem (see Section 6.f.).

It is a common practice for families who cannot afford to raise a child, most often a daughter, to send her to relatives or colleagues, where she may be expected to work in exchange for room, board, and access to education. Sometimes these girls, who can be as young as 5 years old, are abused by those charged with providing for them.

In February and July, courts ordered ranch owners to pay compensation to members of the Enxet indigenous group for forced labor and unlawful firing of some members (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws. Minors between 15 and 18 years of age may be employed only with parental authorization and cannot be employed in dangerous or unhealthy conditions. Children between 12 and 15 years of age may be employed only in family enterprises, apprenticeships, or in agriculture. The Labor Code prohibits work by children under 12 years of age, and all children are required to attend elementary school through the eighth grade.

In general the Government does not have the resources to enforce minimum working age regulations. According to UNICEF, 1 in 3 children (some 462,000) between the ages of 7 and 17 work, many in unsafe conditions. Recent studies indicate that

talks sponsored by the OAS, which began in August and included members of civil society, the Government, and the political opposition. In August President Fujimori's Peru 2000 alliance gained a majority in Congress after more than a dozen elected legislators changed their affiliation from opposition parties to Peru 2000. Charges of corruption against presidential advisor and de facto head of the intelligence service Vladimiro Montesinos led President Fujimori to announce on September 16 that he intended to hold new national elections in April 2001, in which he would not be a candidate. On November 22, President Fujimori sent his resignation to Congress from Japan, where he remained at year's end. Congress refused to accept his resignation and instead voted to remove him from office for "moral incapacity." The President of Congress Valentin Paniagua of the Popular Action Party succeeded to the presidency on November 22. He announced that he would uphold legislation allowing for new presidential and congressional elections in April 2001, and he accelerated the implementation of democratic reforms initiated in the OAS-sponsored talks. In November the Congress restored three judges to the Constitutional Tribunal, and it resumed its work. The Tribunal had ceased to function in 1997, when Congress removed three of its judges for opposing President Fujimori's intent to seek reelection. The Constitution provides for an independent judiciary; however, in practice the judiciary is inefficient, subject to corruption, and was for most of the year easily controlled by the executive branch. By year's end, the Government had taken steps to implement important judicial reform measures.

The police and military share responsibility for internal security. In October Congress passed legislation, based on agreements made in the OAS talks, to dismantle the National Intelligence Service (SIN), and the Government took action to do so in that same month. The capture or death of several remaining terrorist leaders marked continuing progress in eliminating the still lethal threat posed by the terrorist group Sendero Luminoso (Shining Path). In February the Government eliminated the last remaining emergency zones that covered over 5 percent of the country's territory and restored constitutional protections, including freedom of movement and of assembly, throughout the country where they previously had been suspended. Civilian authorities generally maintain effective control of the security forces; however, there were allegations that some members of the security forces who were loyal to Montesinos, were undermining civilian control of the military. In November President Paniagua appointed a new Defense Minister who retired dozens of officers, many of whom allegedly were tied to Montesinos. Members of the security forces committed serious human rights abuses.

The Government has implemented major economic reforms, transforming a heavily regulated economy into a market-oriented one. The Government continued to privatize state enterprises but did not meet its target of selling those remaining by the end of the year. Inflation remained in the single digits, and economic growth reached 3.6 percent. Per capita gross domestic product is estimated at \$2,060. Major exports include copper and other minerals, fishmeal, and textiles. The unemployment rate is estimated at 9.5 percent; underemployment remains around 45 percent. More than one-half of the economically active population work in the informal sector. The poor constituted approximately 54 percent of the population; about 15 percent of the population live in extreme poverty.

The Government's human rights record was poor in several areas, and serious problems remain; however, following the change of administration in November, the Paniagua administration took steps to implement important democratic reforms, including some which improved the exercise of civil and political rights, and to address allegations of corruption surrounding the former intelligence services and other government officials. Members of the security forces committed extrajudicial killings and tortured, beat, and otherwise abused persons. Impunity remained a problem. Lack of accountability within the armed forces, particularly regarding counter-terrorist operations, continued to be a problem. Overall prison conditions remained poor and were extremely harsh in maximum security facilities. Arbitrary arrest and detention, prolonged pretrial detention, lack of due process, and lengthy trial delays continued to be problems. Despite extensive changes to reduce the executive dominance over the judiciary, at year's end problems persisted, including the general inefficiency of the system. At year's end, the Government was preparing to return to the contentious jurisdiction of the Inter-American Court of Human Rights, from which it had withdrawn in 1999. The Government inhibited freedom of speech and of the press, and journalists faced harassment and intimidation and practiced self-censorship; however, nongovernmental organizations (NGO's) noted significant improvements after President Fujimori announced the disbanding of the intelligence forces. There were some limits on freedom of assembly, although political rallies occurred frequently and most were not impeded. The authorities at times sought to hinder the operations of human rights monitors. Violence and discrimination

against women were widespread. Violence against children and discrimination against the disabled, indigenous people, and racial and ethnic minorities remained problems. Labor advocates argue that labor laws and practices restrict collective bargaining rights and the freedom of association. Child labor remained a problem.

The Human Rights Ombudsman expanded its operations to 15 offices throughout the country. The ad hoc Pardons Commission completed its work after having reviewed over 3,000 cases of alleged wrongful conviction by military courts, and recommended and obtained pardons in 481 cases. During the year, the Justice Ministry's Human Rights Commission approved an additional 32 pardons recommended previously by the ad hoc Commission. After taking office, the Paniagua administration reconstituted the ad hoc Commission, which at year's end had recommended 33 new pardons and was preparing to review additional cases left over from the previous administration. The Terrorism Division of the superior court traveled to remote areas outside Lima and dismissed 300 longstanding arrest warrants on terrorism charges.

Sendero Luminoso terrorists were responsible for killings, torture, and numerous other abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings; however, security forces committed several extrajudicial killings.

On March 1, police from the Northern Special Services Division reportedly detained Alejandro Damian Trujillo Llontop in Lima. Trujillo's father filed a complaint through the National Police inspector's office and then with the prosecutor. Police denied making any arrests on March 1. On May 8, officials informed the family that an unidentified body of a 25-year-old man had been found on March 2 on the beach in Callao, and delivered to a morgue in Ica. Medical tests showed that the man had been beaten before dying on or about March 1; he subsequently was identified as Damian Trujillo. In April the victim's family filed a case against the National Police, including charges of crimes against humanity and forced abduction. In August the prosecutors charged the 10 officers who arrested Llontop with his death, and in September the judge overseeing the case ordered their arrest. The trial was underway at year's end.

On May 12, police in Tacna arrested Nelson Diaz Marcos for public intoxication. Diaz's wife, who was with him at the time of the arrest, arrived later at the police station to pick up her husband; the police told her that he was resting. Around 11 p.m., the police informed the wife that Diaz had died, and that his corpse was in the local hospital. The prosecutor in Tacna opened a murder investigation, and in June the provincial attorney filed charges of torture against policemen Victor Pachas Mamani and Carlos Laqui (see Section 1.c.). The policemen filed a motion to transfer the case to the military courts, but the Supreme Court assigned jurisdiction to a civilian court in October. The case was pending at year's end. According to reports from Amnesty International (AI), the director of a Tacna human rights organization representing the interests of the victim and his family received death threats (see Section 4). Human rights groups continue to represent the Diaz family.

On November 27, police stopped taxi driver Carlos Lopez Flores in Ayacucho and accused him of involvement in narcotics trafficking. Eyewitnesses reported that they saw three ununiformed policemen beat and shoot Lopez. Lopez died 3 days later. The Public Minister's office was investigating the case in December, after a complaint was filed against the three police officers for torture and murder. NGO's reported that the officers had not been arrested by year's end.

Although military service is no longer mandatory, mistreatment of military recruits continued to be a problem and resulted in four reported deaths (see Section 1.c.).

In June 18-year-old Jose Luis Poma Payano voluntarily joined the Air Force and began service in Lima. He returned home in November and told his parents that members of the Air Force had abused him physically. On November 10, Poma's parents requested that military officials investigate. The military responded that they would investigate, and that Poma would not be harmed further. However, Poma was shot and killed upon his return to the base that day. The Air Force indicated that his death was a suicide. Poma's parents requested a full investigation, including an exhumation of his body for further examination. At year's end, prosecutors were investigating the case.

In July military officials accused recruit Ronald Enrique Pena Garcia of stealing radio equipment and placed him in solitary confinement. Pena told his parents that military personnel tortured him during his detention, including submerging his

head in water and burning him with cigarettes. Pena died on August 11 from a bullet wound. His father filed a complaint with the Human Rights Ombudsman, and the investigation was pending at year's end.

On September 9, army recruit Lenin Castro Mendoza returned to the army base in Cerro de Pasco. To punish him for being intoxicated, an officer beat him and kicked him in the throat while he was laying in his bunk. Castro was taken to a nearby emergency room, where officials pronounced him dead on arrival. Police investigated the incident and concluded that the officer inflicted the injuries that led to Castro's death. In September police sent the case to the military court in Huancaayo.

In December Mario Fernandez Sanchez died at a hospital in Lima due to injuries which were allegedly the result of torture by military officials. Prior to this incident of alleged torture, military officials reportedly tortured Fernandez both physically and emotionally, which drove him to desert his military base. He was brought before a military court in Concepcion to stand trial for desertion, where officers reportedly beat and tortured him again. His family filed a complaint with the Public Ministry and accused the military of torture. A prosecutor in Huancavelica had begun an investigation at year's end.

There were no developments in the 1999 case of Carlos Yauri, who died under suspicious circumstances 5 months into his military service. With the support of a local NGO, the Huaraz province prosecutor investigated and requested the military prosecutor expedite an investigation into the case.

No new information was available on several cases of recruits who died during their military service in recent years, including the cases of Juan Salazar Cayetano and Juan Espinoza Rodriguez.

At least two prisoners died during unrest in prisons during the year. Celso Ponce Torres died in a riot at Yanamayo prison in February. A fellow inmate reportedly struck him in the head during the violence. One prisoner died in violent riots at Lima's San Juan de Lurigancho prison in the same month (see Section 1.c.).

In February five peasants died after armed confrontations with landowners on land they occupied in Villa El Salvador.

In July six bank security guards died in a fire that erupted during confrontations between police and protesters in Lima (see Section 2.b.).

In June the press reported that peasants had discovered a mass grave no older than 10 years containing the remains of 8 to 12 bodies in the area of Colcabambla, Huacavelica. According to NGO's, the grave site is located along a trail used frequently by army patrols and terrorist columns in the 1980s and early 1990s. An investigation headed by the provincial prosecutor was underway at year's end. Representatives from the Human Rights Ombudsman's office observed that a series of irregularities in handling of evidence had compromised the forensic integrity of the investigation.

The case of Pablo Pascual Espinoza Lome, a jailed inmate killed in January 1999 by prison guards, remained pending. The courts had not reached a verdict because the Supreme Court had not ruled on a motion by prison guard Marcial Pirez, who originally had been acquitted of violating the 1998 antitorture law, which requested that the Court nullify a lower court's decision to sentence him to 4 years in prison.

Charges against four prison officials for aggravated abuse of authority and crimes against humanity in the November 1999 death of Esteban Minan Castro remained pending at year's end. Minan Castro died after Tambo de Mora penitentiary guards reportedly used tear gas to subdue him and put him into solitary confinement after he had allegedly violated prison rules.

There were no developments in the cases of Tito Mariluz Dolores, Ronny Machaca Flores, and Jose Antonio Palacios Garcia, all of whom died in police detention in 1999.

The Chincha criminal court brought charges of torture against policemen Edwin Alfredo Saravia Torres, Marco Antonio Carrasco, and Julian de la Cruz Huyarote for the June 1999 death of Mario Clemente Guillen Mendez, who allegedly hanged himself after being detained by police. The case was pending at year's end.

In the case of Carlos Arrellano Mallqui, who died in police custody in 1998 in Ancash, the Supreme Court assigned jurisdiction to a military court. The military court did not render a decision by year's end.

There was no progress made in the investigation of the four soldiers suspected of robbing and killing Genaro Julca Bula and Alberto Aponte in 1998.

There was no progress in the case of Mariel Barreto, a military intelligence (SIE) agent whose dismembered and decapitated body was found in 1997. The Government had promised an exhaustive investigation into her death in 1998.

Sendero Luminoso terrorists killed 17 persons during the year in the course of over 100 acts of violence.

b. Disappearance.—There were no reports of politically motivated disappearances. In the case of Walter Munarriz Escoba, who disappeared in March 1999 after being taken into police custody in Huancavelica, the provisional prosecutor brought formal charges against and ordered the detention of National Police captain Roberto Gastiaburu Nakada, Ensin Claudio Gutierrez Valasquez, and Adolfo Angeles Ramos. The prosecutor subsequently charged policemen Gunter Cuaresma Ramos and Percy Salvatierra Laura with torture and requested a 15-year sentence. The case still was pending at year's end.

No information was available regarding the status of Ernesto Rafael Castillo Paez, who disappeared in 1990. In 1997 the Inter-American Court of Human Rights ordered the Government to compensate his family and to punish the police officers responsible for his death.

In November the office of the Human Rights Ombudsman released an official report on approximately 4,000 persons who have disappeared since 1980 in the war against terrorism. The Ombudsman's report noted that the Sendero Luminoso or Tupac Amaru (MRTA) rebels abducted a majority of victims, who were mainly indigenous peasants. In 1995 Congress passed a law granting amnesty to members of the security forces responsible for abuses committed in the war against terrorism. To date few members of the security forces have been held accountable for their role in disappearances. A report released in June by the Inter-American Commission on Human Rights (IACHR) repeated the IACHR's previous calls for the amnesty law to be repealed. By year's end, the Government had not acted on this recommendation. In December President Paniagua directed the Justice Ministry to create a working group that would include members of NGO's, religious leaders, and government officials to make recommendations on the establishment of a truth commission that would hear evidence on disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the law prohibit torture and inhuman or humiliating treatment; however, in practice torture and brutal treatment by the security forces continued to occur, and the Human Rights Ombudsman and NGO's contend that it continued to be widespread. Torture most often takes place during the period immediately following arrest. The incidence of torture is high during police detention in part because families are prohibited from visiting suspects while they are held incommunicado, and attorneys have only limited access to them (see Section 1.d.).

Such abuse is particularly common in police cells operated by the National Counterterrorism Directorate (DINCOTE) and in detention facilities on military bases, where terrorism and treason suspects normally are held. Psychological torture and abuse, which result from the harsh conditions in which detainees are held, are more characteristic of the prisons.

The Human Rights Ombudsman and NGO's reported 35 cases of aggravated torture by security forces. The majority of cases involved incidents of police brutality and beatings during detention.

On May 12, police in Tacna arrested Nelson Diaz Marcos for public intoxication and allegedly tortured him before killing him (see Section 1.a.). A prosecutor filed charges against the arresting officers and the case was pending at year's end.

In August three police officers in Chinga, Ica, detained Luis Enrique Rojas Vasques on suspicion of his involvement in a robbery. They handcuffed, beat, and threatened him with torture if he did not confess to the robbery. They also threatened him with death if he filed a complaint against them. The police also allegedly discovered drugs on the victim, but NGO lawyers claim that the drugs were planted. Rojas filed a complaint against the three officers for torture and abuse of authority. In October the local prosecutor dropped the charges of torture. The charges of abuse of authority still were pending at year's end.

In December AI released a report reviewing the facts and status of 21 cases of alleged torture in the past 2 years. Supported by a large number of NGO's, AI called on the Government to stop impunity in cases of torture; to try all such cases in civilian, rather than military, courts; and to apply the 1998 legislation against torture to all security force members implicated in cases of torture. AI called for more aggressive prosecution of torture cases, noting that since the 1998 legislation passed, only two perpetrators have been sentenced using the instruments provided in that law. Twenty persons have been charged under this law, including several cases of police brutality. However, after initial investigations in four cases, prosecutors either decided not to charge the alleged perpetrators with torture or dropped all pending charges. In several other cases, prosecutors filed charges on lesser offenses and sought milder sentences than required under the antitorture law. In a number of cases in the AI study, appeals or other legal action still were pending. A few of the cases were under review by the Supreme Court, which would rule on military or

civilian jurisdiction. In three cases the accused perpetrators had been arrested and were awaiting trial.

In April military officials allegedly arrested Amador Carmen Canchaparan on charges of working with the armed opposition and took him to a military base in Huanuco department. There members of the army reportedly tortured him by submerging his head in water, beating him, and applying electrical shocks in order to force him to confess. The officials then threatened Canchaparan with death if he brought charges against them. On May 2, authorities charged officials at Yanag military base with torture and abuse of authority. The prosecutor opened a preliminary investigation into the alleged abuses. The victim remained in custody at year's end, and was being investigated for committing or conspiring to commit terrorist acts.

On May 25, journalist Fabian Salazar alleged that SIN officers broke into his office the previous evening, bound him, confiscated video tapes of government officials that implicated them in corruption, and sawed his arm to the bone. The Government appointed an ad hoc prosecutor to investigate Salazar's claims. Salazar fled the country in June before he was able to provide his testimony, and the investigation was suspended. Salazar subsequently petitioned the IACHR to investigate. The Government offered to investigate the case again, but Salazar refused, claiming that the Government was biased. While there were a number of inconsistencies in Salazar's account, and even critics of the Government and journalists suspect that he may have exaggerated his claims, a full investigation never was conducted.

There continued to be a public perception that the armed forces operate with impunity in the war against terrorism; however, President Paniagua made changes in the military command that human rights activists noted as a sign of increased civilian control over the military. Prior to these changes, the Fujimori administration had asserted greater control over the military leadership in order to reduce the military's loyalty to former de facto SIN director Vladimiro Montesinos. The new attorney general began conducting investigations into corruption by former military officers.

Human Rights groups criticized the manner in which police controlled protests on July 28, noting that they purposely fired tear gas into crowds at close range, seriously injuring some protesters who were hit by the cartridges. There were also reports that police used undue force in arresting protesters and that they beat protesters while in detention (see Section 2.b.).

In the case of Huber Mendez Barzola, whom police detained in March 1999 on suspicion of terrorism and allegedly stripped naked, beat, and sodomized with a metal chain weapon in police custody, the Supreme Court upheld the sentence of policemen Oscar Italo Flores Montanez, Carlos Palacios Soto, and William Saenz. In November 1999, a court had found Palacios Soto and Flores Montanez guilty of torture, sentenced them each to 6 years in prison, and fined them about \$650 (2,000 soles). The court reduced Saenz's sentence to 3 years in jail and a fine of about \$150 (500 soles).

In the 1998 case of Pedro Tinta Vera, whom police arrested in Lima on charges of aggravated terrorism, allegedly tortured, and to whom they neglected to provide medical treatment, prosecutors filed charges in October 1998 against police officers Domingo Arnaldo Gil, Guillermo Osorio, and Ricardo Loli for the crime of torture, and a judge ordered their arrest. In June a superior court judge suspended the arrest warrant against the officers but issued an order to appear at the Court. By year's end, the trial had not begun.

In the case of Antero Espinoza Alzamora, whom police detained and allegedly beat in April 1999, the prosecutor in Piura had opened an investigation but did not file charges. In the 1999 case of Catalino Daga Ruiz and Bernardo Daga Ruiz, whom police arrested on suspicion of robbery, then allegedly beat, took to a cemetery, and buried up to their necks, the victims filed torture and illegal entry charges, and the prosecutor began an investigation.

There were no updated reports on investigations and judicial proceedings on charges of torture or abuse of authority against members of the National Police in several cases brought to the public's attention in 1999: Jesus Natividad Roman Portocarrero, arrested in Piura in March; Mario Jimenez Roque, arrested in Pasco in April; Julio Armando Uribe, arrested in Moquergua in July; Moises Paco Mayhua, arrested in Puno in August; and Victor Valle Cabello, detained in Pasco in September.

In 1999 a special prosecutor charged several naval officers under the antitorture law for allegedly torturing Raul Teobaldo in 1998. Personnel from the Aguaytia Naval Base detained and allegedly tortured Andahua by beating him, applying electric shocks, and sodomizing him, in order to force him to sign a confession indicating that he was a terrorist. However, the court issued an arrest warrant in 1999 against

Julio Spencer Guido Davalos, on a much lesser charge of committing bodily harm. In January the Supreme Court ruled that the civilian courts had jurisdiction over the case. In September the prosecutor concluded that Andahua was the victim of torture and filed charges of torture against the implicated military officers. The trial had not begun as of year's end.

No progress was made in the case of the 1998 beating and torture of Pablo Waldir by policeman Elmer Perez Arna.

In October 1999, an Ayacucho court acquitted a policeman in the 1998 case of torture that led to the death of Lucas Huaman Cruz. In November 1999, the Supreme Court prosecutor filed a motion to nullify the Ayacucho court's decision. The Supreme Court had decided to hear arguments on the case, but still had not taken action on the case by year's end.

In the 1997 case of Leonor La Rosa, a military intelligence (SIE) officer who was beaten and tortured by four of her colleagues (and who now resides in Sweden), the Supreme Council of Military Justice awarded La Rosa approximately \$1,500 (5,250 soles) as an indemnity in 1999. La Rosa's attorney considered the amount seriously inadequate, since she is a paraplegic as a result of the torture. The IACHR continued to facilitate a settlement between La Rosa and the Government.

In addition to beatings, common methods of torture and other inhuman or degrading treatment included electric shock, water torture, asphyxiation, and the hanging of victims by a rope attached to hands tied behind the back, and, in the case of female detainees, rape. Common forms of psychological torture included sleep deprivation and death threats against both detainees and their families. Interrogators frequently blindfolded their victims during torture to prevent them from identifying their abusers. In some cases, the Government took action to investigate and prosecute security force personnel charged with torture, but impunity persisted. Crowded dockets and disputes over civilian or military jurisdiction contributed to long delays in legal proceedings in cases where officers were charged under the 1998 antitorture law. At year's end, the cases of several officers whom the authorities had charged under the legislation were still pending a verdict.

As in previous years, NGO's and the Human Rights Ombudsman received complaints that the military beat or otherwise mistreated some members of the military service. Mistreatment of military recruits continued to be a problem and resulted in several deaths (see Section 1.a.). The authorities failed to resolve a number of cases of torture and mistreatment from previous years, including the cases of Jaime Palacios Sanche and Elvis Lopez Tuyu.

On February 12, the army dropped tear gas from helicopters and used the force of gusts from helicopters to disperse squatters who had settled in Villa El Salvador.

There continued to be credible reports that Sendero Luminoso was also responsible for acts of torture, including cases that resulted in death (see Section 1.a.).

Prison conditions are poor and extremely harsh in maximum security facilities, especially those operating at high altitudes. Low budgets, severe overcrowding, lack of sanitation, and poor nutrition and health care are serious problems within the prison system. Prison guards and fellow inmates routinely victimized prisoners. Corruption is a serious problem among poorly paid prison guards, many of whom participate in sexual abuse, blackmail, extortion, narcotics and weapons sales, and the acceptance of bribes in exchange for favors that ranged from providing a mattress to arranging an escape. Since prison authorities do not supply adequate bedding and budget only about \$0.75 (2.5 soles) per prisoner per day for food, the families of prisoners typically must provide for these basic needs. In high-security prisons, female inmates are allowed to see their children once a week. In prisons that house only common criminals, such as Lima's Chorrillos women's prison, children 3 years of age and younger live with their jailed mothers.

Overcrowding and inadequate infrastructure hamper efforts to improve the living conditions of prison inmates. There are 28 prisons in the country that held approximately 27,305 prisoners during the year. At Lima's San Juan de Lurigancho men's prison, the country's largest, more than 6,000 prisoners live in a facility built to accommodate 1,500 persons. Inmates have only intermittent access to running water; bathing facilities are inadequate; kitchen facilities are unhygienic; and prisoners sleep in hallways and common areas due to lack of cell space. Illegal drugs are abundant in many prisons, and tuberculosis and HIV/AIDS are reportedly at near-epidemic levels. Detainees held temporarily while awaiting arraignment in Lima are not allowed outside for fresh air and have restricted access to bathrooms. At year's end, the Government was preparing to implement new regulations regarding prisoners' access to visitors and prisoners time outside of cell.

In 1999 the Human Rights Ombudsman published a report on prison conditions and administration, which highlighted many serious shortcomings, including a shortage of trained medical personnel, unreliable legal representation for prisoners,

and insufficient numbers of social workers. The Ombudsman and the IACHR have reported that the Government fails to supply enough lawyers, medical staff, or psychologists to service the prison system, resulting in serious problems for treatment and adequate legal counsel. The Ombudsman noted that the operating philosophy in the prison system is one of punishment rather than rehabilitation. Roughly half of all prisoners performed some form of voluntary work, and only 28 percent participate in some kind of educational activity.

According to human rights monitors, the Challapalca prison in Tarata, Tacna, seriously violates international norms and standards, particularly with respect to its isolation and high altitude. Located at an altitude of about 14,000 feet, Challapalca's freezing temperatures and oxygen-thin air have unavoidably detrimental effects on prisoner health. The prison can be reached only after an all-night bus ride from the nearest population center, limiting inmates' contact with family. Hospital care is 8 hours away by overland transportation. Face-to-face consultations by inmates with their attorneys are rare. To relieve some of the isolation, the International Committee of the Red Cross (ICRC), and to a lesser extent the Government, fund a monthly visit by families to inmates. In 1998 the International Federation of Human Rights, as well as visiting members of the IACHR and the Ombudsman, called on the Government to shut the prison down.

There were a number of protests and hunger strikes in various prisons, including the high security prisons at the Callao Naval Station and Yanamayo. In February prison inmates rioted and took over Yanamayo prison for roughly a week before authorities reestablished control. Conflicts between prisoners resulted in one death and several injuries. A wave of prison protests followed all over the country, including in Lima's Lurigancho prison, where security forces intervened to reestablish control. One prisoner died in the violence at Lurigancho, and over 40 prisoners were injured either by fellow inmates or by the security forces who acted to restore order. The Human Rights Ombudsman asked prison authorities to allow his staff to visit the prison following the riots, but was denied such access until after the riots ended. Some prison protests in Lima continued in September, October, and November, resulting in minor injuries but no reported deaths. Imprisoned Sendero Luminoso leaders began a hunger strike in December.

The Government permits prison visits by independent human rights monitors, including the ICRC. For most of the year, prison authorities did not grant representatives of the Human Rights Ombudsman access to the military prisons; however, that practice began to change under the Paniagua administration. Members of the Ombudsman's office were allowed to visit the naval facility in Callao in December (see Section 4). During the year, the ICRC performed 115 visits to prisons, detention facilities, and juvenile detention facilities, visiting a total of 3,061 prisoners. The ICRC also visited seven prisoners in custody at the maximum security naval base facility in Callao every 2 months.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. The Constitution, Criminal Code, and antiterrorist statutes delineate the arrest and detention process. The Constitution requires a written judicial warrant for an arrest unless the perpetrator of a crime is caught in the act. However, the Organic Law of the National Police permits the police to detain a person for any investigative purpose. Although the authorities must arraign arrested persons within 24 hours, they often violate this requirement. In cases of terrorism, drug trafficking, or espionage, arraignment must take place within 30 days. Military authorities must turn over persons they detain to the police within 24 hours; in remote areas of the country this must be accomplished as soon as practicable. However, the authorities often disregard this requirement. In December Congress passed legislation allowing the authorities to detain suspects in investigations of corruption for up to 15 days without arraignment. The law also permits authorities to prohibit suspects under investigation of corruption from traveling.

In February the President suspended all remaining emergency zones and restored the constitutional protections in those areas. Previously, the Government suspended constitutional protections against arbitrary arrest and detention in emergency zones, and security forces did not need an arrest warrant in order to detain a suspect.

Police may detain terrorism and treason suspects for a maximum of 15 days, and hold them incommunicado for the first 10 days. Treason suspects, who are handed over automatically to military jurisdiction, may be held incommunicado for an additional 30 days. When suspects are held incommunicado, the authorities prohibit families from visiting suspects, and attorneys have access to them only during the preparation and giving of sworn statements to the prosecutor.

By year's end, the special terrorism division of the superior court dismissed 300 arrest warrants of the estimated 5,228 persons still subject to detention orders.

These cases involved many who were forced against their will to participate in terrorist activities during the internal conflict, or who were accused falsely of links with terrorist groups. In 1998 the Human Rights Ombudsman called on the Government to rescind all outstanding detention orders that were more than 5 years old, and to cancel all orders that did not comply with legal specifications.

By year's end, the Government had approved 65 pardons recommended by the ad hoc Pardons Commission and the Justice Ministry's Council on Human Rights, which evaluated and recommended pardons for persons convicted of terrorism, bringing the grand total to 546 pardons (see Section 1.e.).

Detainees have the right to a prompt judicial determination of the legality of their detention and adjudication of habeas corpus petitions; however, according to human rights attorneys, judges continued to deny most requests for such hearings. In Lima and Callao, detainee petitions for habeas corpus are restricted severely, because under a 1998 executive branch decree issued as part of the war on crime, only 2 judges are able to hear such petitioners, instead of the 40 to 50 judges in previous years, thereby significantly delaying justice. In December the Paniagua administration restored the number of judges able to hear habeas corpus petitions to its original level as part of the restructuring of the court system. Judges rarely allow the unconditional release of suspected terrorists, even if there is insufficient evidence to bring a case against them, despite 1993 amendments to antiterrorism laws that gave lower court and superior court judges the power to do so. As a result, persons charged with terrorism sometimes must wait until their cases have been reviewed and dismissed by the Supreme Court before they are freed. This process can last more than a year.

In December figures from the National Penitentiary Institute (INPE) showed that approximately 46 percent of a total prison population of 27,305 had been sentenced. Over 50 percent of the prison population remained in Lima; of these prisoners, 74 percent remained unsentenced. The June IACHR report and the U.N. Commission on Human Rights report in July both expressed concern about the large number of unsentenced prisoners. The problem of prisoners who have served their terms and still have not been released continued. In December President Paniagua committed the Ministry of Justice to assess procedures for reviewing cases with pending sentences. By year's end, the Justice Ministry had recommended better ways to track the status of prisoners in the penal system.

In 1998 the Catholic Bishops' Social Action Commission called for implementation of a system that would allow first-time detainees to post bail. According to the INPE, the elapsed time between arrest and trial in civil, criminal, and terrorism cases averages between 26 and 36 months. Those tried by military courts on treason charges generally do not have to wait more than 40 days for their trial; however, since trial procedures in military courts are largely devoid of due process protections, the speed with which trials are concluded offers little benefit to the defendants involved. Once trials have concluded, prisoners have to wait long periods before receiving their sentences.

According to two human rights organizations, police routinely detain persons of African descent on suspicion of having committed crimes, for no other reason than the color of their skin, and rarely act on complaints of crimes against blacks (see Section 5).

The Constitution does not permit forced exile, and the Government respects this prohibition.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is inefficient, subject to corruption, and easily controlled by the executive branch. As a result, public confidence in the judiciary remains low. In November the Government abolished an executive commission of the judicial branch and an executive commission of the Public Ministry. The duty of these commissions was to reform the judiciary; however, its members regularly ruled in favor of the executive branch under the Fujimori administration, compromising the independence of the judicial system and furthering the executive's control of it.

Previous attempts to reform the judiciary did little to restore its independence from the executive, and the lack of a fully functioning Constitutional Tribunal overshadowed procedural improvements. In November Congress restored to the Constitutional Tribunal three judges whom Congress removed in 1997 after they had opposed the application of a law allowing President Fujimori to seek a third term. This had paralyzed the court's ability to rule on any constitutional issues for lack of a quorum. Other serious problems affecting the judiciary included the curtailment of the authority of the National Council of Magistrates (CNM) to investigate, discipline, and remove judges, the continuing large number of provisional judges in the

court system, and the transfer of jurisdiction of sensitive cases to courts more inclined to rule in the Government's favor.

Throughout most of the year, roughly 80 percent of the country's approximately 1,700 civilian judges were provisional appointments, meaning that they had received temporary appointments that did not correspond to their rank, including 21 of the 33 judges on the Supreme Court. In some cases, the judges were assigned independently and without having gone through the proper channels for training. Critics charged that since these judges lacked tenure, they were more susceptible to outside pressures.

Working with opposition and civil society representatives in the OAS democratization dialog (see Section 3), the Government began taking steps designed to restore the judiciary's independence from the executive. In October Congress passed legislation that eliminated eligibility of provisional judges to hold administrative positions, such as posts on the National Elections Board (JNE) or the CNM. In November the Paniagua Administration began a comprehensive review of the court system, including the assignment of judges and prosecutors. By year's end, the Government had reassigned hundreds of provisional judges and prosecutors to positions more appropriate to their actual rank. Several provisional judges and prosecutors resigned or were removed from their positions permanently and were not reassigned.

The Government's reliance on untenured, provisional and temporary judges was demonstrated when the executive commission of the judicial branch created two specialized chambers of the Supreme Court in 1998. These chambers, staffed by provisional and temporary judges, assumed control over tax, customs, and narcotics crimes previously under the jurisdiction of the tenured judges of the Lima superior court. This practice enabled the executive branch to supervise closely such cases as that of Baruch Ivcher, his family, and associates (see Sections 2.a. and 2.d.). In December the Supreme Court eliminated these two specialized courts. In the same month, evidence emerged that showed how former intelligence advisor Montesinos improperly influenced cases through provisional judges on the Supreme Court and through the Attorney General, who was also a provisional appointee. The majority of implicated officials have either resigned or been suspended, and several investigations into corrupt judicial practices were underway at year's end.

There is a three-tier court structure that consists of lower and superior courts and a Supreme Court of 33 judges. In November the Constitutional Tribunal resumed its mandate to rule on the constitutionality of congressional legislation and government actions; the National Judiciary Council tests, nominates, confirms, evaluates, and disciplines judges and prosecutors; and the Judicial Academy trains judges and prosecutors.

The justice system generally is based on the Napoleonic Code. In civilian courts criminal cases move through three distinct phases. First, in a lower court a prosecutor investigates cases and submits an opinion to the examining judge, who determines whether there is sufficient evidence to issue an indictment. If there is, the judge conducts all necessary investigations and prepares and delivers a case report to the superior court prosecutor. Second, the superior court prosecutor reviews the lower court decision to determine if formal charges should be brought and renders an advisory opinion to another superior court, where a three-judge panel holds an oral trial. All criminal case convictions in civilian courts must proceed to a third phase, where the Supreme Court hears appeals and confirms or rejects the previous sentences. All defendants have the right to be present at their trial. Defendants also have the right to counsel; however, the public defender system often fails to provide indigent defendants with qualified attorneys.

Under the military justice system, judges in the lower courts have the power to sentence and are required to pass judgment within 10 days of a trial's opening. Defendants may then appeal their sentences to the Superior Military Council, which has 10 days to make its decision. A final appeal may be made to the Supreme Council of Military Justice, which must issue its ruling within 5 days. At the Superior Military Council and Supreme Council levels, a significant number of judges are active-duty line officers with little or no professional legal training.

In December 1999, Congress abolished the classification of acts of extreme violence such as criminal gang activity, homicide, kidnaping, and the use of explosives as aggravated terrorism. Under new law, such cases are designated as "special terrorism" and jurisdiction over such crimes falls under the civilian courts. In October Congress disbanded the SIN, including the National Intelligence Directorate for Social Peace and Safety, which had investigated such crimes.

While simple terrorism cases for civilians are tried in civilian courts, cases of treason, which is defined as being a terrorist leader or participating in a terrorist group's attack or activities, for civilians are tried only before military courts. Human rights groups and legal experts charge that the vaguely worded definitions of certain

crimes in the antiterrorism statutes often lead military judges to issue sentences disproportionate to the crimes committed. Moreover, defendants in treason cases who are found not guilty by a military court may be remanded to a civilian court for a second trial on terrorism charges based on the same facts.

Human rights groups and legal experts strongly criticize the power of the military courts to try civilians in cases of treason or aggravated terrorism and the powerlessness of the civilian judicial system to review military court decisions. In 1997 Gustavo Adolfo Cesti Hurtado, an insurance broker who had retired from military service 13 years earlier, was arrested, prosecuted, convicted, and sentenced to prison by the military justice system in a complicated case involving, in part, alleged insurance fraud in a military purchase of helicopters. When a civilian court approved a habeas corpus petition and ordered the military court to release Cesti, the military court not only refused to do so, but also charged the civilian judges with usurpation of power and sought to have them reassigned. The case was brought before the Inter-American Court of Human Rights, which rejected a government motion to dismiss it. The Court ruled in September 1999 that the Government had violated the American Convention on Human Rights, and ordered that the habeas corpus petition be honored and that the reparations stage be initiated in order to compensate the victim. In November 1999, the authorities released Cesti from military prison; however, Cesti's legal status remained unresolved at year's end, pending a request from the Government to the Inter-American Court for further clarification of its ruling.

In August the case of Lori Berenson, who was tried for terrorism by a military tribunal without sufficient guarantees of due process, was transferred to the civilian courts pursuant to a Military Supreme Court review based on new evidence. At year's end, a civilian prosecutor was investigating to determine if charges should be brought.

Proceedings in these military courts—and those for terrorism in civilian courts—do not meet internationally accepted standards of openness, fairness, and due process. Military courts hold treason trials in secret. Such secrecy is not required legally, but in some cases the courts deem that circumstances require it. Defense attorneys in treason trials are not permitted adequate access to the files containing the State's evidence against their clients, nor are they allowed to question police or military witnesses either before or during the trial. Some military judges have sentenced defendants without even having notified their lawyers that the trials had begun. Since the creation of the special military courts in 1992, 747 civilians have been sentenced for treason or aggravated terrorism, and by year's end 180 civilians still had cases pending. In December the Minister of Justice created a commission charged with reviewing the laws governing the military justice system.

The Council of Magistrates (CNM), established by the 1993 Constitution, regained many of its original functions in December. A March 1998 law had transferred the CNM's power to investigate and dismiss Supreme Court judges and prosecutors to the executive commissions of the judicial branch and the Public Ministry, respectively, both of which were controlled by strong allies of President Fujimori. Critics pointed to this action as a further example of executive branch control of the judiciary. A September 1998 law partially restored the CNM's powers, while leaving the Public Ministry in charge of determining whom the CNM could investigate.

Responding to OAS dialog recommendations, in November the Government and opposition agreed to establish a transitory judicial council, with all the legal powers of the CNM, in order to restore full power to the CNM, including sanctioning and ratification of judges and magistrates. The council is expected to work for 90 days reviewing laws and regulations put in place by the executive commission since 1998. Three judges and three jurists, appointed by consensus within the OAS dialog, compose the council. Since it began operating on December 6, the council has dismissed judges, reinstated others judged to have been unfairly discharged, and returned to lower courts judges who were serving provisionally in higher courts.

The first class of judges that the CNM selected was scheduled to graduate in the fall; however, their nominations to judgeships were delayed by the restructuring that resulted from the OAS talks. The Academy continued its in-service training program for judges and magistrates, which consists of a few hours of classes each week during the first year, and practical training during the second. The Academy's training program, originally scheduled to last 6 months but later extended to 2 years, was strongly criticized as further prolonging reliance on provisional and temporary officials, who are more susceptible to manipulation by the executive.

In June 1999, the Inter-American Court of Human Rights ruled against the Government in the case of four Chileans convicted of treason by a military tribunal and sentenced to life in prison. The Court found that the military had denied the defendants' due process rights provided by the American Convention on Human Rights

and ruled that a civilian court should have had jurisdiction. It also ruled that military authorities held the suspects too long in pretrial detention; and that defense attorneys lacked access to witnesses and evidence and did not have sufficient time to review the case. The Court directed the Government to provide the four with new, civilian trials.

Subsequently, the Supreme Court delegated to the Supreme Military Council the final decision regarding enforcement of the Court's decision. The Council ruled that it could not grant the Chileans new civilian trials because laws passed after signing the Convention required military trials in cases of treason and aggravated terrorism.

However, the Government refused to accept the Inter-American Court's jurisdiction in cases involving terrorism, including the case of the Chileans, because laws passed after signing the Convention establishing the Court required military trials in cases of treason and aggravated terrorism. The Government's decision to withdraw from the Court's jurisdiction in these cases effectively restricted citizens' constitutional rights to seek redress in the hemisphere's preeminent international tribunal. The Court continued to process pending cases and stated that the Government could not withdraw immediately from the Court's contentious jurisdiction. In August the Government agreed to discuss the full integration of the country into the Inter-American human rights system, and the issue was discussed as a priority in the OAS-sponsored dialog. At year's end, the Government was preparing to return to the contentious jurisdiction of the Court.

In the civilian jurisdiction, a specialized terrorism division of the superior court tries cases. The division is based in Lima, but its judges travel to the provinces as needed. During the year, judges from this court traveled around the country to hear several hundred cases of persons with old warrants outstanding for terrorism charges. Of these, judges found 300 persons innocent and ordered the suspension of their warrants. Human rights NGO's and the Human Rights Ombudsman noted that this addresses the concerns of those who considered themselves innocent, but who feared coming forward for an abbreviated and unfair trial. However, approximately 5,000 warrants remain in effect (see Section 1.d.).

The ad hoc Pardons Commission, which consisted of the Human Rights Ombudsman as chairman, the Minister of Justice, and President Fujimori's representative Father Hubert Lanssiers, ended its work on December 31, 1999. The Commission's mandate was to consider applications of those who believed themselves to be accused unjustly of terrorism. By the end of 1999, 3,056 of a total of 3,878 persons accused of these crimes had applied for clemency, and 481 had received the Commission's recommendation for pardon. A December 1999 law assigned the Commission's functions to the Justice Ministry's National Human Rights Council. Between January and November, the Council recommended (and President Fujimori granted) 32 pardons. After the Paniagua Government took office in November, the Government established a new ad hoc Pardons Commission that had by year's end recommended 33 additional pardons that were granted, bringing the total to 546. At year's end, the new Commission continued to review petitions not previously recommended. NGO's advocated that the new commission expand its review to include all convictions and sentences rendered by military courts, but by year's end, the Government had not made a decision on the matter.

There was no congressional action on the Human Rights Ombudsman's 1999 recommendation for legislation for monetary compensation of innocent persons released through the Pardon Commission's program. The matter was added to the agenda of the OAS talks in October, but Congress had not taken any action by year's end.

The Extrajudicial Conciliation Law, which Congress passed in 1998, was to have made conciliation a mandatory first step in most civil cases by January; however, due to administrative and other delays, partial implementation of the law was not scheduled to begin until January 2001 in Trujillo, and is scheduled to begin in Lima and Calloa in March 2001, expanding progressively to other cities during the year.

There were no reports of political prisoners. Sendero Luminoso and MRTA members charged with terrorism are not considered to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution requires security forces to have a written judicial warrant to enter a private dwelling; however, NGO's indicate that this requirement is not always observed in practice. In February the Government eliminated emergency zones that covered approximately 5 percent of the country. Prior to that constitutional protections, including freedom of movement and other due process guarantees, had been suspended in those areas.

In the past, the Human Rights Ombudsman and human rights NGO's received complaints regarding the forced conscription of young men, including minors, by security forces as part of the constitutionally mandated system of compulsory 2-year

military service. A law went into effect in January that makes military service voluntary and prohibits the practice of forced conscription. Registration for military service remains obligatory for men aged 18 and older. The President retains the authority to decree the reestablishment of mandatory service. The Human Rights Ombudsman monitors implementation of the law to ensure that the military abides by it, since past efforts to prohibit forced conscription did not prevent it.

The Constitution provides citizens with the right to private communication, but the media, politicians, some government officials, and private individuals continued to report that the Government violated this right. The case of former SIE agent Luisa Margarita Zanatta Muedas, who fled the country in 1998, after allegedly providing information regarding SIE wiretapping operations, remained pending at year's end. In 1999 the Human Rights Ombudsman recommended that the Government pardon Zanatta, that the Public Ministry investigate the wiretapping, and that Congress broaden the investigation conducted by its committee on defense. By year's end the Government had not taken action on those recommendations.

In May the IACHR recommended that the Inter-American Court hear the wiretapping case filed by opposition Congresswoman Anel Townsend and 13 journalists. They charged that the Government had violated their constitutional right to privacy and sought civil damages. The Supreme Court had dismissed the charges in 1998. The congressional Committee on Defense, Intelligence, and Internal Order conducted a summary investigation of the charges in 1999. The investigation not only exonerated the intelligence services and security forces, but concluded that the aggrieved journalists had wiretapped themselves and recommended that they be charged with having fabricated and disseminated false information that tainted the honor of the military. Having exhausted their domestic resources, the journalists took their case to the IACHR in November 1999.

Opposition politicians continued to report credible incidents of wiretapping and surveillance. Although high-level government officials denied government involvement in any of these incidents, there was little effort to investigate the allegations. In 1999 presidential candidate Luis Castaneda Lossio accused David Pinedo Torres of being a SIN agent and charged that Pinedo was surveilling him. The case against Pinedo was dropped during the year, as was the case against Castaneda for detaining Pinedo.

Reports of forced conscription by the MRTA (most of whose surviving members are jailed) and the greatly weakened Sendero Luminoso terrorist groups diminished significantly. However, Sendero Luminoso continued to coerce indigenous people to join its ranks (see Section 5).

During the year, the Ombudsman's office received isolated complaints of abuses committed by family planning personnel. Allegations first arose in 1997 that a number of health workers in public hospitals and family planning clinics administered by the Ministry of Health had induced female patients to opt for sterilization by promising them food or another type of good or service, or by not providing them with complete information about available alternatives. In a 1999 report, the Ombudsman recommended that family planning practitioners provide all clients with complete information about alternatives available to them, that they pressure no client into using any particular contraceptive method, and that if a patient chose sterilization, that the patient be afforded a 72-hour waiting period during which to consider that option. The Ombudsman also recommended that the Ministry integrate men fully into its family planning program, thereby disseminating reproductive and contraceptive information more equitably across gender boundaries. The Ministry of Health accepted the Ombudsman's report and implemented many of his recommendations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press; however, in practice the Government inhibited the full exercise of these freedoms for most of the year. Manipulation of opposition journalists through the judicial system and the use of government advertising revenues to influence reporting in print and broadcast media were serious problems. Human rights groups contend that government harassment of and alleged attacks against journalists also were problems. As a result, much of the media, especially the financially vulnerable broadcast television networks, practiced self-censorship. Many in the press regard the Fujimori administration's harassment of the media as a key reason for his victories in presidential elections. Following the establishment of the OAS dialog in August and the deactivation of the SIN in October, the climate of press freedom improved. Television stations began to show more balanced political coverage and allowed opposition views to be presented. Tabloids that were suspected of being fi-

nanced by the SIN discontinued publication, and the remaining tabloids changed their coverage to nonpolitical reporting.

The press represents a wide spectrum of opinion, ranging from left-leaning opposition views to those favoring the Government. In the greater Lima area alone, there are 20 daily newspapers, 7 television stations, 65 radio stations, and 3 news channels on 2 commercial cable systems. There are numerous provincial newspapers and radio stations. The Government owns one daily newspaper, one television network, and two radio stations, none of which has a particularly large audience.

Several international press groups, including the Committee to Protect Journalists (CPJ), the Inter-American Press Association (IAPA), and Freedom House, as well as the OAS, reported various cases and types of press harassment and accused the Government of being responsible for some of it. The CPJ named former President Fujimori as one of the world's "Top Ten Enemies of the Press" for the second year in a row. In October the media advocacy group Prensa Libre issued a report in which it cited numerous instances of surveillance and harassment of journalists, which it attributed to the Government and intelligence services. The group also noted limitations on access to airtime for opposition candidates, as well as a defamation campaign against the political opposition and independent journalists in tabloid newspapers allegedly funded by the Government.

Media outlets can, and do, criticize the Government; however, under the Fujimori administration, they risked reprisal through the loss of government advertising (often a major source of revenue), libel suits, or other judicial action on apparently unrelated issues. The Fujimori administration filed lawsuits against owners or managers of many antigovernment media outlets whose content appeared to depend as much on political as much as legal criteria. Incidents such as the high-profile 1997 loss by television owner Baruch Ivcher of his station and his citizenship (see Section 2.d.), TV Channel 13's co-owner Genaro Delgado-Parker's loss of his station in 1999, and the February seizure of Radio 1160's transmitters and sound equipment restricted press freedom and encouraged journalists and media owners to practice self-censorship.

The limitations on press freedom were particularly evident during the election campaign season that dominated the first half of the year, when broadcast television tilted heavily in favor of the Government and against the opposition in its news coverage and public affairs programming. On March 8, a month before the first round of voting, the OAS Special Rapporteur for Freedom of Expression, Santiago Canton, noted his concern and that of the IACHR over freedom of expression in the electoral process. On June 4, shortly after the final round of elections, the IACHR issued a statement describing the violations of freedom of expression. It specifically noted government pressure on the media to suppress coverage of and sale of airtime to opposition candidates, and government financing of pro-government tabloid papers that harassed opposition candidates and supporters.

The Government agreed to address freedom of the press issues as part of the OAS democracy talks, and in August the OAS dialog, established a working group to resolve former television owner Baruch Ivcher's Peruvian nationality, revoked by executive order in 1997, and to examine ways to resolve disputed ownership claims over Channel 2 and Channel 13. In October the Government agreed to restore Ivcher's citizenship and did so in December (see Section 2.d.). In early December, Ivcher returned to the country and regained control of Channel 2. Several days later, Delgado-Parker regained control of Channel 13. By year's end both stations were providing independent political reporting and analysis.

Journalists and media outlets also have been intimidated physically. According to the National Journalists Association (ANP), there were many cases of media harassment by the National Police and the military, and by local political and commercial organizations. The ANP reported 104 cases of journalist harassment through August, of which 61 percent were in the provinces and two-thirds involved violence.

The CPJ reported that in April an unidentified person fired shots at journalist Hernan Carrion, who directs a daily news program in Chimbote. Carrion requested protection from the provincial authorities, but continued to receive threatening phone calls following his continued criticism of the Government on his program. At the same time, the Government told the owner of the radio station that broadcasts Carrion's program to resubmit tax papers or be charged a substantial fee. The station suspended Carrion's program, asserting that it was for his own protection.

The Fujimori administration and its supporters used libel laws to suppress criticism of political leaders or offices. In August the pro-government newspaper *Expreso* and the director of the National Reserve Bank (who is the executive chairman of *Expreso*) filed a libel suit against Carlos Hildebrandt, the director of opposition newspaper *Liberacion* and an outspoken critic of the Government, and a journalist who wrote an article criticizing the management of *Expreso*. The plaintiffs sought

monetary damages amounting to \$1 million, a sum that appeared designed to bankrupt Liberacion. The case was pending at year's end. In another August incident, the Government's intellectual property rights administration filed a libel complaint against the majority owner of a web site specializing in publishing investigative reports critical of the Government on an unrelated matter.

In August the pro-government weekly news magazine Gente filed a libel suit against cable television news channel Canal N; Hugo Guerra, a senior editor of El Comercio (Canal N's parent newspaper); and opposition journalist Gustavo Gorriti for describing Gente as having ties to the intelligence service and the Government. Gente withdrew the lawsuit on September 20, 4 days after President Fujimori's September 16 announcement calling for new elections and the deactivation of the SIN.

The political opposition, press organizations, and rights groups charged that the Government used improper influence over the judiciary to intimidate and harass the press. Government manipulation of the legal system in these cases is difficult to prove, and in some cases, genuine legal disputes may have occasioned the lawsuits against media outlets. Opposition or independent media seem to encounter a disproportionate number of legal difficulties, including prosecution on tax issues, compared to media outlets that are uncritical of or favorable to the government in their coverage. Prominent cases included a March lawsuit filed by minority shareholders against leading daily newspaper El Comercio shortly after the paper exposed a massive signature forgery scheme used to register one of President Fujimori's electoral parties. In the El Comercio case, an investigation was opened despite the fact that the statute of limitations on the alleged crime of fraud had expired. The case was closed in July after stockholders reached an agreement on the matter.

In April a judge ordered the seizure of the printing press used to print opposition newspapers Liberacion and Punto Final as part of a bankruptcy proceeding. In a similar action, a judge ordered the seizure of bank accounts and real estate belonging to Editora Correo, a company that publishes a chain of independent papers in the provinces and whose shareholders also have a financial interest in a leading Lima tabloid newspaper Ojo. For several months thereafter, Ojo cut back substantially on its previously independent political coverage and later stopped publishing editorials.

Journalists continued to be intimidated by potential criminal prosecution when the Government leaves charges against them pending. By year's end, prosecutors had not closed their case for falsification of official documents against Guillermo Gonzalez, director of the NGO Prensa Libre, who broke a 1999 story on government wiretapping of opposition political candidates. In May the IACHR issued a recommendation that charges against him be dismissed for lack of evidence.

Throughout the electoral process, a number of tabloid newspapers made character assaults on opposition candidates in what appeared to be a coordinated campaign to tarnish President Fujimori's political opponents and critical members of the press. Intelligence agents allegedly orchestrated this campaign. The six tabloids that carried such attacks had almost identical headlines and text, and similar text also appeared on the Internet.

Suspicious infrastructure problems also seemed to plague opposition or independent media outlets during the election campaign and immediately thereafter, and some suggested that it was a form of harassment against the press. In one incident in February, an electrical failure prevented Radio Miraflores, a Lima opposition radio station, from reporting on a provincial tour by opposition candidate Luis Castaneda Lossio. In May a similar electrical outage prevented Canal N from broadcasting a rally for opposition presidential candidate Alejandro Toledo. At the height of the campaign period, from March to May, the Institute for Press and Society, an organization advocating press freedom, suffered systematic attacks on its e-mail system.

In July the Government limited a cable news channel's helicopter's access to the downtown Lima area by banning all civilian aircraft from flying below 9000 feet over the city. This occurred only days before a large-scale protest against President Fujimori's inauguration ceremony was to take place. Critics assert that this prohibited the media from monitoring the protests. CPJ noted that in September the Government prohibited flights over downtown Lima, which according to the Committee to Protect Journalists was a measure promulgated to prevent news agencies from providing aerial news coverage of protests after a scandal involving former de facto SIN head Vladimiro Montesinos became public. The Government stated that the flight restrictions were necessary for public security during the inauguration and protests.

In May Fabian Salazar, a former Channel 2 employee and associate of Baruch Ivcher, and a collaborator for opposition newspaper La Republica, alleged that agents from the SIN broke into his office and tortured him by sawing his wrist to

bone (see Section 1.c.). This occurred after he had received a videotape that he claimed compromised high government officials. A full investigation into the matter never was conducted.

The Government does not censor books or publications, films, plays, or limit access to the Internet.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the authorities generally respect this right in practice; however, police used force to disrupt protests during the year, injuring several protesters. The law does not require a permit for a public demonstration; however, organizers must inform the political authority (Prefecto) about the kind of demonstration and its location. Permission may be denied only for reasons of public safety or health. Municipal authorities usually granted permission for demonstrations.

Major demonstrations and political rallies were common throughout the year. Most were peaceful; however, in some cases, police and demonstrators clashed. In those instances, police usually use water cannons and tear gas to disperse the demonstrators. In February over 3,000 labor union, student, and opposition political party representatives protested unfair election conditions. When several protesters carrying sticks and throwing rocks confronted police, police used a powerful water cannon and tear gas to disperse the marchers. The police briefly detained a number of protesters who were throwing rocks and attempting to destroy private property.

On April 9, election day, nearly 100,000 persons gathered in Lima to celebrate the fact that President Fujimori had not won an absolute majority in elections. The event continued into the early morning of April 10, when protesters, led by Peru Possible leader and presidential candidate Alejandro Toledo, marched on the presidential palace. Police dispersed them with tear gas. Clashes between protesters and police were reported throughout the major cities. Some protesters sustained minor injuries.

During the period between April 9 and May 28, when second round presidential elections were held, Toledo led rallies and protests around the country. In mid-April a large protest in central Lima resulted in significant damage to the National Board of Elections (JNE) office building from rocks thrown by protesters, who were believed to be members of the Civil Construction Union. Several injuries were reported.

On July 26–28, approximately 100,000 persons gathered in Lima from all parts of the country to protest the inauguration of President Fujimori. On July 26 and July 27, these demonstrations were peaceful, with no confrontations. However, on July 28, the protests became violent. Small groups of protesters clashed with police at different points of a security perimeter formed to protect politicians and visiting dignitaries attending the inauguration. Unidentified individuals set fire to the National Bank building and the Justice Ministry and caused hundreds of thousands of dollars in damage during a day of confrontations that left six bank security guards dead from a fire. Police used tear gas and water cannons, and charged several persons with arson. The authorities also charged protest organizers for damage. Protest organizers alleged that government agents infiltrated the protests and set the fires. Police officials alleged that extremist groups used the protest as a pretense to provoke violence. Human rights groups allege that police prohibited human rights observers from entering the area of the violent protests to document the events, and that police used excessive force to control demonstrators (see Section 1.c.). The police maintained that they acted in order to ensure the safety of those attending the inauguration.

The Human Rights Ombudsman continued to promote dialog between protest groups and police on basic rules of conduct. Monitors from the Ombudsman's office served as official observers to ensure adherence to these rules by police and protesters alike. The Ombudsman's office reported that these measures reduce significantly tensions and the level of arbitrary arrests, while diminishing the risk of damage to public and private property. According to the Ombudsman, with some exceptions, groups were able to express their opinions publicly, while the National Police generally maintained order in a lawful manner.

The Human Rights Ombudsman worked with groups of protesters to inform authorities of their activities and work out rules of conduct prior to the protests against President Fujimori's inauguration in July. However, during large-scale demonstrations on July 28, the authorities and demonstration organizers failed to agree on ways to reduce the likelihood of confrontations and violence.

The Constitution provides for freedom of association, and the authorities generally respect this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Catholic Church receives preferential treatment from the State. Although the Constitution establishes the separation of church and state, it also acknowledges the Catholic Church as “an important element in the historical, cultural, and moral development” of the nation. The preferential status accorded to Roman Catholicism in public life is apparent in the special treatment and tangible benefits the Church receives from the State, including remuneration to certain clergy and church personnel, and tax exemptions on clergy salaries and real estate holdings. Teaching about Roman Catholicism in primary and secondary schools is mandatory. Conversion to other religions is permitted, and missionaries are allowed to enter the country and proselytize. By law, the military may hire only Catholic clergy as chaplains and Catholicism is the only recognized religion of military personnel.

In April 1998, the President issued an executive order that established basic Catholic religion courses for all public and private primary school students. Religion teachers must be approved by the bishop presiding over the local diocese. Most schools devoted 1 hour a week to such study. Parents who do not wish their children to participate in the prescribed religion classes must submit a written request for an exemption to the school principal. Non-Catholics who wish their children to receive a religious education in their own particular faith are usually free to organize such classes during the weekly hour allotted by the school for religious education, but must supply their own teacher. The Freedom of Conscience Institute (PROLIBCO), an NGO that favors the strict separation of church and state and opposes the preferential treatment accorded to the Catholic religion, opposes the requirement for Catholic teaching in the school curriculum and claims that the alternatives made available to non-Catholic parents violate the constitutional protection of the privacy and confidentiality of persons’ convictions and beliefs.

PROLIBCO and other religious groups legal had challenged the mandatory teaching of Roman Catholicism, but in October the Supreme Court dismissed their claim. PROLIBCO maintains that the ruling was issued in an irregular manner and without prior notice to its lawyers. PROLIBCO claims that the financial subsidies and tax benefits that the Government provides to the Catholic Church and its clergy are far more widespread and lucrative than publicly acknowledged. PROLIBCO also has alleged discrimination against non-Catholic groups who must pay import duties and a sales tax on Bibles brought into the country. At year’s end, PROLIBCO was preparing to take its case to the IACHR.

Sendero Luminoso rejects religion and in the past has threatened and intimidated religious workers.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of free movement; however, passengers on public transportation and drivers in private vehicles may be checked at control points throughout the country. Until February the Government suspended the right of free movement in emergency zones, which had covered approximately 5 percent of the country in 1999, and travelers, including human rights monitors, could be prohibited from traveling to those areas. The Government eliminated all emergency zones in February.

There are no political or legal constraints on foreign travel or emigration; however, the authorities legally can restrict persons with pending criminal and, in some cases, civil charges against them from leaving the country. Repatriates, both voluntary and involuntary, are not treated differently from other citizens.

The Constitution prohibits the revocation of citizenship; however, according to the Nationality Law, naturalized Peruvians can lose their citizenship for, among other reasons, committing crimes against the State, national defense, and public security, as well as for reasons that “affect the public interest and the national interest.” Critics believe it was the Nationality Law that provided the Government with the legal basis for its 1997 invalidation of the citizenship through naturalization of Israeli-born television owner Baruch Ivcher. However, the Government claimed that its decision was based upon irregularities in Ivcher’s original naturalization petition 13 years earlier. In October the Government agreed to restore Ivcher’s citizenship and subsequently did so (see Section 2.a.).

Sendero Luminoso occasionally interrupts the free movement of persons by setting up roadblocks in sections of the Upper Huallaga Valley.

Political violence in the 1980’s and early 1990’s resulted in the internal displacement of hundreds of thousands of persons from their original homes, and massive migration. Most families migrated to Lima or to one of several other department capitals. This movement created problems which, for the most part, remain unresolved despite continued efforts by the Government and NGO’s to address them.

According to the Ministry for the Promotion of Women and Human Development (PROMUDEH), since 1995 the Program for the Repopulation and Development of Emergency Zones (PAR) has supported the return of between 450,000 and 600,000 displaced persons. The PAR has assisted thousands of these persons to returned to their homes; however, the PAR and NGO's agree that the majority of displaced persons have not returned permanently to their original communities due to various factors, including economic changes and social ties.

Despite governments and NGO efforts, many displaced persons lack basic documentation, such as birth certificates and voter registration cards. The Government established a PAR office to provide documentation that can be used both to request PAR assistance to return to one's community of origin and to apply for a national identity card. In 1999 the Government conducted a national registration drive to provide displaced persons with identity documents, which are required for a variety of social and other government services, and to register them to vote in the April national elections. According to NGO's and election monitors, this program was successful in reaching millions of voters across the country.

Another unresolved problem related to the displaced persons are pending arrests warrants against approximately 5,000 such persons, who fall into the category of "requisitoriados"—persons who were forced to join terrorist groups and who were accused falsely of voluntarily joining such groups and continue to have outstanding detention orders against them. Judges from the special Terrorism Court traveled from Lima and dismissed 300 such warrants during the year (see Section 1.d.). The pending legal status of such persons, along with the fact that the majority of these individuals speak only Quechua, increases their vulnerability and reduces even further their capacity for economic and social integration into urban areas.

Sendero Luminoso continued to coerce indigenous people to join its ranks during the year, which resulted in further internal displacement. There is also a large population of indigenous Ashaninkas who have faced not only a terrorist threat, but also the encroachment of oil exploration companies on their tribal lands (see Section 5).

The law includes provision for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees in granting asylum and refugee status and recognizes the Catholic Migration Commission as the official provider of technical assistance to refugees and applicants for asylum. The Commission also advises citizens who fear persecution at home and seek asylum abroad. The Government recognized 24 persons as new refugees during the year. There were approximately 756 refugees in the country. Refugees are allowed to live and work without restrictions and can apply for naturalization. The status of refugees is reviewed annually. The question of first asylum did not arise.

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

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

The Constitution provides for the right of citizens to change their government; however, serious problems in the process of elections held in April and May, including questions about President Fujimori's constitutional eligibility to be a candidate, the registration of candidates, allocation of Government resources to influence voters, and intimidation of the opposition, led domestic and international observers to call attention to the flawed nature of the process and to question the validity of election results and the state of democracy in the country. In September President Fujimori announced that he would exercise his constitutional power to convoke new national elections, to be held in April 2001, and in which he would not be a candidate. In November Congress removed President Fujimori for "moral incapacity," and President of Congress Valentin Paniagua succeeded to the presidency. Voting is by secret ballot and mandatory for all citizens between the ages of 18 and 70. Members of the armed forces and the police, as well as felons, are ineligible to vote. The law bars groups that advocate the violent overthrow of the Government from participating in the political process.

The Constitution establishes three bodies to administer elections: the National Board of Elections (JNE); the National Office of Electoral Processes (ONPE); and the National Registry of Identification and Civil Affairs (RENIEC). The JNE sets the legal parameters and rules on election-related disputes and challenges. ONPE administers elections and the RENIEC issues election identity documents. Many complaints about the elections centered around the executive branch's dominance of the JNE and ONPE, and their inability to administer elections in an unbiased man-

ner. In October and November, Congress passed legislation that allowed the Government to appoint new leadership for these institutions. By year's end, ONPE had a new director who had replaced over 100 of the organization's 180 permanent employees; 4 of 5 magistrates of the JNE also were replaced. In December Congress approved the creation of multiple district representation for electing members to Congress, which was designed to provide more specific geographic representation.

The Constitution stipulates that the President can be elected to a term of 5 years and may be reelected for one additional successive term. On December 27, 1999, President Fujimori announced his candidacy for a third term, on the grounds that he had completed only one full term under the 1993 Constitution. On December 31, 1999, the JNE dismissed 18 objections filed by opposition groups, political parties, and other civic groups who argued that a third term would be unconstitutional; the JNE claimed that it rendered its decision on technical grounds. The Human Rights Ombudsman subsequently stated that the JNE's decision did not correspond to constitutional law, but that because the Constitution vested the JNE with the final decision on electoral matters, citizens had to respect the JNE's decision.

The undermining of the Constitutional Tribunal by congressional action in 1997 (see Section 1.e.) set the stage for Fujimori's ability to seek a third term. Constitutional challenges to Fujimori's candidacy for a third successive term rested largely on a series of controversial actions taken by the executive-dominated Congress. In 1996 Congress passed the Law of Authentic Interpretation, which declared President Fujimori's 1995 victory as his first under the 1993 Constitution. In 1997 opponents of the law challenged its constitutionality, but the Constitutional Tribunal was unable to obtain the six of seven votes needed to overturn the law. Congress subsequently voted to remove three members of the Tribunal who had announced their nonbinding opinion that the law could not apply to Fujimori, leaving the Tribunal effectively unable to rule on any constitutional issues for lack of quorum.

In the April 9 elections, in accordance with the 1997 election law, 10 registered political parties presented 120-candidate slates for Congress, and 9 parties presented presidential candidates; the Peru 2000 alliance presented President Fujimori as a candidate. Local NGO's, the Human Rights Ombudsman, and international groups monitored the electoral campaign and the first round of elections. These groups enjoyed access to electoral institutions and government officials. However, there were attacks in pro-government media against some of these groups at various points in the campaign (see Section 2.a.). At the Government's invitation, the OAS sent observers for the April 9 elections. OAS observers also worked with local electoral institutions in preparations for the second round runoff, but none of the observer groups fielded monitors for the May 28 runoff elections because of the Government's unwillingness to postpone the election date so that vote tabulation software could be tested.

International and domestic observers viewed the general elections on April 9 and presidential runoff elections on May 28 as significantly flawed. Conditions for free and fair elections fell short of international standards. Several factors created a seriously flawed electoral process: disagreement over the legitimacy of President Fujimori's candidacy for a third consecutive term; complaints by opposition candidates of unfair campaign conditions that favored pro-government candidates; lack of public confidence in electoral institutions; and lack of transparency in vote tabulation and reporting. Although the Government took steps to improve the electoral environment, they were insufficient to ensure a level playing field.

Preelection conditions heavily favored government candidates. Several groups of electoral observers reported that government resources were used to the benefit of Fujimori's candidacy and others in his coalition. There were credible reports that military and police personnel worked on behalf of the pro-government candidates. The NGO Transparencia filed 170 formal complaints regarding use of government resources; the Public Ministry dismissed all but 2 of the complaints. In one case, prosecutors dismissed a complaint that employees of a public welfare and nutrition service distributed pro-government campaign literature. In another, the national tax authority conducted a surprise audit of one of the opposition candidate's businesses.

The JNE refused to investigate opposition complaints in many of these cases, stating that it did not have the resources or mandate to investigate. When the JNE or the Public Ministry did investigate, charges frequently were dismissed for lack of evidence. Only after repeated complaints from electoral observers did the JNE pledge to investigate use of government land for pro-government party paintings and signs. The President also issued a nationwide executive order against use of government resources. However, these measures were adopted too late in the campaign to overcome a widespread impression of preferential treatment enjoyed by the Peru 2000 alliance.

The preelectoral period also lacked impartiality and effectiveness in the administration in some significant areas. In late February, the newspaper *El Comercio* reported that a member party of the President Fujimori's Peru 2000 alliance had falsified over 1 million voter signatures in its registration drive. Accounts by 4 participants in the scheme detailed a large operation in which over 400 persons participated. The group allegedly worked for 1 month in a building behind the offices of pro-government legislator Oscar Medelius. Others accused of involvement included Peru 2000 official Luis Navarrete and Peru 2000 Secretary General Daniel Chuan. ONPE, the JNE, and the Attorney General pledged to investigate the allegations. ONPE concluded that the JNE had jurisdiction, and in March ONPE sent the JNE its report, along with the forged documents in question. In April the JNE deferred to the special prosecutor appointed to investigate the case. The JNE also ruled that Congress would have jurisdiction over legislators elect with alleged links to the scandal. In July Congress absolved the legislators linked to the forgery scandal.

In June the prosecutor filed charges against the witnesses who had exposed evidence implicating government employees, and who had themselves participated in the falsified signatures scheme. In September a judge dismissed charges against the informers, while the National Council of Magistrates opened an investigation against ONPE director Jose Portillo for allegedly investigating the case improperly. In October a judge ruled that no crime had been committed because official documents had not been falsified. However, the CNM removed Portillo from office.

Opposition candidates did not receive equal access to broadcast television station news coverage, and the pro-government tabloid press conducted smear campaigns against them (see Section 2.a.). The JNE claimed that it could not intervene because media laws did not give it authority to dictate programming on privately owned television stations. Formal complaints by candidates to the JNE often were dismissed for lack of evidence. Beginning in late March, broadcast television stations provided broadcast time to opposition candidates, but these spots were usually not aired during peak viewing hours. Though the opening reflected a government response to electoral observer criticism, the measure came too late to reverse the ill effects that opposition candidates had suffered from earlier lack of media access. Throughout the campaign, broadcast television coverage favored President Fujimori.

The April 9 elections were largely peaceful, and millions of citizens participated as voters, election workers, political party observers, and election monitors. Over 31,000 volunteers affiliated with local NGO's worked as poll monitors. International monitors found no specific instances of fraud during the polling.

However, there were widespread irregularities in the voting and vote tabulation processes. Observers cited illegal propaganda in or around polling areas as the most common irregularity. They also reported irregularities in voting materials, such as remarked ballots and some missing the name of the leading opposition candidate as a choice. Observers reported several instances of attempted intimidation of political party observers by police and military officials demanding their names and identification documents. Several hundred voting sites reported that more ballots were cast than the number of voters who had signed in. (Under the electoral law, the authorities count the extra votes unless the number of ballots exceeds the number of registered voters at that site.)

Several problems marred the vote tabulation and computation. Several vote tabulation centers did not open until late in the day. There were problems with the computer systems used to count the vote, and ONPE was unable to conduct a successful simulation of its data collection and tabulation process until shortly before polls closed. Although observers and party monitors were allowed to watch the computation at ONPE and regional collection centers, the systems used did not allow for independent verification of the results.

ONPE presented only partial results of the presidential returns on April 9, and an inexplicable delay in the computation created widespread allegations that politicians or others influenced the count. Election day exit polls and quick counts by the NGO Transparencia and polling firms showed that no candidate had won over 50 percent of the vote and that a runoff would be necessary. Electoral authorities released additional election results on April 12, and announced that it was "mathematically impossible" for any of the candidates to have won the first round. The next day officials confirmed definitively that there would be a second round. Final official results of the first round presidential elections were declared on April 28. Electoral monitors concluded that the vote tabulation and announcement process lacked transparency and created a lack of confidence in the official results.

After the announcement that no presidential candidate had won in the first round, the Government negotiated with second place candidate Alejandro Toledo and the OAS regarding measures to improve electoral conditions. Several working groups formed by the Human Rights Ombudsman, ONPE, the OAS, and the polit-

ical parties worked to address access to the media and media coverage, reform of ONPE's vote tabulation computer programs, and training of electoral personnel. While these groups made significant progress, the OAS sought postponement of the second round election to test ONPE's voting data computer programs.

Toledo withdrew from the race 10 days before the May 28 runoff, citing unfair electoral conditions and the Government's refusal to postpone the elections at the OAS's request. However, the JNE rejected his petition to remove his name from the ballot, and Toledo urged his supporters to purposely spoil their ballots in protest. On May 28, according to ONPE's unverifiable results, President Fujimori won 51 percent of the popular vote. Toledo won 17.68 percent of the votes and 29.93 percent were spoiled ballots of null. Observers, with the exception of one group, refused to monitor the vote, and Toledo and other opposition groups charged that the results were fraudulent.

Definitive results from congressional elections were not released until May 12, which also raised questions about the validity of those results. The JNE ratified the congressional results the same day, despite a number of pending challenges, including some claiming fraud. On April 12, initial returns had indicated that no party had won a controlling majority; however, in subsequent result announcements, there were significant changes in the results that favored pro-government candidates. There were, moreover, many changes of party affiliation that drew many representatives elected from opposition party lists to the pro-government coalition in Congress. By the time the new Congress was sworn in on July 24, nearly a dozen legislators elected on opposition slates had changed parties to join the Peru 2000 alliance, which gave it a majority in the 120-seat unicameral Congress. There were widespread allegations of bribery, blackmail, and other illegal and questionable practices; however not all party affiliation changes were necessarily the result of illegal actions. For example, the promise of a position as committee chair or the potential of being able to help a regional constituency was a factor cited by some who changed party affiliation. However, circumstantial evidence suggests that questionable practices were used in a number of instances. Luis Caceres Velasquez was declared ineligible for Congress due to a previous felony conviction. After he declared his intent to change from an opposition to the government party, the Supreme Court overturned the conviction and the JNE gave him back his seat. Edilberto Canales, implicated in a vote buying scandal, changed alliances and his legal problems were settled. Jorge Polack, who complained that he had been harassed by criminal legal proceedings because of antigovernment views broadcast on his radio station, had charges against him dropped after he changed his membership to the ruling party.

There were also widely reported irregularities in ONPE's tabulation of preferential votes for individual Congressional candidates. Several parties alleged that ONPE employees had been bribed to alter voting results. The Attorney General appointed a special prosecutor to investigate these allegations. In June JNE officials declared that Congress would be responsible for investigating newly elected legislators who allegedly benefited from manipulated results. On July 6, Congress approved a report that found 31 ONPE data entry officials, several regional ONPE center managers, and ONPE's information chief responsible for altering voting returns. The report concluded that five legislators representing government and official parties who benefited from the altered vote bore no responsibility. A television news program reported that of the 30 congressional candidates who benefited from alteration of the individual preferential vote count, 10 eventually were elected. By year's end, none of these elected legislators had been investigated for violating election laws.

In June the OAS General Assembly discussed the country's elections. OAS election monitoring mission head Eduardo Stein reported that the elections had been carried out in accordance with international standards. The OAS foreign ministers concluded that "the credibility of both the process and the outcome of those elections has been undermined by persisting reports of irregularities" and agreed to send OAS Secretary General Cesar Gaviria and Canadian Foreign Minister Lloyd Axworthy to Peru to establish a dialog on reforming the country's democratic institutions.

The OAS mission met with government officials, members of the opposition, and civil society representatives in late June and developed 29 recommendations grouped in 5 categories: (1) ensuring judicial independence; (2) freedom of expression and the media; (3) electoral reforms; (4) supervision and balance of powers among the executive branch and congress; and (5) measures to strengthen congressional oversight, reforms to the intelligence and military services. Although opposition and some civil society groups continued to call for new elections, the OAS delegation noted that the OAS General Assembly mandate explicitly precluded discus-

sion of new elections. However, delegates of the OAS added that local figures were not precluded from continuing to advance new elections.

The OAS dialog began in August. At the opposition's insistence, the Government agreed to form four working groups to address priority issues including the return to the Inter-American Court of Human Rights, the reestablishment of the Constitutional Tribunal, the resolution of Baruch Ivcher's nationality and ownership of television stations 2 and 13 (see Sections 1.d. and 2.a.), and the reorganization of the intelligence services.

In September Moral Independence Front party leader Fernando Olivera presented a videotape showing opposition legislator-elect Alberto Kouri taking a \$15,000 payment from then-de facto intelligence service chief Vladimiro Montesinos. The video showed Montesinos presenting Kouri with a contract committing him to switch party alliances. Montesinos was recorded remarking that he was aiming for a pro-government majority of at least 70 seats. When asked about the transaction, Kouri claimed that the money was a personal loan. Congress formed a committee to investigate Kouri and suspended him for 120 days. Kouri left the country when he learned of the investigation.

The airing of the tape also apparently influenced President Fujimori to announce on September 16, that there would be new national elections in which he would not be a candidate. He later appointed a special prosecutor to investigate Montesino's role in illegal activities. By year's end, the investigation had expanded to include investigation into his role in money laundering, illegal arms sales, narcotics trafficking, and bribery of public officials. Montesinos fled the country in October in order to avoid prosecution in these matters.

On November 22, President Fujimori sent his resignation to Congress from Japan, where he remained at year's end. Congress refused to accept his resignation and instead voted to remove him from office for "moral incapacity." The President of Congress Valentin Paniagua of the Popular Action Party succeeded to the presidency on November 22. He announced that he would uphold legislation allowing for new presidential and congressional elections in April 2001, and he accelerated the implementation of democratic reforms initiated in the OAS-sponsored talks.

By November participants in the OAS talks had agreed upon, and Congress had ratified, amendments to the Constitution that would end the term of the President and Congress in July 2001, thereby making new elections possible. The OAS dialog also produced agreement on deactivating the SIN, with provisions for including a civil society member in the executive branch's oversight commission and for creating a bipartisan congressional oversight committee.

The OAS dialog drew to a close after Paniagua assumed the presidency in November. Congress approved and the Paniagua administration continued to implement many of the OAS recommendations. By year's end, the Government made significant legal and electoral reforms (see Section 1.e.).

Legal actions against potential opposition candidates for congressional campaigns removed some of them from eligibility for public office. In 1999 Congress passed a law prohibiting candidacies for certain offices such as president or congress by anyone who had served in high office and had been charged with a crime against the State. In effect this law presumes the guilt of any persons charged but not convicted of a crime and removes the right to compete for office. This law disqualified former Labor Minister Jorge Mufarrech and Representative Beatrice Merino from standing as candidates. Congress annulled the law in October.

Women and some minorities participate actively in government and politics, although they are under-represented in both fields. From August to November, the president and three vice presidents of Congress were women. In December Congress amended the electoral law to include provisions requiring parties to include at least 30 percent of candidates on their slates to be of each sex; previously the level was 25 percent. At year's end there were 26 women in the 120-seat Congress. One of 15 cabinet ministers and several vice ministers are women, as are 3 of the 36 judges of the Supreme Court, and the Attorney General. In conjunction with the year's election campaign, four women's organizations sought to identify female candidates, promote women's interests, increase the number of female voters, prepare a woman's political agenda, and train women who were elected to office.

Citizens of Asian descent hold numerous leadership positions in government; former President Fujimori is of Japanese descent and one recent president of the Council of Ministers was of Chinese descent.

Several members of Congress have mixed ancestry, and a recent Vice President was a Quechua speaker, as was a recent Minister of Transportation and Communications. However, it is rare for indigenous people, who make up more than one-third of the population, to hold high public offices. The Afro-Peruvian minority, unofficially estimated at 3 to 5 percent of the total population, is not represented in

the leadership of any branch of the Government. There are three Afro-Peruvian members of Congress.

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

In general the Government permitted numerous NGO's dedicated to monitoring and advancing human rights to operate freely; however, the authorities at times sought to hinder the operations of human rights monitors, including harassment of members of the National Human Rights Coordinator.

Military commanders often did not grant access to local and international human rights monitors to investigate alleged abuses on military bases. However, by year's end, this policy began to change under the Paniagua administration. In December members of the Human Rights Ombudsman's office were granted access to the naval military prison in Callao for the first time ever.

Government, military, judicial, and police officials, as well as some members of Congress publicly accused NGO's and the IACHR of being overprotective of criminals and terrorists to the detriment of victims. These statements at times created a hostile environment for human rights groups but did not appear to hamper their ability to carry out their work. For much of the year, communication between the human rights community and the military ranged from strained to nonexistent. However, dialog between the NGO human rights community and civilian authorities improved significantly with the opening of the OAS sponsored dialog in August (see Section 3). By year's end, human rights organizations and the Government were represented in a number of the working groups which were examining legal reforms and pursuing the idea of a truth commission to examine past human rights abuses. Human rights community members reported that the Paniagua administration had initiated improvements in government-civil society relations, including the appointment of several former NGO leaders to his cabinet.

Most human rights NGO's are independent, thorough, and generally objective. The National Coordinator for Human Rights (Coordinadora), established in 1985, provides an umbrella organization for 60 human rights NGO's. The Coordinadora does not politicize its positions on human rights issues, although its constituent members may do so in their own names. A number of other human rights groups associated with the Catholic Church or with government institutions operate on the margins of the Coordinadora.

The Office of the Human Rights Ombudsman, created in 1993, receives funds from the Government and foreign governments and is considered an independent and effective institution for bringing citizens justice. The Ombudsman has investigative independence and the ability to inform the public of his conclusions and recommendations. However, the office has no enforcement mechanism other than moral suasion. Because of its reputation and role in society, the Ombudsman's office was asked to join in the OAS dialog to address the problems of the election and the ongoing process of democratization. The Ombudsman's office issued reports throughout the year on the elections, freedom of the press, the activities of the ad hoc Pardons Commission, the situation of 4,000 unresolved disappearance cases, and an annual report on the overall human rights situation, among others.

The Human Rights Ombudsman has a legal mandate to monitor prison facilities. However, until December, Ombudsman representatives continued to be denied access to the military prison in Callao (see Section 1.c.).

In July the IACHR published a report updating its 1998 factfinding mission. Although the Government welcomed the Commission's recognition of action it had taken, such as the creation of the Human Rights Ombudsman's office and the abolition of faceless judges, the report concluded that the Fujimori administration continued to reject the Commission's call to return to the Inter-American Court (see Section 1.e.). The IACHR report also noted the existence of impunity, restrictions on the freedom of expression, significant problems regarding the free practice of political freedoms and flawed elections, and the subjugation of the other branches by the executive branch under the Fujimori administration. In addition, the report stated that the significant problems that occurred during the electoral process were the "foreseeable outcome of several years in which the arbitrary will of the Government has prevailed over the law and democratic institutions."

Human Rights Watch and other groups reported on harassment or attacks on human rights workers. Among such attacks were telephonic threats against Jesus Agreda Paredes, who investigated the death of a detainee in police custody, and death threats against members of the Legal Defense Institute. NGO's reported that such harassment and threats dropped significantly after the Paniagua administration took office in November.

In July 1999, the Government announced its decision to withdraw from the contentious jurisdiction of the Inter-American Court of Human Rights after the Court determined that the Government failed to provide due process in the case of four Chileans convicted of treason by a military tribunal. Members of the OAS dialog discussed with the Government terms for its return to the Court beginning in August. By year's end, legislation approving a return to the Court's jurisdiction had been approved by committees and was waiting for a plenary vote, and the Government was preparing to return to the Court's contentious jurisdiction.

At least two human rights organizations reported theft of their documentation during the year. On November 1, burglars stole computers and other documentation that the Human Rights Commission collected regarding human rights violations. On November 4, armed burglars broke into the office of the NGO Peace and Hope in Lima. The burglars held a security guard at gunpoint while they removed information from computers. In both cases burglars did not take valuable items or machines. AI alleged that the burglaries were organized by the SIN, and that their objective was to intimidate the human rights community. Police investigations had not identified those responsible by year's end.

There were no reports of Sendero Luminoso hampering the work of human rights monitors.

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

The Constitution provides for equal rights for all citizens, and specifically prohibits discrimination based on ethnic origin, race, sex, language, religion, opinion, or economic condition. Nevertheless, discrimination against women, the disabled, indigenous people, and racial and ethnic minorities continued, although progress is being made in a number of areas. In December Congress passed legislation that made racial discrimination a crime.

Women.—Violence against women, including rape, spousal abuse, and sexual, physical, and mental abuse of women and girls, continued to be a chronic problem. Such abuses are aggravated by insensitivity on the part of law enforcement and judicial authorities toward the female victims of abuse. A 1999 Population Council study estimated that 80 percent of women surveyed were beaten by their husbands. Human rights organizations believe a large number of domestic violence cases remain unreported. Nationwide in 1998 there were 27,935 complaints of domestic abuse (77 percent for violence and 23 percent for psychological abuse). Although official figures for the number of arrests and convictions in abuse cases are unavailable, NGO sources contend that the vast majority of reported cases do not result in formal charges due to fear of retaliation from the accused spouse, or because of the cost involved in pursuing a complaint. In addition, legal and physical protection is limited by delays in legal processes, ambiguities in the law, and lack of alternative shelter and income for victims.

The 1997 domestic violence law gives judges and prosecutors the authority to prevent the convicted spouse or parent from returning to the family's home. The law also authorizes the victims' relatives and unrelated persons living in the home to file complaints of domestic violence. Whereas previously victims of domestic violence had to have a specialist in legal medicine certify their injuries and had to pay for the report, the new law eliminated the required fee and stipulated that the report may be prepared by any health professional. In March Human Rights Watch called on the Government to improve legislation on domestic violence by eliminating mandatory conciliation sessions between victims and abusers, and by providing law enforcement and social service providers with training to improve their sensitivity to victim's needs.

In March 1999, PROMUDEH created the Women's Emergency Program to call attention to the legal, psychological, and medical problems facing women and children who were victims of violence. The program received approximately 9,000 cases during the year. PROMUDEH continued its public education campaign to sensitize government employees and the public on domestic violence.

According to the Human Rights Ombudsman's office, many women complain that police officers react indifferently to charges of domestic violence, even though the law requires all police stations to receive such complaints. The Ministry of Women's Advancement and Human Development, with NGO assistance, educates police about domestic violence and trains officers in all police stations in processing domestic violence cases. The Ministry also runs over 30 facilities, staffed entirely by women, that bring together in one place representatives of all government institutions—police, prosecutors, counselors, and public welfare agents—to which abused women might have recourse.

According to the Human Rights Ombudsman, many rape victims complain that court-appointed medical examiners inappropriately delved into their past sexual histories. They also accused judges of looking more favorably on rape victims who were virgins prior to the rape and of believing that a woman who was raped must have enticed her attacker.

In 1999 Congress responded to an appeal from the Human Rights Ombudsman and amended the Criminal Code to provide greater protection to victims of sexual violence. The amendments eliminated provisions that had allowed rapists and other sexual predators the opportunity to avoid prosecution if they reached a private settlement with their victims. In addition, the Ombudsman recommended rescinding the provision that specifies that, in cases of sexual abuse of victims over 14 years of age, only victims themselves may file a complaint; in November, the Government rescinded that provision of the law. Many victims are afraid of personally filing a complaint of sexual abuse, particularly in cases where the perpetrators were police officers.

In 1999 the Human Rights Ombudsman published an updated report on sterilization without informed consent of women in public hospitals and family planning clinics, and the Government took action on some of its recommendations during the year (see Section 1.f.). Acting on the Human Rights Ombudsman's findings, clinics implemented procedures to insure that patients are fully apprised of their options and their consequences. There were isolated complaints regarding this problem during the year.

The Constitution provides for equality between men and women, and the 1995 amendments to the Employment Promotion Law, as well as other laws relative to marriage, divorce, and property rights, prohibit discrimination against women. Racial and sexual discrimination in employment advertisements or announcements of educational training opportunities is prohibited; however, it continues to occur in practice. In 1998 Congress removed the police rank of health-care professionals in police hospitals and accorded them civilian status only. Since over 80 percent of such professionals are women, the Human Rights Ombudsman challenged the constitutionality of the new law and its implementing regulations, on grounds of discrimination. The Superior Court of Lima ruled against the Ombudsman, who then appealed to the Supreme Court. By year's end, the Supreme Court had determined that the workers were stripped improperly of their police rank but had not made a decision concerning damages. In 1999 the Congress passed legislation protecting pregnant women against arbitrary firing.

Traditional assumptions and misconceptions often impede access by women to leadership roles in both the public and private sectors. Because of societal prejudice and discrimination, women historically have suffered disproportionately from the country's pervasive poverty and unemployment. "Mibanco," a program supported by the Government and a consortium of NGO's, represents an effort to improve women's ability to generate income by providing credit to small businesses started by enterprising women. More than 60 percent of its clients are women.

Children.—The Government provides free, compulsory education through secondary school. Education is generally available throughout the country. However, approximately 6 percent of children between the ages of 6 and 12, and 17 percent of adolescents between the ages of 12 and 17, either never have attended school or have abandoned their education. Among children and adolescents who live in poverty or extreme poverty, the corresponding figures are 47.7 percent for children under 5 years old, 51 percent for children ages 5 to 9 years old, and 49.9 percent for children age 10 to 14. School nonattendance is highest in rural and jungle areas and affects girls more than boys. In 1998 Congress amended the Child and Adolescent Code to provide pregnant school-age girls with the right to begin or continue attending school. The law also provided for regional offices to enforce children's rights.

The Children's Bureau of the Ministry of Women's Advancement and Human Development coordinates child and adolescent related government policies and programs. The National Initiative on the Rights of the Child is the largest NGO of its kind and coordinates the work of 27 groups concerned with the problems of children throughout the country.

At the grassroots level, 1,010 Children's Rights and Welfare Protection Offices receive and resolve complaints ranging from physical and sexual abuse to child support, abandonment, and undetermined guardianship. Provincial or district governments operate some 55 percent of these offices, while schools, churches, and NGO's run the remaining 45 percent. Law students staff most of the units; only the offices in the wealthiest districts of the country have professionally trained lawyers, psychologists, and social workers. When these offices cannot resolve cases, officials typically refer them to the local prosecutors' offices of the Public Ministry. Settlements

adjudicated by these offices are binding legally and have the same force as judgments entered by a court of law.

Violence against children and the sexual abuse of children are serious problems. It is estimated that only 10 to 20 percent of mistreatment and abuse cases are reported, since many persons believe that such problems belong within the family and should be resolved privately. Nonetheless, in Lima alone, at least 400 rapes of minors are reported annually.

According to the 1993 Census, 69.6 percent of children 6 to 17 years old lived in poverty. Of these, roughly half live in rural areas. Of all children and adolescents under 17 years of age, 20 percent live in extreme poverty. In 1996 the infant mortality rate was 43 per 1,000. However, this figure masks wide regional disparities: it is 30 per 1,000 in urban areas, compared with 62 per 1,000 in rural areas. Approximately 26 percent of children under age 5, and 48 percent of children ages 6 to 9, suffered from chronic malnutrition. In those homes where the mother has a low level of education, as many as 50 percent of the children suffer from chronic malnutrition, and 114 per 1,000 die from preventable causes before they reach age 5.

According to a study by the National Institute of Statistics, children who live in poverty are less likely to reach high levels of education. The study indicated that approximately 75 percent of children not living in poverty attend school through the high-school level, whereas, only 43 percent of children living in poverty reach high school. Children living in poverty average only 4.5 years of education, compared to 9.3 years for children living above the poverty line. Only 1.2 percent of children living in extreme poverty attain university-level education, compared with 25.6 percent of children who live above the poverty line.

Street crime committed by children and adolescents, including robbery, physical assault, and vandalism, is often gang-related. According to a 1998 congressional commission study, gangs carry out 75 percent of all acts of vandalism, 29 percent of assaults, and 23 percent of robberies. The majority of these crimes are committed under the influence of drugs and alcohol, and their underlying causes are unemployment, nonattendance at school, and difficult family relationships.

In 1999 the Government repealed a series of measures that had been used to reduce street crime, including prosecuting 16- to 18-year-old criminal gang members in military courts and sentencing those convicted to no less than 25 years in adult prisons.

As many as 1.9 million children work to help support their families. Of this total, some 500,000 children are under the age of 14, while 700,000 are between the ages of 15 and 17 (see Section 6.d.).

Although laws exist that prohibit sexual abuse of minors and police enforce such laws, there continued to be reports that minors work in the sex trade.

People with Disabilities.—The Constitution provides that severely disabled persons have “the right to have their dignity respected and to be provided by law with protection, care, rehabilitation, and security.” In 1998 comprehensive legislation established the National Council for the Integration of People with Disabilities and specified the rights, allowances, programs, and services that should be provided for the disabled. The statute prohibits discrimination, mandates that public spaces be barrier-free and that buildings be architecturally accessible, and provides for the appointment of a disability rights specialist in the Human Rights Ombudsman’s office. However, in practice the Government devotes little attention and resources to the disabled, and they remain economically and socially marginalized.

The Government does not allocate sufficient funds to make genuine integration of the disabled into the economy possible. According to the National Coordinator of the Association of Disabled People, the Government allocates an annual budget of approximately \$250,000 (1 million soles) to integrate the disabled into the economy. Although the law prohibits discrimination in the workplace, it is vague regarding the source of funds to pay for the human assistance, technological support, and environmental adaptations that often are necessary to enable disabled workers to be productive. As a result, disabled individuals and the private agencies serving them generally must rely on public charity and on funding from international organizations.

The 1993 census counted 288,526 disabled persons, or 1.3 percent of the population; however, the Ministry of Health and the Pan American Health Organization estimate that the actual number of disabled persons could be as high as 3 million, or 13.8 percent of the population.

It is difficult for many disabled persons to obtain insurance coverage because carriers typically believe that a severe disability necessarily increases a person’s vulnerability to accidents and illnesses.

Although construction regulations mandate barrier-free access by persons with physical disabilities to public service buildings, no effort has been made to implement this provision. Nor do accommodations exist, such as accessible polling stations, interpreters for the deaf in government service offices, and Braille or recorded versions of the Constitution, which would facilitate the participation of the disabled in the basic processes of democracy and citizenship. The Government made efforts to make voting easier for disabled persons in the April and May elections, although there were many complaints about inadequate access. In November the Human Rights Ombudsman's office announced a program to facilitate voter education and access for the handicapped for elections scheduled for April 2001.

According to officials of the Institute for Social Security, less than 1 percent of severely disabled citizens actually work. Among those who do, many have been channeled into a restricted number of occupations traditionally assumed to be "suitable" for the disabled, such as telephone switchboard operation and massage, in the case of the blind. Some private companies have initiated programs to hire and train the disabled, and a private foundation provides small loans to the disabled for the purpose of starting their own businesses. Nevertheless, disabled persons faced discrimination by potential employers. For example, the statute governing the policies and procedures of the judicial branch specifically prohibits the blind from serving as judges or prosecutors, a discriminatory provision that the National Judiciary Council has interpreted to apply to all persons with disabilities. In 1998 SEDAPLA, Lima's water utility, dismissed all its blind switchboard operators, ostensibly as part of a nondiscriminatory, across-the-board cost-cutting measure. However, the chief advocate for the disabled in Congress reported that all the blind operators immediately were replaced by younger, sighted recruits. The disabled only recently have begun to organize and demand equal rights and opportunities as a minority.

Indigenous People.—The Constitution prohibits discrimination based on race and provides for the right of all citizens to speak their native language; however, the large indigenous population still faces pervasive discrimination and social prejudice. Many factors impede the ability of indigenous people to participate in, and facilitate their deliberate exclusion from, decision making directly affecting their lands, culture, traditions, and the allocation of natural resources. According to indigenous rights groups, the provisions in the 1993 Constitution and in subsequent implementing legislation regarding the treatment of native lands are less explicit about their inalienability and unmarketability than were earlier constitutional and statutory protections. Pervasive discrimination and social prejudice intensify feelings of inferiority and second-class citizenship. Many indigenous people lack such basic documents as a birth certificate or a voter's registration card that normally would identify them as full citizens and enable them to play an active part in society.

Persons of indigenous descent who live in the Andean highlands speak Aymara and Quechua, which are recognized as official languages. They are ethnically distinct from the diverse indigenous groups that live on the eastern side of the Andes and in the tropical lowlands adjacent to the Amazon basin. A 1998 regulation stipulating that all school teachers be certified initially caused fears that uncertified indigenous teachers would lose their jobs, and that the continued use of Aymara and Quechua as languages of instruction, as well as the very survival of indigenous cultures, had been put in jeopardy; however, due to the unwillingness of many certified teachers to work in rural areas, uncertified Aymara and Quechua-speaking teachers continue to work.

The native population of the Peruvian Amazon, estimated at between 200,000 and 300,000 persons, faces pervasive discrimination and social prejudice. In accordance with local culture and traditions, most of the native communities have a spiritual relationship with their land, and the concept of land as a marketable commodity is alien to them. Nevertheless, according to the director of the Human Rights Ombudsman's Native Communities Program, the only right still statutorily set aside for this native population with respect to its land is that of "unassignability," which prevents the title to such lands from being reassigned to some nonindigenous tenant by right of tenure. However, the marketing and sale of the lands are no longer prohibited.

Many other factors also contribute to the marginalization of indigenous people in society. Poor transportation and communications infrastructure in the highlands and in the Amazon jungle region makes political mobilization and organization difficult. The geographic isolation of much of the indigenous population and the centralization of government action in Lima further limit the access and participation of indigenous people in society.

In many jungle areas, encroachment on native lands comes from a variety of sources, including colonists and coca growers, terrorists, and business interests in search of exploitable natural resources. For example, there are approximately 25 oil

exploration fields and numerous gold mining operations on indigenous lands in the Amazon region. The 45,000 Aguaruna and the 5,000 Huambisa people, who inhabit the area near the Peru-Ecuador border are only two of many indigenous groups that complain about intolerable living conditions and inaccessible public services. In the same region, along the Pastaza River, the 4,700 Achuar people live in 36 communities, only 12 of which have title to their land. In addition, the Achuar are fighting an incursion by oil exploration and drilling interests, as well as against a government-sponsored influx of colonists. Title to land does not include mineral or other subsoil rights; this condition leads to conflicts between mining interests and indigenous communities. Such encroachment often can damage the environment and negatively affect the health of the native people. About 20 indigenous groups in the Amazon Basin have requested communal reserves to hunt game, which is allowed under the law, but the Government took no action on this request.

The two principal NGO's that represent the interests of the native population of the Peruvian Amazon are the Inter-Ethnic Association for the Development of the Peruvian Jungle (AIDSEP) and the Confederation of Amazonian Nationalities of Peru (CONAP). Both organizations joined the Permanent Conference of Indigenous Peoples, an umbrella body that coordinates the activities of the country's indigenous population. Both AIDSEP and CONAP are critical of the 1995 land law, which permits Amazonian land to be bought and sold if no one is living on it or otherwise making use of it. However, CONAP believes that mining and other development operations are inevitable and, therefore, wants native communities to share appropriately the benefits of that development. AIDSEP remains opposed to territorial encroachments by government, commercial, and other interests.

Although indigenous rights advocates protest the low priority assigned by the Government to the socioeconomic condition of indigenous people and the lack of consultation regarding matters affecting their welfare, the Human Rights Ombudsman believes that the Government's attitude has changed. The Government's Indigenous Affairs Commission, formed in November 1998, is working to fulfill its mandate to coordinate all available state services to meet the needs of indigenous people better. The Commission, which is chaired by the Ministry of Women's Advancement and Human Development, has among its members officials from a variety of relevant ministries as well as four representatives of the indigenous peasant population in the highland and coastal areas and the native population of the Amazon jungle. In 1999 Congress created an Indigenous Affairs Committee; however, the Committee was largely inactive during the year.

Sendero Luminoso continued to be a leading violator of the rights of indigenous people. Isolated primarily along the Ene River in Junin department, Sendero Luminoso continued to coerce indigenous Ashaninkas to join its ranks, which resulted in further internal displacement in this region.

National/Racial/Ethnic Minorities.—In December Congress passed legislation that made racial discrimination a crime. The minority population includes several racial minorities, the largest of which are persons of Asian and African descent. Afro-Peruvians, who tend to be concentrated along the coast, often face discrimination and social prejudice, and they are among the poorest groups in the country.

Afro-Peruvians generally do not hold leadership positions in government, business, or the military; however there are three Afro-Peruvian members of Congress. Both the navy and the air force are widely believed to follow unstated policies that exclude blacks from the officer corps. The law prohibits employment advertisements in the newspapers from specifying the race of the candidates sought, but employers often find discreet ways to relegate blacks to low-paying service jobs. The law prohibits various forms of discrimination by retail establishments against prospective customers. However, the law has not deterred significantly discriminatory practices. In one reported case, a foreign diplomat and his family were denied membership to a prestigious Lima social club because of race.

According to two organizations specializing in the rights of persons of African descent, police continue to detain persons of African descent on suspicion of having committed crimes, on the basis of their skin color. Similarly, police rarely act on complaints of crimes against Afro-Peruvians. Afro-Peruvians are portrayed unflatteringly by the entertainment industry as individuals of questionable character.

Although Peruvians of Asian descent historically have suffered discrimination, their social standing has improved markedly during the past decade, as the country has sought to emulate Asia's earlier economic growth and as the Asian community achieved financial success. In addition to former President Fujimori, who is of Japanese descent, many other persons of Asian descent hold leadership positions in business and government.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of association; however, worker rights advocates claim that the laws are overly restrictive. About 5 percent of the total work force of 8.5 million belong to organized labor unions. More than half of all workers participate in the informal sector of the economy. Workers are not required to seek authorization prior to forming a trade union, nor can employers legally condition employment on union membership or nonmembership. However, groups including the International Confederation of Free Trade Unions (ICFTU) assert that laws promulgated by the Fujimori administration in 1992, as well as provisions included in the 1993 Constitution, fail to protect the rights of workers to form unions. Labor rights advocates claim that many workers are reluctant to organize due to fear of dismissal.

The International Labor Organization (ILO) indicated that several aspects of the labor law are not consistent with the international standard of freedom of association. The ILO specifically criticized a provision that permits businesses to employ youth workers between the ages of 16 to 25 as up to 30 percent of the workforce; workers in this age bracket are precluded from union membership and participation. The ILO requested modifications to the laws that regulate the right to strike, including a requirement that a majority of workers in an enterprise, regardless of union membership, must vote in favor of any strike.

Unions represent a cross section of political opinion. Although some unions traditionally have been associated with political groups, the law prohibits unions from engaging in explicitly political, religious, or profit-making activities. The several union leaders who ran for Congress in the April elections all did so in their own names, without official union sponsorship. Nevertheless, some union activists who run for public office receive unofficial backing from their unions.

The main union confederations have criticized the Employment Promotion Act, amended in 1995 and 1996, for restricting the rights of workers, including the freedom of association. Unions also complain that the law eliminates the right of dismissed workers to compulsory reinstatement if they prove that employers dismissed them unjustly. In practice, the legislation allows companies to offer financial compensation instead of reinstatement. Although the law prohibits companies from firing workers solely for their involvement in union activities, this provision has not been rigidly enforced. In practice, the legislation continued to have a negative impact on the right of association by making it easier for companies to fire workers involved in union activities. There is no legal protection against employer interference in trade unions.

The Peruvian General Workers' Union (CGTP) and other labor groups held several general strikes throughout the country during the year. According to press accounts, one strike in August drew support from civil service workers, health providers, and construction workers, as well as support from a broad range of religious and social organizations and opposition politicians. In September a work stoppage culminated in protest marches around the country, including a large gathering of up to 20,000 persons in downtown Lima. The Government took no actions to prevent the strikes or reprimand participants.

On July 25, unknown persons broke into the headquarters of the United Worker's Center (CUT) and stole printed material and other items just before the Four Quarters March. The ICFTU noted that the police refused to register the CUT's complaint or begin an investigation. Moreover, the ICFTU asserted that police officers attempted to infiltrate union and other demonstrators who were planning the march.

Confrontations in Lima between union-affiliated protesters and police occurred in several different instances. In some cases these confrontations were reportedly provoked by protesters who burned tires, threw rocks, and tried to destroy public and private property. Police action resulted in injuries in several cases.

In August medical workers undertook a 2-day strike to protest low wages and working conditions. In November the Paniagua administration met with labor leaders in the health care sector to try to resolve wages and benefit related complaints. The Paniagua administration leaders also met with union leaders from the education sector to discuss their long standing grievances.

There are no restrictions on the affiliation of labor unions with international bodies. Several major unions and labor confederations belong to international labor organizations such as the ICFTU, the international trade secretariats, and regional bodies.

b. The Right to Organize and Bargain Collectively.—The Constitution recognizes the right of public and private sector workers to organize and bargain collectively; however, it specifies that this right must be exercised in harmony with broader social objectives. Labor regulations provide that workers may form unions on the basis

of their occupation, employer affiliation, or geographic territory. The regulations prohibit probationary, apprentice, and management employees from union membership. The law does not prohibit temporary employees from joining a union, but they cannot join the same union as permanent workers.

According to the regulations, union officials must be active members of their union, but the number of individuals each union may designate as "official" is limited, as is the amount of time they may devote to union business on company time. The Labor Code requires employers to reinstate workers or compensate financially those whom companies have fired. It is illegal to fire workers for union activities, though reports from labor activists indicate that this is a common practice.

To become an official collective bargaining representative, a union must represent at least 20 workers. Representatives may participate in collective bargaining negotiations and establish negotiating timetables. Management negotiating teams cannot exceed the size of union teams, and both sides are permitted to have attorneys and technical experts present as advisers.

Proposals for a strike require secret ballot approval of a majority of all workers in a company, whether union members or not; labor activists find the requirement to be onerous. A second vote must be taken, if petitioned by at least 20 percent of the workers. However, labor rights advocates complain that many workers are reluctant to participate even in secret ballots, due to fear of employer retaliation, particularly since a full list of workers who attend meetings in which such ballots are taken must be submitted to management. Strikes can only be called in defense of labor rights. Unions that employ workers in public services deemed essential by the Government are further restricted from striking.

In November the ILO's Committee of Freedom of Association issued a report in response to allegations of antiunion discrimination. It recommended that the Government enact and enforce legislation protecting workers from dismissal on account of membership in a union or participation in union activities.

The labor movement criticizes the amended Employment Promotion Law, which it asserts makes it easier for employers to dismiss employees and thereby to impede the right of workers to bargain collectively. There are no legal restrictions that prevent unions from negotiating for higher levels of worker protection than the baseline standards provided for by law.

Labor regulations permit companies unilaterally to propose temporary changes in work schedules, conditions, and wages, and to suspend collective bargaining agreements for up to 90 days, if obliged to do so by worsening economic circumstances or other unexpected negative developments, provided that they give their employees at least 15 days' notice of such changes. However, worker rights advocates allege that, in practice, few employers respected this provision. If workers reject an employer's proposed changes, the Ministry of Labor is required to resolve the dispute based on criteria of "reasonableness" and "economic necessity." Whether the changes proposed by employers in such instances are upheld in full or in part, employers are required to adopt all possible measures, such as the authorization of extra vacation time, in order to minimize the negative economic impact on their employees.

In December the Paniagua administration established a national labor council to promote dialog among business, labor, government, and international organizations. The dialog focused on discussing reforms to legal provisions regarding dismissal policies and collective bargaining rights.

Although a conciliation and arbitration system exists to resolve management and labor disputes, union officials complain that their proportionate share of the costs of arbitration often exceeds their resources. In addition, union officials claim that, as the law prohibits temporary workers from participating in the same union as permanent workers, companies have resorted to hiring workers on temporary, personal services contracts to prevent increases in the number of union members. Although the law restricts the number of temporary workers hired to 20 percent of a company's work force, worker rights advocates allege that this quota rarely is respected. Employers deny that they are biased against unions, and argue that the labor stability provisions of the legislation have made long-term commitments to workers too expensive.

Special regulations aimed at giving employers in export processing and duty free zones a freer hand in the application of the law provide for the use of temporary labor as needed, for greater flexibility in labor contracts, and for setting wage rates based on supply and demand. As a result, workers in such zones have difficulty in unionizing, although worker rights advocates admit these zones are few in number and do not contribute substantively to labor's unionizing difficulties.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and there were no reports of forced labor during the year. The law specifically prohibits forced or bonded labor by children. Forced labor previously

was found in the gold mining industry in the Madre de Dios area; however, the changing nature of the industry and government efforts to regulate it seem to have addressed the problem. During the year, the Ministry of Energy and Mines reported that the number of registered dredging companies fell, while informal operations continued. NGO sources and the ILO reported in 1999 that mechanization largely has replaced manual labor, and the Ministry of Labor inspection programs helped deter illegal child labor in this industry. According to the ILO, PROMUDEH, and the Ministry of Labor, there were no reports of forced child labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Child and Adolescent Code of 1992 governs child and adolescent labor practices. The legal minimum age for employment is 14. However, children between the ages of 12 and 14 may work in certain jobs to help support their families if they obtain special permission from the Ministry of Labor and certify that they also are attending school. In certain sectors of the economy, higher minimums are in force: age 14 in agricultural work; age 15 in industrial, commercial, or mining work; and age 16 in the fishing industry. Certain types of employment are prohibited, such as work underground; work that involves the lifting and carrying of heavy weights; work where the child or adolescent is responsible for the safety of others; night work; or any work that jeopardizes the health of children and adolescents, puts at risk their physical, mental, and emotional development, or prevents their regular attendance at school. The ILO and NGO's report that child labor remained a problem nationwide, and especially in the informal sector.

Human and labor rights groups criticized the modification of the Child and Adolescent code, passed in August, that maintained the current minimum age for work at 12 years old (with permission), and argued that it contradicts international guidelines on the minimum age of child workers.

The Constitution provides for compulsory, free education through secondary school. Nevertheless, largely because of widespread poverty, approximately one-third of all school-age children and adolescents work during daytime hours rather than attend classes, and only a few of them attend classes at night.

Many children are pressed to help support their families from a very early age by working in the informal economy, which escapes government supervision of wages and working conditions. Other children and adolescents work either in formally established enterprises, or as unpaid workers at home, or at times in the sex trade (see Section 5).

Adolescent workers must be authorized to work and must be registered unless they are employed as domestic workers or as unpaid family workers. Adolescents may only work a certain number of hours each day: 4 hours for ages 12 through 14, and 6 hours for ages 15 through 17. Adolescent employment must be remunerated in accordance with the principle of equal pay for equal work. In practice, the Child and Adolescent Code provisions are violated routinely, especially in the informal sector. Child and adolescent laborers work long hours in the agricultural sector. Many other children are at times reportedly employed in dangerous occupations or in high-risk environments, such as gold mining, garbage collection, loading and unloading produce in markets, and brick making, or work in stone quarries and fireworks factories, among others.

In recent years, government surveys have estimated the number of child and adolescent workers at anywhere from 500,000 to 1.9 million. A 1996 government study found that 8 percent of the work force is between the ages of 6 and 14 (see Section 5). Child and adolescent labor tends to be seasonal, with the highest survey statistics reported during school vacation periods.

There were two allegations of child labor in the informal gold mines of Madre de Dios department in during the year. The authorities investigated the incidents and intervened with the families involved.

The Constitution does not prohibit specifically forced or bonded labor by children, although there are laws which prohibit this practice (see Section 6.c.).

e. Acceptable Conditions of Work.—The Constitution provides that the State promote social and economic progress and occupational education. It states that workers should receive a "just and sufficient" wage to be determined by the Government in consultation with labor and business representatives, as well as "adequate protection against arbitrary dismissal."

In March the Government raised the statutory minimum wage to \$117 (410 soles) a month, which is not considered sufficient to provide a decent standard of living for a worker and family. That year the Government estimated the poverty line to be about \$45 (157 soles) a month per person. According to some estimates, as much as half the work force earns the minimum wage or below.

The Constitution provides for a 48-hour workweek, a weekly day of rest, and an annual vacation. In addition, it prohibits discrimination in the workplace; however,

it continued to be a problem in practice. The labor code provides for a 48 hour work week for women. Labor advocates state that workers have been pressured to work longer hours to avoid dismissal.

While occupational health and safety standards exist, the Government lacks the resources to monitor firms or enforce compliance. Labor advocates continued to argue that the Government dedicated insufficient resources to enforce existing legislation. The Ministry of Labor employs a force of 100 inspectors to carry out unannounced visits throughout the country. When firms are found to be in violation of the law, the Government sanctions them with fines or, in some cases, closure. In cases of industrial accidents, the level of compensation awarded to the injured employee usually is determined by agreement between the employer and the individual involved. The worker does not need to prove an employer's culpability in order to obtain compensation for work-related injuries. No provisions exist in law for workers to remove themselves from potentially dangerous work situations without jeopardizing their continued employment. The Ministry of Labor continued to receive worker complaints and intervened in hundreds of cases.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons. In November 1999, the Government adopted legislation that criminalized alien smuggling, which is defined as promoting, executing, or assisting in the illegal entry or exit of persons from the country. Prostitution is legal, but the law prohibits and sanctions activities of those who would obtain benefits from prostitution, such as pimping. Laws prohibiting kidnaping, sexual abuse of minors, and illegal employment are enforced and could be used to sanction traffickers in persons. Available information suggests that trafficking in persons to, from, within, or through from the country is not a significant problem.

SAINT KITTS AND NEVIS

Saint Kitts and Nevis is a multi-party, parliamentary democracy and a member of the Commonwealth of Nations. The Constitution provides the smaller island of Nevis considerable self-government under a premier, as well as the right to secede from the Federation in accordance with certain enumerated procedures. The Government comprises a prime minister, a cabinet, and a bicameral legislative assembly. The Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. In national elections held on March 6, Denzil Douglas of the ruling St. Kitts and Nevis Labour Party remained Prime Minister; his party won 8 of 11 seats in the legislature. The judiciary is independent; however, intimidation of witnesses in high-profile, drug-related cases is a problem.

Security forces consist of a small police force, which includes a 50-person Special Services Unit that receives some light infantry training, a coast guard, and a small defense force. The forces are controlled by and responsive to the Government. There were occasional allegations of abuse by the police.

The mixed economy is based on sugar cane, tourism, and light industry. Most commercial enterprises are privately owned, but the sugar industry and 85 percent of arable land are owned by a state corporation. In 1998 and 1999, hurricanes caused an estimated \$450 million damage, affecting over 85 percent of the houses and buildings, greatly reduced sugar production, and caused significant losses in the tourism industry. However, during the year, construction, small manufacturing, and the services sector registered some improvement. Per capita gross domestic product remained about \$7,000 in 1999.

The Government generally respected citizens' human rights; however, there were problems in a few areas. Poor prison conditions, apparent intimidation of witnesses and jurors, government restrictions on opposition access to government-controlled media, and violence against women were the principal problems.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture or other forms of inhuman or degrading treatment or punishment, and the authorities observe this prohibition in practice. However, there were occasional allegations of excessive use of force by the police, particularly during the annual Carnival celebration or other special events. The

police force conducts its own internal investigation when complaints are made against members.

Prison conditions are poor. Prisoners suffer from severe overcrowding and poor food, and security is lax. These conditions have contributed to riots in the past, although none has occurred since 1994. The prison, built in 1840, was designed to accommodate 60 inmates but houses over 100 prisoners. A prison on Nevis houses 20 inmates. Female inmates are segregated from male prisoners; however, there are no separate facilities for juveniles.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government respects this provision in practice. The law requires that persons detained be charged within 48 hours or be released. If charged, the police must bring a detainee before a court within 72 hours. Family members, attorneys, and clergy are permitted to visit detainees regularly.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, intimidation of witnesses and potential intimidation of jurors in high-profile, drug-related cases threatened this traditional independence. The Government is exploring the possibility of a program to protect witnesses, judges, and jurors through the Caribbean Community.

The court system comprises one high court and four magistrate's courts at the local level, with the right of appeal to the Eastern Caribbean Court of Appeal. Final appeal may be made to the Privy Council in the United Kingdom. Free legal assistance is available for indigent defendants in capital cases only.

The Constitution provides that every person accused of a crime must receive a fair, speedy, and public trial, and these requirements generally are observed. In the latter part of the year, approximately 29 persons were being held on "remand" (detention pending trial or further court action). The length of remand varies according to offense and charges; persons may be held for days, weeks, or months.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the authorities generally respect these prohibitions. The law requires judicially issued warrants to search private homes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and, for the most part, the authorities respected these provisions in practice.

There are no daily newspapers; each of the major political parties publishes a weekly or biweekly newspaper. A third weekly newspaper is nonpartisan. The publications are free to criticize the Government and do so regularly and vigorously. International news publications are readily available.

The Government owns the only radio and television station on St. Kitts, and these media generally did not adequately publicize rallies and other events held by opposition parties. A Trinidadian company manages the station; however, the Government appoints three of its five board members. There is a religious television station and a privately owned radio station on Nevis.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly. Political parties organized demonstrations, rallies, and public meetings during the March election campaign without government interference.

The Constitution provides for the right of association, and the Government respects this right in practice.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

No formal government policy toward refugee or asylum requests exists. The issue of provision of first asylum did not arise. There were no reports of forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government by peaceful means, and citizens exercise this right in practice through periodic elections held on the basis of universal suffrage. A vigorous multi-party political system

exists, in which political parties are free to conduct their activities. All citizens 18 years of age and older may register and vote by secret ballot. Despite some irregularities, orderly general elections were held in March.

The Legislative Assembly has 11 elected seats; 8 for St. Kitts and 3 for Nevis. The Government holds 8 of the 11 seats; opposition parties hold the other 3 seats. In the March elections, Douglas' St. Kitts and Nevis Labour Party won all eight seats on St. Kitts; the People's Action Movement (PAM) lost the one seat it had held. The Concerned Citizens Movement won two of the three Nevis seats; the Nevis Reform Party won the remaining one. The island of Nevis has considerable self-government, with its own premier and legislature.

In accordance with its rights under the Constitution, the Nevis Island Assembly in 1996 initiated steps towards secession from the Federation, the most recent being a referendum in August 1998 that failed to secure the required two-thirds majority for secession. However, the matter of secession remained open, and in October the newly appointed opposition leader publicly stated his desire to have "two separate governments."

Although the Constitution prohibits discrimination on grounds of political opinion or affiliation, the former opposition party PAM alleges widespread employment discrimination by the St. Kitts and Nevis Labour Party against public sector employment of persons perceived to be PAM supporters. PAM alleged that the ruling party dismissed or demoted many PAM supporters from their jobs in order to replace them with its own supporters. The Government acknowledged that it had withheld pension benefits from opposition members of Parliament voted out of office but asserted that it had paid pension benefits to those entitled to them.

There are no impediments in law or in practice to the participation of women in leadership roles in government or political parties. There are 3 women in the Cabinet, 3 of 4 magistrates are women, the court registrar is female, and 7 of 20 permanent secretaries are female.

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

While there are no governmental restrictions, no local human rights groups have been formed. There were no requests for investigations or visits by international human rights groups.

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

The Constitution prohibits discrimination on grounds of race, place of origin, birth out of wedlock, political opinion or affiliation, color, sex, or creed, and the Government generally respects these provisions in practice.

Women.—According to a government official, violence against women is a problem, but many women are reluctant to file complaints or pursue them in the courts. Despite this reluctance, there were publicly reported cases of both domestic violence and rape, and a few convictions. There is no legislation addressing domestic violence.

The role of women in society is not restricted by law but is circumscribed by culture and tradition. There is no overt societal discrimination against women in employment, although sectoral analyses suggest that women do not yet occupy as many senior positions as men. The Bureau of Women's Affairs, under the Ministry of Health and Women's Affairs, is active in promoting change in the areas of domestic violence, poverty, health, institutional mechanisms to advance the status of women, and leadership positions for women. Since 1997 the Bureau has also been active in training the police and school guidance counselors on issues of domestic violence, sexual crimes, and child abuse.

Children.—The Government is committed to children's rights and welfare and has incorporated most of the provisions of the U.N. Convention on the Rights of the Child into domestic legislation. The law mandates compulsory education up to the age of 16; it is free and universal.

People with Disabilities.—Although there is no legislation to protect the disabled or to mandate accessibility for them, the Government and the Constitution prohibit discrimination in employment, education, and other state services.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all workers to form and belong to trade unions. The law permits the police, civil service, and other organizations to have associations that serve as unions. The major labor union, the St. Kitts Trades and Labour Union, is associated closely with the St. Kitts and Nevis Labour Party and is active in all sectors of the economy. There is

also a newly active teachers' union, a union representing dockworkers in the capital city, and two taxi drivers' associations.

The right to strike, while not specified by law, is well established and respected in practice. Restrictions on striking by workers who provide essential services, such as the police and civil servants, are enforced by established practice and custom, but not by law. There were no major strikes during the year.

Unions are free to form federations or confederations and to affiliate with international organizations. The islands' unions maintain a variety of international ties.

b. The Right to Organize and Bargain Collectively.—Labor unions are free to organize and to negotiate for better wages and benefits for union members. The law prohibits antiunion discrimination but does not require employers found guilty of such action to rehire employees who were fired for union activities. However, the employer must pay lost wages and severance pay. There is no legislation governing the organization and representation of workers, and employers are not legally bound to recognize a union, but in practice employers do so if a majority of workers polled wish to organize. Collective bargaining takes place on a workplace-by-workplace basis, not industrywide. The Labor Commissioner mediates all types of disputes between labor and management on an ad hoc basis. However, in practice few disputes actually go to the Commissioner for resolution. If neither the Commissioner nor the Ministry of Labor are able to resolve the dispute, the law allows for a case to be brought before a civil court.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution forbids slavery and forced labor, and they do not occur in practice. While neither the Constitution nor the law specifically address bonded labor, it has not been a problem in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1966 Employment of Children Ordinance outlaws slavery, servitude, and forced labor, and prescribes the minimum legal working age, which is 14 years. The Labor Ministry relies heavily on school truant officers and the community affairs division to monitor compliance, which they do effectively. The law mandates compulsory education up to the age of 16. Although the law does not specifically address bonded labor, it has not been a problem in practice (see Section 6.c.).

e. Acceptable Conditions of Work.—Minimum wage rates for various categories of workers, such as domestic servants, retail employees, casino workers, and skilled workers, were last updated in 1994, and manufacturing sector wages were revised in 1996. The minimum wage varies from \$56.18 (EC\$ 150) per week for full-time domestic workers to \$74.91 (EC\$ 200) per week for skilled workers. These provide a barely adequate living for a wage earner and family; many workers supplement wages by keeping small animals such as goats and chickens. The Labor Commission undertakes regular wage inspections and special investigations when it receives complaints; it requires employers found in violation to pay back wages. The Government provides unemployment benefits to workers who lose their jobs temporarily or permanently.

The law provides for a 40- to 44-hour workweek, but the common practice is 40 hours in 5 days. Although not required by law, workers receive at least one 24-hour rest period per week. The law provides that workers receive a minimum annual vacation of 14 working days. While there are no specific health and safety regulations, the Factories Law provides general health and safety guidance to Labor Ministry inspectors. The Labor Commission settles disputes over safety conditions. Workers have the right to report unsafe work environments without jeopardy to continued employment; inspectors then investigate such claims, and workers may leave such locations without jeopardy to their continued employment.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons.

An "economic citizenship" program allows foreign investors to purchase passports through loosely monitored procedures involving cash inflows ranging from \$200,000 (EC\$540,000) to \$285,000 (EC\$770,000). This program reportedly has facilitated the illegal immigration of persons from China and other countries to North America where, in some instances, criminal organizations that provided the funds to such persons force them to work under conditions similar to bonded labor until their debt is repaid.

SAINT LUCIA

Saint Lucia is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. The Government is composed of a prime minister, a cabinet,

and a bicameral legislative assembly. A Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. In general elections in 1997, the Saint Lucia Labour Party (SLP) defeated the incumbent United Workers Party (UWP), gaining 16 of 17 seats in the House of Assembly. Dr. Kenny Anthony of the SLP assumed the prime ministership from the UWP's Dr. Vaughan Lewis. The judiciary is independent.

The Royal Saint Lucia Police is the only security force and includes a small unit called the Special Services Unit (which has some paramilitary training) and a coast guard unit. They are controlled by and responsive to the Government. There were occasional allegations of abuse by the police.

The economy is based on tourism and on the export of bananas, which represent the principal sources of foreign exchange earnings. Saint Lucia is diversifying its economy into other types of agriculture, light manufacturing, and construction. Unemployment, estimated at 21 percent, remains a source of potential instability. Per capita gross domestic product for 1999 was provisionally estimated at \$3,648.

The Government generally respected citizens' human rights; however, there were problems in a few areas. The major problems included an extrajudicial killing by police; occasional credible allegations of physical abuse of suspects or prisoners by the police; very poor prison conditions; some censorship; long delays in trials; and recurring domestic violence against women. Child neglect and abuse are problems. On December 31, a deadly attack on parishioners in a Catholic church, although believed to be an isolated act by disturbed persons, raised concerns about religious tolerance.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, there was one extrajudicial killing by police.

On November 19, police shot and killed an escaped prisoner, Alfred Harding, who was jailed on charges of armed robbery and attempted murder. Harding, a Barbadian national, had escaped from prison in that country and also escaped from prison in Castries in July 1999. The police reported that he was killed while trying to flee, armed with an ice pick; some witnesses contradicted police reports and said that the police shot the prisoner after recapture, while he was subdued and held on the ground. Human rights groups criticized the police action as an example of the use of excessive force by police. The Minister for Home Affairs stated that an international group would be invited to conduct an impartial investigation; results still were pending at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits torture, and there were no reports of such abuse. However, human rights groups assert that the police occasionally use excessive force.

In July 1999, when the police recaptured escaped prisoner Alfred Harding (see Section 1.a.), they detained him in chains and shackles and kept him continuously in solitary confinement amid the general prison population. He filed a court case asserting that his rights were violated, but he was held in this manner until his human rights case was decided. In August the High Court awarded him \$9,250 (EC\$25,000) in compensation, stating that prison authorities were wrong in keeping him in shackles and solitary confinement for so long.

Prison conditions are very poor. The island's only prison, built in the 1800's to house a maximum of 101 prisoners, was subject to severe overcrowding with over 340 inmates. The prison's conditions, overcrowding, and lengthy trial delays led to a prison riot in June 1997; prisoners set fires that destroyed over half of the antiquated prison. The inmates asserted that the fires were part of a protest for improved prison conditions. Following the fires, the authorities transferred about 250 inmates to a factory shell outside the capital and stationed the paramilitary Special Services Unit at the prison. The prison since has been repaired, the majority of prisoners have been returned to the prison, and the Special Services Unit has ceased guarding the prison.

Following the riots, the Government invited Penal Reform International (PRI), a London-based nongovernmental organization, to study the prison and make recommendations. Its recommendations included the release of prisoners awaiting trial for minor offenses and the introduction of noncustodial alternatives as a sentencing option. As a result of the PRI report, the authorities selected a new superintendent of prisons who took over in February 1998, established a permanent Complaints Board composed of prominent citizens to meet every month to hear prisoners' com-

plaints, hired 24 new prison officials, and made some limited improvements to the facility. Despite these measures, inmates made another attempt to burn down the main prison facility in September 1998 but caused only limited damage. According to the superintendent, both the 1997 and the 1998 incidents of unrest occurred prior to the start of a new session of the High Court when prisoners on "remand" (detention pending trial or further court action) discovered that their cases were not on the published list of cases to be heard. At any given time, there may be 100 or more prisoners on remand who have been denied bail and are awaiting trial.

The Government started the groundwork for a new \$17 million (EC\$50 million) prison in the more remote eastern part of the island in 1998. It was scheduled for completion during the year, but progress was delayed and officials expect it to be completed in 2001.

The Government maintains a separate facility for women and in September there were 11 female prisoners. Conditions in the women's facility are somewhat better than those at the men's prison. Detained juveniles are held in the same facility as women.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Government adheres to the constitutional provisions that prohibit arbitrary arrest or imprisonment and require a court hearing within 72 hours after detention. However, the authorities frequently have held prisoners for years on remand after charging them (there is no constitutional requirement for a speedy trial). At the time of the 1997 prison riot, about 160 of the prisoners were on remand. For example, two foreign nationals, a Ghanaian and a Nigerian, have been held on remand since 1996. These individuals are detained for immigration violations, pending resolution of who is to pay the expense of their deportations.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is independent in practice.

There are two levels of courts: Courts of summary jurisdiction (magistrate's courts) and the High Court. Both levels have civil and criminal authority. The lower courts accept civil claims up to about \$1,850 (EC\$5,000) in value and criminal cases generally classified as "petty." The High Court has unlimited authority in both civil and criminal cases. All cases can be appealed to the Eastern Caribbean Court of Appeal. Cases may be appealed to the Privy Council in London as the final court of appeal.

The Constitution requires public trials before an independent and impartial court and, in cases involving capital punishment, provision of legal counsel for those who cannot afford a defense attorney. In criminal cases not involving capital punishment, defendants must obtain their own legal counsel. Defendants are entitled to select their own legal counsel; are presumed innocent until proven guilty in court; and have the right of appeal. The authorities observe both constitutional and statutory requirements for fair public trials.

However, the court system continued to face a serious backlog of cases. In the latter part of 1998, the magistrate's courts had a backlog of over 6,000 cases. Following an official study, in July 1999, the Government hired a new director of public prosecutions and provide him an assistant to attempt to speed up the trial process and reduce the backlog. His work and the flow of cases through the court system continue to be hampered by a shortage of magistrates and resources, and the backlog likely has not diminished. Previously, the Government had invited a team of justices from Australia to conduct a study and to make recommendations for reducing the backlog. The team issued a report (the Bauer report) in 1998. At year's end, the Government still was reviewing the report's recommendations.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, some censorship is practiced. In September a representative of a small foreign publishing house arrived in the country from Martinique with a number of books. Customs authorities seized 57 of them under a law that bans certain books. The authorities returned 37 of the books but kept the others for further review. The publisher questioned the banning and confiscation as a violation of freedom of speech. A number of the books seized were on religion or religious themes (see Section 2.c.).

There are five privately owned newspapers, two privately owned radio stations, and one partially government-funded radio station. They carry a wide spectrum of political opinion and are often critical of the Government. The radio stations have discussion and call-in programs that allow persons to express their views. The two local television stations also are owned privately and cover a wide range of views. In addition there is subscription cable television service, which provides programming from a variety of sources.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. The law requires permits for public meetings and demonstrations if they are to be held in public places, such as streets, sidewalks, or parks. The police routinely grant such permits; the rare refusal generally stems from the failure of organizers to request the permit in a timely manner, normally 48 hours before the event.

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. However, a number of the books customs authorities seized in September were on religion or religious themes, including titles such as *The Egyptian Book of the Dead*, *The Greater Key of Solomon*, *The Lost Books of the Bible*, and *The Ancient Mysteries of Melchizedek* (see Section 2.a.).

On December 31, two men alleged to be members of the Rastafarian movement attacked a Sunday Mass in a Catholic Church. They killed a nun, set the priest on fire, and wounded 12 other persons. At year's end, the authorities brought charges of murder and arson against the two men, and the investigation continued. Rastafarian leaders criticized the attack, and Archdiocese representatives criticized what they termed "an atmosphere of intolerance" and a "callous disrespect for authority" in the country. The Government criticized the attack as the work of mentally disturbed persons who underscored the plight of "impoverished and marginalized youth" alienated from societal norms.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

No formal government policy toward refugee or asylum requests exists. The issue of the provision of first asylum did not arise. There were no reports of the forced expulsion of anyone having a valid claim to refugee status; however, government practice remains undefined.

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

Citizens have the right to change their government and exercised that right in 1997 when the SLP defeated the UWP, which had governed with only one interruption since 1964. The SLP won 16 of 17 seats, campaigning on a platform of job creation and economic diversification and appealing explicitly to women and younger voters. In response to concerns about the size of the SLP's parliamentary majority, Prime Minister Anthony publicly emphasized that the Government would make efforts to reach out to the opposition to ensure that the country's democratic traditions were not undermined by the small size of the parliamentary opposition. The 1996 merger of smaller parties—the Concerned Citizens' Movement, the Saint Lucia Freedom Party, and the Citizens' Democratic Party—into the SLP left the country with only two major political parties. The Governor General, who had been affiliated with the UWP, stepped down following the elections. He was replaced by Pearlette Louisy.

Under the Constitution, general elections must be held at least every 5 years by secret ballot, but may be held earlier at the discretion of the government in power. Two members of the Senate are independent, appointed by the Governor General.

There are no legal impediments to participation by women and minorities in government and politics; however, they are underrepresented. Two of the 13 members of the Cabinet are women, as is the Governor General.

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

The Government generally does not restrict international or nongovernmental investigations of alleged violations of human rights. In some cases it has requested international organizations to investigate possible abuses.

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

The Constitution does not address discrimination specifically; however, government policy is nondiscriminatory in the areas of housing, jobs, education, and opportunity for advancement. There are no legal restrictions on the role of women or minorities.

Women.—There is increased awareness of the seriousness of violence against women. The Government does not prosecute crimes of violence against women unless the victim presses charges. If the victim chooses for any reason not to press charges, the Government cannot bring a case. Charges must be brought under the ordinary Civil Code. In 1997 the Government established a family court to hear cases of domestic violence and crimes against women and children.

The police force conducts some training for police officers responsible for investigating rape and other crimes against women, but there is no special unit that handles crimes against women. Police and courts enforce laws to protect women against abuse, although police are hesitant to intervene in domestic disputes, and many victims are reluctant to report cases of domestic violence and rape or to press charges.

The 1994 Domestic Violence Act allows a judge to issue a protection order prohibiting an abuser from entering or remaining in the place where the victim is. It also allows the judge to order that an abuser's name be removed from housing leases or rental agreements, with the effect that the abuser would no longer have the right to live in the same residence as the victim.

The Saint Lucia Crisis Center for women was established in 1988 in Castries, the capital; a second opened in the southern town of Vieux Fort in January 1999. These centers monitor cases of physical and emotional abuse and help clients deal with such problems as incest, alcohol and drug abuse, homelessness, nonpayment of child support, custody, and visitation rights. The Crisis Center has publicized the plight of battered women and has protested the rare deaths of women who were victims of domestic violence. The organizers continued to work to establish a shelter for battered women and homeless girls; however, no progress had been made at year's end. The Crisis Center reports that the number of new cases declined since the establishment of the family court because women can seek help in two places. Some secondary schools address the problems of sexual harassment and battering in their curriculum topics.

Women's affairs come under the jurisdiction of the Ministry of Health, Human Services, Family Affairs, and Women. The Minister is responsible for protecting women's rights in domestic violence cases and preventing discrimination against women, including ensuring equal treatment in employment.

Children.—Since independence, successive governments have given high priority to improving educational opportunities and health care for the nation's children. Education is free and compulsory from age 5 through 15. However, only about one-third of primary school children continue on to secondary schools, and the drop-out rate from primary to secondary school is higher for boys than for girls. Government clinics provide prenatal care, immunization, child health care, and health education services throughout the island.

A broad legal framework exists for the protection of children through the Criminal Code, the Children and Young Persons Act, the Family Court Act, the Domestic Violence Act, and the Attachment of Earnings Act. Although the Government adopted a national plan of action in November 1991 for the survival, protection, and development of children, it still has not fulfilled this program by implementing effective programs. The Saint Lucia Crisis Center reported that the incidence of child abuse remains high. There were reports of abandoned children at times roaming the streets with no organized, fully functioning safety net or adequate supporting institutions to assist them. There are no specific laws enacted to cover foster care, adoptions, and child welfare social services.

People with Disabilities.—No specific legislation protects the rights of the disabled, nor mandates provision of access to buildings or government services for them. There is no rehabilitation facility for the physically disabled, although the Health Ministry operates a community-based rehabilitation program in residents' homes. There are schools for the deaf and for the blind up to the secondary level. There is also a school for the mentally retarded.

Section 6. Worker Rights

a. The Right of Association.—The Constitution specifies the right of workers to form or belong to trade unions under the broader rubric of the right of association. Most public sector employees are unionized; about 20 percent of the total work force is unionized. Unions are independent of government and are free to choose their own representatives in often vigorously contested elections. There are no restrictions

on the formation of national labor federations. In 1994 several of the major unions formed an umbrella grouping called the Industrial Solidarity Pact.

Strikes in both the public and private sectors are legal, but there are many avenues through collective bargaining agreements and government procedures that may preclude a strike. The law prohibits members of the police and fire departments from striking. Other "essential services" workers—water and sewer authority workers, electric utility workers, nurses, and doctors—must give 30 days' notice before striking.

Unions are free to affiliate with international organizations, and some have done so.

b. The Right to Organize and Bargain Collectively.—On January 11, the Registration Status and Recognition of Trade Unions and Employer Organizations Act entered into effect. Unions have the legal right to engage in collective bargaining, and they fully exercise this right. Although union representatives have reported attempts by the Government and other employers to undermine this process, the new law is viewed widely as pronunion, and it has resulted in increased organizational activity by unions.

The law prohibits antiunion discrimination by employers, and there are effective mechanisms for resolving complaints. It also requires that employers reinstate workers fired for union activities.

Labor law is applicable in the export processing zones (EPZ's), and there are no administrative or legal impediments to union organizing or collective bargaining in those zones. However, in practice many firms resist union efforts to organize in the EPZ's, but there has been some progress because of the new law.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, and it is not known to occur. While there is no specific prohibition of forced or bonded labor by children, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—While the Children and Young Persons Act permits a minimum legal working age of 14 years, education legally is required through age 15. Ministry of Labor officials are responsible for enforcing the law. There were no reports of violations of child labor laws. The Government does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Wages Regulations (Clerks) Orders, in effect since 1985, set out minimum wage rates only for clerks. These office workers receive a legislated minimum wage of about \$300 (EC\$800) per month. The minimum wage is not sufficient to provide a decent standard of living for a worker and family, but some categories of workers receive more than the legal minimum for clerks, which is used only as a guide for setting pay for other professions.

There is no legislated workweek, although the common practice is to work 40 hours in 5 days. Special legislation covers hours that shop assistants, agricultural workers, domestics, and young people in industrial establishments may work.

Occupational health and safety regulations are relatively well developed. The Labor Ministry periodically inspects health and safety conditions at places of employment under the Employees' Occupational Safety and Health Act of 1985. The Ministry enforces the act through threat of closure of the business if it discovers violations and the violator does not correct them. Workers are free to leave a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons. There were no reports that persons were trafficked to, from, within, or through the country.

SAINT VINCENT AND THE GRENADINES

St. Vincent and the Grenadines is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a unicameral legislative assembly compose the Government. The Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. During the spring, divisive general strikes were settled only because Prime Minister Sir James F. Mitchell, whose New Democratic Party (NDP) had won an unprecedented fourth term in June 1998 by a slim margin, agreed to resign, with elections to be held by March 31, 2001. On October 27, Mitchell resigned, and Arnhim Eustace, an NDP parliamentarian, replaced him. The judiciary is independent.

The Royal St. Vincent Police, the only security force in the country, includes a coast guard and a small Special Services Unit (SSU) with some paramilitary train-

ing, that is often accused of using excessive force. The force is controlled by and responsive to the Government, but police continued to commit some human rights abuses.

St. Vincent has a market-based economy. Much of the labor force is engaged in agriculture. Bananas are the leading export and a major source of foreign exchange earnings. However, the banana industry is declining, and the growing tourism sector is becoming the leading earner of foreign exchange. Unemployment is estimated to be 35 percent, and the 1999 per capita gross domestic product was approximately \$2,550.

The Government generally respected citizens' human rights; however, there were problems in a few areas. The police SSU was accused of an extrajudicial killing. Other principal human rights problems continued to include occasional instances of excessive use of force by police, the Government's failure to punish adequately those responsible for such abuses, poor prison conditions, and an overburdened court system. Violence against women and abuse of children also were problems.

RESPECT FOR HUMAN RIGHTS

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

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

In March the police SSU shot and killed David Browne as they were taking him into custody for building a shack on the grounds of a secondary school. The police said he sustained an accidental but fatal shot to the temple when he resisted arrest. Human rights activists called for an inquiry and claimed that the police SSU used excessive and injudicious force leading to the death.

On December 14, 1999, a police antidrug patrol shot and killed Junior Harry, who they said was fleeing while the patrol conducted a search for narcotics in buildings near the town of Barrouallie. A police spokesman said that Harry was armed with a shotgun. Although the authorities planned to hold an inquest to establish whether police used excessive force, there was no information as to the results of any such inquiry.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other forms of cruel, inhuman, or degrading treatment or punishment. However, regional human rights groups have noted that a high percentage of convictions are based on confessions. One human rights group believes that some of these confessions resulted from unwarranted police practices, including the use of physical force during detention, illegal search and seizure, and failure to inform properly those arrested of their rights.

There is no independent review board to monitor police activity and to hear public complaints about police misconduct. Human rights advocates recommend such a board to protect the rights of citizens who complain about police misconduct.

Prison conditions are poor. Prison buildings are antiquated and overcrowded, with one holding an average of 300 inmates in a building designed for 75, which results in serious health and safety problems. An inmate who wishes to speak with his lawyer must do so by written correspondence, and the authorities sometimes monitor and censor such correspondence.

In July 1999, prisoners rioted and seized control of the prison, protesting poor conditions and treatment. The Government acceded to a number of the prisoners' demands; however, conditions did not change significantly. In the spring, prisoners again demonstrated, and the Government appointed a former SSU commander as the new Superintendent of Prisons. Local human rights activists have acknowledged that he has tried to improve internal communications and training for prison personnel. However, the Government has not implemented any of the recommendations made by a Commission of Inquiry following the July-August 1999 disturbances.

In August identified prisoners whipped another prisoner, burned him with acid, and cut a piece of his ear off with a knife. The assaulted inmate asserted that this action was carried out as punishment when he had not supplied them with drugs after he had been released earlier from jail. Prison officials asserted that police failed to respond to arrest the inmates who had tortured and mutilated this prisoner.

Prison officials expressed frustration with the lack of resources, proper training, personnel, and progress in securing a new facility. The jail is in the center of the capital city with low walls that are accessible to passers-by. Prison guards are known at times to collaborate with prisoners in corrupt and illegal practices. Some guards have been disciplined for engaging in sexual acts with inmates. Reportedly, guards also supply drugs and other contraband or stand by while rough, abusive,

or inhuman prison punishment is meted out either by fellow prisoners or other guards.

There is a separate section for female inmates in the prison.

Conditions are inadequate for juvenile offenders. There is a small facility for delinquent boys; however, it is not financed by the Government and depends upon donations. As a result, it is in disrepair and only houses a small number of boys. Youngsters may be charged and convicted as criminals from the age of 8. In such cases, youngsters may then be jailed with older criminals. Although separate legal statutes exist for youthful offenders, there are no separate magistrates, prosecutors, or procedures to handle such cases.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that persons detained for criminal offenses must receive a fair hearing within a reasonable time by an impartial court. Although there are only two official magistrates, the registrar of the High Court and the presiding judge of the family court effectively serve as magistrates when called upon to do so. While this practice reduced the backlog, complaints continue regarding police practices in bringing cases to court. Some defense attorneys claim that this has caused 6- to 12-month delays in preliminary inquiries for serious crimes.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent and impartial court, and the judiciary is independent in practice.

The judiciary consists of lower courts and a High Court, with appeal to the Eastern Caribbean Court of Appeal and final appeal to the Privy Council in the United Kingdom. There are three magistrates, as well as one magistrate who serves only the family court.

The Constitution provides for public trials. The court appoints attorneys for indigent defendants only when the defendant is charged with a capital offense. Defendants are presumed innocent until proven guilty and may appeal verdicts and penalties. There is a large backlog of pending cases. In January a fire destroyed offices with records in the magistrates' court. The family court handled some cases, but the backlog increased. The court reopened in September with 1 day per week set aside to handle an increasing workload of drug-related cases. The court docket may average 55–60 cases a day, when reasonably only 5 to 7 may be heard, adjudicated, or disposed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary search and seizure or other government intrusions into the private life of individual citizens, and there were no reports of such abuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice.

There are two major newspapers and numerous smaller, partisan publications; all are privately owned, and most are openly critical of the Government's policies. There were no reports of government censorship or interference with the operation of the press. However, individual journalists believe that government advertising, a significant source of revenue, sometimes is withheld from newspapers that publish articles that are less than favorable to the Government.

The lone television station in St. Vincent is privately owned and operates without government interference. Satellite dishes are popular among those who can afford them. There is also a cable system with mainly North American programming that has over 300 subscribers. The Government controls programming for the government-owned radio station.

The Government does not restrict academic freedom.

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

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government respects them in practice.

No formal government policy toward refugee or asylum requests exists. The issue of the provision of first asylum did not arise. There were no reports of forced expulsion of anyone having a valid claim to refugee status; however, government practice remains undefined.

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

Citizens have the right to change their government through regularly scheduled free and fair elections. St. Vincent has a long history of multiparty parliamentary democracy. During the June 1998 election, the ruling New Democratic Party won a slim 1-seat majority (8 of 15) in Parliament, despite losing the popular vote by a 55 to 45 percent margin to the opposition Unity Labour Party (ULP). Calling this outcome an "overt manifestation of rejection by the public" of Prime Minister Mitchell's Government, the ULP made claims of election fraud and demanded new elections.

The Prime Minister refused the ULP demand and instead proposed a constitutional review to consider possible amendments, such as a provision for proportional representation. Lingering dissatisfaction led to thousands of persons participating in rallies and strikes in April and May calling for the Prime Minister's resignation. A rally by the Organization in Defense of Democracy, comprised of leading private and public sector unions, said new elections should be held immediately and threatened "a total shutdown of the country" on May 3. After mediation by regional figures, the Prime Minister and his ruling NDP signed a six-point agreement known as the Grand Beach Accord, which confirmed that the Prime Minister would resign by January 2001 and call early elections before March 31, 2001. On October 27, Mitchell resigned and was replaced by Arnhim Eustace, an NDP parliamentarian. In November leaders of the three political parties signed a "Code of Conduct" intended to govern the campaign period. It includes a pledge of equal time on local radio and other electronic media and an agreement not to incite or encourage violence.

There are no legal impediments to women's full participation in politics or government; however, they are underrepresented. There is only one woman in Parliament, as a member of the opposition.

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

Opposition political groups and the Vincentian press often comment on human rights matters of local concern. The St. Vincent and the Grenadines Human Rights Association (SVGHRA) monitors government and police activities, especially with respect to treatment of prisoners, publicizing any cases of abuse. The Government generally is responsive to public and private inquiries about its human rights practices.

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

The Constitution provides for equal treatment under the law regardless of race, sex, or religion, and the Government adheres to this provision.

Women.—Violence against women, particularly domestic violence, remains a major problem. The Government took legislative steps to address this problem through the Domestic Violence/Matrimonial Proceedings Act (1994) and the more accessible Domestic Violence Summary Proceedings Act (1995). Both laws provide for protective orders, as well as occupation and tenancy orders; the former only is accessible through the High Court, but the latter can be obtained without the services of a lawyer in family court. Since passage of the laws, the SVGHRA has conducted numerous seminars and workshops throughout the country to familiarize citizens with their rights under these acts. Increasing numbers of women are coming forward with domestic violence complaints.

Depending on the magnitude of the offense and the age of the victim, the punishment for rape is generally 10 or more years in prison.

A 1995 amendment to the Child Support Law allows for payments ordered by the courts, even when notice of an appeal has been filed. Previously, fathers who had been ordered to pay child support could appeal decisions and not pay while the appeal was being heard. This resulted in a huge backlog of appeal cases and effectively reduced the number of mothers and children receiving support payments. There is a family court in the capital city of Kingstown with one magistrate. According to the SVGHRA, because there is only one bailiff to service all the country, summonses often are not served on time for cases to be heard as scheduled in court.

The Ministry of Education, Women's Affairs, and Culture has a women's desk that assists the National Council of Women with seminars, training programs, and public relations. The minimum wage law specifies that women should receive equal pay for equal work.

Marion House, a social services agency established by the Catholic Church in 1989 and staffed by four trained counselors and three foreign volunteers, provides counseling and therapy services.

Children.—Education is not compulsory, but the Government states that it investigates cases in which children are withdrawn from school before the age of 16. Although the Government has played a more prominent role in legislating health and welfare standards since independence, the infant mortality rate is still very high. One underlying cause is the large number of children born to teenage mothers.

The Domestic Violence Summary Proceedings Act provides a limited legal framework for the protection of children. Nevertheless, reports of child abuse remain high and are on the increase. The Social Welfare Office is the government agency responsible for monitoring and protecting the welfare of children. The police are the enforcement arm; the Social Welfare Office refers all reports of child abuse to the police for action.

People with Disabilities.—There is no specific legislation addressing persons with disabilities, and the circumstances for disabled individuals are generally difficult. Most severely disabled persons rarely leave their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supports a school for the disabled which has two branches. A separate, small rehabilitation center treats about five persons daily.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides citizens the right to form unions and to organize employees, and the Trade Unions and Trade Disputes Act allows the right to strike. Employers often ignore the constitutional provisions that provide for union rights, and claim that they have a constitutional right not to recognize a trade union. However, some employers seek a good industrial relations environment and cooperate with trade unions.

In April and May, thousands of persons, including members of leading private and public sector unions, participated in rallies and strikes calling for the Prime Minister's resignation (see Section 3). Other than these, there were no major strikes during the year.

St. Vincent and the Grenadines joined the International Labor Organization in 1997 and assumed all its obligations for enforcement of labor standards.

Unions have the right to affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—There are no legal obstacles to organizing unions; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. Some companies offer packages of benefits with terms of employment better than, or comparable to, what a union normally can obtain through negotiations. The law prohibits antiunion discrimination by employers. Generally effective mechanisms exist for resolving complaints. The authorities may order employers found guilty of antiunion discrimination for firing workers without cause (including for participation in union activities) to reinstate the workers or give them severance pay.

According to press reports in August and September, seven workers at the East Caribbean Group of Companies (ECGC—an agricultural manufacturing concern)—six of whom were executive members of a newly formed, government-registered ECGC Workers Union—were fired for “undisclosed reasons” following a 2-day sick-out. Shortly thereafter, Labor Minister Jerry Scott intervened in an attempt to resolve the matter, but the ECGC board refused to reinstate the workers. Instead, they provided fired workers with a severance package that included a statement that these workers had conspired to close down the company.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, and it is not known to occur. The Government does not prohibit specifically forced or bonded labor by children, but there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum working age at 16 years of age, although a worker must be 18 years of age to receive a national insurance card. The labor inspection office of the Ministry of Labor monitors and enforces this provision, and employers generally respect it in practice. The age of leaving school at the primary level is 15 years; when these pupils leave school, they usually are absorbed into the labor market disguised as apprentices. There is no known child labor except for children working on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The Government does not prohibit specifically forced or bonded labor by children, but there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—The law sets minimum wages, which were last promulgated in 1989. They vary by sector and type of work and are specified for several skilled categories, including attendants, packers, cleaners, porters, watchmen, and clerks. In agriculture the wage for workers provided shelter is \$0.82

(EC\$2.25) per hour; skilled industrial workers earn \$7.36 (EC\$20) per day, and unskilled workers earn \$3.68 (EC\$10) per day. In many sectors the minimum wage is not sufficient to provide a decent standard of living for a worker and family, but most workers earn more than the minimum. The Wages Council, according to law, should meet every 2 years to review the minimum wage, but it has not met since 1989.

There is no legislation concerning the length of the workweek; however, the general practice is to work 40 hours in 5 days. The law provides workers a minimum annual vacation of 2 weeks.

According to the Ministry of Labor, legislation concerning occupational safety and health is outdated. The most recent legislation, the Factories Act of 1955, has some regulations concerning only factories, but enforcement of these regulations is ineffective. Workers enjoy a reasonably safe working environment; however, the trade unions have dealt with some violations relating to safety gear, long overtime hours, and the safety of machinery. There were some reports of significant visual deficiency by visual display unit workers, and some reports of hearing impairment by power station and stone crushing employees. It was not clear under present legislation whether workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—There are no laws specifically addressing trafficking in persons. There were no reports that persons were trafficked to, from, within, or through the country.

SURINAME

After over a decade of predominantly military rule, Suriname installed a freely elected Parliament and inaugurated a democratically chosen president in 1991. After free and fair elections in May, the new 51-member National Assembly elected Ronald Venetiaan of the National Party of Suriname (NPS) as President in August with the necessary two-thirds majority required by the Constitution; he replaced Jules Wijdenbosch of the National Democratic Party (NDP). Venetiaan had previously served as President in 1991–96. The Constitution provides for an independent judiciary, and previous disputes over appointees by the former president were alleviated when the appointees in question resigned from the judiciary; by year's end, the judiciary appeared to be acting independently.

The armed forces are responsible for national security and border and immigration control; they are under the control of the civilian Minister of Defense. Civilian police bear primary responsibility for the maintenance of law and order; they report to the Ministry of Justice and Police. The first Venetiaan Government had reformed the military in 1995–96 by purging military officers and supporters of former dictator Desi Bouterse, who ruled the country in the 1980's. Although in the May elections Bouterse's party won 10 seats in the National Assembly, 1 of which he occupies, the party's influence within the military has declined steadily. Members of the security forces continue to commit some human rights abuses.

The economy depends heavily on the export of bauxite derivatives. Unregulated gold mining is an increasingly important economic activity that highlights a lack of land rights for indigenous and tribal people, and it has a serious environmental impact. The Government and state-owned companies employ over half the working population. Overall economic conditions deteriorated during the year, and estimated gross domestic product declined by approximately 4 percent. The inflation rate was 82 percent, compared with 113 percent in 1999. Per capita annual income was about \$1,000.

The Government generally respected the human rights of its citizens; however, serious problems still remain in some areas. Police mistreat detainees, particularly during arrests; guards abuse prisoners; and local detention facilities remain overcrowded. The judiciary suffers from ineffectiveness and a huge case backlog. There was some harassment and media self-censorship, and societal discrimination against women and indigenous and tribal people persists. Violence against women and trafficking in women and girls are problems.

RESPECT FOR HUMAN RIGHTS

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

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

While there have been no recent reports of political killings, the Government has not addressed past abuses, and they continue to be a focus of concern. The authorities have not taken action against prison guards who allegedly beat a prisoner to death in 1993. Late in the year, the Government began an investigation into the December 1982 executions by the Bouterse regime of 15 opposition leaders; there has yet to be an investigation into the 1986 massacre of civilians at the village of Moiwana.

In December 1997, the Wijdenbosch administration appointed a "committee to establish the framework for a commission to investigate past human rights abuses." Human rights groups, which had been pressing since 1995 for an independent human rights commission to investigate violations committed during the 1980's, neither were informed nor consulted prior to the establishment of the committee. Moreover, the chairman of the committee was reportedly a member of Bouterse's team of legal advisers; his appointment raised questions regarding the objectivity of the group's work. Although the committee's report was presented to the former President in September 1999, the Government did not release its contents or recommendations. In view of the human rights record of the Bouterse regime, many of whose members participated in the Wijdenbosch Government, human rights organizations remained concerned about the potential for a deterioration of civil liberties.

After the elections, there were calls for the new Government to investigate the December 1982 murders before the 18-year statute of limitations expired in December. In October the Court of Justice began hearings on the murders in response to a request from relatives of the victims. Bouterse's lawyer sought to postpone the hearings, but the court denied his request. The court heard testimony from the victims' relatives, human rights activists, and the prosecutor's office, which had not yet made any investigation into the killings. Previously, Bouterse himself had requested an investigation, after the victims' relatives asked a Dutch court to prosecute him in that country. Following an order from the Court of Justice, an examining judge called for a full investigation into the 1982 murders, including the actions of 36 suspects.

b. Disappearance.—There were no reports of politically motivated disappearances. However, the new Government has yet to take any action to investigate allegations of some disappearances that occurred under previous regimes.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits inhuman treatment or punishment, but human rights groups continue to express concern about official mistreatment and have documented cases of police mistreatment of detainees, particularly during arrests, and guard abuse of prisoners.

Prison conditions are poor. There are three state prisons and several detention facilities at police stations, where arrestees are detained until they appear before a judge for trial. Human rights activists are concerned about conditions in the prisons and especially about conditions in local detention facilities. They report that the jails are overcrowded, that guards mistreat prisoners, and that medical care and living conditions are inadequate. Police officers, who are not trained in prison work, serve as the jailers at local detention facilities, a situation that human rights groups assert contributes to the abuses.

Women's jail and prison facilities and conditions are, in general, better than the men's facilities and conditions. There is a wing of an adult prison for boys under age 18 who have committed serious crimes. Juvenile facilities for boys between the ages of 11 and 18 within the adult prison were adequate; educational and recreational facilities were provided.

In February 1999, the human rights group Moiwana '86 issued a report that accused prison officials at two of the federal prisons of using electrical shocks to discipline prisoners. The report further asserted that different ethnic groups receive different forms and degrees of punishments. Prison officials denied the accusations, and the Government took no investigative action. Moiwana '86 did not pursue the issue further.

The completion of a new prison and renovation of existing jails have reduced somewhat the problems and improved overall health and safety conditions. However, the older jails remain seriously overcrowded, with as many as four times the number of detainees for which they were designed. In addition these older prisons are unsanitary. At police stations, guards allow detainees no exercise and only rarely permit them to leave their cells. Detainees and human rights groups also complain about inadequate prison meals, although families are permitted and encouraged to provide food to incarcerated relatives. Local detention facilities remain overcrowded.

Since 1996 Moiwana '86 has monitored the condition of prisoners. Representatives of the group report that in general they have access to prisoners and receive cooperation from prison officials on routine matters. Moiwana '86 and the police cooperated to develop a detention officer training program for police guards working at the local detention facilities. The program consists of lectures given at the state prison to both guards and prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the authorities generally respect these provisions in practice. However, delays have caused prisoners who appeal their sentences to remain in prison until a ruling is reached on their appeal, even if they have served the full term of their original sentence. Lawyers have filed complaints, but the problem has not been resolved.

The law provides that the police may detain for investigation for up to 14 days a person suspected of committing a crime for which the sentence is longer than 4 years. During the 14-day period, the law also permits incommunicado detention, which must be authorized by an assistant district attorney or a police inspector. Within the 14-day period, the police must bring the accused before a prosecutor to be charged formally. If additional time is needed to investigate the charge, a prosecutor may authorize the police to detain the suspect for an additional 30 days. Upon the expiration of the initial 44 days, a judge of instruction may authorize the police to hold the suspect for up to 120 additional days, in 30-day increments (for a total of 164 days), before the case is tried. The judge of instruction has the power to authorize release on bail, but that power is used rarely, if ever.

Pretrial detainees, who constitute a large percentage of inmates, routinely are held without being brought before a judge. They often are held in overcrowded detention cells at local police stations. Of those held in police custody or detention cells, a steadily growing number already had been convicted but not yet placed in prisons.

The military police continued to observe the requirement to hand over to the civil police civilians arrested for committing a crime in their presence. The military police continued to maintain responsibility for control of the country's borders and airports, but it no longer investigated civilian crimes.

The Constitution does not prohibit specifically forced exile; however, it is not practiced.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, an ongoing dispute between the previously sitting judges and a new slate appointed by the former Government severely damaged the concept of an independent judiciary. However, the change in government led to the resignations of the disputed judges. The new Government appointed an acting president of the Court of Justice and named the Solicitor General to act also as Attorney General. As a result of the conflict, the effectiveness of the civilian and military courts still was limited in practice, but at year's end, the judiciary appeared to be acting independently.

The judicial system consists of three lower courts and an appeals court, which is called the Court of Justice; there is no Supreme Court. In July 1998, President Wijdenbosch named a new President of the Court of Justice and Prosecutor General without consulting with, and over the objections of, the sitting justices. Most legal authorities interpret the Constitution to require that consultation, and the members of the court refused to recognize the named President of the court or Prosecutor General. In spite of the continued objections, President Wijdenbosch named additional justices without consultation in December 1998. In May 1999, the appointed President of the Court of Justice first swore in himself, and then he swore in the new justices. With the change in Government, the President of the Court and other disputed judges resigned. The 1987 Constitution calls for the establishment of an independent constitutional court. Although the previous Government did not take any steps to set up such a court, at year's end the Venetiaan Government was assembling a group of judges to sit on the court.

The Constitution provides for the right to a fair public trial in which defendants have the right to counsel if needed. The courts assign lawyers in private practice to defend indigent prisoners and pays lawyers from public funds. However, the court-assigned lawyers usually only appear at the trial, if they appear at all. The courts must, and in practice do, free a detainee who is not tried within the 164-day period. In one instance, a court levied a fine against the Government for failing to release detainees as directed by the court. Trials are before a single judge, with the right of appeal. Due to the conflict over the legitimacy of the president of the Court and the justices, there is a large backlog in the judicial system.

Military personnel generally are not subject to civilian criminal law. A soldier accused of a crime immediately comes under military jurisdiction, and military police

are responsible for all such investigations. Military prosecutions are directed by an officer on the public prosecutor's staff and take place in separate courts before two military judges and one civilian judge. The military courts follow the same rules of procedure as the civil courts. There is no appeal from the military to the civil system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy. The law requires warrants for searches, which are issued by quasi-judicial officers who supervise criminal investigations. The police obtain them in the great majority of investigations. There have been complaints of surveillance of human rights workers by members of the military police and the division of central intelligence. There is still a threat of forced resettlement of indigenous populations due to the granting of timber and gold concessions (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights; however, in practice there were reports of intimidation and harassment.

The parliamentary and extraparliamentary opposition criticize the Government freely. Some media members continue to practice some self-censorship because of the history of intimidation and reprisals by certain elements of the former military leadership.

The Wijdenbosch Government publicly reprimanded radio stations and newspapers for their negative coverage of protest demonstrations that took place in May 1999. Although the Government threatened to censor the press, it ultimately took no action, and there continued to be reports unfavorable to the Government.

In April one of the two daily newspapers, *De West*, was firebombed one night. At year's end, the incident remained under investigation.

On July 24, a group of Bouterse supporters harassed and attempted to beat a journalist outside the National Assembly. The journalist was known to be critical of Bouterse, and the attack took place the first day Bouterse occupied his new seat in the Assembly. The police intervened, but the Bouterse supporters threatened to find the journalist anywhere in the country.

The two daily newspapers, five television stations, and most of the radio stations are owned privately. Two television stations and two radio stations are owned publicly. Four companies provide cable television, which includes international channels. Two companies, one private and one public, offer unrestricted access to electronic media.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. However, in response to a series of public demonstrations in May 1999, the Government announced that it intended to begin enforcing a 1930's law requiring a permit to hold a public demonstration or gathering. After the announcement, in late July 1999, the authorities detained two opposition leaders for demonstrating without a permit but quickly released them. Subsequent public marches were allowed to proceed without permits.

The Constitution provides for freedom of association, and the Government respects this right in practice.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens may change their residence and workplaces freely and may travel abroad as they wish. Political dissidents who emigrated to the Netherlands and elsewhere during the years of military rule are welcome to return. Few of them have chosen to do so, generally for economic reasons. Citizenship is not revoked for political reasons.

Although it is possible for persons to be granted refugee status under special circumstances, there are no provisions in the law for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise. There were no reports of forced return of persons to a country where they feared persecution.

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

The Constitution provides for this right, but in the past the military prevented its effective exercise. Although the military twice has transferred power to elected civilian governments following coups, 2000 marked the second time since independence from the Netherlands in 1975 that one elected government succeeded another in accordance with constitutional provisions. The Government is still in the process of institutionalizing democratic, constitutional rule.

The Constitution stipulates that power and authority rest with the citizens and provides for the right to change the government through the direct election by secret ballot of a National Assembly of 51 members every 5 years. The National Assembly then elects the President by a two-thirds vote. If the legislature is unable to do so, as was the case both in the 1991 and 1996 national elections, the Constitution provides that a national people's assembly, composed of Members of Parliament and regional and local officials, shall elect the President.

The Constitution provides for the organization and functioning of political parties. Many parties and political coalitions are represented in the National Assembly. After the May elections, President Venetiaan formed a cabinet from members of the New Front coalition, comprised of the NPS, a predominantly Creole party; the Progressive Reform Party, a predominantly Hindustani party; the Suriname Labor Party, a political wing of the largest labor union; and Pertjaja Luhur, a predominantly Javanese party.

There are historical and cultural impediments to equal participation by women in leadership positions in government and political parties, and they are underrepresented in government and politics. In the past, most women were expected to fulfill the roles of housewife and mother, thereby limiting opportunities to gain political experience or position. Participation by women in politics (and other fields) generally was considered inappropriate. While women have made limited gains in attaining political power in recent years, political circles remain under the influence of traditional male-dominated groups, and women are disadvantaged in seeking high public office. In the May elections, voters elected nine women to the National Assembly, compared with six who held seats in the previous assembly, and the Assembly appointed a woman as vice chairperson. The Cabinet includes one woman as Minister of Foreign Affairs, another as Minister of Internal Affairs, and a third as Deputy Minister of Social Affairs.

Although the Constitution prohibits racial or religious discrimination, several factors limit the participation of Maroons (descendants of escaped slaves who fled to the interior to avoid recapture) and Amerindians in the political process. Most of the country's political activity takes place in the capital and a narrow belt running east and west of it along the coast. The Maroons and Amerindians are concentrated in remote areas in the interior and therefore have limited access to, and influence on, the political process. Voters elected the first Amerindians to the National Assembly in 1996. After the May elections, there are eight Maroons and one Amerindian in the National Assembly. There are no Maroons or Amerindians in the Cabinet.

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

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases; however, government officials generally are not cooperative or responsive to their views. There have been complaints of surveillance of human rights workers by members of the military police and the division of central intelligence.

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

The Constitution and laws, with the exception of ethnic marriage laws, do not differentiate among citizens on the basis of their ethnic origins, religious affiliations, or other cultural differences. However, in practice several groups within society suffer various forms of discrimination.

Women.—Violence against women is a problem. The law does not differentiate between domestic violence and other forms of assault. The Government has not addressed specifically the problem of violence against women. According to a national women's group, victims continue to report cases of violence against women and complain of an inadequate response from the Government and society to what appears to be a trend of increasing family violence. Although the police have been reluctant to intervene in instances of domestic violence, a national women's group noted that police attitudes have improved significantly as a result of training conducted in 1999.

There are no specific laws to protect women against trafficking and sexual exploitation. Prostitution is illegal; however, the police lack the resources to enforce these laws effectively. There were credible reports of trafficking in women for prostitution (see Section 6.f.).

Women have the right to equal access to education, employment, and property. Nevertheless, social pressures and customs, especially in rural areas, inhibit their full exercise of these rights, particularly in the areas of marriage and inheritance. Women experience economic discrimination in access to employment and in rates of pay for the same or substantially similar work. The Government has not made specific efforts to combat economic discrimination.

The National Women's Center is a government agency devoted to women's issues; there is also a women's policy coordinator. Their effectiveness is limited severely by financial and staffing constraints. The principal concerns of women's groups are political representation, economic vulnerability, violence, and discrimination.

Children.—School attendance is free and compulsory until 12 years of age, but some school-age children do not have access to education due to a lack of transportation, facilities, or teachers. There is no legal difference in the treatment of girls and boys in education or health care services, and in practice both are treated fairly equally. Both students and parents complained about the Government's decision to double enrollment fees for public school, which occurred both in 1999 and 2000. Children face increasing economic pressure to discontinue their education in order to work.

The Government allocates only limited resources to ensure safeguards for the human rights and welfare of children. There are continuing reports of malnutrition among poor children, but it is difficult to quantify the extent of the problem. In the capital, where most of the country's population is concentrated, there are several orphanages and one privately funded shelter for sexually abused children. Elsewhere, distressed children usually must rely on the resources of their extended families. There were credible reports of hospitals refusing to hand newborns over to their mothers until hospital bills were paid in full, sending them instead to a state facility. The Government denied that such refusals occurred and stated that there was no such policy; one human rights group continued its investigation into the matter.

There is no societal pattern of abuse directed against children; however, some children are exploited sexually, and there were credible reports of trafficking in girls for prostitution (see Section 6.f.). The legal age of sexual consent is 14; however, it is not enforced strictly, and the Asian Marriage Law lowers the marriage age for children of Asian descent to 12 years for girls and 15 years for boys. Otherwise, one must be 31 years old to marry without parental permission.

People with Disabilities.—There are no laws concerning disabled persons and no provisions for making private or public buildings accessible to them. There are also no laws mandating that they be given equal consideration when seeking jobs or housing. However, there are some training programs for the blind and others with disabilities. In practice disabled persons suffer from discrimination when applying for jobs and services.

Indigenous People.—The Constitution affords no special protection for, or recognition of, indigenous people. Most Amerindians and Maroons suffer a number of disadvantages and have only limited ability to participate in decisions affecting their lands, cultures, traditions, and natural resources. The country's political life, educational opportunities, and jobs are concentrated in the capital and its environs, while the majority of Amerindians and Maroons live in the interior. Government services in the interior became largely unavailable, and much of the infrastructure was destroyed during the 1986–91 domestic insurgencies; progress in reestablishing services and rebuilding the infrastructure has been very slow.

The Government appointed the Consultative Council for the Development of the Interior in September 1995. This council, provided for in the 1992 peace accords that formally ended the insurgencies, includes representatives of the Maroon and Amerindian communities. However, the Government did not consult with representatives of these communities about the granting of gold and timber concessions on indigenous and tribal lands. Early in the year, the Widjenbosch Government made an attempt to grant some land rights to indigenous people. Tribal leaders rejected the proposal, asserting that it was too weak. In November the new Government's Minister of Natural Resources met with tribal leaders and promised to work with tribal authorities toward a solution regarding land grants.

Organizations representing Maroon and Amerindian communities complain that small-scale mining operations, mainly illegal Brazilian gold miners, dig trenches that cut residents off from their agricultural land and threaten to drive them away from their traditional settlements. Mercury runoff from these operations also contaminates and threatens traditional food source areas.

Maroon and Amerindian groups continued to cooperate with each other in order to exercise their rights more effectively. Two summits, or "gran krutus," bringing together Maroon and Amerindian tribal leaders, have been held, the most recent in September 1996. During these summits, indigenous leaders reiterated their demands for the right to participate in decisions concerning the use of natural resources on land they claim as their own and for greater autonomy from the Government.

Section 6. Worker Rights

a. The Right of Association.—The Constitution protects the right of workers to associate and to choose their representatives democratically. Nearly 60 percent of the work force is organized into unions, and most unions belong to one of the country's six major labor federations. Unions are independent of the Government but play an active role in politics. The small Labor Party historically has been a very influential force in government.

The Constitution provides for the right to strike. Civil servants have the right to strike, and strikes in both the public and private sectors are common as workers try to secure wage gains to protect their earning power from inflation.

There are no restrictions on unions' international activities.

b. The Right to Organize and Bargain Collectively.—The Constitution explicitly recognizes these rights, and the authorities respect them in practice. Collective bargaining agreements cover approximately 50 percent of the labor force. Bauxite industry workers are organized, but gold miners are not. The law prohibits antiunion discrimination by employers, and there are effective mechanisms for resolving complaints of such discrimination. Employers must have prior permission from the Ministry of Labor to fire workers, except when discharging an employee for cause. The Labor Ministry individually reviews dismissals for cause; if it finds a discharge unjustified, the employee must be reinstated.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it generally is not known to occur. However, there were credible reports of trafficking in women and girls for prostitution (see Section 6.f.). The law prohibits forced and bonded labor by children, and such practices generally are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum age for employment at 14 years; however, the Ministry of Labor and the police enforce this law only sporadically. Children under 14 years of age work as street vendors, newspaper sellers, or shop assistants. Working hours for youths are not limited in comparison with the regular work force. School attendance is compulsory until 12 years of age. The law prohibits forced and bonded labor by children, and there were no reports of such practices, although trafficking of girls for prostitution does occur (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—There is no minimum wage legislation. In October 1999, civil servants were granted a tax-free 60 percent pay increase for those with the lowest wages, a 55 percent increase for middle wage earners, and a 50 percent increase for the highest wage earners. Including that pay increase and a cost of living allowance of about \$12 (Sf1 30,000), the lowest wage for civil servants is about \$40 (Sf1 102,000) per month. This salary level makes it very difficult to provide a decent standard of living for a worker and family. Government employees, who constitute approximately 50 percent of the work force of 100,000, frequently supplement their salaries with second or third jobs, often in the informal sector. The President and Council of Ministers set and approve civil service wage increases. Civil service and other wages are not keeping pace with inflation.

Work in excess of 9 hours per day or 45 hours per week on a regular basis requires special government permission, which is granted routinely. Such overtime work earns premium pay. The law requires one 24-hour rest period per week.

A 10- to 12-member inspectorate in the Occupational Health and Safety Division of the Ministry of Labor is responsible for enforcing legislated occupational safety and health regulations. Resource constraints and lack of trained personnel preclude the division from making regular inspections of industry. Accident rates in local industry do not appear to be high, and the key bauxite industry has an outstanding safety record. However, there is no law authorizing workers to refuse to work in circumstances they deem unsafe. They must appeal to the inspectorate to declare the workplace situation unsafe.

f. Trafficking in Persons.—The only laws that specifically prohibit trafficking in persons are old "white slavery laws" that are enforced only rarely.

There were credible reports of trafficking in women and girls for prostitution. Women and girls from the interior are brought to the capital city and also to various

gold mining locations in the interior. Several clubs in the capital also are known for recruiting women from Brazil and the Caribbean. There were credible reports of individuals using the country as a transit point to transport Brazilian women to Europe and the United States for purposes of prostitution.

In addition alien smuggling organizations use the country as an intermediate destination to smuggle Chinese nationals, including women and girls, to the United States, where frequently they are forced into bonded-labor situations.

TRINIDAD AND TOBAGO

Trinidad and Tobago, a member of the Commonwealth of Nations, is a parliamentary democracy in which there have been free and fair general elections since independence from the United Kingdom in 1962. A bicameral parliament and a prime minister govern the country. Parliament elects a president, whose office is largely ceremonial. In elections on December 11, voters returned the ruling United National Congress (UNC) party led by Prime Minister Basdeo Panday to power with 19 seats in the 36-member Parliament. A 12-member elected House of Assembly handles local matters on the island of Tobago. The judiciary is independent but inefficient.

The Ministry of National Security controls the police service and the defense force, which are responsive to civilian authority. An independent body, the Police Service Commission, makes all personnel decisions in the police service, and the Ministry has little direct influence over changes in senior positions. Police and prison guards committed some abuses.

Oil and natural gas production and related downstream petrochemical industries form the basis of the market-based economy. The service sector is the largest employer, although continued industrialization has created many jobs in the construction industry. Agriculture, while contributing only 2 percent to gross domestic product, remains an important employer, both at the subsistence and commercial level. Although per capita income is approximately \$5,700 annually, 12.5 percent unemployment contributes to a skewed income distribution, which has not improved despite economic growth of 6.7 percent. Government efforts to address this problem by further diversification into manufacturing and tourism have been only partially successful.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Nonetheless, police and guard abuse of prisoners, poor prison conditions, long delays in trials, and extensive violence against women remain problems.

RESPECT FOR HUMAN RIGHTS

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

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

In the December 31, 1999, murder of politician Hanraj Sumairsingh, which some thought might have had a political motivation, the police arrested and charged a member of Jamat al Muslimeen, a radical group. However, bribery and corruption were believed to be motives behind the killing.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them; however, there were credible reports of police and prison personnel abusing prisoners in incidents that involved beating, pushing, and verbal insults.

A 1999 ruling permits corporal punishment for certain crimes, including aggravated assault, rape, deliberate shooting, and robbery with violence. During the year, the courts sentenced 5 persons to corporal punishment (ranging from 5 to 10 birch strokes) in addition to prison terms. The law also was changed to increase the corporal punishment for rape from 15 strokes to 20.

Prison conditions at the women's prison and two of the three men's prisons meet minimum international standards. However, conditions are worse in the Port of Spain prison, which dates from the 1830's. It was designed for 250 inmates but houses about 1,000. Diseases such as chicken pox, tuberculosis, AIDS, and other viruses spread easily, and prisoners generally must purchase their own medication. Overcrowding is a problem for the entire prison system, which housed 4,700 inmates in prisons built to accommodate 1,800. A new maximum security prison opened in

1998 houses about 850 prisoners, but it is not yet fully functional. With an eventual capacity of 2,100, this prison is expected to help alleviate the problem.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest or detention, and the Government generally observes this prohibition.

A police officer may arrest a person either based on a warrant issued or authorized by a magistrate or without a warrant when the officer witnesses commission of the alleged offense. For less serious offenses, the authorities typically bring the accused before a magistrate within 24 hours; for indictable offenses, the accused must appear within 48 hours. At that time, the magistrate reads the charge and determines whether bail is appropriate. Magistrates may deny bail to violent or repeat offenders. If for some reason the accused does not come before the magistrate, the case comes up on the magistrate's docket every 8 to 10 days until a hearing date is set. The courts notify persons of their right to an attorney and allow them access to an attorney once they are in custody and prior to any interrogation. However, the authorities do not always comply with these standards. Allegations of corruption among justices of the peace also raised concerns about compliance; the Government pledged to dismiss and prosecute any justice found to have violated these standards (see Section 1.e.).

The Minister of National Security may authorize preventive detention in order to prevent actions prejudicial to public safety, public order, or national defense, and the Minister must state the grounds for the detention. A person detained under this provision has access to counsel and may have the detention reviewed by a three-member tribunal established by the Chief Justice and chaired by an attorney. The Minister must provide the tribunal with the grounds for the detention within 7 days of the detainee's request for review, which shall be held "as soon as reasonably practicable" following receipt of the grounds. There have been no reports that the authorities abused this procedure.

The Constitution prohibits forced exile, and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair judicial process. After the Chief Justice warned in 1999 that the executive branch was encroaching upon judicial independence, the Government appointed two independent commissions to review the issue. A Commonwealth commission concluded that the judiciary was not threatened by the Attorney General's involvement in judicial administration; however, a law association group recommended that executive requests should be handled by the Prime Minister, not the Attorney General.

The court system consists of a court of appeal, a high court, and a magistrate's court. A criminal offense first is sent to a magistrate's court for a preliminary inquiry to determine if it can be heard before a magistrate without a jury. If the magistrate determines that the offense is a serious one, it is referred to the High Court, where it is heard before a judge and jury. All civil matters are heard by the High Court. Appeals can be filed with the local court of appeal and ultimately to the Privy Council in London. There is considerable support for abolishing appeals to the Privy Council and establishing a Caribbean Court of Justice, located in Trinidad and Tobago, to serve as the final court of appeal.

An October decision of the Privy Council ruled that all death row prisoners throughout the Caribbean have a right to be heard before its Mercy Committee, which can stay death sentences. The Council decided that prisoners should be given access to all material put before the Mercy Committee. In addition procedures followed by the Mercy Committee now can be subject to judicial review.

The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right. All criminal defendants have the right to an attorney. In practice the courts sometimes appoint attorneys for those persons charged with indictable offenses (serious crimes) if they cannot retain one on their own behalf. The law requires a person accused of murder to have an attorney. An indigent person may refuse to accept an assigned attorney for cause and obtain a replacement.

Despite serious efforts to improve the judiciary, severe inefficiency remains in many areas. Several criminal cases were dismissed due to judicial or police inefficiency. Despite significant progress, lengthy trial delays remain a serious problem.

The Government continued to take steps against corruption in the criminal justice system. Over a 2-year period, the authorities charged at least 80 persons with various offenses after a presidential commission's investigation found collusion among justices of the peace, bailiffs, and police officers in the granting and fixing of bail. The Government revoked the licenses of 25 justices of the peace. However, at year's end, the charges brought against these individuals were still before the court. Only

one of those indicted as a result of the commission's inquiry had come to trial. In that case, a court convicted one of the justices of the peace and sentenced him to 4 years' imprisonment.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects this right in practice. An independent press and a functioning democratic political system combine to ensure freedom of speech and of the press.

The three major daily newspapers freely and often criticize the Government in editorials. Widely read weekly tabloids tend to be extremely critical of the Government. All newspapers are privately owned. The two local television newscasts, one of which appears on a state-owned station, are sometimes critical of the Government but generally do not editorialize.

Over the past several years, the Media Association of Trinidad and Tobago and the Publishers' Association have expressed concern about media treatment and access to the Government. For its part, the Government sometimes charges unfair treatment by the media, which the press views as unwarranted criticism. When the Prime Minister labeled Ken Gordon, head of a major media corporation, a "pseudoracist" for editorials about the rise of the ruling UNC party, Gordon filed suit for libel. In November a court found the Prime Minister guilty of libel and ordered him to pay damages to Gordon.

A Board of Film Censors is authorized to ban films that it considers to be against public order and decency or contrary to the public interest. This includes films that it believes may be controversial in matters of religion or race, or that contain seditious propaganda. In practice films rarely are banned.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice. The police routinely grant the required advance permits for street marches, demonstrations, or other outdoor public meetings. In 1998 the Government amended the Summary Offences Act to put greater controls on holding public rallies. The amendments require that permits for public meetings and rallies be applied for 48 hours in advance instead of 24 hours, and make it an offense to hold a public meeting without a permit under the guise of conducting an exempted religious, educational, recreational, or sports function. In practice the amendments have not restricted unduly public meetings, demonstrations, or exempted events. One planned political youth demonstration was postponed when the police denied a permit due to concerns about size and safety.

The Constitution provides for freedom of association, and the Government respects this right in practice. Registration or other governmental permission to form private associations is not required.

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

In October Parliament passed an Equal Opportunities Bill that prohibits acts that offend or insult another person or group on the grounds of race, origin, or religion, or which incite racial or religious hatred. In November Parliament passed a separate bill that in part removed certain legal provisions interfering with the religious practices of the Spiritual Shouter Baptist and Orisa faiths.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

There is no provision for persons to claim or be classified as refugees or asylum seekers; the Ministry of National Security's Immigration Division handles any such requests on a case-by-case basis. The issue of the provision of first asylum did not arise. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Parliamentary elections are held at intervals not to exceed 5 years. Elections for the 12-member Tobago House of As-

sembly are held every 4 years. The Constitution extends the right to vote to citizens as well as to legal residents at least 18 years of age who are citizens of other Commonwealth countries.

In the 1995 general elections, the former opposition UNC and the ruling People's National Movement (PNM) each won 17 seats in the 36-member Parliament. The National Alliance for Reconstruction (NAR) won two seats and joined with the UNC to form a new government. Basdeo Panday became the country's first Prime Minister of East Indian descent. The PNM is primarily but not exclusively Afro-Trinidadian; the UNC is primarily but not exclusively Indo-Trinidadian. In general elections in December, voters returned Prime Minister Panday and his UNC party to power with a 19-seat majority. The PNM won 16 seats and the NAR 1 seat. Election observers noted that the elections were well organized, peaceful, free, and fair. Several recounts were requested and proceeded without incident. By year's end, opposition challenges to election results in two districts had not yet been decided.

There are no specific laws that restrict the participation of women or minorities in government or the political parties. Women hold many positions in the Government and political party leadership but are still under-represented. Four of 36 elected members of the House of Representatives and 9 of 31 appointed Senators are women, with 2 women serving as ministers. Prime Minister Panday appointed the first woman to serve as Attorney General; she since has moved to the position of Minister of Education. Prime Minister Panday also appointed the first female acting Prime Minister.

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

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. While government officials are cooperative, the Government has bitterly attacked Amnesty International's criticism of prison conditions and due process. An independent Ombudsman receives complaints relating to governmental administrative issues and investigates complaints of human rights abuse. The Ombudsman can make recommendations but does not have authority to force government offices to take action.

The Government sought to curtail appeals by death row inmates to the Inter-American Commission on Human Rights (IACHR) and the U.N. Human Rights Committee. In 1999 it withdrew from the IACHR following its required 1-year notice. The Government also withdrew from the Optional Protocol to the International Covenant on Civil and Political Rights, but reaccepted with the reservation that the U.N. Committee would not have jurisdiction over death penalty cases.

The Government's moves were prompted by a Privy Council ruling that failure to execute a condemned prisoner within 5 years of sentence constitutes cruel and unusual punishment in violation of the Constitution. To meet this 5-year deadline, the Government established time limits for appeals to courts and human rights bodies. Local appeals are now disposed of within an average of 16 months compared with the previous average of 7 years.

The Government asked the IACHR and the U.N. Committee each to agree to dispose of petitions within 8 months. According to the Government, both bodies responded that they could not provide such assurances. The Government stated that the conflict between a binding Privy Council ruling and its obligations to the human rights organs had to be resolved in favor of the Constitution and the Privy Council. The Government indicated that it would execute condemned prisoners who have exhausted all their appeals and have unresolved petitions pending more than 8 months before one of the human rights bodies.

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

The Government respects in practice the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, religion, or sex. In October Parliament passed an Equal Opportunities Bill that makes discrimination illegal on the basis of race, ethnicity, sex, religion, marital status or disability. It also establishes a commission to investigate cases of alleged discrimination and a tribunal to judge complaints.

Women.—Physical abuse of women continued to be an extensive problem. There has been increased media coverage of domestic abuse cases and signs of a shift in public opinion, which held that such cases were a private matter. The Government has taken action to improve aid to victims. Murder, rape, and other crimes against women are reported frequently; 30 percent of all female homicide victims were believed to have been killed by their husbands or lovers. Rape, spousal abuse, and spousal rape are criminal offenses. The 1991 Domestic Violence Act was intended

to facilitate court-issued restraining orders to protect victims and extended protection to common-law relationships, a frequent form of marital union. However, some observers say that the number of restraining orders issued has not increased at the rate expected since the enactment of the law. The establishment of a community police division improved police responsiveness to reports of domestic abuse, but some police officers are reported to be unsympathetic or reluctant to pursue such cases, resulting in underreporting of crimes of violence against women. There were more than 4,000 complaints of spousal abuse during the year; police handled an average of 9 cases a day that led to reports by victims, with the actual incidence of such abuse considered to be much higher. Two government ministries, operating independently, direct the nongovernmental organizations (NGO's) that run most of the country's social programs addressing domestic violence, including five shelters for battered women. A rape crisis center offers counseling for rape victims and perpetrators on a voluntary basis. A government-sponsored hot line receives about 300 calls per month.

In 1999 a new Domestic Violence Act came into effect. That law strengthened provisions of the 1991 law and allows easier access for police in instances of domestic violence. Parliament approved amendments to the Sexual Offences Act that broaden the definition of sexual offenses, increase the punishment for such crimes, and require the police to keep a register of sexual offenders.

Many women hold positions in business, the professions, and government, but men tend to hold the most senior positions. There is no law or regulation requiring equal pay for equal work; during the year, a bill containing such provisions was introduced into Parliament, but no action was taken on it.

The Division of Gender Affairs in the Ministry of Culture and Gender Affairs is charged with protecting women's rights in all aspects of government and legislation. Several active women's rights groups also exist.

Children.—The Government's ability to protect children's welfare is limited by a lack of funds and expanding social needs. Education is free and compulsory through primary school. Some parts of the public school system seriously fail to meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional classroom violence by gangs. There is no societal pattern of abuse directed at children. The Domestic Violence Act provides protection for children abused at home. Abused children are usually placed with relatives if they are removed from the home. If there is no relative who can take them, there are several government institutions and NGO's that accept children for placement.

People with Disabilities.—There is no legislation that specifically enumerates or protects the rights of disabled persons or mandates the provision of access to buildings or services, although NGO's lobbied Parliament to pass such legislation. The lack of access to transportation, buildings, and sidewalks is a major obstacle for the disabled. The Government provides some public assistance and partial funding to a variety of NGO's which, in turn, provide direct services to disabled members or clients.

Indigenous People.—Members of a very small group in the population identify themselves as descendants of the original Amerindian population of the country. They maintain social ties with each other and other aboriginal groups and are not subject to discrimination.

National/Racial/Ethnic Minorities.—Various ethnic and religious groups live together peacefully, generally respecting one another's beliefs and practices. However, at times racial tensions appear between Afro-Trinidadians and Indo-Trinidadians. Each group comprises about 40 percent of the population. The private sector is dominated by Indo-Trinidadians and people of European, Middle Eastern, or Asian descent. Indo-Trinidadians also predominate in agriculture. Afro-Trinidadians tend to find employment in disproportionate numbers in the civil service, police, and military. Some Indo-Trinidadians assert that they are excluded from equal representation in the civil service due to racial discrimination. Since Indo-Trinidadians constitute the majority in rural areas and Afro-Trinidadians are in the majority in urban areas, competition between town and country for public goods and services often takes on racial overtones.

In 1996 there were reports that several popular recreational clubs refused entry to Afro-Trinidadians and dark-skinned Indo-Trinidadians. The reports led to criticism of racism by the local press, and the Government pledged to implement a law banning racial discrimination in entry policies for private clubs. However, the Government has not yet taken such action.

Section 6. Worker Rights

a. The Right of Association.—The 1972 Industrial Relations Act provides that all workers, including those in state-owned enterprises, may form or join unions of

their own choosing without prior authorization. Union membership has declined in recent years, with an estimated 25 to 30 percent of the work force organized in 19 active unions. Most unions are independent of the Government or political party control, although the Sugar Workers' Union historically was allied with the UNC. The Prime Minister formerly was president of the Sugar Workers' Union.

The law prohibits antiunion activities before a union is registered legally, and the Ministry of Labor enforces this provision when it receives a complaint. A union also may bring a request for enforcement to the Industrial Court. All employees except those in "essential services," which include the police and many other government employees, have the right to strike.

The Labor Relations Act prohibits retribution against strikers and provides for grievance procedures if needed. A special section of the Industrial Court handles mandatory arbitration cases. Arbitration agreements are enforceable and can be appealed only to the Industrial Court. Most observers consider this court to be impartial; it consists of government, business, and labor representatives.

Unions freely join federations and affiliate with international bodies. There are no restrictions on international travel or contacts.

b. The Right to Organize and Bargain Collectively.—The Industrial Relations Act establishes the right of workers to collective bargaining. The Ministry of Labor's conciliation service maintains statistical information regarding the number of workers covered by collective bargaining agreements and the number of antiunion complaints filed.

The Industrial Court may order employers who are found guilty of antiunion activities to reinstate workers and pay compensation, or it can impose other penalties including imprisonment. When necessary the conciliation service also determines which unions should have senior status.

There are several export processing zones (EPZ's). The same labor laws apply in the EPZ's as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit specifically forced or compulsory labor, but there were no reports that it was practiced. There were also no reports of forced or bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal age for workers is 12 years. Education is compulsory through primary school. Children from 12 to 14 years of age may work only in family businesses. Children under the age of 18 legally may work only during daylight hours, with the exception of 16- to 18-year-olds, who may work at night in sugar factories. The probation service in the Ministry of Social Development and Family Services is responsible for enforcing child labor provisions, but enforcement is lax. There is no organized exploitation of child labor, but children are seen begging or working as street vendors. The Government does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The 1998 Minimum Wages Act established a minimum wage of about \$1.10 (TT\$7.00) per hour. The minimum wage is not sufficient to support a worker and family, but most workers earn more than the minimum. The Ministry of Labor enforces the minimum wage regulations.

The Minimum Wages Act also established a 40-hour workweek, time- and-one-half pay for the first 4 hours of overtime on a workday, double pay for the next 4 hours, and triple pay thereafter. For Sundays, holidays, and off days, the act also provides for double pay for the first 8 hours and triple pay thereafter. Daily rest periods and paid annual leave form part of most employment agreements.

The Factories and Ordinance Bill of 1948 sets requirements for health and safety standards in certain industries and provides for inspections to monitor and enforce compliance. The Industrial Relations Act protects workers who file complaints with the Ministry of Labor regarding illegal or hazardous working conditions. If it is determined upon inspection that hazardous conditions exist in the workplace, the worker is absolved for refusing to comply with an order that would have placed him or her in danger.

f. Trafficking in Persons.—While there are no laws that specifically address trafficking in persons, the illegality of such acts is covered broadly in a variety of legislation dealing with kidnaping, labor conditions, pimping and prostitution, slavery, and indentured servitude. There were no reports of persons being trafficked to, from, within, or through the country.

URUGUAY

Uruguay is a constitutional republic with an elected president and a bicameral legislature. In November 1999, voters elected Senator Jorge Batlle of the Colorado party President, and he assumed office on March 1. In legislative elections in October 1999, the left-of-center Broad Front coalition won approximately 40 percent of the vote in a four-party race, thus constituting the largest congressional bloc. The two traditional parties, the Colorados and the Blancos, which collaborate in a coalition-style arrangement, together control over half of the seats in the legislature. The judiciary is independent.

The Interior Ministry administers the country's police departments and the prison system and is responsible for domestic security and public safety. The military is responsible for external security within the prison system. The civilian authorities exercise effective control over the security forces. The police at times committed human rights abuses.

The economy is a mixture of private and state enterprises and is heavily dependent on agricultural exports and agroindustry. The leading exports are meat, leather, and rice. The Government respects private property rights. The unemployment rate was estimated at 14.4 percent in November. The economy shrank by between 0.5 and 1 percent during the year, following a decline of 3.2 percent in 1999. Annual per capita income was about \$6,348 in 1999.

The Government generally respected the human rights of its citizens, and the law and judiciary generally provide effective means of dealing with individual instances of abuse. However, there were problems in some areas, principally instances of police abuse and mistreatment of detainees, poor prison conditions, and delays in the justice system. Court cases sometimes last for many years, resulting in lengthy pretrial detention. In August the President created a Peace Commission to clarify what happened to about 160 persons who disappeared for political reasons during the 1973–85 military dictatorship. Violence against women and societal discrimination against women and the black minority are problems. In September the police arrested the leader of a small neo-Nazi group.

RESPECT FOR HUMAN RIGHTS

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

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

The 1986 Amnesty Law prohibits criminal prosecution of members of the security forces who perpetrated extrajudicial killings, torture, and other abuses during the 12 years of military rule in 1973–85. However, some victims and relatives of victims had success using the civilian courts to seek redress.

In the case initiated in 1999 by the widow of a criminal suspect who in 1998 died under suspicious circumstances while in police custody, the court dismissed charges against the principal suspect. Although an appellate court ordered the trial court to investigate the causes of the criminal suspect's death, the judge and prosecutor shelved the investigation.

The decision of the Supreme Court of Justice was pending in the case of 12 former political prisoners and their families who sued the Government for damages suffered as a result of their imprisonment, torture, and in three cases death in custody during the military dictatorship. Although in 1998 a trial-level court ordered the Government to pay each plaintiff approximately \$93,600 (1.17 million pesos) in damages, an appellate-level court later reduced this award to approximately \$16,850 (210,600 pesos) per person for 11 of the cases and \$23,640 (295,500 pesos) for the other case. The plaintiffs have appealed the appellate court's decision to the Supreme Court of Justice.

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

Although the 1986 Amnesty Law required the Government to investigate the fate of those citizens who were detained and who then disappeared during the dictatorship, the first three administrations following the return to democracy consistently refused to do so. During the year, the new Government for the first time undertook such an effort.

On August 9, President Batlle created a Peace Commission in order to clarify the fate of the approximately 160 Uruguayans believed to have disappeared for political reasons during the dictatorship (115 in Argentina, 36 in Uruguay, 6 in Chile, and 2 in Paraguay). The Commission was charged with receiving and analyzing information relevant to the disappeared persons. It is to prepare individual summaries of its conclusions as to the fate of each person and to recommend legal measures that the Government should adopt to compensate the families of the victims and resolve

the victims' legal status, such as by declaring them legally dead. The Commission consists of six members appointed by the President and operates under the supervision of the office of the President. One retired military officer told the press that "hundreds" of current and retired officers serving during the period of military rule had adopted a pact of silence with regard to the disappearances. Although the Commission was created for an initial mandate of 120 days, in early December its mandate was extended for an additional 4-month period.

Shortly after taking office, President Batlle personally intervened to resolve one of the most high-profile cases of a disappeared person, that of the granddaughter of Argentine poet Juan Gelman. By combining information provided by Gelman with information obtained from other sources, Batlle succeeded in locating the young woman, who had been born in captivity in Uruguay to Gelman's daughter-in-law and adopted by an Uruguayan family after her mother died in prison.

Since the 1986 Amnesty Law precludes criminal actions against suspected participants in human rights violations during military rule, some persons have sought justice in non-Uruguayan courts. In March 1999, Sara Mendez filed papers in an Argentine court formally accusing five present and former members of the Uruguayan military with the 1976 kidnaping of her infant from her Buenos Aires home. The case remained pending in Argentine courts and, during the course of the year, Mendez gave testimony on several occasions. A DNA sample taken in May from a young man believed possibly to have been Mendez' kidnaped son indicated that he was not related to Mendez. An Italian prosecutor continued to investigate charges brought in an Italian court in 1999 against four present and former members of the military and one police officer accused of responsibility in the disappearance of eight Italian-Uruguayan dual nationals.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits brutal treatment of prisoners, but the police continued at times to commit abuses. On occasion such abuse resulted in forced confessions (see Section 1.d.).

The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse. An internal police investigative unit receives complaints from any person concerning possible noncriminal police abuse of power, but it is understaffed and only can issue recommendations for disciplinary action. While the courts seldom convicted and punished law enforcement officials for such abuse in the past, such prosecutions were occurring more frequently. In the first 5 months of the year, the authorities prosecuted approximately 40 police officers for a variety of crimes, typically involving corruption, excessive use of force, or theft of suspects' property. They brought homicide charges against one officer, who shot and killed a neighbor who had a dispute with the officer's brother-in-law.

Police officers charged with less serious crimes may continue on active duty; those charged with more serious crimes are separated from active service until a court resolves their cases. A 1999 Ministry of Interior study reported that courts had investigated or convicted 179 police officers, and that 117 of these cases were linked directly to the exercise of their jobs. The 1995 Public Security Law requires a proportional use of force by the police and the use of weapons only as a last resort, in accordance with U.N. codes regarding the use of force.

Some torture victims and relatives of victims continued to use the courts to seek redress for their grievances. A group of 12 former political prisoners (and their survivors) appealed the decision of an appellate court to reduce the award made by a trial court for the damages that they suffered due to their imprisonment and torture (see Section 1.a.).

Conditions in prisons for the approximately 4,450 prisoners remain poor but not life threatening. A 1997 legislative human rights commission report criticized the "excessive use of force and abuse of authority" by prison guards and officials, and stated that sanitation and health standards in the prison system were "unacceptable." This report reflected the work of a previous commission that in 1996 published a report to the Government citing overcrowding, lack of staff training, corruption, and physical violence as problems. Prisoners often find that they must supplement prison provisions with bedding, medicines, and toiletries brought by friends or relatives. According to press reports and a study conducted by SERPAJ, a non-governmental organization (NGO), HIV-positive inmates sometimes received inadequate medical treatment. There were several incidents of prisoner unrest during the year, including at least one hunger strike in which several hundred prisoners demanded better prison conditions, but none were as serious as the incidents of unrest that occurred in 1999.

Female prisoners are held in separate facilities from male prisoners; most are held in a women's prison in Montevideo. Some provincial prisons have separate facilities for their small number of female prisoners. In general conditions for female

prisoners are significantly better than for male prisoners, in large part because of the small number of female inmates.

Minors are held in institutions operated by the National Institute for Minors (INAME). The most controversial aspect of the 1995 Public Security Law would allow the Government to put minors with a record of violent crimes in adult prisons if INAME has no room in its own institutions. Even though the law stipulates that minors would occupy separate facilities within the prisons, human rights groups adamantly opposed this provision. As a result, INAME has decided that it will not send minors to adult prisons. Juvenile offenders are separated according to their gender, age, and the severity of their crime. Those juveniles who commit serious crimes are incarcerated in juvenile detention centers, which resemble traditional jails and have cells. Conditions in these facilities are generally better than those in ordinary jails, in part because they are less crowded. Juvenile offenders who pose less of a threat to society are placed in halfway house facilities, oriented toward rehabilitation, in which a group of offenders lives together with adult counselors. These facilities provide educational, vocational, and other opportunities, and the juvenile offenders are able to enter and leave without restriction.

The Government permits prison visits by human rights monitors, although prisoner unrest, as well as the requirement to route all such requests through the Ministry of Interior, at times caused delays.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires the police to have a written warrant issued by a judge before making an arrest, and the authorities generally respect this provision in practice. The only exception is when the police apprehend the accused during commission of a crime. The Constitution also provides the accused with the right to a judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. In June the President signed a new law that obligates police officers to inform individuals of the reason for their arrest. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. It is during this 24-hour period that police sometimes abuse prisoners, occasionally resulting in forced confessions (see Section 1.c.).

A 1980 law stipulates that police confessions obtained before a prisoner appears before a judge and attorney (without the police present) have no validity. Further, should a prisoner claim that he has been mistreated, by law the judge must investigate the charge.

If the detainee cannot afford a lawyer, the courts appoint a public defender. If the crime carries a penalty of at least 2 years in prison, the accused person is confined during the judge's investigation of the charges unless the authorities agree to release the person on bail (which seldom happens). As a result, as of mid-year approximately 73 percent of all persons incarcerated were awaiting a final decision in their case (compared with 68 percent in mid-1999). However, this proportion used to be 90 percent; declines in recent years are due to the Government's efforts to improve the functioning of the criminal justice system. Because of the slowness of the judicial process, the length of time prisoners spend in jail before the judge issues a verdict may exceed the maximum sentence for their crime. The uncertainty as to how long one will be imprisoned is a factor creating tension within the country's prisons.

The Government does not use forced exile as a means of punishment.

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

The Supreme Court heads the judiciary system and supervises the work of the lower courts. A parallel military court system operates under a Military Justice Code. Two military justices sit on the Supreme Court but participate only in cases involving the military. Military justice applies to civilians only during a state of war or insurrection.

Trial proceedings usually are based on written arguments to the judge, which are not made public routinely. Only the prosecutor and defense attorney have access to all documents that form part of the written record. The courts introduced oral argument in 1990, but individual judges use it at their option. Most judges choose to retain the written method, a major factor slowing the judicial process. There is no legal provision against self-incrimination, and judges may compel defendants to answer any question they pose. Either the defense attorney or the prosecutor may appeal convictions to a higher court, which may acquit the person of the crime, confirm the conviction, or reduce or increase the sentence.

A 1997 law to reform and modernize the Criminal Code provides for more oral argument by prosecution and defense attorneys, less investigative responsibility for judges, and is expected to accelerate the pace of criminal trials. Although the law

was to take effect in 1998, budget constraints have resulted in repeated postponement of its implementation, and it is not scheduled for implementation until 2004.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, but the authorities may abridge these rights if persons are deemed to be inciting violence or “insulting the nation.”

All elements of the political spectrum freely express their viewpoints in both print and broadcast media.

Montevideo has 5 daily newspapers and 9 important weeklies; there are also approximately 80 other weekly and a few daily newspapers throughout the country. Montevideo has one government-affiliated and three commercial television stations. There are about 150 radio stations, 25 television stations, and 250 cable television stations in the country.

A 1989 law stipulates that expression and communication of thoughts and opinions are free, within the limits contained in the Constitution, and it outlines methods of responding to “inexact or aggravating information.” The law calls for 3 months’ to 2 years’ imprisonment for “knowingly divulging false news that causes a grave disturbance to the public peace or a grave prejudice to economic interests of the State” or for “insulting the nation, the State, or their powers.” The authorities use this law intermittently to set and enforce certain limits on freedom of the press.

Human rights activists and journalists have alleged that state enterprises such as the telephone and electric companies on occasion have withheld advertising from independent media that are critical of the Government and have favored media friendly to the Government with extensive paid advertising.

In February Nery Colombo, a former local official seeking reelection, shot and killed journalist and radio station owner Julio Cesar da Rosa, after the latter suggested in a broadcast that the former was unfit to run for public office. Colombo committed suicide immediately after the killing. On the night of May 2, unknown assailants shot at journalist and political activist Julio Cesar Sanchez Padilla while he was driving his car. Sanchez was not injured, and the authorities were unable to identify the perpetrators of, or a motive for, the attack.

In August the press association criticized the newspaper distributors’ union for a 1-day refusal to distribute one newspaper (see Section 6.a.).

The national university is autonomous, and the authorities respect academic freedom.

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

In May, as in prior years, thousands of persons marched in memory of the persons who disappeared during the rule of the dictatorship.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

The Government grants refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government grants asylum only for political crimes as set forth in the 1928 Treaty of Havana, the 1889 Treaty of Montevideo, and the 1954 Caracas Convention. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government grants first asylum in cases in which a refugee’s claims are verified by the UNHCR. The Government works actively with international organizations in the provision of temporary protection to refugees from Colombia.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country is a multiparty democracy with mandatory voting for those 18 years of age or older, and there are no suffrage restrictions regarding race, sex, religion, or economic status. The Colorado

party, the National (Blanco) party, the Broad Front coalition, and the New Space party are the four major political groupings.

Women and minorities are under-represented in politics and government. None of the 13 cabinet ministers are women, and only 3 of 30 senators and 13 of 99 deputies are women. There are no female justices on the Supreme Court. There has never been a black parliamentarian or cabinet-level official except in July when, for the first time, an Afro-Uruguayan elected as an alternate deputy substituted in legislative sessions for an absent deputy for approximately 10 days.

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

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

In August the President created a Peace Commission to clarify what happened to the persons who disappeared for political reasons during the 1973–85 military dictatorship (see Section 1.b.).

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

The Constitution and the law prohibit discrimination based on race, sex, religion, or disability. Despite these provisions, discrimination against some groups exists.

Women.—Violence against women continues to be a serious problem. A 1999 Ministry of Public Health study projected that within 5 years, domestic violence would constitute the second most prevalent threat to public health, after traffic accidents. In a 1997 poll of 545 urban and suburban households, 47 percent of respondents reported physical or psychological abuse from their partners, with 23 percent reporting severe abuse. The law provides for sentences of 6 months to 2 years in prison for a person found guilty of committing an act of violence or of making continuing threats to cause bodily injury to persons related emotionally or legally to the perpetrator. The Montevideo city hall's hot line for victims of domestic violence received about 4,500 complaints during the year, compared with 5,975 complaints in 1999. Persons calling the hot line are provided counseling, free legal advice, and may be referred to NGO's that can provide further social services. A new law signed in June increased sentences for rape and certain other sexually related crimes. The Criminal Code covers spousal abuse and spousal rape, although criminal charges rarely are initiated for those crimes. Similarly, although the law prohibits sexual harassment in the workplace, few complaints are ever filed under this provision.

The Government has established an office of assistance for victims of domestic violence that trains police how to resolve complaints of violence against women. A directorate within the Ministry of Interior instituted a public awareness campaign about domestic violence and founded community assistance centers where abuse victims receive information and referrals to government and private organizations in their area that aid abused women. Both the Ministry of Interior and NGO's operate shelters in which abused women and their families can seek temporary refuge.

Women enjoy equality under the law but face discrimination stemming from traditional attitudes and practices. The work force exhibits segregation by gender. Women, who make up almost one-half the work force, tend to be concentrated in lower paying jobs. Women's salaries average two-thirds those of men, a figure that reflects gradual improvement in recent years with respect to pay equity. In 1999 about 60 percent of the students at the public university were women. Women often pursue professional careers but are underrepresented in traditionally male-dominated professions. In 1997 the Government approved regulations to implement a 1989 law for equality in the workplace that had previously gone unenforced, and it formed a national commission for workplace equality that includes representatives from the Ministry of Labor, the Ministry of Education and Culture, chambers of commerce, and the umbrella labor organization. However, there never have been any cases brought under the new regulations. There were 13 female cadets enrolled in the Air Force Academy's 75-member student body, representing nearly a doubling of the female enrollment since 1999. Four female cadets are expected to receive commissions as pilots or navigators in the air force during the year. The Army Military Academy has 27 female cadets, out of a total enrollment of approximately 225. The Naval Academy admitted its first female cadet during the year.

A small institute in the Ministry of Education coordinates government programs for women. There are a number of active women's rights groups, and many of their activities remained centered on followup to the platform of action of the 1995 U.N. Conference on Women.

Children.—The Government generally is committed to protecting children's rights and welfare, and it regards the education and health of children as a top priority. An institute in the Ministry of Interior oversees implementation of the Government's programs for children but receives only limited funding for programs. An estimated 40 percent of children under the age of 5 live in the poorest 20 percent of homes. The Government is attempting to extend proper health care and education to them with the help of UNICEF. The Government provides free, compulsory primary and secondary education, and 95 percent of children complete their primary education. Girls and boys are treated similarly. Free education is available through the undergraduate level at the national university.

There is no societal pattern of abuse of children. Minors under the age of 18 are not subject to criminal trial but receive special treatment with special judges and, when sentenced, stay in institutions run by the National Institute for Minors for the period determined by the judge. The INAME-run institutions emphasize the rehabilitation of minors. INAME maintains an extensive network of programs, including shelters for at-risk children. INAME also operates a confidential hot line for children who are victims of domestic abuse.

A draft Code of the Child, intended to bring the law into compliance with the provisions of the U.N. Convention on the Rights of the Child, was introduced into the new legislative session during the year. The previous legislative session ended before a prior version of the bill could be enacted into law.

People with Disabilities.—A national disabilities commission oversees implementation of a 1989 law on the rights of the disabled. Although the law mandates accessibility for disabled persons only to new buildings or public services, the Government is providing access to a number of existing buildings. The law reserves 4 percent of public sector jobs for the disabled. There is no governmental discrimination against disabled persons in employment, education, or in the provision of other state services. The country has a generally excellent mental health system and an interest in the rights of persons with mental disabilities.

National/Racial/Ethnic Minorities.—The country's black minority, estimated at 5.9 percent of the population, continues to face societal discrimination. A government study conducted in 1996–97 found that the unemployment rate for blacks was 1.5 times the rate for whites. The National Institute of Statistics found that blacks earn an average of 20 percent less than whites who perform the same job. According to a recent study published by Mundo Afro (an NGO), the illiteracy rate among black women is twice the national average, and the percentage of black women who have pursued higher education is one-third the rate in the population at large. According to the same study, one-half of Afro-Uruguayan women work as household domestics. Blacks are practically unrepresented in the bureaucratic and academic sectors.

Religious Minorities.—Isolated neo-Nazi elements have carried out occasional, limited attacks and activities since 1997. Law enforcement authorities have responded vigorously to such activities. In August 1999, an intensive police investigation resulted in the arrest of eight members of a very small neo-Nazi group suspected of creating racist and anti-Semitic Internet websites. The authorities charged five of the suspects with subversive association; two also were charged with inciting hate or violence towards a particular group. Pending the court's final decision in the case, the defendants were released after serving approximately 3 months of imprisonment, the minimum statutory penalty for first offenders in cases of this nature. In September the police arrested and charged with inciting racial hatred the leader of another small neo-Nazi group believed responsible for pro-Nazi propagandizing.

Section 6. Worker Rights

a. The Right of Association.—The Constitution states that laws should promote the organization of trade unions and the creation of arbitration bodies; however, there is almost no legislation concerning union activities. Unions traditionally organize and operate free of government regulation. Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. An estimated 15 percent of the work force is unionized. Labor unions are independent of political party control but traditionally have associated more closely with the Broad Front, the leftist political coalition.

The Constitution provides workers with the right to strike, and there were numerous strikes during the year. The Government may legally compel workers to work during a strike if they perform an essential service which, if interrupted, "could cause a grave prejudice or risk, provoking suffering to part or all of the society." In June the umbrella labor confederation PIT/CNT organized a 1-day general strike. In December the PIT/CNT organized a second 1-day general strike to protest the Government's 5-year austerity budget proposal.

In August after the newspaper *El Pais* printed a story reporting on high costs charged by the newspaper distributors' union, the union refused to distribute *El Pais* for 1 day in protest. The union asserted that it was being blamed for the demise of newspapers, while the press association called the protest an assault on freedom of the press.

There are mechanisms for resolving workers' complaints against employers, but unions complained that these mechanisms sometimes were applied arbitrarily. The law generally prohibits discriminatory acts by employers, including arbitrary dismissals for union activity. Unions maintain that organizers are dismissed for fabricated reasons, thus allowing employers to avoid penalty under the law.

There are no restrictions on the right of unions to form confederations or to affiliate with international trade union groups; however, the one national confederation has chosen not to affiliate officially with any of the world federations. Some individual unions are affiliated with international trade secretariats.

b. The Right to Organize and Bargain Collectively.—Collective bargaining between companies and their unions determines a number of private sector salaries. The executive branch, acting independently, determines public sector salaries. There are no laws prohibiting antiunion discrimination, but a 1993 executive decree established fines for employers engaging in antiunion activities. The law does not require employers to reinstate workers fired for union activities. However, in cases of legal challenges by union activists, courts tend to impose indemnization levels that are higher than those normally paid to dismissed workers.

Union members continued to file claims of discrimination with the Ministry of Labor, which has a labor commission that investigates all claims. In 1999 there were 16 claims of antiunion discrimination submitted to the Ministry of Labor. (The Ministry's mediation service received a total of 353 laborrelated complaints that year, of which it successfully mediated 307 cases and failed to resolve 31 cases; 15 remained open at the end of that year. Nearly half of all complaints related to workers' wages.) While there was no specific information on the antiunion discrimination complaints, most were resolved through rehiring the employee with full rights or compensation of the employee (without being rehired). Most complaints are resolved within a few months, but a few cases remained unresolved at year's end. Labor unions have complained that some businesses have encouraged formation of worker cooperatives, which serve to reduce their labor costs. Although such cooperatives do not necessarily affect workers' social insurance and other public benefits, they can reduce workers' job security and result in a loss of seniority. They also weaken the power of trade unions and of collective bargaining.

All labor legislation fully covers workers employed in special export zones. There are no unions in any of these zones, but the few workers in these zones are not in traditionally organizable occupations.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not known to occur. The law prohibits forced or bonded labor by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Child Labor Code protects children; the Ministry of Labor and Social Security is responsible for enforcing the law. Some children work as street vendors in the expanding informal sector or in the agrarian sector, which generally are regulated less strictly and where pay is lower; however, illegal child labor is not a major problem. By law minors under the age of 14 may not be granted permission to work, and this is enforced in practice. Minors between the ages of 14 and 15 are granted permission to work only in extremely rare circumstances and even then usually only to work with other members of their families. Minors between the ages of 15 and 18 require government permission to work, and such permission is not granted for dangerous, fatiguing, or night work.

Permission to work is only granted to minors who have completed 9 years of compulsory education or who remain enrolled in school and are working toward completing the period of compulsory education. A total of 95 percent of children complete primary school education, which is free and compulsory. Controls over salaries and hours for children are more strict than those for adults. Children over the age of 16 may sue in court for payment of wages, and children have the legal right to dispose of their own income. In conjunction with an NGO, in March INAME began a pilot program to pay families \$83 (1,000 pesos) per month to parents who take their children off the streets and send them to school. This amount approximates what a child might earn working on the street. On December 8, the Government created a National Committee for the Eradication of Child Labor, which is to create a national action plan to combat it.

The law prohibits forced or bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Labor effectively enforces a legislated minimum monthly wage which is in effect in both the public and private sectors. The Ministry adjusts the minimum wage whenever it adjusts public sector wages. The minimum wage, which was set in January at about \$86 (1,060 pesos) per month, functions more as an index for calculating wage rates than as a true measure of minimum subsistence levels, and it would not provide a decent standard of living for a worker and family. The vast majority of workers earn more than the minimum wage.

The standard workweek is 48 hours in industry and 44 hours in commerce, with a 36-hour break each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours and that workers are entitled to 20 days of paid vacation after a year of employment.

The law protects foreign workers and does not discriminate against them. However, in order to receive official protection, the companies that employ foreign workers must report them as employees. Many workers—both native and foreign—work off the books and thus forfeit certain legal protection.

The Ministry of Labor and Social Security enforces legislation regulating health and safety conditions in a generally effective manner. However, some of the regulations cover urban industrial workers more adequately than rural and agricultural workers. Workers have the right to remove themselves from what they consider hazardous or dangerous conditions.

f. Trafficking in Persons.—There are no laws specifically addressing trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

VENEZUELA

Venezuela is a republic with an elected president and a unicameral congress. The Constitution, which entered into effect on December 30, 1999, also provides for a “Citizen Power” branch of government, which includes the Ombudsman, the Public Prosecutor, and the Controller General, and an “electoral power”—the National Electoral Council (CNE). On July 30, voters reelected President Hugo Chavez Frias of the Fifth Republic Movement (MVR). The MVR also won 92 seats in the 165-member legislature. According to international observers, the year’s general elections were generally free and fair; however, there were localized technical problems and irregularities, and the process leading to the elections was a controversial and difficult one. The date for the elections originally was set for May 28, but as that date approached it became increasingly apparent that the CNE had failed to organize the elections adequately. Constant changes to the voter database—which both the opposition and nongovernmental organizations (NGO’s) alleged were intended to offer electoral advantage to President Chavez’s supporters—made it impossible to complete programming of the electronic voting machines or carry out other necessary steps. The Supreme Court ordered a delay and gave responsibility for setting the new date to the National Legislative Committee (a panel serving as the country’s legislature pending election of the National Assembly). The civilian judiciary is legally independent; however, it is highly inefficient and sometimes corrupt, and judges are subject to influence from a number of sources.

The security apparatus includes civilian and military elements, both accountable to elected authorities. The Interior and Justice Ministry controls the Judicial Technical Police (PTJ), which conducts most criminal investigations, and the State Security Police (DISIP), which is primarily responsible for investigating cases of corruption, subversion, and arms trafficking. The Defense Ministry controls the General Directorate for Military Intelligence, which is responsible for collecting intelligence related to national security and sovereignty. The National Guard, an active branch of the military, has arrest powers and is largely responsible for guarding the exterior of prisons and key government installations, maintaining public order, monitoring frontiers, conducting counterdrug operations, and providing law enforcement in remote areas. It also supplies the top leadership for various state and municipal police forces, which fall under the authority of the respective state governors or municipal mayors. The Metropolitan Police is the main civilian police force in and around Caracas. There was continued controversy during the year over the use of the armed forces in traditionally nonmilitary roles in government and society, including the appointment of military officers to high-ranking government positions. Some 70,000 members of the military continued to participate in a public works program begun in 1999, including conducting a census of the unemployed; providing medical care to the needy; renovating schools, playgrounds, and medical care cen-

ters; and removing garbage. At year's end, 3 of the 14 members of the President's Cabinet, including the Minister of Defense, were either active or retired career military officers, as were the presidents of the major state-owned corporations Petroleos de Venezuela, CITGO, and Corporacion Venezolana de Guyana. There are also a number of military officers in high and mid-ranking government positions in agencies responsible for social development, public works, and finance. Both police and military personnel were responsible for human rights abuses during the year.

The country has abundant natural resources, and its per capita gross domestic product (GDP) is \$4,302. However, income is distributed unevenly with approximately 80 percent of the population living at or below the poverty line, which is \$1,986 per capita. Oil accounted for 27 percent of GDP, 53 percent of government revenues, and 84 percent of the country's exports during the year. Nonoil exports also are dominated by natural resources, with some basic refining. Iron, aluminum, steel, and petrochemical products together comprise nearly half of the country's nonoil exports. The vast majority of all natural resource extraction and production is done by entities owned and operated wholly or in part by the Government. During the year, the economy began to recover from its deepest recession in 10 years as oil prices increased from historic lows to the highest prices since the oil crises of the 1970's. Growth for the year is estimated at 3.2 percent; the economy contracted by 6.1 percent in 1999.

The Government's human rights record remained poor in some areas; although there were improvements in some areas, serious problems remain. During the year, the police and military committed extrajudicial killings of criminal suspects at an increased rate. Excessive use of deadly force by police and security forces was a serious problem; over 2,000 suspected criminals were killed in shootouts with the police during the first 8 months of the year. Investigations continued into the forced disappearances of criminal suspects by the security forces. Torture and abuse of detainees continued, and the Government failed to punish police and security officers guilty of abuse. While overcrowding was reduced in some prisons, prison conditions continued to be extremely harsh due to underfunding, poorly trained and corrupt prison staff, violence, and overcrowding in some prisons so severe as to constitute inhuman and degrading treatment. Arbitrary arrest and detention increased. Lengthy pretrial detention, and corruption and severe inefficiency in the judicial and law enforcement systems also were problems. The Government struggled to implement the Organic Criminal Procedures Code (COPP), which required a major shift from a secretive inquisitorial system to an open adversarial system; however, there were successes including a reduction in the number of prisoners who had not been convicted of a crime. The authorities suspended a number of judges for incompetence or corruption. The December 1999 Constitution established civilian trials for soldiers accused of abuses and committed the Government to the rulings of international courts. Security forces committed illegal searches. Concern over freedom of the press increased, and some critics charged that the Government intimidated the media. Self-censorship was reportedly widespread. Concern over freedom of association increased, due in part to a Supreme Court ruling that could limit the legal rights of some associations. The Government described some refugees as "displaced persons in transit" and restricted their ability to request asylum. The new Constitution created a national Ombudsman, who repeatedly and frankly advocated for the respect of human rights. Violence and discrimination against women, abuse of children, discrimination against the disabled, and inadequate protection of the rights of indigenous people continue to be problems. Concern over labor rights increased, and on December 3, voters approved a referendum to "overhaul" union leadership. Child labor persisted, and there were reports of trafficking in children for forced labor. Killings due to vigilante justice increased significantly.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of targeted political killings; however, the security forces continued to commit extrajudicial killings, primarily of criminal suspects, at significantly increased levels. The Venezuelan Program of Action and Education in Human Rights (PROVEA), a highly respected human rights NGO, documented 170 extrajudicial killings from October 1999 through September, compared with 101 killings from October 1998 to September 1999. The killings involved summary executions of criminal suspects, indiscriminate or excessive use of force, and death resulting from mistreatment while in custody. According to PROVEA, state police forces other than the Metropolitan Police were responsible for 82 killings; the Metropolitan Police were responsible for 25 killings; the PTJ, 25 killings; the National Guard, 9 killings; the municipal police

forces, 8 killings; the army, 6 killings; the DISIP, 4 killings; and other security forces, 11 killings. These figures reflect a range of killings in very different situations committed by organizations with varying levels of control and responsibilities. The majority of the killings were attributed to various state and municipal police forces that report to local officials and usually have little training or supervision. Excessive use of deadly force was a problem; according to the Government, over 2,000 suspected criminals were killed in shootouts with the police during the first 8 months of the year. There are reports that police fire on criminal suspects who disobey orders to halt. Many politicians contributed to a climate of official acceptance of the excessive use of force when, during the national election campaign, they employed slogans such as "bullets for the underworld" and "the only good criminal is a dead criminal."

The perpetrators of extrajudicial killings act with near impunity, as the Government rarely prosecutes such cases. The police often fail to investigate crimes allegedly committed by their colleagues and characterize incidents of extrajudicial killings as "confrontations," even when eyewitness testimony and evidence strongly indicate otherwise. In addition, the civilian judicial system still is struggling to implement the new Organic Criminal Procedures Code and, in the meantime, remains highly inefficient and sometimes corrupt (see Section 1.e.). In the small number of prosecutions in which the courts convict perpetrators of extrajudicial killings and other abuses, the sentences issued are frequently light, or the convictions are overturned on appeal. The December 1999 Constitution established that trials for military personnel charged with human rights abuses would be held in civilian courts; however, the provision does not apply to military trials for cases that predate the new Constitution (see Section 1.e.). Unlike common criminals, members of the security forces charged with or convicted of crimes rarely spend much time in prison.

Red de Apoyo, an NGO, reported that on January 6, the Yaracuy state police detained Jaime Hilarion Palima and Richard Lucambio on a city street in San Felipe. Hilarion's and Lucambio's bodies were found 5 days later on a river bed and a highway, respectively. The case was under investigation at year's end.

On April 8, the Metropolitan Police fired indiscriminately at a group of individuals who had just seen them shoot and kill a suspected criminal, and also killed one of the witnesses, Guillerma Colmenares. The police also tortured another witness, Donis Ramirez (see Section 1.c.). The case was under investigation at year's end.

On June 30, the Metropolitan Police arrested Ronny Tovar, age 17, Francisco Mister, age 14, and Luis Hernandez, age 21, in their homes. Witnesses heard shots and saw the bodies of the three young men being taken from the scene in a police vehicle. The bodies later were recovered, and the case was under investigation at year's end.

Security forces committed some killings in prisons; however, the majority of the 338 inmate deaths during the year resulted from gang confrontations, riots, fires, and generally unsanitary and unsafe conditions in prison facilities (see Section 1.c.).

The authorities continued to investigate allegations of human rights violations by the military and security forces sent to Vargas state in December 1999. The forces were sent to restore order after an outbreak of looting following heavy rains, which triggered flooding and landslides that killed an estimated 20,000 persons. Witnesses claim that military and security forces beat, detained, and killed alleged criminal suspects and other individuals between December 19 and December 25, 1999 (see Sections 1.b., 1.c., 1.d., and 4). On May 22, Foreign Minister Jose Vicente Rangel stated that confirmed cases of these abuses were "numerous and important."

For example, on December 25, 1999, National Guard Corporal Lorenzo Badillo Cano shot and killed Luis Bastardo as he celebrated the Christmas holiday on a street in La Guaira. The Prosecutor General, with the cooperation of the PTJ and the National Guard, successfully prosecuted Badillo, who pled guilty to murder and, on September 6, was sentenced to 10 years in prison, less than the 15 to 25 years established by law. The authorities also are investigating four disappearance cases from the same time period in Vargas (see Section 1.b.).

There were no prosecutions for the June 1999 death of Jhon Linares, who was detained by the Metropolitan Police and later was found dead from three bullet wounds at the hospital, or Oswaldo Blanco, who died in February 1999 due to abuse by the National Guard.

At year's end, the trial of a police officer for the February 1999 death of Angel Castillo Munoz was ongoing. Castillo died when Sucre state police broke up a peaceful student demonstration; he was hit in the head by a rubber bullet and fell unconscious into an area saturated by tear gas. Police reportedly continued to fire, despite students' attempts to surrender, resulting in a delay of medical care to the injured students.

The PTJ made no progress in the investigation of the May 1998 killings of Carlos Alberto Colmenares Garcia, Richard David Palacios Garcia, and Avelino Rafael Vega, who died after the Sucre municipal police opened fire on their car. There has been no further investigation into the January 1998 killings of Harold Michael Zambrano Gonzalez and Arturo Jose Hernandez Ramirez by the Metropolitan Police.

There was no further information on the appeal by the prosecution of a court's 1999 decision to exonerate a PTJ member implicated in the 1995 execution-style killing of 21-year-old Hector Rojas, despite evidence of the officer's guilt.

On August 4, a court convicted two National Guardsmen and one prison guard and sentenced them to terms ranging from 15 to 30 years in prison for the 1996 deaths of 25 inmates in a fire started by prison guards at La Planta prison.

In March the victims' families and the Government reached an out-of-court settlement in the case of the 1992 killings of at least 63 prisoners at Catia prison.

In November 1999, before the Inter-American Court of Human Rights, the Government accepted its responsibility in 44 cases of extrajudicial killings by security forces during and after the civil unrest of February-March 1989, in which some 300 alleged extrajudicial killings were committed. The Government also agreed to compensate the families of the victims and to identify and punish those responsible; however, during the year there was considerable disagreement regarding compensation, and an agreement had not been reached at year's end. The Committee of Family Members of Victims of the Unrest had referred a total of 45 cases to the Inter-American Commission on Human Rights (IACHR) in 1995. In 1991 a police officer was found guilty of one killing, but the courts released the officer from prison 1 year later. In October 1997, the IACHR called on the Government to investigate this case, provide compensation to the victim's family, and bring to justice those responsible for the death. By year's end, the Government had complied partially; it had investigated and made a payment, but it had not punished any of those responsible.

Mob lynching of supposed criminals increased significantly due to the public's perception of increased impunity resulting from the difficult implementation of the COPP. The victims were almost always known criminals who preyed on residents of poor neighborhoods. Between October 1999 and September, PROVEA recorded 22 lynchings and 107 attempted lynchings, compared to 2 lynchings and 24 attempted lynchings between October 1998 and September 1999. Vigilante groups known as "brigadas" continued to operate.

b. Disappearance.—The December 1999 Constitution prohibits forced disappearance, obliges an individual to disobey an order to carry out a disappearance, and provides for the prosecution of the intellectual author of the crime. There were no reports of targeted political disappearances; however, there were reliable reports of persons who disappeared after being detained by the security forces at the end of 1999.

The authorities are investigating allegations that the military and security forces carried out forced disappearances of alleged criminal suspects and other individuals in Vargas state during a crackdown on looters in December 1999. On December 21, 1999, army paratroopers separately arrested Oscar Blanco Romero and Marco Monasterio without explanation, in their homes in Caraballeda, Vargas state. Following the filing of habeas corpus petitions, the army made a formal response in which they acknowledged detaining the men but stated that they were immediately turned over to the DISIP. The DISIP first stated that they had no agents in the area at the time, then reversed that position, but stated that they did not have Blanco and Monasterio in detention.

On December 21, 1999, army paratroopers beat and arrested Jose Rivas Fernandez on a city street in Caraballeda, Vargas state, according to reliable reports. The army command states that it did not detain Rivas. On December 23, 1999, DISIP agents seized Roberto Hernandez Paz in his uncle's home in La Guaira, Vargas state. The uncle subsequently heard Hernandez plead to the security agents and a gunshot coming from the family's garden. Neighbors witnessed the injured victim being placed in a DISIP vehicle and driven away. The DISIP stated that it did not arrest Hernandez. Neither individual had been located at year's end; investigations into both cases continued.

The Government's investigation of the Vargas cases has been slow and disorganized, and charges have been filed in only one case (see Section 1.a.). The investigating team has been changed three times, with each new team starting a new inquiry afresh. The Government has been unable to compel the cooperation of the DISIP. In response to a request to provide photographs of the agents who operated in Vargas at the time of the disappearances, the DISIP supplied an album that included photographs of retired agents, deceased officers, and prisoners. Prosecutors also are investigating whether DISIP agents broke any laws when they visited army

paratroopers and asked questions about army officers who had served in Vargas in December 1999. Since investigation of the paratroopers is the responsibility of the Prosecutor General and the army, the possibility that DISIP agents were engaged in witness intimidation is under investigation. Human right groups called for obstruction of justice charges to be brought against the DISIP to compel its cooperation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The new Constitution prohibits torture and the holding of detainees incommunicado, provides for the prosecution of officials who instigate or tolerate torture, and grants victims the right to rehabilitation. Under the COPP, detainees have the right to a judicial determination of the legality of their detention within 3 days, a reduction from the previous 8-day period that human rights groups argued was the principal time in which detainees were tortured (see Section 1.d.); however, the security forces continue to torture and abuse detainees physically and psychologically. Credible human rights groups report that this abuse most commonly consists of beatings during arrest or interrogation, but there have been incidents when the security forces used near suffocation and other forms of torture that leave no telltale signs. Most victims come from the poorest and least influential parts of society.

PROVEA documented 429 cases of torture, beatings, and other abuse from October 1999 through September, compared with 424 cases from October 1998 through September 1999. According to PROVEA, the Metropolitan Police of the Caracas federal district were responsible for 94 of the reported incidents; other state police forces were responsible for 147 incidents; the National Guard, 93 incidents; the municipal police forces, 58 incidents; the DISIP, 22 incidents; the army, 9 incidents; and the PTJ, 6 incidents. In April 1999, human rights NGO's presented a report to the U.N. Committee Against Torture in which they documented 120 torture cases since 1987 that they have investigated and reported to the Prosecutor General and the National Human Rights Commission, but that still have not been investigated fully by the Government.

Torture, like extrajudicial killings, continues because the Government does not ensure the independent investigation of complaints needed to bring those responsible to justice. In addition to lack of vigor by the judiciary, the fact that the Institute of Forensic Medicine is part of the PTJ also contributes to a climate of impunity, since its doctors are unlikely to be impartial in their examinations of cases that involve torture by members of the PTJ. Very few instances of torture have resulted in convictions.

On March 1, according to Red de Apoyo, the Zulia state police arrested Jose Matheus in his home and accused him of involvement in a kidnapping. The police held Matheus incommunicado for 11 days and severely beat him and tortured him psychologically.

On April 8, the Metropolitan Police tortured and threatened to kill Donis Ramirez if she spoke to the authorities. Ramirez had seen the police fire indiscriminately at a group of individuals who had just witnessed them shoot and kill a suspected criminal, also killing one of the witnesses, Guillerma Colmenares (see Section 1.a.).

There was no prosecution for the August 1999 torture of Juan de la Cruz Bravo by the PTJ in Guasdalito. Bravo, who had been accused of murder, allegedly was drugged, beaten, and subjected to electrical shock. There was also no prosecution for the March 1999 beating of Andres Flores by the Metropolitan Police.

No action ever was reported against some 50 Baruta municipal police officers who attacked residents of the poor working class Caracas suburb of Petare in December 1997, injuring 43 persons. There was no reported progress from the criminal court investigation or the internal investigation by the chief of the Baruta municipal police.

The police used tear gas and pellet guns against peaceful demonstrators, resulting in some injuries (see Section 2.b.).

In the Colombian border area where some constitutional protections had been suspended since 1994, the National Guard and army acted with near impunity until the suspension of the protections was lifted in 1999. Complaints against the security forces in this area subsequently decreased. The Support Network for Justice and Peace has documented many human rights abuses in this region by amassing detailed witness testimony. There has been no resolution of the border area cases from 1995, in which members of the military, in separate incidents in reaction to guerrilla attacks, tortured 23 rural workers near Cararabo and 19 peasant farmers in La Victoria, both in Apure state. The investigations into these incidents continued at year's end.

Prison conditions continued to be extremely harsh due to underfunding, poorly trained and corrupt prison staff and National Guard members, violence, and overcrowding in some prisons so severe as to constitute inhuman and degrading treat-

ment. During the year, the prison population decreased to 84 percent of capacity, due to the implementation of the COPP. However, because of the poor distribution of inmates, approximately 40 percent of prisoners still are housed in seriously overcrowded facilities.

The Government failed to provide adequate security in prisons, resulting, according to PROVEA, in 338 deaths and 1,255 injuries from violence in jails from October 1999 through September 2000—a decrease from a total of 390 deaths and 1,695 injuries from violence between October 1998 and September 1999. The majority of the 338 inmate deaths resulted from prisoner-on-prisoner violence, especially during clashes between rival gangs, riots, fires, and generally unsafe conditions in prison facilities. Many others died as a consequence of poor sanitary conditions, poor diet, and inadequate medical care. Security forces committed a small number of the killings in prisons. Prisoners also had false expectations with respect to the benefits of the COPP, which resulted in increasing levels of tension and violence. Funding for prisons remained extremely low, preventing significant improvement in most penitentiaries.

Inmates often have to pay guards as well as each other to obtain necessities such as space in a cell, a bed, and food. Because of the prison food's low quality and insufficient quantity, only about 30 percent of inmates consume it. Most prisoners get their food from their families, by paying prison guards, or in barter with other prisoners. Many inmates also profit from exploiting and abusing others. This problem is exacerbated by the absence of a rational system of prisoner classification: convicted murders and rapists are housed with unsentenced first-time petty offenders. Gang-related violence and extortion is fueled by the substantial trafficking in arms and drugs that occurs in the prisons.

Female prisoners are detained in separate prisons, where conditions generally are better than those in the men's facilities. Security forces and law enforcement authorities often detain minors together with adults; however, separate facilities exist for juveniles. Because reform institutions are filled to capacity, hundreds of children accused of infractions are confined in juvenile detention centers where they are crowded into small, filthy cells, fed only once a day, and forced to sleep on bare concrete floors.

On August 31, the prison emergency, which had been declared on September 30, 1999, was ended, and the Interinstitutional Commission managing it was disbanded. Despite resistance from the Catholic Church and NGO's, the Government sporadically used the National Guard, normally charged with guarding the outside of the prisons, to maintain internal control of the prisons.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the COPP provide for freedom from arbitrary arrest and detention; however, the security forces routinely continued to arrest and detain citizens arbitrarily at an increased rate.

There continued to be arbitrary detentions by the Metropolitan Police of the federal district of Caracas, the DISIP, municipal police forces, the National Guard, and the PTJ—especially during anticrime sweeps in impoverished sections of major cities. The authorities detained persons during the sweeps for up to 2 days while they checked criminal records; most were released without charges. PROVEA documented 8,981 persons detained in sweeps from October 1999 through September, an increase from the 6,236 persons detained in sweeps from October 1998 through September 1999.

Amnesty International reported that in September, police in Valencia, Carabobo state, detained four transgendered persons, who were held incommunicado for 2 days without food or drinking water (see Section 5).

In December 1999, security forces arbitrarily detained suspected looters in Vargas state (see Sections 1.a., 1.b., 1.c., and 4).

The COPP states that a person accused of a crime cannot be incarcerated during criminal proceedings unless that person is caught in the act of committing a crime, or a judge determines that there is a danger that the accused may flee or impede the investigation. Under the previous system, the police could hold persons without an arrest warrant for up to 8 days, and in many cases, the police abused detainees physically and psychologically during that period and illegally held them incommunicado (see Section 1.c.). The law provides for the right to a judicial determination of the legality of the detention within 72 hours. Persons accused of crimes must be brought before a judge within 24 hours of arrest or be freed pending charges. In early March, the Government announced that pretrial hearings would be held on weekends to allow the authorities to process detainees in accordance with the COPP's provisions, rather than release suspected criminals. In no case can the detention of a person accused of a crime exceed the possible minimum sentence for the crime committed, nor can it exceed 2 years. Confusion over the new code still

exists, and arbitrary arrests continue to be common. Prison officials often illegally demand payment from prisoners for transportation to judicial proceedings. Those who are unable to pay often are forced to forgo their hearings.

Before the COPP came into effect in 1999, roughly 70 percent of prisoners had not been convicted of a crime because, under the old procedural code, most criminal defendants were incarcerated rather than granted provisional liberty while their prosecutions were pending. In addition, the slow and secretive inquisitorial justice system of the old code had led to an inefficient, overwhelmed, and corrupt justice system, which resulted in cases languishing an average of 4 to 5 years in the courts, during which time the accused usually remained in jail. Under the COPP, prisoners accused of petty crimes who have not been convicted but already have served 2 years or the minimum sentence possible for that crime (whichever is lesser) are to be released if they pass a psychiatric examination. During the year, approximately 9,000 prisoners were released under the new provisions and benefits provided by the law. There were approximately 14,200 prisoners at year's end, 45 percent of whom have not been convicted of a crime—a decrease from 57 percent in 1999.

Prisoners carried out protests to demand that the Government expedite the review of the cases of inmates who might benefit from the COPP's provisions. While there were still some prisoners who had not been convicted but already had served 2 or more years in prison, prisoners also had false expectations with respect to the benefits of the COPP, which resulted in tension and violence (see Section 1.c.).

Forced exile is illegal and is not practiced.

e. Denial of Fair Public Trial.—The civilian judiciary is legally independent; however, it is highly inefficient and sometimes corrupt, and judges are subject to influence from a number of sources, including the executive branch.

The judicial sector consists of the Supreme Court, which is the court of final appeal; the Prosecutor General, who provides opinions to the courts on prosecution of criminal cases and brings public employee misconduct and violations of the constitutional rights of prisoners or accused persons to the attention of the proper authorities; the Ministry of Interior and Justice, which manages the national police force, oversees the prisons, and files complaints in criminal courts; and the executive directorate of the magistrate, which oversees the lower courts as well as the selection and training of judges. The lower court system includes district and municipal courts as well as trial and appeal courts that deal with civil and criminal matters.

Both the old code and its 1999 replacement, the new Organic Code of Criminal Procedures, provide for the right to a fair trial and consider the accused innocent until proven guilty in a court. However, under the old secretive inquisitorial code, the presumption of innocence was ineffective in the justice system, which became overburdened, inefficient, and corrupt under a paper-intensive, costly, and time-consuming judicial process. Judges are underpaid, poorly disciplined, and susceptible to political influence. The COPP introduced for the first time open, public trials with oral proceedings and verdicts by juries or panels of judges. This new adversarial system of justice gives practical effect to the presumption of innocence and eliminates the secret stage of trial that had existed in the previous system. It also establishes the right to plead guilty and make reparation agreements, a statute designed to clear the overburdened justice system of simple cases and minor offenses. Lengthy delays in trials were still common, although there has been some improvement.

The Government continued to struggle to implement the COPP, which required a major shift in the fundamental concept of how justice is carried out, the legal procedures involved, and the respective roles of the police, the judge, and the lawyers. The police no longer may detain persons arbitrarily for up to 8 days and now must work under the supervision of a prosecutor; judges have ceased to be investigators and are now arbiters of law; and prosecutors and defense attorneys confront one another in open court. For the second year, open, oral trials took place around the country despite a shortage of trained personnel and resources. The COPP's successful implementation over the long term is expected to require further progress, including increased training for police and lawyers and a significantly increased number of prosecutors and defenders to handle the workload.

The law provides for public defenders for those unable to afford an attorney; however, there are not enough public defenders to handle the caseload. The Executive Directorate of the Magistrature (DEM), which replaced the Judicial Emergency Commission, reported that there are approximately 275 public defense attorneys for the entire country.

The Government ended the Judicial Emergency created in 1999 to bring about reform of the judicial system; however, significant attempts to reform the judicial system continued. During the year, the DEM—which oversees the selection, training, and discipline of judges—removed 100 judges from office based on charges of incompetence or corruption and suspended an additional 350 judges. Suspended judges

continued to receive salaries; however, some observers charged that their right to appeal was restricted. The Government announced that it expected to hold the first competitive examinations for judicial vacancies, a process established under the COPP, in January 2001 in Miranda and Vargas states. Judges with pending cases against them were not eligible to take the examinations, and judges who had been reprimanded had points deducted from their scores.

In July legal experts expressed concern about interference with the independence of the judiciary when a politician close to the President telephoned the Inspector General of the courts, Rene Molina, and asked him to "take care" with the process to suspend a judge handling a politically sensitive libel case against editor Pablo Lopez Ulacio (see Section 2.a.). In August Molina resigned, claiming that he lacked the political support needed to continue his duties.

The military courts implemented a similar reform of the military justice system and are making the transition to the new system. The December 1999 Constitution established that trials for military personnel charged with human rights abuses would be held in civilian courts; this represented a fundamental change in human rights policy. However, the provision does not apply to military trials for cases that predate the new Constitution. Human rights NGO's expressed concern that the Supreme Court's selection of military judges from a list of candidates provided by the Minister of Defense links the careers of military judges to the high command, making them more responsive to the views of their military leaders and influencing them to act slowly in cases in which the military is implicated. As a result, military judges trying human rights cases that predate the new Constitution can be subject to improper influence, and offenders might evade punishment for extrajudicial killings and other human rights abuses.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Constitutional provisions prohibit arbitrary interference with privacy, family, home, and correspondence; however, the security forces infringed on citizens' privacy rights. Security forces often conducted searches of homes without warrants, especially during anticrime sweeps in impoverished neighborhoods. There were no complaints during the year by human rights NGO's of illegal wiretapping by the security forces.

In April DISIP announced that it had dismissed some 50 agents for engaging in illegal wiretapping of other government agencies. In July during a dialog the DISIP held with the national Ombudsman's office and NGO's about a proposed restructuring of the National Intelligence System (which was not carried out at year's end), the agency stated that it had files on 1 in every 19 citizens (or 520,000 individuals).

During the campaign for the July 30 elections, DISIP agents searched offices of an opposition governor, despite a 1999 promise by President Chavez that the DISIP would not be used for political operations (see Section 3).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and while the Government generally respects these rights in practice, some media critics charge that the Government intimidates the media and report that self-censorship is widespread. Individuals and the media freely and publicly criticize the Government; however, concern over freedom of the press increased during the year. A provision in the December 1999 Constitution states that all persons have the right to "timely, truthful, and impartial" information, without censorship. This "truthful information" article has raised concerns among many in the domestic and international media that it could be used by the Government to censor or intimidate the press. In April the governor of Apure state issued a decree requiring "true information" within the state. There were immediate protests, and the governor withdrew the decree. Also in April, officials of the National Electoral Council stated that the Council was considering possible regulations governing the publication of political polls. There were strong protests from the media, and no regulation or legislation ever was proposed formally.

There were numerous allegations of inappropriate government pressure against the media. In January the DISIP questioned two reporters from the daily *El Nacional* about articles they had written about beatings and extrajudicial killings in Vargas in December 1999 (see Sections 1.a. and 1.c.). A subpoena was issued that required one reporter to name her sources. She was threatened with imprisonment or fines for noncompliance; however, no action was taken against her when she refused to provide the information. In May the television program *24 Hours*, hosted by Napoleon Bravo on the Venevision station, was canceled. Bravo charged that government pressure was to blame; government and network officials denied the accusation. Individual journalists and editors have reported receiving intimidating or threatening phone calls.

The Constitution also provides for the "right to reply" for individuals who believe they are portrayed inaccurately in media reports. President Chavez demanded a right to reply on several occasions. However, certain individuals named by the President in his weekly national radio show have complained that they have not been granted the right to reply.

In September a court dismissed a long-running criminal defamation suit against a journalist and editor of the monthly magazine *Exceso*. The Inter-American Press Association had protested the case, in which it was alleged that a businessman who was the subject of a critical article in *Exceso* used improper influence over the judiciary to retaliate against the magazine. A separate criminal defamation suit, against weekly newspaper *La Razon*, continued at year's end; the International Committee to Protect Journalists has protested this case. On July 8, a judge ordered Pablo Lopez Ulacio, the editor of *La Razon*, placed under house arrest for failure to appear in court to answer libel charges brought against him by Tobias Carrero Nacar, a businessman and friend of President Chavez. In the spring, *La Razon* published articles that alleged that Luis Miquilena, president of the National Legislative Committee (CLN), had influenced improperly insurance contracts to Carrero. The DEM sanctioned the judge who issued the house arrest order, and he eventually recused himself from the case. In July legal experts expressed concern about interference with the independence of the judiciary when a politician close to the President telephoned the Inspector General of the courts, Rene Molina, and asked him to "take care" with the process to suspend the judge (see Section 1.e.). Lopez was released from house arrest after 1 week; however, a new arrest order was issued, and Lopez went into hiding. Because of the lengthy process and considerable legal costs, both lawsuits have been interpreted by some observers as examples of the use of criminal defamation or libel lawsuits, or the threat of such lawsuits, to intimidate journalists and discourage investigative journalism.

There were no reports of government-sponsored attacks on journalists; however, several journalists were assaulted physically or verbally for what appear to have been political motives. Some observers assert that President Chavez's aggressive rhetoric in criticizing the media as having portrayed him unfairly has contributed to a climate of intimidation and hostility toward the media that encourages such attacks. At one presidential press conference in Maracay in March, reporters refused to ask President Chavez questions in protest of what one termed "the President's constant attacks against the media." During a May 1 campaign march by President Chavez, some partisans attending the campaign chanted slogans that characterized reporters as "traitors" and "enemies," pushed or hit journalists, and attempted to destroy their equipment. President Chavez later condemned these assaults. In February anonymous leaflets were distributed throughout the Caracas subway that criticized journalists as "enemies of the revolution" and named certain prominent journalists.

In September 1999, government officials complained that international media coverage of events was unfair, and some made allegations of "an international media conspiracy." Also during that month, a small group of activists occupied the offices of the Associated Press in protest of the news service's supposed antigovernment stance. A regional radio station alleged that state security agents searched its offices in what the radio viewed as an effort to intimidate.

Instances of bomb threats—and on two occasions in December 1999, discoveries of small explosive devices in or near newspaper buildings—have contributed to what some journalists have called "a climate of intimidation" of the media. In February the Venezuelan Press Association publicly commented on the deteriorating situation for press freedom in the country.

There is no statutory censorship. The Government has tools to influence the press, such as licensing requirements for journalists, broadcast licensing concessions for television and radio stations, and lucrative public sector advertising. However, in practice, the media environment is free and open, although some journalists believe that self-censorship is becoming more widespread. Few newspapers regularly publish editorials that reflect the view of the newspaper, but signed articles on opinion pages carry abundant and varied perspectives, often highly critical of the Government. Radio and television stations do not broadcast overt institutional political opinions, although opinion and talk shows are common.

A 1994 law requires practicing journalists to have journalism degrees and be members of the National College of Journalists. These requirements are waived for foreigners and for opinion columnists, on the grounds of tolerance of free speech. Media owners challenged the law in November 1995, but the Supreme Court still had not ruled on this matter at year's end.

Print and electronic media are independent. There are state television and radio stations whose directors are named by the President but whose broadcast policies

are autonomous. The Government financed and published the newspaper *The President's Post* during the first 6 months of the year. The President has a weekly call-in radio show on state-run Radio Nacional. At the President's discretion, his speeches or other public appearances may be declared a "national broadcast." All television and radio stations are required by law to preempt scheduled programming and transmit the national broadcasts in their entirety (on occasion, 2 or more hours) instead. A documentary-style "news program," varying in length from 5 to 15 minutes, produced by the President's staff, began airing in June. The program, which focuses heavily on the activities of the President and the Government, is produced one or more times a week. It is broadcast before regularly scheduled evening news programs. Like the national broadcasts, by law every television station must broadcast these programs.

The International Association of Broadcasting and domestic media figures criticized provisions of a telecommunications law enacted in June. The parts of the law related to broadcast content and frequency concessions were particularly controversial. Article 209 establishes that the President, "when he judges it convenient to the interests of the nation, or when required for reasons of public order or security, can suspend telecommunications broadcasts, in conformity with the Constitution." Some observers believe that this article might allow the suspension of media broadcasts for vague and arbitrary reasons.

In April Monsignor Baltazar Porras, the president of the Roman Catholic Episcopal Conference of Venezuela (CEV), publicly criticized the Government regarding a lack of electoral transparency, growing social instability, and the supra-constitutional activities of the CLN. Following these criticisms, the press reported that DISIP videotaped a Mass said by Monsignor Porras. The Director of DISIP immediately apologized, the agent was suspended, and the national Ombudsman's office opened an investigation of the incident. Bishops also reported receiving telephone threats during the CEV's assembly. In October the governor of Merida state announced that he had made a formal request to the public prosecutor to begin a criminal investigation of Monsignor Porras for alleged financial irregularities relating to the Church's administration of a publicly funded hospital. Because Monsignor Porras has criticized the Government, some observers interpreted the investigation as retaliation for that criticism.

There is no state censorship of books, films, or other media products. Internet access is completely free and uncontrolled.

The Government traditionally has respected academic freedom; however, there have been isolated allegations that individual professors at state universities have been removed or warned of possible removal from their academic positions because of outspoken political views.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice. Public meetings, including those of all political parties, generally are held unimpeded. The Government requires permits for public marches but does not deny them for political reasons.

The December 1999 Constitution prohibits the use of firearms to control peaceful demonstrations; however, as in previous years, some demonstrations turned violent and were quelled by security forces. According to PROVEA, no persons were killed, but 139 persons were injured during demonstrations from October 1999 through September, compared with 2 persons killed and 77 injured from October 1998 through September 1999. The student and teaching sectors carry out the largest number of protests, and the security forces quell the majority of their demonstrations.

On April 5, residents of Cojedes state protested threats by the CLN to remove Governor Alberto Galindea for alleged financial irregularities. The protests in San Carlos and Tinaquillo turned violent, and the National Guard and state police intervened with tear gas. Approximately 18 persons were wounded and affected by tear gas; the state legislative assembly building was destroyed.

On November 5–6, students in Merida protested the death of a fellow student under suspicious circumstances at the hands of the police. The protest became violent and security forces sent tanks, 350 soldiers, and 150 police to stop the demonstration. Police detained 18 persons.

The Constitution provides for freedom of association, and the Government respects this right in practice; professional and academic associations generally operate without interference. However, on November 21, the Supreme Court ruled that (1) Nongovernmental organizations that receive funding from foreign governments or whose leaders are not Venezuelan are not part of "civil society" and therefore may not represent Venezuelan citizens in court or bring their own legal actions; (2) Religious organizations are not part of civil society and are subject to the same re-

strictions; and (3) The Government has an obligation to ensure that NGO's are "democratic in nature" and therefore that the internal elections of nonprofit groups (such as for boards of directors) can be regulated by the National Electoral Council. While there is ambiguity as to how the ruling is to be implemented, NGO's, labor unions, and other members of civil society expressed serious concerns about the ruling. The national Ombudsman's office questioned the constitutionality of the ruling and argued that it was up to civil society itself to define its members, not the Government.

c. Freedom of Religion.—The Constitution provides for freedom of religion, on the condition that the practice of a religion does not violate public morality, decency, and the public order, and the Government generally respects this right in practice.

Each local church must register with the Directorate of Justice and Religion in the Ministry of Interior and Justice in order to hold legal status as a religious organization and to own property. The requirements for registration are largely administrative. However, some groups have complained that the process of registration is slow and inefficient. Foreign missionaries require a special visa to enter the country, which is obtained through the Ministry. Missionaries are not refused entry generally, but many complain that the Government often takes months or years to process a request.

In 1964 the Government and the Holy See signed a concordat that underscores the country's historical ties to the Roman Catholic Church and provides government subsidies to the Church, including to its social programs and schools. Other religious groups are free to establish and run their own schools, but they do not receive subsidies from the Government.

On November 21, the Supreme Court ruled that religious organizations are not part of civil society and that their legal rights therefore were restricted (see Section 2.b.).

On several occasions, leaders of the Roman Catholic Church were monitored or threatened by state agents for political reasons (see Section 2.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of citizens and legal residents to travel within the country and to go abroad and return, and the Government generally respects these rights. However, the Government can suspend the freedom to travel, as it did from June 1994 to July 1995. The Government also restricts foreign travel for persons being investigated for criminal activities. For 3 weeks in December 1999 and in January, the security forces sometimes restricted movement in and out of the areas hardest hit by the floods.

The Constitution recognizes and provides for the right to asylum and refuge and mandates the passage of an organic law to codify this right. However, there is no domestic legislation regarding determination of refugee status, the procedure or criteria to be applied, and no independent organization to handle asylum requests exists. In the absence of any such legislation, the Government established an Interministerial Technical Commission (CTI) in 1999 to address cross-border movements and allows the Venezuelan Bishops' Conference to coordinate with the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. In 1999 there were a total of 188 persons in the country who had been granted refugee status. Approximately 100 individuals filed asylum claims during the year; however, the CTI did not rule on any requests.

The Government in theory provides first asylum. However, in August 500 Colombians entered the country following a paramilitary attack in the La Gabarra-Tibu area of Colombia. The Government provided humanitarian aid but, in coordination with the Colombian Government, quickly repatriated all of the Colombians. The Government determined that the Colombians were not refugees but "displaced persons in transit." This term does not exist in international humanitarian law, and its use appeared to be designed to avoid the Government's international obligations to "refugees." The accelerated procedures adopted by both governments for the return of the Colombians limited their opportunity to seek asylum, despite the intention previously stated by some members of these groups to different NGO's and the UNHCR.

A similar episode occurred in June 1999, when some 3,500 Colombians entered the country in 3 waves following a paramilitary offensive in the Catatumbo area of Colombia. These individuals also were termed "displaced persons in transit," and quickly repatriated in coordination with the Colombian Government. There are reports that some of those returned subsequently were killed by paramilitary forces in Colombia. There were no other reports of the possible forced return of persons to a country where they feared persecution.

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

The 1999 Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for the direct election of the President and unicameral National Assembly, as well as of state governors, state legislative councils, and local governments. Political parties organize, and their candidates are allowed freely to run for office and to seek the support of voters. The President has extensive powers; however, the legislature appoints the members of the Supreme Court, the National Electoral Council, and the so-called Citizen Power consisting of the Prosecutor General, Ombudsman, and Controller General.

At President Chavez's behest, the National Constituent Assembly (ANC) decreed general elections in order to "relegitimize" authorities elected under the (now-defunct) 1961 Constitution. The new Constitution, which went into effect on December 30, 1999, replaced the previous bicameral legislature with a unicameral body, and membership in the former could not simply be carried over to the latter.

The CNE, whose members were appointed on a temporary basis by the ANC at the end of December 1999, organized the elections. In making these appointments the ANC, citing an earlier Supreme Court decision acknowledging that it had "super-constitutional" powers, made no attempt to apply even in spirit the procedures set forth in the new Constitution regarding civil society participation in the selection process. This unilateral selection by the ANC (which easily approved a slate provided by its leadership) of the members of the CNE was criticized widely by the political opposition, media, and NGO's. These groups also criticized similar measures taken by the ANC in choosing its replacement body—the National Legislative Committee, as well as in making interim appointments to the Supreme Court and the Citizen Power. The CLN was an unrepresentative 21-member panel given responsibility in January for serving as the country's legislature pending election of the National Assembly. The CNE invited representatives from the campaign teams to participate in their work.

Elections were scheduled by the ANC for May 28 for every elected office in the country; more than 35,000 candidates ran for some 6,000 offices. On March 28, the Constitutional Chamber of the Supreme Court dismissed two suits that challenged the constitutionality of the election law and consequently the scheduled date of May 28 for the elections. However, as the scheduled date approached, it became increasingly apparent that the CNE had failed to organize them adequately. Constant changes to the voter data base—which both the opposition and NGO's have alleged were intended to offer electoral advantage to President Chavez's supporters—made it impossible to complete programming of the electronic voting machines or carry out other necessary steps.

Faced with the prospect of a chaotic and highly contested election, the CNE decided at the last minute to serve as a friend of the court in a pending suit by two NGO's before the CNE seeking delay of the election. On May 25, the Supreme Court ordered the delay and gave responsibility for setting the new date to the CLN. This decision also gave the Controller General oversight powers over the CNE.

The members of the CNE resigned following the delay, after the CLN formally requested their resignations. After some initial reluctance the CLN agreed that a "national roundtable," on which some of its members and representatives of civil society would sit, would choose the new Council. That new Council included non-partisan civil society members, including its president. Observers generally agree that the new National Electoral Council, chosen by the CLN on June 3, organized the elections in a competent and fair way.

The CLN set the date for the elections at July 30. It also decreed that, for practical reasons, those elections would be limited to president of the republic, national and state legislators, governors, and mayors, with election of municipal and parish councils to be held on October 1. The CLN noted that July 30 was the earliest date by which even the smaller-scope elections it had now decided on could be held, as the new CNE had to redo almost all the preparatory work of its predecessor. The CLN also noted that to include municipal and parish councils in the July 30 vote would triple the number of candidates and offices and, for organizational reasons, would postpone the vote for several months and further prolong the country's period of constitutional transition. Citizens, including many members of the opposition and media, generally regarded these arguments as valid. However, leading presidential challenger Francisco Arias Cardenas criticized the decision of the CLN to split the elections and hold the first component on July 30, a decision that he alleged was intended to put him at a disadvantage. In July a confidential report by the Con-

troller General was leaked to the press; the report identified deficiencies in the work of the CNE.

During the election campaign, DISIP agents carried out searches of the offices of the opposition governor of Merida state, despite the fact that, upon taking office in 1999, the Chavez Government declared that the DISIP and other intelligence agencies no longer would be used for domestic political purposes. While the stated reason for the operations was to gather evidence for corruption investigations, the timing of the searches gave the impression of political harassment.

On July 30, voters reelected President Chavez with 59 percent of the vote. His challengers, Francisco Arias Cardenas and Claudio Fermin, received 38 percent and 3 percent respectively. Chavez's supporters won a majority (92 seats) in the 165-seat National Assembly, although not the two-thirds majority required to pass most important pending legislation. His supporters also won half the governorships. The Organization of American States and observers from various countries were of the opinion that, despite some technical irregularities, the vote was generally free and fair. A limited number of voting machines failed to accept ballots or otherwise broke down, and there was disorganization at some polling places, but in the opinion of observers these were localized problems. Standard backup procedures for voting machine failure, such as placing ballots in sealed boxes for later manual counting or processing by functioning voting machines, were followed. However, some of the losing candidates alleged fraud. For example, Arias maintained, among other things, that voting machines were programmed to undercount votes received by him. He and other disappointed candidates were pursuing existing administrative and judicial remedies at year's end. Losing candidates for several governorships alleged that fraud or irregularities affected the outcome of the voting. The CNE investigated these allegations, ordered recounts in some cases, and determined that the disputes were valid in several states, in which it ordered partial revotes. The CNE's follow-up work to the July 30 elections continued at year's end.

On December 3, voters participated in elections for municipal and parish councils and voted on a controversial referendum on labor issues (see Section 6.a.).

In December the President and the National Assembly replaced the interim appointees to the Supreme Court and the Citizen Power in a process that was criticized by the political opposition, the media, and NGO's, who argued that the procedures set forth in the new Constitution regarding civil society participation in the selection process were not followed. The Ombudsman and others challenged the selection procedure in the courts; however, the appointments were made and the new officials took office in December, despite the fact that the Supreme Court had not yet ruled on the legal challenge.

In November the National Assembly passed an "enabling law" that gave President Chavez the authority to legislate by decree on selected issues related to the economy, reorganization of government ministries, and crime. However, only one law had been passed using these new powers by year's end.

Women and nonwhites participate fully in government and politics; however, they remain under-represented in senior leadership positions and national elective office. The National Assembly's Family, Women, and Youth Committee promotes political office-holding opportunities for women. In the July 30 elections, women won 20 seats as deputies in the 165-seat legislature. In August President Chavez named 3 women to his 14-member Cabinet as Ministers of Labor, Trade, and Environment. In December President Chavez appointed Adina Bastidas as vice president.

Indigenous people traditionally have not been integrated fully into the political system due to their limited knowledge of politics, low voter turnout, geographic isolation, and fewer economic and educational opportunities. During the year, 300 Yanomami, with the assistance of the Amazonas state ombudsman, filed suit over obstacles they faced in registering to vote. The Yanomami argued that the Government's slowness in providing national identity cards, which are required to register to vote, was infringing on their right to suffrage. The Supreme Court ruled against the group's request for an exception to be made to the registration deadline, and they were unable to vote in the July 30 elections. The group of Yanomami subsequently was able to register, and they voted in the December municipal elections. The new Constitution reserved three seats in the National Assembly for indigenous people, and these seats were filled in the July 30 election. There are no indigenous members of the Cabinet.

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

A wide variety of human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases.

In January President Chavez criticized a report by PROVEA on the human rights violations in Vargas state as “suspicious and superficial” and said that the NGO’s refusal to name the witnesses on which the report was based was irresponsible. The President later pledged to investigate the abuses and met with the victims’ families, and the Government invited the IACHR to make an on-site visit to the country, which had not taken place at year’s end.

On November 21, the Supreme Court ruled that NGO’s that receive funding from foreign governments or whose leaders are not Venezuelan are not part of “civil society” and therefore may not represent Venezuelans in court or bring their own legal actions (see Section 2.b.).

A fundamental change in the Government’s own human rights bodies was made when the December 1999 Constitution created the position of “Defender of the People” (Ombudsman). The Ombudsman is responsible for compelling the Government to adhere to the Constitution and laws and, together with the Prosecutor General and Controller General, makes up the Citizen Power branch of government. Throughout the year, the country’s first Ombudsman, Dilia Parra, repeatedly and frankly advocated for the respect of human rights and assisted investigations of abuses by acting as a liaison between complainants and the Prosecutor General. Despite a limited budget, the Ombudsman’s office established branches and public attention centers in all 23 states. On December 20, in a process that some observers charged was unconstitutional, the National Assembly named attorney German Mundarain as the new Ombudsman to replace Parra (see Section 3). The new Constitution also obliges the Government to make amends to the victims of human rights violations and commits it to implement decisions of international bodies on individual cases of abuse.

Human rights groups remained concerned about the Chavez administration’s lack of a human rights agenda and a lack of support for the national human rights agenda formulated by the previous Government in a July 1997 symposium with NGO’s. Unlike the previous year, President Chavez did not meet with NGO’s to discuss human rights issues. The Government continued to fail to support the National Human Rights Commission created by former President Rafael Caldera in 1996 as a mechanism to coordinate the Government’s human rights programs and to serve as a forum for dialog with NGO’s. Despite the commission’s paralysis, NGO’s have developed good relationships with specific government bodies such as the Ministry of Education to develop educational materials on human rights, and the Foreign Ministry to discuss the resolution of existing human rights cases against the Government in international courts.

The Defense Ministry’s human rights office expanded its staff from one to three officials and continued to carry out training courses as part of the armed force’s curriculum. The Defense Ministry continued to reject the validity of NGO reports of alleged human rights violations by the armed forces and remained unwilling to provide evidence to refute the charges, citing confidentiality regulations.

Following the July 30 elections, the National Assembly established an Interior, Justice, Human Rights, and Constitutional Guarantees Committee.

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

The 1999 Constitution expressly prohibits discrimination on the basis of politics, age, race, sex, creed, or any other condition, and the law prohibits discrimination based on ethnic origin, sex, or disability. However, the Government does not protect women adequately against societal and domestic violence, ensure the disabled access to jobs and public services, or safeguard adequately the rights of indigenous people. Amnesty International reported that in September police in Valencia, Carabobo state, detained four transgendered persons, who were held incommunicado for 2 days without food or drinking water (see Section 1.d.). The family of one of the detainees filed a formal complaint with the Public Ministry.

Women.—Violence against women is a problem, and women face substantial institutional and societal prejudice with respect to rape and domestic violence. Domestic violence against women is very common and has been aggravated by the country’s economic difficulties. A total of 14,683 cases of domestic violence were reported to the authorities in 1997, the most recent year for which statistics were available. According to local monitors, the police generally are unwilling to intervene to prevent domestic violence, and the courts rarely prosecute those accused of such abuse. In addition, poor women generally are unaware of legal remedies and have little access to them. On January 1, the 1999 Law Against Violence Toward Women and Children came into force. The PTJ opened the division against violence to accommodate its provisions. This law requires the police to receive reports of domestic violence and obligates hospital personnel to advise authorities of abuse.

The law makes rape extremely difficult to prove, requiring at a minimum medical examination within 48 hours of the violation. A provision in the Penal Code provides that a man guilty of rape can avoid punishment if, before sentencing, he marries the victim. Few police officers are trained to deal responsibly with rape victims. In 1997, the most recent year for which statistics were available, the police received 7,426 reports of sexual crimes, of which over 3,600 were cases of rape. However, women's organizations assert that such low figures do not accurately portray the problem of rape and sexual assault. They claim that many victims do not report the incident or press charges due to societal pressure and their own feelings of guilt. There were reports that a number of rapes were committed in Vargas state in December 1999 during the lawlessness that followed the flooding.

In 1996 the National Women's Council (which was reorganized during the year and renamed the National Institute for Women), an agency of the presidency with representation from the Ministries of Justice, Education, Family, Health, and Labor, prepared a manual on violence against women and children, which includes information on where the victims might obtain assistance. There are a number of NGO's concerned with domestic violence, sex education, and economic discrimination. However, the recommendations of these groups have not been implemented widely by the police or other concerned governmental agencies.

Sexual harassment in the workplace is a common problem.

There were reports that women were trafficked to Spain for purposes of prostitution (see Section 6.f.).

Women and men are legally equal in marriage. Women account for roughly half the student body of most universities and have advanced in many professions, including medicine and law. In June the Government announced its intention to allow women to attend military academies and serve in expanded roles as officers in the armed forces; however, this had not occurred by year's end. Women gradually have surmounted many of the barriers to their full participation in political and economic life; nonetheless, they still are underrepresented in the higher ranks of labor unions and private industry and, on average, earn 30 percent less than men.

The 1999 Constitution provides for sexual equality in exercising the right to work. The Labor Code specifies that employers must not discriminate against women with regard to pay or working conditions, must not fire them during pregnancy or for a year after giving birth, must grant them unpaid leave and benefits for 6 weeks before the birth of a child and 12 weeks after, and must provide them with 10 weeks of unpaid leave if they legally adopt children under 3 years of age. According to the Ministry of Labor and the major labor federation, these regulations are enforced in the formal sector, although social security payments often are delayed.

Children.—Government expenditures on education, health, and social services increased during the year due to an improved economy and a larger government budget. While the law provides for universal free education, about one-third of the Ministry of Education budget was dedicated to post-secondary education, leaving both primary and secondary education chronically underfunded. According to UNICEF, only 75 percent of eligible children enter the first grade. During the year, some 500,000 children attended school for the first time when the Government prohibited registration fees. However, the 2000 annual report of the Community Centers for Learning (CECODAP) stated that 500,000 children are not eligible to receive government assistance, including public education, because their births are not documented properly. In 1998 the Government attempted to remedy this problem by adopting a new regulation that requires hospitals to register the births of all children; during the year, the Government sent mobile teams into poor neighborhoods to register minors.

According to CECODAP's study, an estimated 500,000 children, most under the age of 5, have an average of 2 episodes of gastroenteritis a year, a sickness that is the ninth leading cause of death in the country. According to a 1999 study by the National Nutrition Institute, 23 percent of children under the age of 15 have a nutritional deficit. Approximately 76 percent of minors live in poverty. These conditions contribute to the increase in preventable diseases that are leading causes of infant mortality. Children living in Vargas state suffered the effects of the flooding in that area, particularly with regard to sanitation and schooling.

An increase in poverty has raised the level of stress within families and led to a rise in the number of abandoned children and to more child abuse. A 1994 survey by the National Institute for Minors determined that 206,000 children were involved in illicit activities, principally begging but also petty theft, prostitution, and drug trafficking. Some 40,000 children were exploited sexually, according to a 1994 study.

The authorities in Caracas and several other jurisdictions tried to cope with the phenomenon of street children by continuing to impose curfews for unsupervised minors. Children's rights advocates claim that curfews permit the police to act arbi-

trarily in detaining persons who have committed no crime. Because reform institutions are filled to capacity, hundreds of children accused of infractions are confined in juvenile detention centers (see Section 1.c.).

In October 1997, Amnesty International reported past incidents in which minors were subjects of extrajudicial killings and abuse, as well as deficiencies in law and practice with regard to the detention of children. For example, security forces and law enforcement authorities often detain minors together with adults (see Section 1.c.). In April Congress passed the Organic Procedural Law on Adolescents and Children (a criminal code); however, observers expressed concern over the slow implementation of the law's provisions.

Reports of child abuse are rare due to a fear of entanglement with the authorities and ingrained attitudes regarding family privacy. The overburdened judicial system, although very slow, generally ensures that in most situations children are removed from abusive households once a case has been reported. However, public facilities for such children are inadequate and have poorly trained staff.

Children's rights advocates criticized the Government's efforts to reunite children and parents who had been separated in the flooding in Vargas state. At year's end, some 12 months after the natural disaster, some children still were separated from their families. CECODAP estimates that there are 120 children in refugee centers who have not yet been returned to their families. The national Ombudsman's office is investigating whether some of these children may have been trafficked. There were also reports of trafficking in children from other South American countries to work in Caracas as street vendors and housemaids (see Section 6.f.).

People with Disabilities.—The physically disabled have minimal access to public transportation, and ramps are practically nonexistent, even in government buildings. According to local advocates, the disabled are discriminated against in many sectors, including education, health care, and employment.

A 1993 comprehensive law to protect the rights of the disabled requires that all newly constructed or renovated public parks and buildings provide access for the disabled. The law also forbids discrimination in employment practices and in the provision of public services. However, the Government has not made a significant effort to implement the law, to inform the public of it, or to try to change societal prejudice against the disabled.

Indigenous People.—Although the law prohibits discrimination based on ethnic origin, members of the country's indigenous population frequently suffer from inattention to and violation of their human rights. Many indigenous people are isolated from modern civilization and lack access to basic health and educational facilities. High rates of cholera, hepatitis B, malaria, and other diseases plague their communities. There are approximately 316,000 indigenous people in 27 ethnic groups.

The Constitution provides for special laws governing "the protection of indigenous communities and their progressive incorporation into the life of the nation." Nonetheless, local political authorities seldom take account of the interests of indigenous people when making decisions affecting their lands, cultures, traditions, and allocation of natural resources. As farmers and miners intrude on their habitats, indigenous communities are threatened by deforestation and water pollution. Few indigenous people hold title to their land, but many do not want to since most indigenous groups reject the concept of individual property and want the Government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group.

At year's end, the Supreme Court had not yet ruled on a lawsuit filed by environmental and indigenous organizations challenging a 1997 decree that permitted the expansion of legal mining activities in the Imataca forest reserve. The groups charged that only Congress can change the nature of the reserve, that there was an inadequate public review process prior to the change, and that expanded mining activities would affect adversely the health of the Warao, Arawako, Karina, Akawaio, and Pemon indigenous communities that inhabit the Imataca watershed area. In November 1997, the Supreme Court ordered the Government not to issue any new mining concessions in the Imataca reserve until the court ruled on the constitutionality of the presidential decree. In 1999 President Chavez said that he planned to enact a new law to regulate the use of the reserve and that the 1997 decree would be annulled, but at year's end no action had been taken.

The controversy over infrastructure development and the maintenance of traditional indigenous lifestyles is most evident in Bolivar state, where the Pemon continued to protest the building of power lines that export electricity to Brazil through Canaima national park. On July 20, a total of 55 of the 58 Pemon communities affected by the power lines signed an agreement under which the Government pledged, among other commitments, to establish a commission for the demarcation of native lands and to create a development fund for indigenous people. However,

many Pemon remain highly skeptical of the Government's willingness and ability to comply with the accord's provisions.

The Yanomami, among the most isolated of the indigenous people, have been subject to persistent incursions into their territory by illegal gold miners. The miners have introduced not only new diseases but social ills as well. In December 1996, a number of human rights organizations, acting on behalf of the Yanomami community of Haximu, petitioned the IACHR in connection with the 1993 massacre of 16 members of the community by Brazilian miners. The petition alleged that the Government failed in its obligation to protect the Yanomami and to seek appropriate punishment of the killers, who were released by the Brazilian authorities after 3 months' detention. In May 1998, the Government agreed to work with the NGO's under IACHR mediation to resolve the case. In late 1999, an out-of-court settlement was reached under which the Government pledged, among other commitments, to provide better security and to carry out health care projects in the area.

During the year, 300 Yanomami, with the assistance of the Amazonas state ombudsman, filed suit over obstacles they faced in registering to vote (see Section 3).

Since 1998 hundreds of members of the Warao indigenous group have migrated from their traditional homelands in the swampy Orinoco delta region to the capital of Caracas where they live in the streets, selling their traditional crafts and begging. The Warao say that flooding and petroleum exploration have eroded their traditional means of survival, which are fishing and horticulture. In addition, many Warao no longer want to or no longer possess the knowledge required to survive in their traditional manner. However, the Caracas city government and the Metropolitan Police have maintained a policy of forcing the Warao to return to the delta by rounding them up and loading them onto buses. In 1998 they returned, on average, groups of 100 Warao, at least 15 times. Many of the Warao return to Caracas, citing lack of jobs and money in the delta and their ability to receive approximately \$225 (130,000 bolivars) per week in handouts in Caracas.

Section 6. Worker Rights

a. The Right of Association.—Both the Constitution and labor law recognize and encourage the right of workers to organize; however, concerns over labor rights increased during the year. According to the new Constitution, all workers, without prejudice or previous authorization, have the right to form freely unions that they believe can help them defend their rights and interests, as well as to join—or decide not to join—these organizations in accordance with the law. The Constitution provides that these organizations are not subject to intervention, suspension, or administrative dissolution, and workers are protected against any discrimination or measure contrary to this right. Additionally, labor organizers and leaders may not be removed from their positions during the period of time and under the conditions that they exercise their leadership functions. However, Articles 23 and 95 of the 1999 Constitution, which provide for freedom of association, are contradicted by Article 293, which gives the National Electoral Council the authority to administer the internal elections of labor confederations, in violation of the Government's commitments to Conventions 87 and 98 of the International Labor Organization (ILO) charter. On December 3, a referendum was held that was followed by the resignation of the leaders of the country's major labor union confederation.

At year's end, labor law pursuant to the 1999 Constitution had not yet been drafted. The existing comprehensive 1990 Labor Code extends the right to form and join unions of their choosing to all private and public sector employees (except members of the armed forces). The code mandates registration of unions with the Ministry of Labor, but it reduces the Ministry's discretion by specifying that registration may not be denied if the proper documents (a record of the founding meeting, the statutes, and membership list) are submitted. Only a judge may dissolve a union, and then only for reasons listed in the law, such as the dissolution of a firm by agreement of two-thirds of the membership.

The ILO repeatedly has expressed concerns that the Organic Labor Act violates freedom of association by requiring a high number of workers (100 workers) to form self-employed workers' trade unions and a high number of employers to form employer trade unions (10 workers). The ILO also notes that the long and detailed list of duties entrusted to workers' and employers' organizations and the requirement that foreign workers must be in residence for more than 10 years in order to hold trade union offices also are in violation of the Convention on Freedom of Association.

In early March, the National Legislative Committee passed a decree that suspended collective bargaining in the petroleum and public sector for 180 days (see Section 6.b.) and suspended internal labor leadership elections for the same period of time. On July 14, the CNE prohibited labor leadership elections until February

2001. In late March, the CLN passed a decree that violated the Campesino Federation's right to associate freely by intervening in the federation's right to hold internal elections, embargoing federation property, and placing it in the custody of the national Ombudsman.

One major union confederation, the Confederation of Venezuelan Workers (CTV), three small union confederations, and a number of independent unions operate freely. About 20 percent of the national labor force is unionized. The CTV represents most of the unionized workers and has a membership of 800,000 workers. The CTV is especially strong in the public sector. The CTV's top leadership includes members of several political parties, but the majority are affiliated with one of the traditional parties, Democratic Action (AD) or the Christian Democrats (COPEI). The CTV and the AD traditionally have influenced each other.

On December 3, the Government held a public "workers referendum" to consider the "overhaul of union leadership" and the "suspension" of union officials. International labor authorities, including the International Confederation of Free Trade Unions and the ILO, declared the referendum to be a violation of freedom of association and an unacceptable government intervention in organized labor affairs. The fact that the referendum included the participation of all registered voters on an issue affecting independent labor organizations was viewed as particularly offensive to international labor standards and the right of freedom of association. A CNE spokesman defended the participation of all registered voters, observing that all citizens "are workers or related to workers." The Public Prosecutor and Ombudsman both declared the measure unconstitutional as violations of freedom of association and the Government's international agreements, as provided for in the 1999 Constitution, and recommended that the Supreme Court do the same; however, the Court ruled in favor of moving forward with the referendum.

In the referendum voters were asked to approve an "overhaul of union leadership in 180 days, under a special law drafted by the electoral council, in accordance with the principles of term limits and universal, direct and confidential suffrage" in accordance with the Constitution and to suspend "the function of union officials" during that time. Approximately 65 percent of those citizens who voted approved the question. The CNE later announced that voter turnout was 23 percent.

On December 6, the CTV leadership voluntarily resigned and was replaced by a transitional committee consisting of a broad spectrum of labor and civil society representatives that included individuals connected with the CTV as well as other labor organizations not traditionally aligned with the CTV. Following this change in leadership, the parties involved began to prepare for discussions on reforming the country's labor union structure.

On September 3, President Chavez announced the creation of the "Bolivarian" Worker's Force (FTB) as a new labor federation allied with the ruling MVR to displace, or at least compete with, the CTV. President Chavez said that the FTB was preparing an "all out war" to "demolish" the CTV. Seats on the new "transitional committee" heading the CTV had been set aside for members of the FTB.

The new Constitution and the comprehensive 1990 Labor Code recognize the right of all public and private sector workers to strike in accordance with conditions established by the law, which still was being drafted at year's end. However, public servants may strike only if the strike does not cause "irremediable damage to the population or to institutions." Replacement workers are not permitted during legal strikes. The Labor Code allows the President to order public or private sector strikers back to work and to submit their dispute to arbitration if the strike "puts in immediate danger the lives or security of all or part of the population." During the year, most strikes were brief and occurred among government employees such as petroleum workers, health workers in public hospitals and clinics, firefighters, teachers, and transportation workers. In mid-October, the main petroleum workers' union, FEDEPETROL, held a successful 4-day strike against the state oil company PDVSA and persuaded the Government to concede to strikers' demands for a 30-month contract. The strike was settled through tripartite negotiations, which included the active participation of then-Vice President Isaias Rodriguez, who noted the "historic role" of labor leaders in gaining benefits for workers.

There are no restrictions on affiliation with international labor organizations, and many union organizations are active internationally; however, a November Supreme Court ruling regarding the legal abilities of NGO's that receive funding from foreign sources potentially could restrict the international affiliations of union organizers (see Section 2.b.).

b. The Right to Organize and Bargain Collectively.—According to the December 1999 Constitution, all public and private sector workers have the right to voluntary collective bargaining and to arrive at collective bargaining agreements, without any additional requirements other than those established by the law. The Constitution

provides that the State is to ensure development of collective bargaining and to establish conditions favorable to collective relationships and the solution of labor conflicts. The 1990 Labor Code stipulates that employers must negotiate a collective contract with the union that represents the majority of their workers. The ILO repeatedly has expressed concerns that this provision restricts freedom of association and in March requested that the Government amend it so that "in cases where no union organization represents an absolute majority of workers, minority organizations may jointly negotiate a collective agreement on behalf of their members." The code contains a provision stating that wages may be raised by administrative decree, provided that the legislative body approves the decree.

The law also prohibits employers from interfering with the formation of unions or with their activities or from stipulating as a condition of employment that new workers must abstain from union activity or must join a specified union. The 1999 Constitution prohibits measures that "alter the sanctity and progressiveness" of labor rights and worker benefits, declares labor rights to be irrevocable, and provides that ambiguities regarding the application or interpretation of norms are to be applied in the manner most favorable to the worker.

Ministry of Labor inspectors hear complaints regarding violations of these regulations and traditionally have been able to impose a maximum fine of twice the monthly minimum wage for a first infraction. Under the 1999 Constitution, union officials have special protection from dismissal. Under the 1990 Labor Code, if a judge determines that any worker was fired for union activity, the worker is entitled to back pay plus either reinstatement or payment of a substantial sum of money, which varies according to his years of seniority.

The right to bargain collectively was violated in early March, when the National Legislative Committee passed a decree that suspended collective bargaining in the petroleum and public sector for 180 days (see Section 6.a.). On July 14, the CNE extended the decree until October 15.

Labor law and practice are the same in the sole export-processing zone, located in Punto Fijo, as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The 1990 Labor Code states that no one may "obligate others to work against their will," and such practices generally are not known to occur. Apart from the general prohibition of compulsory labor, the law does not prohibit specifically forced and bonded labor by children, and such practices generally are not known to occur; however, there were reports of trafficking in children (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1990 Labor Code and the Tutelary Law for Minors contain provisions to protect children from exploitation in the workplace. The Ministry of Labor and the National Institute for Minors enforce child labor policies effectively in the formal sector of the economy but less so in the informal sector, in which an estimated 1.2 million children work. According to UNICEF, approximately 47 percent of children are in the labor market, and work in agriculture, as artisans, in offices, and in the services sector.

Primary school education is compulsory, free, and universal (see Section 5). However, 64 percent of children leave school before the ninth grade. In a 1996 survey of working children conducted by the National Institute for Minors, 45 percent of those polled stated that they were not in school. The actual figure is probably much higher considering that those who stated that they attended school also reported that they worked on average 7-1/2 hours per day, 4 to 7 days a week.

The 1990 Labor Code allows children between the ages of 12 and 14 to work only if the National Institute for Minors or the Labor Ministry grants special permission. It states that children between the ages of 14 and 16 may not work without the permission of their legal guardians. Minors may not work in mines or smelters, in occupations that risk life or health, that could damage intellectual or moral development, or in public spectacles. The 1999 Constitution prohibits adolescents from working at jobs that will affect their development, protecting them from economic and social exploitation.

Those under 16 years of age must by law work no more than 6 hours a day or 30 hours a week. Minors under the age of 18 may work only between the hours of 6 a.m. and 7 p.m. The estimated 1.2 million children who work in the informal sector, mostly as street vendors, generally work more hours than the total permitted under the law. In the National Institute for Minors survey of working children, half the children worked both morning and afternoon, and 64.5 percent worked 6 or 7 days a week. The Government's Central Office of Statistics and Information reports that 12 percent of the country's children between the ages of 10 and 17 are working, have worked at some time, or are seeking work. Of that number, approximately 70 percent work in the informal sector of the economy. Less than 300,000 of children who work in the informal sector have permits.

Apart from the general prohibition of compulsory labor, the law does not specifically prohibit forced and bonded labor by children, but such practices generally are not known to occur; however, there were reports of trafficking in children (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—The 1999 Constitution provides workers with the right to a salary that is sufficient to allow them to live with dignity, and provides them and their families with the basic material, social, and intellectual necessities. The Constitution obliges the State to provide public and private sector workers with an annually adjusted minimum wage, using the cost of the basic basket of necessities as a reference point. The monthly minimum wage is \$206 (142,000 bolivars) in the private sector for urban workers and \$170 (118,000 bolivars) for rural workers, effective May 1.

Total take-home pay in the private sector, the product of a presidential decree, was at least equal to that received by public sector minimum wage workers. Fringe benefits are added to these minimum figures; they vary with the worker's individual circumstances but in general increase wages by about one-third. However, even with these benefits, the minimum wage is not sufficient to provide a decent standard of living for a worker and family. Unions point out that a worker's income is often less than the cost of a family's basic monthly food basket, estimated by the Center for Documentation and Analysis for Workers in August at \$308 (212,205 bolivars). The basic basket, which includes medical care, transportation, clothing, and housing, in addition to food, stood at \$905 (624,413 bolivars) for August.

Under the 1990 Labor Code, minimum wage rates are set by administrative decree, which the legislature may suspend or ratify but may not change. The law excludes only domestic workers and concierges from coverage under the minimum wage decrees. The Ministry of Labor has enforced minimum wage rates effectively in the formal sector of the economy, but about one-half of the population works in the informal sector where labor laws and protections generally are not enforced.

The 1999 Constitution also stipulates that the workday may not exceed 8 hours daily or 44 hours weekly and that night work may not exceed 7 hours daily or 35 hours weekly. Managers are prohibited from obligating employees from working extraordinary hours, and workers also have the right to weekly time away from work and annual remunerated vacations. Some unions, such as the petroleum workers, have negotiated a 40-hour week. Overtime may not exceed 2 hours daily, 10 hours weekly, or 100 hours annually, and may not be paid at a rate less than time-and-one-half. The Ministry of Labor effectively enforces these standards in the formal sector.

The 1999 Constitution provides for secure, hygienic, and adequate working conditions; however, the authorities have not yet promulgated regulations to implement the 1986 Health and Safety Law, which is not enforced. The delay is due largely to concern that the law provides penal sanctions against management when violations of health and safety occur and that there is ambiguity in the law over what constitutes a violation. The 1990 Labor Code states that employers are obligated to pay specified amounts (up to a maximum of 25 times the minimum monthly salary) to workers for accidents or occupational illnesses, regardless of who is responsible for the injury.

The code also requires that workplaces maintain "sufficient protection for health and life against sickness and accidents," and it imposes fines ranging from one-quarter to twice the minimum monthly salary for first infractions. However, in practice Ministry of Labor inspectors seldom close down unsafe job sites. Under the law, workers can remove themselves from dangerous workplace situations without jeopardy to continued employment.

f. Trafficking in Persons.—The new Constitution prohibits trafficking in persons, and this provision was codified in legislation during the year. There were reports that women were trafficked to Spain for purposes of prostitution. The national Ombudsman's office is investigating whether some of the children separated from their parents in the flooding in Vargas state may have been trafficked (see Section 5). There also were reports of trafficking in children from other South American countries to work in Caracas as street vendors and housemaids. The ease with which fraudulent government documents of nearly all types are obtained contributed to the trafficking problem. The Government's efforts to prevent trafficking are the responsibility of the Prosecutor General's family protection directorate (which also handles prosecutions) and the National Institutes for Women and Minors. NGO's such as CECODAP also are involved in activities to combat trafficking.

APPENDIXES

APPENDIX A.—NOTES ON PREPARATION OF THE REPORTS

We base the annual Country Reports on Human Rights Practices on information available from all sources, including American and foreign government officials, victims of human rights abuse, academic and congressional studies, and reports from the press, international organizations, and nongovernmental organizations (NGO's) concerned with human rights. We find particularly helpful, and make reference in most reports to, the role of NGO's, ranging from groups within a single country to those that concern themselves with human rights worldwide. While much of the information that we use is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources.

By law we must submit the reports to Congress by February 25. To comply with this requirement, we provide guidance to U.S. diplomatic missions in July for submission of draft reports in September and October, which we update at year's end as necessary. Other offices in the Department of State provide contributions, and the Bureau of Democracy, Human Rights, and Labor prepares a final draft. Because of the preparation time required, it is possible that yearend developments may not be reflected fully. We make every effort to include reference to major events or significant changes in trends.

We have attempted to make these country reports as comprehensive as space will allow, while taking care to make them objective and as uniform as possible in both scope and quality of coverage. We have given particular attention to attaining a high standard of consistency despite the multiplicity of sources and the obvious problems related to varying degrees of access to information, structural differences in political and social systems, and trends in world opinion regarding human rights practices in specific countries.

It is often difficult to evaluate the credibility of reports of human rights abuses. With the exception of some terrorist organizations, most opposition groups and certainly most governments deny that they commit human rights abuses and often go to great lengths to conceal any evidence of such acts. There are often few eyewitnesses to specific abuses, and they frequently are intimidated or otherwise prevented from reporting what they know. On the other hand, individuals and groups opposed to a particular government sometimes have powerful incentives to exaggerate or fabricate abuses, and some governments similarly distort or exaggerate abuses attributed to opposition groups. We have made every effort to identify those groups, for example, government forces or terrorists, that are believed, based on all the evidence available, to have committed human rights abuses. Where credible evidence is lacking, we have tried to indicate why it is not available. Many governments that profess to oppose human rights abuses in fact secretly order or tacitly condone them or simply lack the will or the ability to control those responsible for them. Consequently, in judging a government's policy, it is important to look beyond statements of policy or intent in order to examine what in fact a government has done to prevent human rights abuses, including the extent to which it investigates, brings to trial, and appropriately punishes those who commit such abuses. We continue to make every effort to do that in these reports.

To increase uniformity, the introductory section of each report contains a brief setting, indicating how the country is governed and providing the context for examining the country's human rights performance. A description of the political framework and the role of security and law enforcement agencies with respect to human rights is followed by a brief characterization of the economy. The setting concludes with an overview of human rights developments in the year under review, mentioning specific areas (for example, torture, freedom of speech and press, discrimination) in which abuses and problems occurred.

We have continued the effort from previous years to expand reporting on human rights practices affecting women, children, and indigenous people. We discuss in the

appropriate section of the report any abuses that are targeted specifically against women (for example, rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory laws or regulations). In Section 5, we discuss socioeconomic discrimination; societal violence against women, children, or minority group members; and the efforts, if any, of governments to combat these problems.

To obtain more information on governmental policies on the welfare of children, readers may wish to consult "The State of the World's Children 2000," published by the U.N. Children's Fund. The report provides a wide range of data on health, education, nutrition, rates of infant mortality, and mortality under 5 years of age in 193 countries, as well as information on the degree of progress that these countries are making in reducing the key mortality rate for persons under age 5.

The following notes on specific categories of the report are not meant to be comprehensive descriptions of each category but to provide definitions of key terms used in the reports and to explain the organization of material within the format:

Political and Other Extrajudicial Killing.—Includes killings in which there is evidence of government instigation without due process of law or of political motivation by government or by opposition groups; also covers extrajudicial killings (for example, deliberate, illegal, or excessive use of lethal force by the police, security forces, or other agents of the State whether against criminal suspects, detainees, prisoners, or others), as well as killings committed by police or security forces in operations or while in the performance of their duties that resulted in the death of persons without due process of law (for example, mistargeted bombing or shelling or killing of bystanders); excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out (see also Section 1.g.). Although mentioned briefly here, deaths in detention due to official negligence are covered in detail in Section 1.c.

Disappearance.—Covers unresolved cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified; cases eventually classed as political killings in which the bodies of those missing are discovered also are covered in the above category, while those eventually identified as arrest or detention may be covered under "Arbitrary Arrest, Detention, or Exile."

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Defines torture as an extremely severe form of cruel, inhuman, or degrading treatment or punishment, committed by or at the instigation of government forces or opposition groups, with specific intent to cause extremely severe pain or suffering, whether mental or physical. Concentrates discussion on actual practices, not on whether they fit any precise definition, and includes use of physical and other force that may fall short of torture but which is cruel, inhuman, or degrading. Covers prison conditions, including information based on minimum international standards, and deaths in custody due to negligence by government officials.

Arbitrary Arrest, Detention, or Exile.—Covers cases in which detainees, including political detainees, are held in official custody without charges or, if charged, are denied a public preliminary judicial hearing within a reasonable period. Also discusses whether, and under what circumstances, governments exile citizens.

Denial of Fair Public Trial.—Describes briefly the court system and evaluates whether there is an independent judiciary and whether trials are both fair and public (failure to hold any trial is noted in the category above); includes discussion of "political prisoners" (political detainees are covered above), defined as those convicted and imprisoned essentially for political beliefs or nonviolent acts of dissent or expression, regardless of the actual legal charge.

Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Discusses the "passive" right of the individual to noninterference by the State; includes the right to receive foreign publications, for example, while the right to publish is discussed under "Freedom of Speech and Press;" includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but does not include cultural or traditional practices, such as female genital mutilation, which are addressed in Section 5.

Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—An optional subsection for use in describing abuses that occur in countries experiencing significant internal armed conflict. Includes indiscriminate, nonselective killings arising from excessive use of force, for example, by police in putting down demonstrations, or by the shelling of villages (deliberate, targeted killing is discussed in Section 1.a.). Also includes abuses against civilian noncombatants. For reports in which use of this section would be inappropriate, that is, in which there is no significant internal conflict, lethal use of excessive force by security forces

(which herein is defined as a form of extrajudicial killing) is discussed in Section 1.a.; nonlethal excessive force in Section 1.c.

Freedom of Speech and Press.—Evaluates whether these freedoms exist and describes any direct or indirect restrictions. Includes discussion of academic freedom.

Freedom of Peaceful Assembly and Association.—Evaluates the ability of individuals and groups (including political parties) to exercise these freedoms. Includes the ability of trade associations, professional bodies, and similar groups to maintain relations or affiliate with recognized international bodies in their fields. The right of labor to associate, organize, and bargain collectively is discussed under Section 6, Worker Rights (see Appendix B).

Freedom of Religion.—Discusses whether the constitution or laws provide for the right of citizens of whatever religious belief to worship free of government interference and whether the government respects that right. Includes the freedom to publish religious documents in foreign languages; addresses the treatment of foreign clergy and whether religious belief affects membership in a ruling party or a career in government.

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Includes discussion of forced resettlement; “refugees” may refer to persons displaced by civil strife or natural disaster as well as persons who are “refugees” within the meaning of the Refugee Act of 1980, that is, persons with a “well-founded fear of persecution” in their country of origin or, if stateless, in their country of habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion.

Respect for Political Rights: The Right of Citizens to Change Their Government.—Discusses the extent to which citizens have freedom of political choice and have the legal right and ability in practice to change the laws and officials that govern them; assesses whether elections are free and fair.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.—Discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses) and whether they are subject to reprisal by government or other forces. Also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country.

Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.—Contains a subheading on Women, Children, and People with Disabilities. As appropriate, also includes subheadings on Indigenous People, Religious Minorities, and National/Racial/Ethnic Minorities. Discrimination against groups not fitting one of the above subheadings is discussed in the introductory paragraph(s) of Section 5. Addresses discrimination and abuses not discussed elsewhere in the report, focusing on laws, regulations, or state practices that are inconsistent with equal access to housing, employment, education, health care, or other governmental benefits for members of specific groups. (Abuses by government or opposition forces, such as killing, torture and other violence, or restriction of voting rights or free speech targeted against specific groups would be discussed under the appropriate preceding sections.) Discusses societal violence against women, e.g., “dowry deaths,” wife beating, rape, and government tolerance of such under the subheading on women. Discusses the extent to which the law provides for, and the government enforces, equality of economic opportunity for women. Discusses violence or other abuse against children under that subheading. Discusses female genital mutilation, which is most often performed on children, also under that subheading.

Worker Rights.—See Appendix B.

APPENDIX B.—REPORTING ON WORKER RIGHTS

The 1984 Generalized System of Preferences Renewal Act requires reporting on worker rights in GSP beneficiary countries. It states that internationally recognized worker rights include “(A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.” All five aspects of worker rights are discussed in each report in a final section under the heading “Worker Rights.” A final category, listed as (F), addresses trafficking in persons. The discussion of worker rights considers not only

laws and regulations but also their practical implementation, taking into account the following additional guidelines:

A. "The right of association" has been defined by the International Labor Organization (ILO) to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

The right of association includes the right of workers to strike. While strikes may be restricted in essential services (that is, those services the interruption of which would endanger the life, personal safety, or health of a significant portion of the population) and in the public sector, these restrictions must be offset by adequate guarantees to safeguard the interests of the workers concerned (for example, machinery for mediation and arbitration; due process; and the right to judicial review of all legal actions). Reporting on restrictions affecting the ability of workers to strike generally includes information on any procedures that may exist for safeguarding workers' interests.

B. "The right to organize and bargain collectively" includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers; the right to protection against interference; and the right to protection against acts of antiunion discrimination. Governments should promote machinery for voluntary negotiations between employers and workers and their organizations. Reporting on the right to organize and bargain collectively includes descriptions of the extent to which collective bargaining takes place and the extent to which unions, both in law and practice, are effectively protected against antiunion discrimination.

C. "Forced or compulsory labor" is defined as work or service exacted from any person under the menace of penalty and for which the person has not volunteered. "Work or service" does not apply in instances in which obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. The ILO has exempted the following from its definition of forced labor: compulsory military service; normal civic obligations; certain forms of prison labor; emergencies; and minor communal services. Forced labor should not be used as a means of (1) mobilizing and using labor for purposes of economic development; (2) racial, social, national, or religious discrimination; (3) political coercion or education, or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system; (4) labor discipline; or (5) as a punishment for having participated in strikes. Constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment."

D. "Minimum age for employment of children" concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. ILO Convention 182 on the "worst forms of child labor," which has been ratified by over 60 countries, identifies anyone under the age of 18 as a child and specifies types of employment as "the worst forms of child labor." Worst forms of labor include slavery, debt bondage, forced labor, forced recruitment into armed conflict, child prostitution and pornography, involvement in illicit activity such as drug production or trafficking, and "work which, by its nature, or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children." ILO Convention 182 permits employment of children between the ages of 16 and 18 in what the convention describes as an "unhealthy environment," if adequate protective measures have been taken.

E. "Acceptable conditions of work" refers to the establishment and maintenance of machinery, adapted to national conditions, that provides for minimum working standards, that is, wages that provide a decent living for workers and their families; working hours that do not exceed 48 hours per week, with a full 24-hour rest day; a specified annual paid holiday; and minimum conditions for the protection of the safety and health of workers. Differences in the levels of economic development are taken into account in the formulation of internationally recognized labor standards. For example, many ILO standards concerning working conditions permit flexibility in their scope and coverage. They also may permit countries a wide choice in their implementation, including progressive implementation, by enabling countries to accept a standard in part or subject to specified exceptions. Countries are expected to take steps over time to achieve the higher levels specified in such standards. However, it should be understood that this flexibility applies only to internationally recognized standards concerning working conditions. No flexibility is permitted concerning the acceptance of the basic principles contained in human rights standards,

that is, freedom of association, the right to organize and bargain collectively, the prohibition of forced labor, and the absence of discrimination.

F. "Trafficking in persons" is defined as all acts involving the recruitment, harboring, provision, or obtaining of a person (man, woman, or child) for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Sex trafficking is defined as an act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age. Reporting describes legal prohibitions against trafficking; the extent to which the government enforces these prohibitions; the extent of trafficking in persons to, from, within, or through the country, other geographic regions or countries affected by the traffic; and aid or protection available to victims.

APPENDIX C—INTERNATIONAL HUMAN RIGHTS CONVENTIONS

[See Appendix D for a description of the various Human Rights Conventions]

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Afghanistan	p			p		p	p	p		p	p	p	p	p	p							s	p	p
Albania*	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p
Algeria	p	p	p	p	p	p	p	p			p	p	p	p	p	p	p		p	p	p	p	p	p
Andorra						p	p		p													p		p
Angola		p			p	p	p			p		p			p	p	p			p		p		p
Antigua & Barbuda	p	p	p	p	p	p	p			l	p	p	p			p	p	p		p	p	p	p	p
Argentina		p	p	p	p	p	p	p		p	p	p	p	p	p	p	p	p	p	p	p	p	p	p
Armenia						p	p		s					p	p	p	p			p	p	p	p	p
Australia	p	p	p	p	p	p	p			p	p	p	p	p	p	p	p			p	p	p	p	p
Austria	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Azerbaijan	p	p	p	p	p	p	p	p	s		p	p	p	p	p	p	p		p		p	p	p	p
Bahamas	p	p		p	p	p	p			p	p	p	p			p	p			p	p	p		p
Bahrain		p				p	p				p	p	p								p	p		p
Bangladesh	p	p	p	p	p	p	p	p		p	p	p	p	p	p						p	p	p	p
Barbados	p	p	p	p	p	p	p			p	p	p	p	p	p			p	p		p	p	p	p
Belarus	p	p	p	p	p	p	p	p		p	p	p	p	p	p					p	p	p	p	p
Belgium	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Belize	1	p	p	p	p	p	p				l	p	s	p	s	p	p		p	p	p	p	p	p
Benin	2	p	p			p	p				p	s	p	p	p	p	p			p	p	p	p	p
Bhutan*						p	p							s								p		p
Bolivia	p		p	s	p	p	p	p		p	p	p	p	p	p	p	p	p	p	p	p	p	p	p
Bosnia & Herz.	p	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p		p	p	p	p	p	p
Botswana	1	p	p		p	p	p				l	p	p	p	p	p	p		p	p	p	p	p	p
Brazil	p	p		p	p	p	p	p		p	p	p	p	p	p	p	p	p		p	p	p	p	p
Brunei*	1					p	p				l										p	p		p
Bulgaria	2	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Burkina Faso		p	p	p	p	p	p					p	p	p	p	p	p		p	p	p	p	p	p
Burma	p	p	p		p	p	s			s												p		p
Burundi		p	p	p	p	p	p			p		p	p	p	p	p	p		p	p	p	p	p	p
Cambodia		p	p	p	p	p	p				p	p	p	p	p	p	p		p	p	p	p	p	p
Cameroon	p	p	p		p	p	p	p			p	p	p	p	p	p	p			p	p	p	p	p
Canada	p		p	p		p	p			p	p	p	p	p	p	p	p			p	p	p	p	p
Cape Verde		p	p		p	p	p				p	p	p	p		p				p	p	p	p	p
Cen. African Rep.	2	p	p		p	p	p	p		p	p	p	p	p	p	p	p		p	p	p	p		p
Chad		p	p		p	p	p				p	p	p	p	p	p				p	p	p	p	p
Chile	p	p	p		p	p	p			p	p	p	p	p	p	p	p	p	p	p	p	p	p	p
China				p		p	p			p				p	s	s	p	p		p	p	p	p	p
Hong Kong	p									p				p								p	p	p
Macau																								
(to 12-19-99)				p				p			p		p	p	p	p	p					p	p	p
Macau																								
(from 12-20-99)				p									p										p	p
China				p																				
(Taiwan only)*	p			p					p	p			p	s	s									
Colombia	s	p	p	p		p	p	p		p			p	p	p	p	p	p		p	p	p	p	p
Comoros		p	p		p	p	p						p	s						p	p	p	s	p
Congo, Dem.																								
Rep. of	p	p		p	p	p	p			p	p			p	p	p	p			p		p	p	p
Congo,																								
Republic of	2	p	p		p	p	p	p		p	p	p	p	p	p	p	p		p	p	p	p		p
Costa Rica		p	p	p	p	p	p			p		p	p	p	p	p	p	p	p	p	p	p	p	p
Cote D'Ivoire	2	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p			p	p	p	p	p
Croatia	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Cuba	p	p	p	p	p	p	p	p		p	p	p	p						p	p	p	p	p	p
Cyprus	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p		p	p	p	p	p	p

APPENDIX C—INTERNATIONAL HUMAN RIGHTS CONVENTIONS—Continued

[See Appendix D for a description of the various Human Rights Conventions]

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Czech Republic	2	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p			p	p	p	p	p
Denmark	p	p	p	p	p	p	p	s	p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Djibouti		p	p		p	p	p	p			p	p					p	p		p	p	p		p
Dominica	p	p	p		p	p	p			1	p	p			p	p	p	p	p	p	p	p	p	p
Dom Republic	p	p	p	s	p	p	p			p	p	p	p	p	p	p	p	p	p	p	p	p	s	p
Ecuador	p	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p	p	p	p	p	p	p	p
Egypt	p	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p		p	p	p	p	p	p
El Salvador		p		p		p	p			s	s	p	p	p	p	p	p	p	p	p	p	p	p	p
Equatorial Guinea						p	p								p	p	p	p		p	p	p		p
Eritrea		p	p		p	p	p					p							p		p			p
Estonia	2	p	p	p	p	p	p		p				p	p	p	p	p	p			p	p	p	p
Ethiopia	p		p	p	p	p	p	p		p	p	p	p	p	p	p	p		p	p	p	p	p	p
Fiji	p	p		p	p	p	p			p	p	p	p				p	p				p		p
Finland	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
France	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p		p		p	p	p	p
Gabon		p	p	p	p	p	p			p		p	p	p	p	p	p				p	p	p	p
Gambia*	1			p		p	p				1		p	p	p	p	p				p	p	p	s
Georgia		p	p	p	p	p	p		p				p	p	p	p	p		p	p	p	p	p	p
Germany	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Ghana	2	p	p	p	p	p	p			p	p	p	p	p	p	p	p				p	p	p	p
Greece	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Grenada	1	p	p	1	p	p	p			1	1	p	s	p	p			p			p	p	p	p
Guatemala	p	p	p	p	p	p	p			p	p	p	p	p	p	p	p	p	p	p	p	p	p	p
Guinea	p	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p				p	p	p	p
Guinea-Bissau					p	p	p					p	s	p	p	p					p	p	p	s
Guyana	1	p	p		p	p	p				1	p	p	p	p				p	p	p	p	p	p
Haiti	2	p	p	p	p	p	p	p		p	p	p	p	p			p	p	p			p		p
Holy See						p	p					p					p	p			p	p		p
Honduras		p	p	p	p	p	p	p				p			p	p	p	p	p	p	p	p	p	p
Hungary	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Iceland		p	p	p	p	p	p		p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
India	p	p		p		p	p	p		p	p	p	p	p	p	p						p	s	p
Indonesia		p	p		p	p	p			p		p	p						p			p	p	p
Iran	s	p		p		p	p	s			p	p	p	p	p	p	p			s	s			p
Iraq	p	p		p	p	p	p	p			p	p	p	p	p				p			p		p
Ireland	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p	p		p	p	p	p	s	p
Israel	p	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p		p			p	p	p
Italy	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p		p	p	p	p	p	p
Jamaica	p	p	p	p	p	p	p			p	p	p	p	p	p	p	p	p		p	p	p	p	p
Japan		p	p		p	p	p	p				p	p	p	p	p	p		p			p	p	p
Jordan	p	p		p	p	p	p	p		p	p	p	p	p	p				p	p	p	p	p	p
Kazakhstan			p	p		p	p					p					p	p			p	p	p	p
Kenya		p			p	p	p					p			p	p	p		p	p	p	p	p	p
Kiribati*	1					p	p			1	1				1	1		1						p
Korea, Dem. Rep. of*				p		p	p								p	p				p				p
Korea, Rep. of				p		p	p	p		p			p	p	p	p	p		p	p	p	p	p	p
Kuwait	p	p	p	p		p	p	p			p	p	p	p	p				p	p	p	p	p	p
Kyrgyzstan	p	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p		p	p	p	p	p	p
Laos		p		p		p	p	p		p	p		p	s	s						p	p	p	p
Latvia	2	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p				p	p	p	p
Lebanon	p	p	p	p	p	p	p			p	p	p	p	p	p						p	p	p	p
Lesotho	p	p	p	p	p	p	p			p	p		p	p	p	p	p				p	p		p
Liberia	p	p	p	p	p	p	s			s	s	p	p	s	p	p					p	p		p
Libya	p	p	p	p	p	p	p	p		p	p	p	p	p	p				p	p	p	p	p	p
Liechtenstein*					p	p	p		p				p	p	p	p	p				p	p	p	p
Lithuania	s	p	p	p	p	p	p		p			p	p	p	p	p	p		p	p	p	p	p	p
Luxembourg		p	p	p	p	p	p	p	p	p	p	p	p	p	p	p				p	p	p	p	p
Macedonia, F.Y.R.O.	2	p	p	p	p	p	p	p	p	p	p			p	p	p	p				p	p	p	p
Madagascar	p	p	p		p	p	p			p	p		p	p	p	p				p	p	p		p
Malawi	p	p	p		p	p	p			p	p	p	p	p	p	p	p				p	p	p	p
Malaysia		p		p	p	p	p					p	p									p		p
Maldives*			p		p	p						p									p	p		p
Mali	p	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p		p	p	p	p	p	p
Malta	p	p	p		p	p	p		p	p	p	p	p	p	p	p				p	p	p	p	p
Marshall Islands*																								p
Mauritania	p	p	p			p	p	p		p	p	p	p			p	p			p	p			p
Mauritius	p	p			p	p	p			p	p	p	p	p	p				p	p	p	p	p	p
Mexico	p	p	p	p		p	p	p		p	p	p	p	p	p	p	p	p			p	p	p	p
Micronesia*						p	p														p	p		p
Moldova		p	p	p	p	p	p		p	p		p	p	p	p						p	p	p	p

APPENDIX C—INTERNATIONAL HUMAN RIGHTS CONVENTIONS—Continued

[See Appendix D for a description of the various Human Rights Conventions]

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Monaco*	p			p		p	p							p	p	p	p				p	p		p
Mongolia	p		p	p	p	p	p			p	p		p	p	p					p	p	p		p
Morocco	p	p		p	p	p	p	p		p	p	p		p	p	p	p			p	s	p	p	p
Mozambique			p	p	p	p	p					p	p	p	p	p	p			p	s		p	p
Namibia		p	p	p	p	p	p					p	p	p	p	p			p	p	p	p	p	p
Nauru*																								p
Nepal	p			p	p	p	p			p	p		p	p	p				p			p	p	p
Netherlands	p	p	p	p	p	p		p	p	p	p	p	p	p	p	p			p	p	p	p	p	p
New Zealand	p	p		p		p	p			p	p	p	p	p	p	p	p			p	p	p	p	p
Nicaragua	p	p	p	p	p	p	p			p	p	p	p	p	p	p	p	p	p	p	p		s	
Niger	p	p	p		p	p	p	p		p	p	p	p	p	p	p	p			p	p	p	p	p
Nigeria	p	p	p		p	p	p			p	p	p	p	p	p	p	p			p	p	p	p	s
Niue																				p	p	p		p
Norway	p	p	p	p	p	p		p	p	p	p	p	p		p	p	p		p	p	p	p		p
Oman*		p				p	p														p	p		p
Pakistan	p	p	p	p	p	p	p	p		p	p	p	p								s	s	p	
Palau							p	p													p	p		p
Panama	s	p	p	p	p	p	p						p	p	p	p	p	p	p	p	p	p	p	p
Papua																								
New Guinea	p	p	p	p	p	p	p		p		p	p				p	p		p			p		p
Paraguay		p	p	s	p	p	p		p		p	s	p	p	p	p	p	p		p	p	p	p	p
Peru		p	p	p	p	p	p			p	s	p	p	p	p	p	p	p	p		p	p	p	p
Philippines	p		p	p	p	p	p	p		p	p	p	p	p	p	p	p			p	s	p	p	p
Poland	2	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p			p	p	p	p	p
Portugal	2	p	p	p	p	p	p	p	p		p	p	p	p	p	p	p			p	p	p	p	p
Qatar		p				p	p						p								p		p	p
Romania	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p			p	p	p	p	p
Russia	p	p		p	p	p	p	p	p	p	p	p	p	p	p	p	p			p	p	p	p	p
Rwanda			p	p			p					p	p	p	p	p	p			p	p	p	p	p
Samoa*							p	p					p	p	p	p	p				p	p	p	p
San Marino		p	p		p	p	p		p		p	p		p	p					p	p	p		p
Sao Tome																								
& Principe			p		p	p	p							s	s	s	p	p			p	s	s	p
Saudi Arabia	p	p		p	p	p	p			p	p	p								p	p	p	p	p
Senegal	2	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p			p	p	p	p	p
Seychelles	2	p	p	p	p	p	p	p		1	p	p	p	p	p	p	p			p	p	p	p	p
Sierra Leone	p	p	p		p	p	p			p	p	p	p	p	p	p	p			p	p	p	s	p
Singapore		p		p	p	p	p	p			p											p		p
Slovak Republic	2		p	p	p	p	p	p	p	p	p	p	p	p	p	p	p			p	p	p	p	p
Slovenia		p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p			p	p	p	p	p
Solomon Islands	p	p			p	p				p	p			1		1	p	p			p	p		p
Somalia		p				p	p					p	p	p	p	p	p							p
South Africa*	p	p	p	p	p	p	p	p		s		p	p	p	s	p	p			p	p	p	p	p
Spain	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p			p	p	p	p	p
Sri Lanka	p	p	p	p	p	p	p	p			p		p	p	p	p				p		p	p	p
St. Kitts																						p	p	p
& Nevis*	1	p	p		p	p	p			1	1	p								p	p	p		p
St. Lucia	p	p	p	1	p	p	p			1	p	p	p							p	p	p		p
St. Vincent*	p	p		p	p	p	p			p	p	p	p	p	p	p				p	p	p		p
Sudan	p	p			p	p	p				p	p	p	p	p	p	p						s	p
Suriname	2		p		p	p	p			1	p	p	p	p	p	p	p	p	p		p	p	p	p
Swaziland	1	p	p		p	p	p			p	1	p				p	p				p	p		p
Sweden	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p	p			p	p	p	p	p
Switzerland	p	p	p	p	p	p	p	p			p	p	p	p	p	p	p			p	p	p	p	p
Syria	p	p	p	p	p	p	p	p			p	p	p	p	p	p				p				p
Tajikistan *		p	p		p	p	p			p	p	p	p	p	p	p	p			p	p	p	p	p
Tanzania	p	p	p	p	p	p	p			p	p	p	p	p	p	p	p			p	p	p	p	p
Thailand		p				p	p			p		p			p							p		p
Togo	2	p	p		p	p	p	p			p	p	p	p	p	p	p			p	p	p	p	p
Tonga*	1			p		p	p			1	1	1	p							p	p	p	p	p
Trinidad																								
& Tobago	p	p	p		p	p	p			p	p	p	p	p	p		p					p	p	p
Tunisia	p	p	p	p	p	p	p			p	p	p	p	p	p	p	p			p	p	p	p	p
Turkey	p	p	p	p	p	p	p	p		p	p	p	s	s	s	p	p			p		p	p	p
Turkmenistan	p	p	p		p	p	p			p	p	p	p	p	p	p	p			p	p	p	p	p
Tuvalu*	1					p	p			1	1			1		p	p					p		p
Uganda	p	p		p	p	p	p			p	p	p	p	p	p	p	p			p	p	p	p	p
Ukraine	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p					p	p	p	p	p
United Arab Emir.		p				p	p					p								p	p	p		p
United Kingdom	p	p	p	p	p	p	p		p	p	p	p	p	p	p	p			p	p	p	p	p	p
United States		p		p	p	p	p			p	p	p	p	p	s		p	s		s	s	s	p	s
Uruguay	s	p	p	p	p	p	p			s	p	p	p	p	p	p	p	p	p	p	p	p	p	p

APPENDIX C—INTERNATIONAL HUMAN RIGHTS CONVENTIONS—Continued

[See Appendix D for a description of the various Human Rights Conventions]

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Uzbekistan		p		p	p	p	p			p		p	p	p	p					p	p	p	p	p
Vanuatu*						p	p				1									p	p	p		p
Venezuela		p	p	p	p	p	p	p		p		p	p	p	p		p	p	p	p	p	p	p	p
Vietnam*	p			p		p	p						p	p	p					p		p		p
Yemen	p	p	p	p	p	p	p	p		p		p	p	p	p	p	p		p	p	p	p	p	p
Zambia	p	p	p		p	p	p			p	p	p	p	p	p	p	p		p	p	p	p	p	p
Zimbabwe	1	p		p	p	p	p	p		p	p	p	p	p	p	p	p		p	p	p	p		p

P = Party.

S = Signatory.

* designates a non-ILO member.

1 = Based on general declaration concerning treaty obligations prior to independence.

2 = Party to 1926 Convention only.

APPENDIX D.—INTERNATIONAL HUMAN RIGHTS CONVENTIONS

A—Convention to Suppress the Slave Trade and Slavery of September 25, 1926, as amended by the Protocol of December 7, 1953.

B—Convention Concerning Forced Labor of June 28, 1930 (ILO Convention 29).

C—Convention Concerning Freedom of Association and Protection of the Right to Organize of July 9, 1948 (ILO Convention 87).

D—Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948.

E—Convention Concerning the Application of the Principles of the Right to Organize and Bargain Collectively of July 1, 1949 (ILO Convention 98).

F—Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

G—Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

H—Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of March 21, 1950.

I—European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950.

J—Convention on the Political Rights of Women of March 31, 1953.

K—Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956.

L—Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105).

M—International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965.

N—International Covenant on Civil and Political Rights of December 16, 1966.

O—International Covenant on Economic, Social and Cultural Rights of December 16, 1966.

P—Convention Relating to the Status of Refugees of July 28, 1952.

Q—Protocol Relating to the Status Of Refugees of January 31, 1967.

R—American Convention on Human Rights of November 22, 1969.

S—Convention Concerning Minimum Age for Admission to Employment of June 26, 1973 (ILO Convention 138).

T—Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of June 8, 1977.

U—Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of June 8, 1977.

V—Convention on the Elimination of All Forms of Discrimination Against Women of December 18, 1979.

W—Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

X—Convention on the Rights of the Child of November 20, 1989.

APPENDIX E.—SELECTED U.S. ASSISTANCE PROGRAMS: FY2000 ACTUAL OBLIGATIONS

[BA \$ thousands]

	DA/DFA	CSD	ESF	IMET	FSA	SEED	INCLE ¹	MRA	NADR	Export Control	ATA	CT	Peace Corps	FMF	PKO	Total
Regional Allocation:																
Africa																
Angola, Luanda	5,096	4,900	—	—	—	—	—	—	3,096	—	—	—	—	—	—	13,092
Benin, Cotonou	3,826	10,058	—	356	—	—	—	—	—	—	—	1,950	—	—	16,190	479
Botswana, Gaborone ...	—	—	—	479	—	—	—	—	—	—	—	—	—	—	—	—
Burkina Faso, Ouagadougou	—	—	—	—	—	—	—	—	—	—	—	—	1,915	—	—	1,915
Cameroon, Yaounde	—	—	—	189	—	—	—	—	—	—	—	—	2,923	—	—	3,112
Cape Verde, Praia	—	—	—	123	—	—	—	—	—	—	—	—	1,159	—	—	1,282
Central African Repub- lic, Bangui	—	—	—	103	—	—	—	—	—	—	—	—	—	—	—	103
Chad, NDjamena	—	—	—	100	—	—	—	—	622	—	—	—	—	—	—	722
Congo, Democratic Re- public of the, Kinshasa	830	8,980	—	—	—	—	—	—	—	—	1,600	—	—	—	—	9,810
Cote D'Ivoire, Abidjan ..	—	—	—	22	—	—	—	—	1,600	—	1,600	—	2,731	—	—	4,353
Djibouti, Djibouti	—	—	—	163	—	—	—	—	746	—	—	—	—	—	—	909
Eritrea, Asmara	4,694	4133	—	27	—	—	—	—	500	—	—	—	—	—	—	9,354
Ethiopia, Addis Ababa ..	12,439	27,299	—	152	—	—	—	—	250	—	—	—	—	—	—	40,140
Gabon, Libreville	—	—	—	47	—	—	—	—	—	—	—	—	2,460	—	—	2,507
Gambia, The, Banjul	—	—	—	—	—	—	—	—	—	—	—	—	1,509	—	—	1,509
Ghana, Accra	22,381	15,220	—	450	—	—	—	—	—	—	—	—	2,728	—	—	40,779
Guinea, Conakry	8,634	9,930	—	179	—	—	—	—	—	—	—	—	2,548	—	—	21,291
Guinea-Bissau, Bissau ..	—	—	—	22	—	—	—	—	99	—	—	—	173	—	—	294
Kenya, Nairobi	21,503	8,370	—	422	—	—	—	—	37	—	37	—	3,520	—	—	33,852
Lesotho, Maseru	—	—	—	86	—	—	—	—	—	—	—	—	1,957	—	—	2,043
Liberia, Monrovia	4,140	2,552	—	—	—	—	—	—	—	—	—	—	—	—	—	6,692
Madagascar, Antananarivo	12,916	4,050	—	160	—	—	—	—	494	—	494	—	1,914	—	—	19,534
Malawi, Lilongwe	19,048	11,356	—	345	—	—	—	—	—	—	—	—	1,716	—	—	32,465
Mali, Bamako	22,370	12,876	—	270	—	—	—	—	—	—	—	—	2,576	—	—	38,092
Mauritania, Nouakchott ..	—	—	—	—	—	—	—	—	461	—	—	—	1,539	—	—	2,000
Mauritius, Port Louis ...	—	—	—	79	—	—	—	—	—	—	—	—	—	—	—	79
Mozambique, Maputo ...	37,569	11,450	—	178	—	—	—	—	3,840	—	—	—	1,212	—	—	54,249

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APPENDIX E.—SELECTED U.S. ASSISTANCE PROGRAMS: FY2000 ACTUAL OBLIGATIONS—Continued

[BA \$ thousands]

	DA/DFA	CSD	ESF	IMET	FSA	SEED	INCLE ¹	MRA	NADR	Export Control	ATA	CT	Peace Corps	FMF	PKO	Total
Namibia, Windhoek	7,237	4,002	—	175	—	—	—	—	485	—	—	—	2,285	—	—	14,184
Niger, Niamey	—	—	—	—	—	—	—	—	—	—	—	—	2,173	—	—	2,173
Nigeria, Lagos	20,500	17,000	20,000	525	—	—	—	—	—	—	—	—	—	10,000	—	68,025
Rwanda, Kigali	9,820	6,300	—	164	—	—	—	—	285	—	—	—	—	—	—	16,569
Sao Tome, Principe	—	—	—	45	—	—	—	—	—	—	—	—	—	—	—	45
Senegal, Dakar	17,153	6,400	—	764	—	—	—	—	55	—	55	—	2,762	—	—	27,134
Seychelles, Victoria	—	—	—	72	—	—	—	—	—	—	—	—	—	—	—	72
Sierra Leone, Freetown	—	500	1,500	—	—	—	—	—	—	—	—	—	—	—	—	2,000
Somalia, Mogadishu	—	—	—	—	—	—	—	—	1,400	—	—	—	—	—	—	1,400
South Africa, Pretoria	32,979	13,188	—	904	—	—	—	—	1,133	—	1,133	—	2,284	—	—	50,488
Swaziland, Mbabane	—	—	—	105	—	—	—	—	—	—	—	—	—	—	—	105
Tanzania, Dar es Salaam	14,322	9,500	—	167	—	—	—	—	89	—	89	—	2,206	—	—	26,284
Togo, Lome	—	—	—	—	—	—	—	—	—	—	—	—	1,683	—	—	1,683
Uganda, Kampala	29,544	19,468	—	247	—	—	—	—	18	—	18	—	276	—	—	49,553
Zambia, Lusaka	16,000	15,228	—	137	—	—	—	—	—	—	—	—	2,432	—	—	33,7974
Zimbabwe, Harare	6,926	5,200	—	286	—	—	—	—	1,152	—	—	—	1,710	—	—	15,274
REDSO/ESA/GHAI	17,360	6,900	—	—	—	—	—	—	—	—	—	—	—	—	—	24,260
PEGO/TRIP	12,004	—	2,000	—	—	—	—	—	—	—	—	—	—	—	—	14,004
Sahel Regional	8,085	200	—	—	—	—	—	—	—	—	—	—	—	—	—	8,285
West Africa Regional	7,200	9,900	—	—	—	—	—	—	—	—	—	—	—	—	—	17,100
SADC/ISA	23,907	—	1,000	—	—	—	—	—	—	—	—	—	—	—	—	24,907
Other AFR Regional	38,650	35,838	—	—	—	—	—	—	—	—	—	—	—	—	—	74,488
Education for Development and Democracy (EDDI)	9,855	200	10,000	—	—	—	—	—	—	—	—	—	—	—	—	20,055
Africa Regional Democracy Fund (ARDF)	—	—	6,000	—	—	—	—	—	—	—	—	—	—	—	—	6,000—
Great Lakes Justice Initiative (GLJI)	—	—	10,000	—	—	—	—	—	—	—	—	—	—	—	—	10,000
Africa Regional Peacekeeping (ARP)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	16,654	16,654
Africa Crisis Response Initiative (ACRI)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	20,000	20,000

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APPENDIX E.—SELECTED U.S. ASSISTANCE PROGRAMS: FY2000 ACTUAL OBLIGATIONS—Continued

[BA \$ thousands]

	DA/DFA	CSD	ESF	IMET	FSA	SEED	INCLE ¹	MRA	NDR	Export Control	ATA	CT	Peace Corps	FMF	PKO	Total
East Asia and Pacific Environment Initiatives	15,000	—	3,500	—	—	—	—	—	—	—	—	—	—	—	—	18,500
Asia Regional Democracy Fund (Asia RDF)	—	—	3,000	—	—	—	—	—	—	—	—	—	—	—	—	3,000
South Pacific Multilateral Fisheries Treaty	—	—	14,000	—	—	—	—	—	—	—	—	—	—	—	—	14,000
Regional Security	—	—	250	—	—	—	—	—	—	—	—	—	—	—	—	250
Migration/Refugee Assistance—East Asia & Pacific	—	—	—	—	—	—	—	14,485	—	—	—	—	—	—	—	14,485
East Timor	—	—	25,000	—	—	—	—	—	—	—	—	—	—	—	8,500	33,500
China NGO (Tibetan Culture)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Regional Women's Issues	—	—	2,500	—	—	—	—	—	—	—	—	—	—	—	—	2,500
Regional—KEDO	—	—	—	—	—	—	—	—	55,307	—	—	—	—	—	—	55,307
Regional ATA Training—East Asia & Pacific	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kiribati	—	—	—	—	—	—	—	—	—	—	—	—	1,055	—	—	1,055
Micronesia & Palau	—	—	—	—	—	—	—	—	—	—	—	—	1,609	—	—	1,609
Tonga	—	—	—	103	—	—	—	—	—	—	—	—	1,114	—	—	1,217
Total, East Asia & Pacific	103,550	35,200	95,750	4,956	6,000	—	7,000	14,485	66,277	—	2,684	2,000	14,675	1,437	8,500	357,830
Regional Allocations:																
Russia & Independent States																
Armenia, Yerevan	—	—	—	—	102,550	—	—	—	300	—	—	—	1,418	—	—	104,268
Azerbaijan, Baku	—	—	—	—	—	—	607	100	7	—	—	—	—	32,575	—	—
				31,968												

[illegible]

APPENDIX E.—SELECTED U.S. ASSISTANCE PROGRAMS: FY2000 ACTUAL OBLIGATIONS—Continued

[BA \$ thousands]

	DA/DFA	CSD	ESF	IMET	FSA	SEED	INCLE ¹	MRA	NADR	Export Control	ATA	CT	Peace Corps	FMF	PKO	Total
Slovenia, Ljubljana	—	—	—	579	—	—	—	—	375	375	—	—	—	2,000	—	2,954
Turkey, Ankara	—	—	—	1,554	—	—	48	—	872	—	872	—	—	—	—	2,474
Yugoslavia, Belgrade (Serbia)	—	—	—	—	—	25,000	—	—	—	—	—	—	—	—	—	25,000
OSCE Regional Partnership for Peace	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Regional ESF	—	—	21,139	—	—	—	—	—	—	—	—	—	—	—	—	21,139
Regional SEED	—	—	—	—	—	85,470	—	—	—	—	—	—	—	—	—	85,470
Kosovo	—	—	—	—	—	164,800	—	—	—	—	—	—	—	—	33,375	198,175
Montenegro	—	—	—	—	—	42,500	—	—	—	—	—	—	—	—	—	42,500
Regional ATA	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Training—Europe	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Migration/Refugee Assistance—Europe	—	—	—	—	—	—	—	171,329	—	—	—	—	—	—	—	171,329
Total Europe	—	—	59,614	14,702	—	582,970	48	171,329	12,512	5,935	6,277	—	11,008	53,850	84,646	990,679
Regional Allocation:																
Near East																
Algeria, Algiers	—	—	—	115	—	—	—	—	146	—	146	—	—	—	—	261
Bahrain, Manama	—	—	—	216	—	—	—	—	—	—	—	—	—	—	—	216
Egypt, Cairo	—	—	727,267	1,006	—	—	—	—	909	—	909	—	—	1,300,000	—	2,029,182
Egypt Supplemental	—	—	—	—	—	—	—	—	—	—	—	—	—	25,000	—	25,000
Israel, Tel Aviv	—	—	949,056	—	—	—	—	60,000	57	—	57	—	—	1,920,000	—	2,929,113
Israel—Wye	—	—	—	—	—	—	—	—	—	—	—	—	—	1,200,000	—	1,200,000
Jordan, Amman	—	—	149,500	1,679	—	—	—	—	2,241	—	730	—	1,535	150,000	—	304,955
Jordan—Wye	—	—	50,000	—	—	—	—	—	—	—	—	—	—	74,715	—	124,715
Kuwait, Kuwait City	—	—	—	—	—	—	—	—	35	—	35	—	—	—	—	35
Lebanon, Beirut	—	—	15,000	582	—	—	—	—	1,282	—	—	—	—	—	—	16,864
Morocco, Rabat	7,250	3,000	—	904	—	—	—	—	631	—	531	—	2,271	1,500	—	15,456
Oman, Muscat	—	—	—	230	—	—	—	—	2,683	—	1,686	—	—	—	—	2,913
Tunisia, Tunis	—	—	—	906	—	—	—	—	—	—	—	—	—	3,000	—	3,906
UAE	—	—	—	—	—	—	—	—	930	15	915	—	—	—	—	930

[illegible]

APPENDIX E.—SELECTED U.S. ASSISTANCE PROGRAMS: FY2000 ACTUAL OBLIGATIONS—Continued

[BA \$ thousands]

	DA/DFA	CSD	ESF	IMET	FSA	SEED	INCLE ¹	MRA	NADR	Export Control	ATA	CT	Peace Corps	FMF	PKO	Total
South Asia Anti-Trafficking	1,000	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,000
South Asia Regional Programs	—	—	3,000	—	—	—	—	—	—	—	—	—	—	—	—	3,000
South Asia Energy & Environment	7,600	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7,600
South Asia Regional Democracy Fund (SARDF)	—	—	8,000	—	—	—	—	—	—	—	—	—	—	—	—	8,000
Total, South Asia	81,513	44,886	11,000	1,455	—	—	3,250	33,074	4,593	285	1,308	—	2,773	—	—	182,544
Regional Allocations:																
Western Hemisphere:																
Antigua-Barbuda	—	—	—	113	—	—	—	—	—	—	—	—	—	515	—	628
Argentina, Buenos Aires	—	—	—	740	—	—	—	—	—	—	—	—	—	450	—	1,190
Bahamas, Nassau	—	—	—	112	—	—	1,000	—	—	—	—	—	—	50	—	1,162
Barbados, Bridgetown	—	—	—	71	—	—	—	—	—	—	—	—	—	55	—	126
Belize, Belize City	—	—	—	161	—	—	—	—	—	—	—	—	1,277	100	—	1,538
Bolivia, La Paz	25,538	7,583	—	548	—	—	158,000	—	—	—	—	2,865	—	—	194,534	16,613
Brazil, Brasilia	8,490	2,900	—	223	—	—	5,000	—	—	—	—	—	—	—	—	499
Chile, Santiago	—	—	—	499	—	—	—	—	—	—	—	—	—	—	—	897,400
Colombia, Bogota	—	—	—	900	—	—	894,429	—	2,071	—	2,071	—	—	—	—	—
Costa Rica, San Jose	—	—	—	280	—	—	1,900	—	—	—	—	—	501	—	—	2,681
Dominican Republic, Santo Domingo	6,800	3,300	—	487	—	—	—	—	—	—	—	—	3,501	400	—	14,488
Ecuador, Quito	11,720	550	—	518	—	—	21,200	—	1,011	—	11	—	2,358	—	—	37,357
El Salvador, San Salvador	19,508	10,495	—	523	—	—	3,000	—	80	—	80	—	2,004	—	—	35,610
Grenada, St George's	—	—	—	47	—	—	—	—	—	—	—	—	—	165	—	212
Guatemala, Guatemala City	13,150	7,810	20,000	225	—	—	3,000	—	—	—	—	—	3,334	—	—	47,522
Guyana, Georgetown	3,200	200	—	168	—	—	—	—	—	—	—	—	802	100	—	4,470

APPENDIX E.—SELECTED U.S. ASSISTANCE PROGRAMS: FY2000 ACTUAL OBLIGATIONS—Continued

[BA \$ thousands]

	DA/DFA	CSD	ESF	IMET	FSA	SEED	INCLE ¹	MRA	NADR	Export Control	ATA	CT	Peace Corps	FMF	PKO	Total
Total Regional Allocations	852,171	444,241	2,764,187	49,045	835,812	582,970	1,201,791	580,752	126,186	13,235	23,346	2,000	135,823	4,755,302	149,952	12,478,232
Global Programs	358,089	280,207	28,000	765	—	—	120,550	41,873	89,594	1,295	7,654	—	108,246	32,995	—	1,060,319
Other Foreign Operation Accounts.																
Export-Import Bank—Loan Subsidy	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	756,064
Export-Import Bank—Administrative Expenses	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	54,900
Export-Import Bank—Direct Loans, Negative Subsidies	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	(15,000)
OPIC—Administrative Expenses	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	34,934
OPIC—Net Offsetting Collections	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	(108,776)
OPIC—Credit Funding	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	23,842
Trade and Development Agency	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	43,833
Development Credit Authority	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	[3,000]
IDA—Int. Disaster Assistance	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	227,014
Micro/Small Enterprise—Subs.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,500
Micro/Small Enterprise—Admin.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	500
Urban/Environment Credit—Subs.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,500

APPENDIX E.—SELECTED U.S. ASSISTANCE PROGRAMS: FY2000 ACTUAL OBLIGATIONS—Continued

[BA \$ thousands]

	DA/DFA	CSD	ESF	IMET	FSA	SEED	INCLE ¹	MRA	NADR	Export Control	ATA	CT	Peace Corps	FMF	PKO	Total
IO&P—International Or- ganizations and Pro- grams	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	188,300
Assistance to Plan Co- lombia—FY 2000	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	[1,018,500]
Balkans/Southeast Eu- rope Supplemental ...	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	[250,875]
Debt Restructuring (HIPC)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	[210,000]
ESF—Wye	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	[450,000]
FMF—Grant—Wye	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	[1,375,000]
Total, Other Foreign Operation Accounts	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3,004,771
Grand Total, FY 2000 Foreign Operations	1,210,260	724,448	2,792,187	49,810	835,812	582,970	1,322,341	622,625	215,780	14,530	31,000	2,000	244,069	4,788,297	149,952	16,543,322

¹ INCLE allocations include funds appropriated for Plan Colombia.

APPENDIX F.—56th UNHRC VOTING RECORD

Resolutions Adopted by the Commission on Human Rights at its Fifty-Sixth Session

Year/No.	Title	Method of adoption ¹	Agenda item
2000/1	Strengthening of the Office of the United Nations High Commissioner for Human Rights.	without a vote	4
2000/2	Question of Western Sahara	without a vote	5
2000/3	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.	roll-call vote [35/11/5]	5
2000/4	Situation in occupied Palestine	roll-call vote [44/1/6]	5
2000/5	The right to development	without a vote	7
2000/6	Question of the violation of human rights in the occupied Arab territories, including Palestine.	roll-call vote [31/1/19]	8
2000/7	Human rights in the occupied Syrian Golan	roll-call vote [31/1/19]	8
2000/8	Israeli settlements in the occupied Arab territories	roll-call vote [50/1/1]	8
2000/9	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights.	without a vote	10
2000/10	The right to food	roll-call vote [49/1/2]	10
2000/11	Human rights and unilateral coercive measures	roll-call vote [36/9/7]	10
2000/12	Human rights and extreme poverty	without a vote	10
2000/13	Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing.	without a vote	10
2000/14	Racism, racial discrimination, xenophobia and related intolerance.	without a vote	6
2000/15	Situation on human rights in the Democratic Republic of the Congo.	without a vote	9
2000/16	Human rights situation in southern Lebanon and west Bakaa.	roll-call vote [51/1/1]	9
2000/17	Situation of human rights in Iraq	roll-call vote [32/0/21]	9
2000/18	Situation of human rights in Afghanistan	without a vote	9
2000/19	Situation of human rights in Equatorial Guinea and assistance in the field of human rights.	without a vote	9
2000/20	Situation of human rights in Burundi	without a vote	9
2000/21	Situation of human rights in Rwanda	without a vote	9
2000/22	Cooperation with representatives of United Nations human rights bodies.	without a vote	9
2000/23	Situation of human rights in Myanmar	without a vote	9
2000/24	The Situation of human rights in Sierra Leone	without a vote	9
2000/25	Situation of human rights in Cuba	roll-call vote [21/18/14]	9
2000/26	Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina.	without a vote	9
2000/27	Situation of human rights in the Sudan	roll-call vote [28/0/24]	9
2000/28	Situation of human rights in the Islamic Republic of Iran	roll-call vote [22/20/11]	9
2000/29	Hostage-taking	without a vote	11
2000/30	Human rights and terrorism	roll-call vote [27/13/12]	11(f)
2000/31	Extrajudicial, summary or arbitrary executions	without a vote	11(b)
2000/32	Human rights and forensic science	without a vote	11

Year/No.	Title	Method of adoption ¹	Agenda item
2000/33	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.	without a vote	11(e)
2000/34	Conscientious objection to military service	without a vote	11(g)
2000/35	Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.	without a vote	11(a)
2000/36	Question of arbitrary detention	without a vote	11
2000/37	Question of enforced or involuntary disappearances	without a vote	11
2000/38	The right to freedom of opinion and expression	without a vote	11
2000/39	Human rights in the administration of justice, in particular juvenile justice.	without a vote	11
2000/40	The incompatibility between democracy and racism	without a vote	11
2000/41	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms.	without a vote	11
2000/42	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.	without a vote	11
2000/43	Torture and other cruel, inhuman or degrading treatment or punishment.	without a vote	11(a)
2000/44	Traffic in women and girls	without a vote	12
2000/45	Elimination of violence against women	without a vote	12
2000/46	Integrating the human rights of women throughout the United Nations system.	without a vote	12
2000/47	Promoting and consolidating democracy	roll-call vote [45/0/8]	11
2000/48	Human rights of migrants	without a vote	14(a)
2000/49	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.	without a vote	14(a)
2000/50	Tolerance and pluralism as indivisible elements in the promotion and protection of human rights without a vote.	14	
2000/51	Human rights of persons with disabilities	without a vote	14
2000/52	Rights of persons belonging to national or ethnic, religious and linguistic minorities.	without a vote	14
2000/53	Internally displaced persons	without a vote	14
2000/54	Violence against women migrant workers	without a vote	14
2000/55	Human rights and mass exoduses	without a vote	14
2000/56	Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People.	without a vote	15
2000/57	Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994.	without a vote	15
2000/58	Situation in the Republic of Chechnya of the Russian Federation.	roll-call vote [25/7/19]	9
2000/59	Question of draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.	without a vote	13
2000/60	Abduction of children from northern Uganda	without a vote	13
2000/61	Human rights defenders	roll-call vote [50/0/3]	17(b)
2000/62	Promotion of the right to a democratic and equitable international order.	roll-call vote [30/17/6]	17
2000/63	Human rights and human responsibilities	roll-call vote [22/21/10]	17
2000/64	The role of good governance in the promotion of human rights.	roll-call vote [50/0/2]	17
2000/65	The question of the death penalty	roll-call vote [27/13/12]	17

Year/No.	Title	Method of adoption ¹	Agenda item
2000/66	Towards a culture of peace	without a vote	17
2000/67	Status of the International Covenants on Human Rights	without a vote	17(a)
2000/68	Impunity	without a vote	17
2000/69	Fundamental standards of humanity	without a vote	17
2000/70	Enhancement of international cooperation in the field of human rights.	without a vote	17
2000/71	United Nations Decade for Human Rights Education	without a vote	17(c)
2000/72	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.	roll-call vote [37/16]	10
2000/73	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights.	roll-call vote [35/17/1]	18
2000/74	Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region.	without a vote	18
2000/75	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights.	without a vote	18
2000/76	National institutions for the promotion and protection of human rights.	without a vote	18
2000/77	The protection of United Nations personnel	without a vote	18
2000/78	Situation of human rights in Haiti	without a vote	19
2000/79	Situation of human rights in Cambodia	without a vote	19
2000/80	Advisory services and technical cooperation in the field of human rights.	without a vote	19
2000/81	Assistance to Somalia in the field of human	rights without a vote	19
2000/82	Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights.	roll-call vote [30/15/7]	10
2000/83	Work of the Sub-Commission on the Promotion and Protection of Human Rights.	without a vote	16
2000/84	Defamation of religions	without a vote	6
2000/85	Rights of the child	without a vote	13
2000/86	Human rights and thematic procedures	without a vote	18
2000/87	Establishment of a Permanent Forum on Indigenous Issues.	roll-call vote [43/0/9]	15

¹ In the case of a vote, the figures in brackets represent: votes in favour/votes against/abstentions

APPENDIX G.—HUMAN RIGHTS VOTING TABLE: COMMISSION ON HUMAN RIGHTS (CHR) 56 [Part I]

COUNTRY	Cuba				China (No Action)					Iran					Democ.	
	97	98	99	2000	95*	95*	97	99	'00	97	98	99	GA	'00	99	'00
AFRICA (15)																
Algeria	A	—	—	—	Y	N	Y	—	—	Y	—	—	A	—	—	—
Burundi	—	—	—	N	—	—	—	—	Y	—	—	—	—	A	—	Y
Cameroon	—	—	—	—	Y	N	—	—	—	—	—	—	A	—	—	—
Djibouti	—	—	—	—	—	—	—	—	—	—	—	—	N	—	—	—
DROC	N	N	N	—	—	—	Y	Y	—	Y	A	A	N	—	Y	—
Liberia	—	—	A	N	—	—	—	A	A	—	—	Y	A	N	Y	Y
Libya	—	—	—	—	—	—	—	—	—	—	—	—	N	—	—	—
Madagascar	A	A	A	N	—	—	Y	Y	Y	A	A	A	—	A	Y	Y
Mauritius	—	—	A	A	A	A	—	A	A	—	—	Y	Y	Y	Y	Y
Niger	—	—	N	N	—	—	—	A	Y	—	—	A	—	N	Y	Y
Nigeria	—	—	—	N	—	—	—	—	Y	—	—	—	A	A	—	Y
Senegal	—	A	A	A	—	—	—	A	A	—	A	N	N	N	Y	Y
South Africa	N	N	N	—	—	—	N	N	—	A	A	A	A	—	Y	—
Swaziland	—	—	—	A	—	—	—	—	N	—	—	—	A	A	—	Y
Zambia	—	—	—	N	—	—	—	—	Y	—	—	—	A	A	—	Y
<i>Botswana</i>	—	A	A	A	—	—	—	Y	Y	—	Y	A	A	A	Y	Y
<i>Congo-B</i>	—	N	N	N	—	—	—	Y	Y	—	N	Y	N	N	Y	A

APPENDIX G.—HUMAN RIGHTS VOTING TABLE:
COMMISSION ON HUMAN RIGHTS (CHR) 56 [Part I]—Continued

COUNTRY	Cuba				China (No Action)					Iran					Democ.	
	97	98	99	2000	95*	95*	97	99	'00	97	98	99	GA	'00	99	'00
<i>Morocco</i>	—	A	Y	Y	—	—	—	Y	Y	—	N	N	N	N	Y	Y
<i>Rwanda</i>	—	N	N	A	—	—	—	N	A	—	A	Y	—	Y	Y	A
<i>Sudan</i>	—	N	N	N	Y	N	—	Y	Y	—	N	N	N	N	Y	A
<i>Tunisia</i>	—	A	N	N	—	—	—	A	A	—	A	N	N	N	Y	Y
Asia (12)																
<i>China</i>	N	N	N	N	Y	N	Y	Y	Y	N	N	N	N	N	A	A
<i>India</i>	N	N	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Y	Y
<i>Indonesia</i>	N	N	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Y	Y
<i>Japan</i>	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<i>Korea</i>	Y	Y	Y	Y	A	A	A	A	A	A	A	A	A	A	—	Y
Malaysia	A	N	—	—	Y	N	Y	—	—	N	N	—	N	—	—	—
<i>Pakistan</i>	A	N	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Y	A
<i>Qatar</i>	—	—	N	A	—	—	—	Y	Y	—	—	N	N	N	Y	A
Saudi Arabia	—	—	—	—	—	—	—	—	—	—	—	—	N	—	—	—
<i>Syria</i>	—	—	—	—	—	—	—	—	—	—	—	—	N	—	—	—
Thailand	—	—	—	—	—	—	—	—	—	—	—	—	A	—	—	—
Vietnam	—	—	—	—	—	—	—	—	—	—	—	—	N	—	—	—
<i>Bangladesh</i>	A	A	A	A	Y	N	Y	Y	Y	N	N	N	N	N	Y	Y
<i>Bhutan</i>	N	N	N	N	Y	N	Y	Y	Y	A	N	N	N	N	Y	A
<i>Nepal</i>	A	A	A	A	Y	N	Y	Y	Y	A	A	A	N	N	Y	Y
<i>Philippines</i>	A	A	A	A	N	A	A	A	A	A	N	N	N	N	Y	Y
<i>Sri Lanka</i>	A	A	N	A	Y	N	Y	Y	Y	A	A	N	N	N	Y	Y
GRULAC (11)																
<i>Argentina</i>	Y	Y	Y	Y	—	—	A	A	A	Y	Y	A	A	A	Y	Y
<i>Brazil</i>	A	A	—	A	A	A	—	A	Y	Y	—	Y	Y	Y	—	Y
<i>Colombia</i>	A	—	A	A	A	A	Y	Y	N	A	—	N	N	A	Y	Y
Costa Rica	—	—	—	—	—	—	—	—	—	—	—	—	Y	—	—	—
<i>Cuba</i>	N	N	N	N	Y	N	Y	Y	Y	N	N	N	N	N	A	A
<i>Ecuador</i>	A	A	Y	A	N	Y	A	A	A	Y	Y	Y	Y	Y	Y	Y
<i>Guatemala</i>	—	A	A	Y	—	—	—	A	N	—	Y	Y	Y	Y	Y	Y
<i>Mexico</i>	A	A	N	A	A	A	A	A	A	Y	A	A	A	A	Y	Y
<i>Peru</i>	—	A	N	N	Y	N	—	Y	Y	—	Y	A	A	A	Y	Y
Uruguay	Y	—	—	—	—	—	—	—	—	Y	—	—	A	—	Y	A
<i>Venezuela</i>	—	A	N	N	A	A	—	Y	Y	—	Y	N	N	N	Y	Y
<i>Chile</i>	Y	A	Y	Y	A	A	N	A	A	Y	Y	Y	Y	Y	Y	Y
<i>El Salvador</i>	Y	Y	A	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
E. EURO. (5)																
<i>Czech Repub.</i>	Y	Y	Y	Y	—	—	N	N	N	Y	Y	Y	Y	Y	Y	Y
<i>Latvia</i>	—	—	Y	Y	—	—	—	N	N	—	—	Y	Y	Y	Y	Y
<i>Poland</i>	—	Y	Y	Y	N	Y	—	N	N	—	Y	Y	Y	Y	Y	Y
<i>Romania</i>	—	—	Y	Y	N	Y	—	A	A	—	—	Y	Y	Y	Y	Y
<i>Russia</i>	A	N	N	N	N	N	A	Y	Y	Y	Y	A	A	N	Y	Y
WEOG (10)																
Belgium	—	—	—	—	—	—	—	—	—	—	—	—	Y	—	—	—
<i>Canada</i>	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<i>France</i>	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<i>Germany</i>	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<i>Italy</i>	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<i>Norway</i>	—	—	Y	Y	—	—	—	N	N	—	Y	Y	Y	Y	Y	Y
<i>Portugal</i>	—	—	—	Y	—	—	—	N	N	—	—	Y	Y	Y	—	Y
<i>Spain</i>	—	—	—	Y	—	—	—	N	—	—	—	—	Y	Y	—	Y
<i>UK</i>	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<i>US</i>	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<i>Luxembourg</i>	—	Y	Y	Y	—	—	—	N	N	—	Y	Y	Y	Y	Y	Y
Yes	12	13	16	17	9	11	10	12	14	16	17	17	20	18	40	45
No	5	9	13	14	11	9	9	13	16	6	6	10	16	12	0	0
Abstain	9	7	6	8	6	6	6	10	8	4	6	9	14	10	2	4
Final CHR Vote																
Yes	19	16	21	21	22	20	27	22	22	26	23	23	—	22	51	45
No	10	19	20	18	22	21	17	17	18	7	14	16	—	20	0	0
Abstain	24	18	12	14	9	12	9	14	12	19	16	14	—	11	2	8

*China 95 had a tie in the no-action vote (22-22-9) and lost the actual vote (20-21-12).

**Sudan was not a roll call vote so there is no official count. People raised their hand and the chair counted silently.

Countries in **bold** are new to the Commission this year.

Countries in *italic* are no longer on the Commission.

Y = Yes.

N = No.

A = Abstain.

C = Agreed to by consensus.

— = Absent.

APPENDIX G.—HUMAN RIGHTS VOTING TABLE:
COMMISSION ON HUMAN RIGHTS (CHR) 56 [Part II]

COUNTRY	Iraq					Sudan					FRY					Chech
	97	98	99	GA	'00	97	98	99	GA	'00	97	98	99	GA	'00	'00
AFRICA (15)																
Algeria	A	—	—	A	—	C	—	—	N	—	C	—	—	Y	—	—
Burundi	—	—	—	—	A	—	—	—	—	**	—	—	—	—	Y	Y
Cameroon	—	—	—	A	—	—	—	—	A	—	—	—	—	A	—	—
Djibouti	—	—	—	A	—	—	—	—	N	—	—	—	—	Y	—	—
DROC	Y	A	A	—	—	C	A	C	N	—	C	A	Y	A	—	—
Liberia	—	—	Y	—	A	—	—	C	—	**	—	—	Y	—	Y	A
Libya	—	—	—	N	—	—	—	—	N	—	—	—	—	Y	—	—
Madagascar	A	A	A	—	A	C	A	C	—	**	C	A	Y	Y	A	N
Mauritius	—	—	Y	Y	Y	—	—	C	Y	**	—	—	A	Y	Y	Y
Niger	—	—	A	—	A	—	—	C	—	A	—	—	Y	Y	Y	Y
Nigeria	—	—	—	A	A	—	—	—	A	A	—	—	—	Y	A	A
Senegal	—	A	A	A	A	C	A	C	A	**	—	Y	Y	Y	Y	A
South Africa	Y	Y	Y	Y	—	C	Y	C	Y	—	C	Y	A	Y	—	—
Swaziland	—	—	—	Y	Y	—	—	—	A	**	—	—	—	A	Y	A
Zambia	—	—	—	Y	A	—	—	—	A	**	—	—	—	Y	A	Y
Botswana	—	Y	Y	Y	Y	—	Y	C	Y	Y	—	Y	Y	Y	Y	Y
Congo-B	—	A	A	A	A	—	A	C	A	**	—	A	A	A	A	N
Morocco	—	A	A	A	A	—	A	C	N	—	—	Y	Y	Y	Y	A
Rwanda	—	A	Y	—	Y	C	A	C	—	**	—	A	Y	—	Y	Y
Sudan	—	A	A	N	A	C	N	C	N	A	—	Y	Y	Y	Y	A
Tunisia	—	A	A	A	A	C	A	C	A	**	—	Y	Y	Y	Y	A
Asia (12)																
China	A	A	A	A	A	C	N	C	N	A	C	A	A	A	A	N
India	A	A	A	A	A	C	N	C	N	A	C	A	A	A	A	N
Indonesia	A	A	A	A	A	C	N	C	N	A	C	Y	Y	Y	Y	A
Japan	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	A
Korea	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	A
Malaysia	A	A	—	A	—	C	A	—	A	—	C	Y	—	Y	—	—
Pakistan	A	A	A	A	A	C	N	C	N	A	C	Y	Y	Y	Y	Y
Qatar	—	—	A	—	A	—	—	C	N	A	—	—	Y	Y	Y	Y
Saudi Arabia	—	—	—	Y	—	—	—	—	N	—	—	—	—	Y	—	—
Syria	—	—	—	A	—	—	—	—	N	—	—	—	—	Y	—	—
Thailand	—	—	—	A	—	—	—	—	Y	—	—	—	—	Y	—	—
Vietnam	—	—	—	A	—	—	—	—	N	—	—	—	—	A	—	—
Bangladesh	A	A	A	A	A	C	A	C	A	A	C	Y	Y	Y	Y	A
Bhutan	A	Y	Y	Y	Y	C	A	C	A	A	C	Y	Y	Y	Y	A
Nepal	A	A	A	A	A	C	A	C	A	A	C	Y	A	Y	A	A
Philippines	A	A	Y	A	Y	C	A	C	A	**	C	Y	Y	Y	Y	A
Sri Lanka	A	A	A	A	A	C	A	C	A	A	C	A	Y	Y	Y	A
GRULAC (11)																
Argentina	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	Y
Brazil	Y	Y	—	Y	Y	C	Y	—	Y	**	C	Y	—	Y	Y	A
Colombia	Y	—	Y	Y	Y	C	—	C	Y	**	C	—	Y	Y	Y	A
Costa Rica	—	—	—	Y	—	—	—	—	Y	—	—	—	—	Y	—	—
Cuba	A	A	A	A	A	C	N	C	N	A	C	A	A	A	A	N
Ecuador	Y	Y	Y	Y	Y	C	Y	C	Y	**	C	Y	Y	Y	Y	A
Guatemala	—	Y	Y	Y	Y	—	Y	C	Y	Y	—	Y	Y	Y	Y	A
Mexico	Y	A	Y	Y	Y	C	Y	C	Y	A	C	Y	A	Y	Y	A
Peru	—	Y	Y	Y	Y	—	Y	C	Y	**	—	Y	Y	Y	Y	A
Uruguay	Y	—	—	Y	—	C	—	—	Y	—	C	—	—	Y	—	—
Venezuela	—	A	Y	Y	A	—	Y	C	Y	**	—	Y	Y	Y	Y	A
Chile	Y	Y	Y	Y	Y	C	Y	C	Y	**	C	Y	Y	Y	Y	Y
El Salvador	Y	Y	Y	Y	Y	C	Y	C	Y	**	C	Y	Y	Y	Y	Y
E. EURO. (5)																
Czech Repub.	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	Y
Latvia	—	—	Y	Y	Y	—	—	C	Y	Y	—	—	Y	Y	Y	Y
Poland	—	Y	Y	Y	Y	C	Y	C	Y	Y	—	Y	Y	Y	Y	Y

APPENDIX G.—HUMAN RIGHTS VOTING TABLE:
COMMISSION ON HUMAN RIGHTS (CHR) 56 [Part II]—Continued

COUNTRY	Iraq					Sudan					FRY					Czech
	97	98	99	GA	'00	97	98	99	GA	'00	97	98	99	GA	'00	'00
Romania	—	—	Y	Y	Y	—	—	C	Y	Y	—	—	Y	Y	Y	Y
Russia	Y	A	Y	Y	A	C	Y	C	Y	A	C	A	N	N	N	N
WEOG (10)																
Belgium	—	—	—	Y	—	—	—	—	Y	—	—	—	—	Y	—	—
Canada	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	Y
France	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	Y
Germany	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	Y
Italy	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	Y
Norway	—	Y	Y	Y	Y	—	Y	C	Y	Y	—	Y	Y	Y	Y	Y
Portugal	—	—	Y	Y	Y	—	—	C	Y	Y	—	—	Y	Y	Y	Y
Spain	—	—	—	Y	Y	—	—	—	Y	Y	—	—	—	Y	Y	Y
UK	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	Y
US	Y	Y	Y	Y	Y	C	Y	C	Y	Y	C	Y	Y	Y	Y	Y
<i>Luxembourg</i>	—	Y	Y	Y	Y	—	Y	C	Y	Y	—	Y	Y	Y	Y	Y
Yes	18	18	26	33	25	C	20	C	30	—	C	23	28	43	32	20
No	0	0	0	1	0	C	5	C	13	—	C	0	1	1	1	5
Abstain	8	11	9	13	14	C	4	C	6	—	C	6	6	7	6	13
Final CHR Vote																
Yes	31	32	35	—	32	C	31	C	—	28	C	41	46	—	44	25
No	0	0	0	—	0	C	6	C	—	0	C	9	1	—	1	7
Abstain	22	21	18	—	21	C	16	C	—	24	C	12	6	—	8	19

*China 95 had a tie in the no-action vote (22-22-9) and lost the actual vote (20-21-12).

**Sudan was not a roll call vote so there is no official count. People raised their hand and the chair counted silently.

Countries in **bold** are new to the Commission this year.

Countries in *italic* are no longer on the Commission.

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C = Agreed to by consensus.

— = Absent.

APPENDIX H.—UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly, proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty without any limitation due to race, of any penal offence on account of nationality or religion, have the any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor be denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

1. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

*Hundred and eighty-third plenary meeting
Resolution 217(A)(III) of the United Nations General Assembly,
December 10, 1948*

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